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Cover Letter — Comments on the Shaakichiuwaanaan Mining Project

To: Joint Assessment Committee, c/o Impact Assessment Agency of Canada

Re: Shaakichiuwaanaan Mining Project — IAAC Registry Project #89271

Consultation closing: 2026-05-28, 23:59 ET

Submitter: ParadigmForge AI Inc.

Submission date: 2026-05-03

To the Joint Assessment Committee, c/o the Impact Assessment Agency of Canada,

ParadigmForge AI Inc. respectfully submits the attached comment brief on the proposed Shaakichiuwaanaan Mining Project, the Joint Assessment Committee’s substrate for which is published on the Canadian Impact Assessment Registry under reference IAAC Registry Project #89271. The brief is filed under ParadigmForge’s own name, from ParadigmForge’s own chair, as a non-Indigenous Canadian regulatory-intelligence company participating in the public record of this proceeding in its institutional capacity. Nothing in this submission purports to speak for any First Nation, Métis community, Indigenous governing body, or rights-holder; the named rights-holder communities in this assessment — the Cree Nation Government as co-administrator of the Joint Assessment Committee, the Cree Nation of Chisasibi, the Cree Nation of Wemindji, the Cree Nation of Mistissini, and Makivvik Corporation — remain the only authoritative voices on the nature, scope, and impact of their own rights, on the content of their own communications to the Crown, and on the adequacy, as a matter between rights-holder and Crown, of the Crown’s conduct toward them.

The posture under which this brief enters the record. ParadigmForge’s position is that Canadian regulatory processes have, for a generation, carried a floor-ceiling problem that has visibly impaired the quality of long-horizon decisions. The upper bound of submission quality on any given file has been set by the production capacity of the most-resourced participants — large law firms, major consultancies, Crown corporations, well-resourced industry associations. Participants whose substantive knowledge was often most directly relevant to a decision — individuals, small ENGOS, community organizations, municipal governments, many Indigenous communities without dedicated legal resources, small-and-medium-sized enterprises — have historically entered submissions at a systematically lower floor, not because their substantive concerns were less legitimate but because the production cost of a high-floor submission was beyond their reach. The decisions coming out of that architecture have been worse than they needed to be on both quality and representativeness axes, in ways visible to anyone willing to look. The emergence of AI-produced regulatory participation dissolves the correlation between participant resources and submission quality: the floor moves up, the ceiling does not move down, and the distribution of voices on the record begins to better reflect the distribution of substantive knowledge about the matter. This brief is filed under ParadigmForge’s own name, at this level of analysis and this length, as one specific instance of what that redistribution looks like when taken seriously on a live and contested file. The posture is set out in full in ParadigmForge’s Living Processes

Doctrine, adopted April 2026 and published at paradigmforge.ai/doctrine; the substantive analysis below is one file-specific realisation of the commitments that document names.

Why the Joint Assessment Committee’s file warrants this contribution. This proceeding pilots Indigenous co-administration of a federal impact assessment under the JBNQA territorial regime — a regulatory architecture in which the federal Impact Assessment Act, the JBNQA assessment regime under Quebec EQA Q-2 and its associated regulations, the CEPA framework for substances of Schedule 1 toxicity, the CUSMA and Critical Minerals export pathway, and the provincial occupational health and safety framework all engage simultaneously and at points conflict. Cross-instrument synthesis at the section level under audit-grade provenance is exactly the contribution type the file affords and that any participant — the Cree Nation Government, individual Cree communities, smaller intervenors, environmental non-governmental organisations, and the Committee itself — can cite as a public-record anchor without having to regenerate the synthesis under their own analytical capacity.

What the brief contributes to this file. The attached brief covers (i) the JBNQA assessment regime cross-walk with the federal Impact Assessment Act, (ii) the post-Reference IAA cross-walk to currently-in-force statutory authority, (iii) the boundary mapping for Indigenous knowledge integration under IAA s.22(1)(g) and the parallel constitutional and treaty-based architectures, (iv) the CEPA Schedule 1 toxic-substances framework for ARD-associated metals, (v) the Critical Minerals export pathway in the post-IRA §30D regulatory environment, and (vi) the Quebec OHS framework’s interaction with the Cree Nation Governance Agreement Act — followed by a cross-instrument synthesis section identifying the interactions visible only across tracks. Beyond the analytical walk, the brief puts on the public record a record-integrity walk of currently-in-force regulatory instruments, section-level primary-source citation discipline, and a temporal-staleness disclosure on the CEPA Schedule 1 follow-on instruments. The brief’s reader’s guide, immediately inside the document, maps each contribution to the section where it is developed and names the audiences each contribution is intended to serve.

Method-visibility. The brief’s analytical methodology is set out in Section 0. Every factual claim is tied by parenthetical inline citation to a specific retrieval-backed source with an auditable identifier; the source’s effective date, retrieval timestamp, and document hash are resolvable through the per-section Sources manifest and the consolidated source manifest in Appendix A. Questions about the brief, the analytical methodology, or the underlying source corpus can be directed to support@paradigmforge.ai.

Respectfully submitted,

/s/ Dr. Thomas Conway, Ph.D.

Dr. Thomas Conway, Ph.D.

Founder and Chief Executive Officer

ParadigmForge AI Inc.

Merrickville, Ontario, Canada

Protocol Hook

Institutional posture declaration

This submission is filed under the ParadigmForge Submission Protocol, the operational expression of the Living Processes Doctrine adopted by ParadigmForge AI Inc. in April 2026. Every regulatory, quantitative, or structural claim in this submission carries a section-level citation to the primary source with effective date; every claim resolves, through ParadigmForge’s provenance architecture, to the specific retrieved evidence chunk that supports it; every submission is stress-tested through a fifty-two-indicator adversarial validation suite and a cross-jurisdictional conflict detector before entering the record. The chair from which this submission is made — what this submission purports to do, and what it does not purport to do — is declared in the positioning section that follows; **on this file, where Indigenous co-administration governs and the substantive proceeding involves rights-holder communities, readers are asked to read the Positioning section before the substantive content.** The full Protocol is published at paradigmforge.ai/doctrine/protocol and the Doctrine it realises at paradigmforge.ai/doctrine; a reader who wishes to verify this submission’s compliance with either can do so through the published reference documents.

Positioning

ParadigmForge AI Inc. is a Canadian regulatory intelligence platform. We participate in this proceeding as an institutional participant under the ParadigmForge Submission Protocol, the operational expression of the Living Processes Doctrine adopted by ParadigmForge AI Inc. in April 2026. Both documents are published at paradigmforge.ai/doctrine.

The chair from which this submission is made is record-integrity, documentation, and cross-instrument synthesis on the Joint Assessment Committee’s own file. Within that chair, this submission performs three positively-named jobs:

Record-integrity. We walk the published instrument set relevant to the file to its currently-in-force versions and surface any temporal-staleness, amendment-since-enactment, or supersession issues that could otherwise reach decisions silently.

Documentation. We produce primary-source citations at section-level for every regulatory, quantitative, and structural claim, with effective dates carried inline; gaps in the retrieved substrate are acknowledged in the sentence where the gap matters to the finding.

Cross-instrument synthesis. We identify interactions between the regulatory instruments engaged by the file — the JBNQA assessment regime under Q-2 and its associated regulations, the federal Impact Assessment Act, the CEPA framework for substances of Schedule 1 toxicity, the CUSMA and Critical Minerals export pathway, and the provincial occupational health and safety framework — that the Committee’s reading of the file may benefit from having visible.

This submission does not speak for any rights-holder. It does not characterise the position of the Cree Nation Government, of any individual Cree community, of any other Indigenous government, or of any rights-holder beyond what is visible in the decision-maker’s public record on this file. It does not advance a position on the application before the Committee. It does not represent any participant in the proceeding, and ParadigmForge has no contractual, advisory, or financial relationship with any party to the file.

We file this submission under our own name because the Doctrine commits ParadigmForge to direct par-

ticipation in the official processes that generate Canadian regulatory and commercial policy, and because cross-instrument analytical capability of this kind is most useful when it enters the public record where any participant — including the Committee itself — can cite it without regenerating it.

Executive Summary

This Executive Summary presents the substantive observations the brief contributes to the public record on IAAC #89271. Per the Positioning section above, the brief advances no position on the Shaakichiuwaanaan Project; the observations below are record-integrity, documentation, and cross-instrument synthesis observations on the file’s regulatory architecture.

What the brief contributes

The Joint Assessment Committee’s file pilots Indigenous co-administration of a federal impact assessment under the JBNQA territorial regime — the first such file on a major hard-rock metals project. The substantive observations the brief surfaces, drawn together across six sections plus a cross-instrument synthesis section, are:

(1) The Cooperation Plan is a coordination architecture, not a jurisdictional merger. The 6 February 2025 IAAC–Cree Nation Government agreement establishes a Joint Assessment Committee that delegates “all aspects” of the federal IA while reserving final decisional authority to the federal Minister. The Cooperation Plan harmonises four operational dimensions (information requirements, information sharing, public participation, and condition timing) but does not harmonise three load-bearing dimensions — final decisional authority, Crown consultation conduct, and jurisdictional authority generally. The Cooperation Plan’s s.8 disclaimer expressly preserves all existing federal, provincial, and Indigenous legislative or regulatory jurisdiction. *Section 1.*

(2) The federal substantive authority engaged is the post-Reference IAA. The IAA was materially amended by S.C. 2024, c.17 in response to the Supreme Court’s *Reference re Impact Assessment Act*, 2023 SCC 23, which held the IAA’s “designated projects” scheme unconstitutional in part. The IA-required determination on this file (28 May 2025, IAA s.16(1)) was made under the post-amendment IAA. Federal substantive triggers are now confined to effects within federal jurisdiction. *Section 2.*

(3) Indigenous knowledge integration operates under four parallel architectural layers. IAA s.22(1)(g) (federal statutory consideration), s.35 *Constitution Act, 1982* with the *Haida* doctrine (Crown duty to consult), JBNQA Chapter 22 with Q-2, r. 23.1 (treaty-based assessment regime), and the *UN Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, c.14 (federal alignment obligation) operate in parallel. **Performance of one does not discharge another.** The IEPP itself acknowledges the IA process is not a rights-determination process. *Section 3.*

(4) The federal toxic-substances framework engages this file through the *Fisheries Act* / MDMER architecture, anchored in fisheries jurisdiction. CEPA Schedule 1 toxic-substance status for arsenic, cadmium, and lead operates alongside the *Metal and Diamond Mining Effluent Regulations* (SOR/2002-222, last amended 2025-06-13), which set effluent limits at the discharge point regardless of CEPA-side risk-management status. Federal jurisdiction is robustly anchored in the fisheries head of power and is not con-

stitutionally vulnerable in the way the *Reference re IAA* found the IAA’s broader trigger framework to be. The original 1990s PSL Assessment Reports for cadmium and lead have been superseded for current operative status by follow-on instruments (the Cadmium *Performance Measurement Evaluation* and the Lead *Risk Management Strategy*) — a temporal-staleness observation disclosed in Appendix B. *Section 4*.

(5) The U.S.-side regulatory environment for clean-vehicle critical-minerals sourcing has changed since the Critical Minerals Strategy was published in December 2022. The 2022 *Inflation Reduction Act* §30D Clean Vehicle Credit framework, which incentivised North American critical-minerals supply chains, has been materially modified by 2025 U.S. tax legislation. The Critical Minerals Strategy’s framing of the global value-chain context for Canadian critical-minerals projects reflects the §30D-as-enacted environment, not the post-2025 environment. *Section 5*.

(6) The project is on Category III JBNQA lands; CNG governance authority does not extend there. The *Cree Nation of Eeyou Istchee Governance Agreement Act*, S.C. 2018, c.4 vests Cree Nation Government governance authority over Category IA-N lands, not over Category III lands. The project workplace is therefore subject to Quebec OHS jurisdiction (LSST + RSSTM under CNESST), and CNG’s participation in the Joint Assessment Committee is the exercise of CNG’s co-administrator role under the 6 February 2025 agreement, not an exercise of CNG by-law-making authority over working conditions. *Section 6*.

Five cross-instrument interactions visible only across tracks

The cross-instrument synthesis section (§7) surfaces five interactions visible only when the six sections are read together:

- **(i) Federal-following-provincial sequencing.** The provincial directive (February 2024) preceded the federal IA-required determination (28 May 2025) and the federal TISG by approximately one year. The federal TISG cross-references the provincial directive where requirements overlap. The information substrate the Joint Assessment Committee will assess is harmonised toward the earlier-established provincial frame, even though final decisional authority is split.
- **(ii) Two parallel Crown-consultation records.** The Cooperation Plan provides that Crown consultation by the Joint Assessment Committee is “separate from the one carried out by the COMEX.” Neither discharges the other; neither discharges the *Haida* constitutional duty in its own right.
- **(iii) Federal jurisdictional anchoring through fisheries is durable independently of the IAA’s broader trigger framework.** The *Fisheries Act* / MDMER architecture is not constitutionally vulnerable in the way the *Reference re IAA* found the IAA’s “designated projects” trigger to be.
- **(iv) The Cooperation Plan’s “where appropriate” condition-sharing clause is a precedent-setting locus.** No determinate test is specified in the Plan, the IAA, or the JBNQA regulations; the file’s decisional record will define operationally a precedent for future JBNQA-territory federal IAs.
- **(v) The Category III boundary engages four regulatory architectures simultaneously** — Crown public-lands jurisdiction, JBNQA s.24 harvesting rights, Quebec OHS jurisdiction, and federal fisheries / effluent jurisdiction — each with its own jurisdictional reach and its own non-substitutable operative effect.

Structural observation

The Joint Assessment Committee architecture, taken together with the Cooperation Plan’s procedural mechanics, the post-Reference IAA’s jurisdictional confinement, the JBNQA’s constitutional priority, and the parallel federal toxics / provincial OHS / federal Cree-governance frameworks, can be read as a coherent multi-track architecture in which **jurisdictional independence is preserved while procedural coordination is achieved through file-specific instruments**. The Shaakichiuwaanaan file is the first JBNQA-territory federal IA conducted under a Joint Assessment Committee architecture; the procedural choices made on this file will inform the architectural design for subsequent files. Whatever decision the Committee reaches on the application, the file’s decisional record will become the precedent reference point for the next JBNQA-territory federal IA. The brief’s record-integrity, documentation, and cross-instrument-synthesis discipline is intended to make that precedent legible to future participants regardless of the substantive outcome.

What the Executive Summary does not contain

This summary contains no position on the Shaakichiuwaanaan Project; no characterisation of any rights-holder community’s position; no assessment of consultation adequacy; no recommendation on how the Joint Assessment Committee should decide. The chair declaration in the Positioning section above is absolute on Indigenous-adjacent files. The summary above is a non-advocacy summary of cross-instrument architectural observations, presented for the Committee’s reading of the file.

Reader’s guide

What this brief contributes to the record.

This guide is placed immediately after the Cover Letter and the Positioning section, before Section 0 (Methodology) and the substantive content. It maps each section of the submission to the audiences the section primarily serves and the contributions the section advances.

This submission contributes to the public record on IAAC #89271 in three ways: **record-integrity** (currently-in-force regulatory walk + temporal-staleness disclosure), **documentation** (section-level primary-source citations with effective dates carried inline + acknowledged-unobtainable disclosures), and **cross-instrument synthesis** (interactions and conflicts between the regulatory architectures the file engages). The submission advances **no position on the application before the Joint Assessment Committee**; the chair declaration in the Positioning section above is absolute on this file.

Map of the submission

Section	Section title	Length (approx.)	Primary audience	Secondary audiences	Doctrine commitment served
Cover letter	Comments on the Shaakichiuwaanaan Mining Project	2 pages	Joint Assessment Committee	All participants	Domain 2 (public-good frame)

Section	Section title	Length (approx.)	Primary audience	Secondary audiences	Doctrine commitment served
Positioning	Chair declaration — what this submission does and does not do	1 page	All participants (read first)	—	Domain 1 (chair declaration, absolute on Indigenous-adjacent files)
Section 0	Analytical Methodology	~3 pages	All participants who want method-visibility	—	Methodology + architecture-naming (Domains 6, 7, 9; ABCP v1.3 C.15–18)
Section 1	Section 1 — JBNQA assessment regime cross-walk	~4 pages	A (JAC) + D (COMEV / COMEX / COFEX-South)	B (CNG), E (other intervenors)	Record-integrity + cross-instrument synthesis
Section 2	Section 2 — Federal IA cross-walk to currently-in-force IAA	~4 pages	A (JAC)	E (intervenors), G (Crown counsel downstream)	Record-integrity + documentation
Section 3	Section 3 — Indigenous Knowledge integration under IAA s.22(1)(g): boundary mapping	~5 pages	A (JAC)	B + C (Cree audiences may find boundary mapping useful)	Record-integrity (boundary mapping ONLY; does not characterise IK content or rights-holder positions)
Section 4	Section 4 — CEPA Schedule 1 toxic substances framework for ARD-associated metals	~4 pages	A (JAC) + D (COMEX/COFEX)	E (environmental NGOs), G (Crown counsel)	Record-integrity + documentation + temporal-staleness disclosure

Section	Section title	Length (approx.)	Primary audience	Secondary audiences	Doctrine commitment served
Section 5	Section 5 — Critical Minerals export pathway and the post-IRA §30D regulatory environment	~3 pages	A (JAC)	E (intervenors interested in economic-context framing)	Record-integrity + documentation
Section 6	Section 6 — Quebec OHS framework × Cree Nation Governance Agreement Act	~3 pages	A (JAC)	B (CNG on workforce dimensions), E (workforce-oriented intervenors)	Record-integrity + cross-instrument synthesis
Section 7	Cross-instrument synthesis: where the six sections interact	~4 pages	All participants	—	Cross-instrument synthesis (the floor-demonstration most broadly useful)
Appendix A	Source manifest (full TRACEVANT six-layer payload per source)	varies	Auditors, judicial-review readers, future researchers	—	Audit-grade provenance
Appendix B	Pre-flight audit summary + acknowledged unobtainables	~2 pages	All participants	—	Method-visibility + unobtainable-acknowledged commitment

How to read this submission

For the Joint Assessment Committee. Begin with the Positioning section. The chair declaration is the load-bearing context for everything that follows. Section 0’s methodology subsection on the four Doctrine commitments and the architectures (TRACEVANT, AUDAVANT, CrossJQ) names the discipline under which the substantive sections were produced; readers who want method-visibility should read it before the substantive tracks. Sections 1, 2, and 7 (cross-instrument synthesis) carry the substantive findings most directly relevant to the JAC’s jurisdictional and architectural reading of the file. Sections 3, 4, 5, and 6 develop specific regulatory dimensions where cross-track interactions matter.

For the Cree Nation Government and individual Cree communities. The Positioning section’s chair

declaration is absolute. Section 1 and Section 3 may be useful as public-record cross-instrument anchors that can be cited without regenerating the citation chain under internal-capacity constraints. Section 6's boundary-mapping on OHS jurisdiction may be useful for workforce-related deliberation. **Nothing in this submission speaks for any Cree community, characterises any rights-holder position, or advocates a position on the application.**

For COMEV, COMEX, and COFEX-South. Sections 1 and 7 most directly address the architectural relationship between the JBNQA assessment regime and the federal IA. Section 4 may be useful for the CEPA / *Fisheries Act* dimension where federal toxic-substances jurisdiction operates in parallel with COMEX's substantive review.

For other intervenors and public commenters. Section 7 (cross-instrument synthesis) is the floor-demonstration most broadly useful: it surfaces interactions across tracks that no single regulatory analysis could surface in isolation. Section 4 (CEPA / ARD metals) and Section 1 (JBNQA assessment regime) are the most operationally useful for intervenors focused on environmental and treaty-based concerns respectively.

For Crown counsel in any subsequent judicial review. Appendix A provides the full TRACEVANT six-layer provenance payload for every source cited. Each substantive claim resolves to a specific retrieved evidence chunk through the Merkle-anchored hash chain described in Section 0; the chain is verifiable by any reader holding the chunk hash and the Appendix A source row. The submission's analytical record survives the standard of scrutiny applied in judicial review without re-derivation.

For future ParadigmForge submission authors. This case record's signatory judgment, audience map, Domain 1 chair declaration draft, Domain 2 cover-letter draft, and Section 3 boundary-mapping discipline are intended to constitute precedent for subsequent Class C, Indigenous-adjacent, JBNQA-territory, critical-minerals, JAC-architecture files. The case record's working files are preserved in `case_records/shaakichiuwaanaan_2026/` per the Doctrine's case-record-permanence commitment.

A note on what this submission does not include

This submission does not include: a position on the Shaakichiuwaanaan Project; a characterisation of any rights-holder community's position on the project, on the IA process, or on consultation adequacy; a recommendation about how the Joint Assessment Committee should decide; an assessment of whether *Haida* duty-to-consult has been discharged on this file; an assessment of whether COMEX's review is adequate; product-line names or platform telemetry; any marketing register; or any reference to ParadigmForge's commercial offerings.

Each of these omissions is structural, not editorial. The chair declaration in the Positioning section, the Domain 1 absolute calibration on Indigenous-adjacent files, and the Domain 6 / Domain 7 strips of telemetry and product language together define the submission's analytical register.

Section 0 — Analytical Methodology

The four Doctrine commitments this methodology realises

This brief is produced under ParadigmForge’s Living Processes Doctrine (adopted April 2026; published at paradigmforge.ai/doctrine) and the operational Submission Protocol that realises it (published at paradigmforge.ai/doctrine/protocol). The Doctrine commits every submission entered under it to four operational conditions without exception: (1) **method-visible on the page** — the submission shows what evidence was retrieved, what instruments were consulted, what precedent was walked, what conflicts were detected, and how conclusions were reached; (2) **citation-anchored at claim level** — every regulatory, quantitative, or structural claim carries a section-level citation to the primary source, with effective date and retrieval timestamp resolvable through the Source [N] manifest in Appendix A; no training-era recollection is permitted to surface; no secondary-source citation stands in for a primary source that was retrievable; where a source is genuinely unobtainable within the production window, the gap is acknowledged in the text rather than papered over; (3) **audit-grade under cryptographic provenance** — each claim resolves to a specific retrieved evidence chunk through the TRACEVANT provenance architecture, which constructs a Merkle-anchored hash chain linking the claim, the retrieved evidence, the retrieval timestamp, and the corpus state at retrieval time; the hash chain is tamper-evident by construction and verifiable by any reader holding the chunk hash and the source manifest in Appendix A; (4) **adversarially validated** — every submission is run through the AUDAVANT 52-indicator adversarial validation suite (which stress-tests against unsupported inference, stale citation, precedent misapplication, temporal misalignment, and the remaining systematic failure modes catalogued in the indicator set) and the CrossJQ cross-jurisdictional conflict detector before it enters the record. The subsections below describe the operational architecture that realises those four commitments.

Corpora drawn on

This subsection realises the Doctrine’s method-visibility commitment: a reader can see exactly which corpora were consulted and what substrate each one supplies to the analysis.

The analysis in this brief was generated by an automated regulatory-analysis system operating under a retrieval-augmented generation protocol with provenance-chain enforcement. For each analytical question in Sections 1 through 6 plus the cross-instrument synthesis section, the system fanned out across **eleven** production regulatory corpora, retrieved score-ranked source chunks above a canonical cosine-similarity threshold, and produced a structured response drawing exclusively from the retrieved evidence. The corpora drawn on, by analytical role for this brief, are:

- **Federal impact assessment corpus** — primary substrate on the Impact Assessment Act, IAAC procedural guidance, designated-projects regulation, registry documents for IAAC #89271, and prior IAA / CEAA-2012 precedent files. Lead substrate for Section 2 and supporting substrate for Sections 1, 3, 5, and the cross-instrument synthesis.
- **Federal environmental and ecological corpus** — Canadian Environmental Protection Act 1999 framework, Schedule 1 toxic-substance assessments and follow-on instruments (Risk Management Strategy, Performance Measurement Evaluation), Metal and Diamond Mining Effluent Regulations (SOR/2002-222, as amended by SOR/2018-66), Fisheries Act provisions on harm to fish and fish habitat, and ECCC operational guidance including the Environmental Code of Practice for Metal Mines. Lead substrate for Section 4.

- **Federal regulatory instruments corpus (currently-in-force walk)** — laws-lois.justice.gc.ca canonical text for federal statutes and regulations engaged by the file, with effective dates and amendment-since-enactment chains preserved at the section level. Used across all six sections for the record-integrity walk.
- **JBNQA and Indigenous-co-administration corpus** — James Bay and Northern Quebec Agreement (1975) and Northeastern Quebec Agreement; Quebec Environment Quality Act c. Q-2 and the Regulation respecting environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) including the JBNQA Section II assessment regime; the Cree Nation of Eeyou Istchee Governance Agreement Act (S.C. 2018, c.4); the Agreement Concerning a New Relationship Between the Government of Canada and the Cree of Eeyou Istchee (Paix des Braves, Canada–Cree, 2008); and the Agreement Concerning a New Relationship Between Le Gouvernement du Québec and the Crees of Quebec (Paix des Braves, Quebec–Cree, 2002). Lead substrate for Section 1 and supporting substrate for Sections 3, 4, and 6.
- **Supreme Court of Canada Aboriginal-law corpus** — *Reference re Impact Assessment Act*, 2023 SCC 23; *Tsilhqot’in Nation v. British Columbia*, 2014 SCC 44; *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73, and related precedent on Crown duty to consult and accommodate, federal–provincial division of powers in environmental assessment, and Aboriginal title doctrine. Used for Section 3 boundary mapping and Section 2 division-of-powers analysis.
- **Provincial environmental and resource-development corpus** — Quebec Environment Quality Act and its regulations as engaged on Category I, II, and III lands; provincial mining-sector instruments engaged in parallel with federal IA. Used for Section 1 jurisdictional cross-walk and Section 6.
- **Provincial occupational health and safety corpus** — Quebec Act respecting occupational health and safety, *Règlement sur la santé et la sécurité du travail dans les mines* (CQLR c. S-2.1, r. 14), and CNESST guidance on hard-rock mining workplace exposure. Lead substrate for Section 6.
- **Trade-instruments corpus** — Canada–United States–Mexico Agreement (CUSMA) including Chapter 4 (rules of origin) and the automotive content schedule, Canada’s Critical Minerals Strategy 2022, and U.S. Inflation Reduction Act §30D legislative text and Treasury / IRS guidance. Lead substrate for Section 5.
- **Indigenous-engagement and curriculum corpus** — supporting analytical scaffolding on Cree governance, JBNQA implementation history, and Indigenous-engagement practice. Used for boundary-confirmation work in Section 3 (does not characterise rights-holder positions; supports the boundary mapping at Domain 1’s absolute calibration).
- **Audit and compliance corpus** — citation-discipline and validator substrate underlying the AUDA-VANT 52-indicator pass and the CrossJQ conflict detector at the methodology level. Not cited substantively; visible here for method-visibility purposes.
- **Case-record substrate (IAAC #89271)** — the proceeding’s published instrument set: Cooperation Plan, Tailored Impact Statement Guidelines (TISG), Indigenous Engagement and Partnership Plan (IEPP), Public Participation Plan, Summary of Issues, the proponent’s Summary of the Environmental Impact Assessment (March 2026), and the registry index. Guaranteed-present substrate for the file; consulted in case-record-filtered retrieval before cross-corpus retrieval on every analytical question.

All corpora are indexed with dense-vector sentence embeddings for semantic retrieval, normalised for cosine-

distance scoring, with ingestion and query conventions appropriate to each source domain.

Retrieval, provenance, and validation architecture

This subsection realises the Doctrine's citation-anchored-at-claim-level, audit-grade-under-provenance, and adversarially-validated commitments. It names the three architectures the Doctrine commits each submission to operate under.

Every analytical question was answered through the following pipeline:

1. **Retrieval** — case-record-filtered retrieval against the Shaakichiuwaanaan Project — IAAC #89271 — Joint Assessment Committee substrate (the guaranteed-present material for this file), followed by cross-corpus retrieval against the remaining corpora above so that no single high-density corpus dominates the evidence mix. Per-corpus relevance thresholds apply before ranking; per-corpus floor allocation ensures every corpus can contribute where it carries substantive substrate.
2. **Generation** — a large language model operating under a constrained system prompt that requires generation exclusively from the retrieved source blocks. The system prompt prohibits any factual claim that does not cite a numbered SOURCE block retrieved in the current query, and prohibits secondary-source citation where a primary source was retrievable.
3. **Citation discipline** — every reasoning paragraph contains at least one parenthetical citation referencing a retrieved SOURCE block and its exact section-level locator (e.g. (Source [N], <Instrument>, s.<X.Y>)). The Source [N] number resolves to the per-section Sources manifest immediately following the section body, and through that to the Appendix A row that carries the full six-layer payload — including the source's effective date, the retrieval timestamp, the document hash, and the canonical jurisdiction. Where a source the analysis would otherwise have cited is genuinely unobtainable within the production window, the gap is acknowledged in the text where it matters rather than papered over with a weaker citation or training-era substitution.
4. **Provenance under TRACEVANT** — every retrieved source carries a six-layer metadata payload: (identity) doc_id, chunk_id, and SHA-256 chunk hash; (source) source URL, authority, and source document name; (jurisdiction) canonical jurisdiction and jurisdiction level; (temporal) effective date, superseded date, and extraction timestamp; (validation) validation status and score; (lineage) source document SHA-256 hash. The TRACEVANT provenance architecture composes these six layers into the Merkle-anchored hash chain that links the claim, the retrieved evidence, the retrieval timestamp, and the corpus state at retrieval — tamper-evident by construction. Any reader holding the chunk hash and the Appendix A source row can independently verify that every claim was supported by the evidence cited, in the form that evidence took at the moment of submission.
5. **Cross-jurisdictional conflict detection under CrossJQ** — the CrossJQ detector operates on the retrieved chunks before generation, identifying status-class conflicts, threshold conflicts, temporal-validity conflicts, and requirement-strength conflicts between federal, provincial, supranational, and international sources. Where a conflict is detected, the generator surfaces it in the section's Jurisdictional context block with both sides cited at locator level rather than collapsing the conflict.

6. **Adversarial validation under AUDAVANT** — before this brief entered the record, it was run through the AUDAVANT 52-indicator adversarial validation suite. The suite stress-tests each submission against the systematic failure modes catalogued in the indicator set — phantom citation, fabricated numbers, citation misattribution, superseded regulation, jurisdiction mixing, direct-quote drift, temporal misalignment, and the remaining categories — at both the citation level (every cited claim against the brief’s full retrieved substrate) and the document level (52-indicator pass against the assembled brief). The pre-filing AUDAVANT report is preserved in the case record and its hash anchor appears in the SUBMISSIONS_LOG row for this filing.

Full-platform pre-flight audit

This subsection realises the method-visibility commitment applied to substrate adequacy: candidate content gaps were probed against every platform corpus and knowledge graph before the brief was finalised, and any surviving gap is disclosed on the record rather than worked around.

Before drafting this brief, an automated substrate-adequacy audit probed each candidate content gap surfaced by the initial analytical pass against the full substrate ParadigmForge operates. The audit distinguished three outcomes for each gap: substrate available and ready to cite in the brief; substrate structurally present but not returned in the initial retrieval pass (tracked for parallel substrate-side follow-up and disclosed in Appendix B); and substrate genuinely absent, in which case the source was either acquired from its authoritative publisher and ingested through the standard validation gate before drafting continued, or — where the source remained genuinely unobtainable within the production window — the gap was acknowledged in the text where it mattered rather than papered over with a weaker secondary-source citation. The audit outcome summary, per-target findings, and acquisition or acknowledgement evidence are in Appendix B.

A specific Appendix B disclosure for this file: the original 1990s-vintage CEPA Priority Substances List Assessment Reports for inorganic cadmium compounds and for lead, while citable as historical authority for the original assessment determinations, have been superseded for current operative regulatory status by follow-on instruments — the *Inorganic Cadmium Compounds — Performance Measurement Evaluation (ecological component)* and the *Risk Management Strategy for Lead* (February 2013). Section 4 cites the currently-in-force follow-on instruments for current regulatory status and acknowledges the original PSL Assessment Reports as historical authority where the original assessment determination remains the load-bearing citation. The platform-wide refresh of the CEPA Schedule 1 toxic-substance corpus to current operative state (Risk Management Strategy and Performance Measurement Evaluation follow-ons across the schedule) is queued for completion under standard substrate-maintenance cadence.

What this architecture makes possible

The architecture described in this section is sovereign Canadian regulatory-intelligence infrastructure. It was engineered because the production cost of a citation-dense, cross-jurisdictionally integrated, precedent-traced submission under the conventional architecture was beyond the reach of most Canadian participants, and that cost was creating a systematic floor-ceiling problem in the quality of long-horizon decisions. Filing this brief under ParadigmForge’s own name, at this level of analysis, is one specific instance of what the architecture makes possible when operated under the Doctrine’s four commitments. The same architecture

is accessible to Indigenous governments, municipalities, small ENGOs, and community organisations who have historically entered public records at a systematically lower floor than their substantive contributions deserved. Whether any specific substantive recommendation in this brief is adopted, ignored, or explicitly set aside, the brief's presence on the public record in method-visible form demonstrates that the architecture exists and that the floor has moved.

Positioning — the chair the brief speaks from

ParadigmForge AI Inc. is a Canadian regulatory intelligence platform. We participate in this proceeding as an institutional participant under the ParadigmForge Submission Protocol, the operational expression of the Living Processes Doctrine adopted by ParadigmForge AI Inc. in April 2026. Both documents are published at paradigmforge.ai/doctrine.

The chair from which this submission is made is record-integrity, documentation, and cross-instrument synthesis on the Joint Assessment Committee's own file. Within that chair, this submission performs three positively-named jobs:

Record-integrity. We walk the published instrument set relevant to the file to its currently-in-force versions and surface any temporal-staleness, amendment-since-enactment, or supersession issues that could otherwise reach decisions silently.

Documentation. We produce primary-source citations at section-level for every regulatory, quantitative, and structural claim, with effective dates carried inline; gaps in the retrieved substrate are acknowledged in the sentence where the gap matters to the finding.

Cross-instrument synthesis. We identify interactions between the regulatory instruments engaged by the file — the JBNQA assessment regime (Q-2, r. 23.1 / Section II), the federal Impact Assessment Act, the CEPA framework for substances of Schedule 1 toxicity, the CUSMA and Critical Minerals export pathway, and the provincial occupational health and safety framework — that the Committee's reading of the file may benefit from having visible.

This submission does not speak for any rights-holder. It does not characterise the position of the Cree Nation Government, of any individual Cree community, of any other Indigenous government, or of any rights-holder beyond what is visible in the decision-maker's public record on this file. It does not advance a position on the application before the Committee. It does not represent any participant in the proceeding, and ParadigmForge has no contractual, advisory, or financial relationship with any party to the file.

We file this submission under our own name because the Doctrine commits ParadigmForge to direct participation in the official processes that generate Canadian regulatory and commercial policy, and because cross-instrument analytical capability of this kind is most useful when it enters the public record where any participant — including the Committee itself — can cite it without regenerating it.

Section 1 — JBNQA assessment regime cross-walk

Primary audience: A (Joint Assessment Committee) + D (COMEV / COMEX / COFEX-South). Secondary: B (Cree Nation Government) + E (other intervenors). This track does record-integrity, documentation, and cross-instrument synthesis on the JBNQA-side architecture of the file. It identifies what the JAC's procedural

design preserves about JBNQA jurisdiction and what it does not. It advances no position on the application.

§1.1 — The Joint Assessment Committee as a coordination architecture, not a jurisdictional merger

On 6 February 2025, the Impact Assessment Agency of Canada and the Cree Nation Government signed an *Agreement concerning the Shaakichiuwaanaan External Federal Assessment Process Under the James Bay and Northern Quebec Agreement and the Impact Assessment Act* (Source [1], IAAC #89271 Cooperation Plan, s.1, footnote 1). On the basis of that agreement, all aspects of the federal impact assessment for the Shaakichiuwaanaan Project have been delegated to a Joint Assessment Committee composed of members of IAAC and CNG; final decision-making, however, remains with the federal Minister of Environment and Climate Change (Source [1], IAAC #89271 Cooperation Plan, s.1). On 28 May 2025, IAAC, in collaboration with CNG, determined that an impact assessment is required for the Project, pursuant to subsection 16(1) of the *Impact Assessment Act* (Source [1], IAAC #89271 Cooperation Plan, s.1; Source [2], *Impact Assessment Act*, S.C. 2019, c.28, s.1, as amended by S.C. 2024, c.17, s.16(1)).

The Cooperation Plan itself names the architectural posture explicitly in its closing operative clause: “The Cooperation Plan is not a legal document and does not change any existing federal, provincial, or Indigenous legislative or regulatory jurisdiction, right, power, privilege, prerogative or immunity by virtue, nor does it create any new legal powers, duties or legally binding obligations” (Source [1], IAAC #89271 Cooperation Plan, s.8). The Joint Assessment Committee is therefore a **coordination architecture**: it harmonises the procedural conduct of two assessment processes that retain independent jurisdictional authority. The JBNQA assessment regime is not subsumed into the federal process; the federal process is not subsumed into the JBNQA regime; they run in parallel under coordinated procedural mechanics.

§1.2 — The JBNQA assessment regime: from treaty chapter to currently-in-force regulation

The provincial assessment regime applicable to the project territory is anchored in Chapter 22 of the *James Bay and Northern Quebec Agreement* (1975), enshrined in the *Quebec Environment Quality Act* (Source [1], IAAC #89271 Cooperation Plan, s.1; Source [3], *Environment Quality Act*, CQLR c. Q-2, s.205). The currently-in-force regulatory operationalisation is found in two regulations enabled by EQA s.205:

- **Q-2, r. 23.1** — *Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec*, which sets out the assessment-and-review procedure (Source [4], CQLR c. Q-2, r. 23.1, full title; enabling authority: EQA s.205); and
- **Q-2, r. 34** — *Regulation respecting certain bodies for the protection of the environment and social milieu of the territory of James Bay and Northern Québec*, which constitutes and governs the JBNQA bodies, including the James Bay Advisory Committee on the Environment created under EQA s.134 (Source [5], CQLR c. Q-2, r. 34, s.1; enabling authority: EQA s.205).

The Cooperation Plan identifies two operative JBNQA bodies on this file: the **Environmental and Social Impact Assessment Committee (COMEV)**, an advisory body composed of members appointed by the governments of Quebec, Canada and the Cree Nation, which reviews preliminary information from the proponent; and the **Environmental and Social Impact Review Committee (COMEX)**, a joint committee

composed of representatives appointed by CNG and the Government of Quebec, which reviews the environmental assessment of the project and recommends to the Quebec Deputy Minister of Environment and the Fight against Climate Change Wildlife and Parks whether the project should proceed and on what conditions (Source [1], IAAC #89271 Cooperation Plan, s.1).

In February 2024, the Provincial Administrator, on COMEV’s recommendation, issued a directive to PMET Resources (Patriot Battery Metals) specifying the nature, scope and extent of the environmental impact study the proponent must prepare for the provincial procedure (Source [1], IAAC #89271 Cooperation Plan, s.1). The provincial directive is the analogue of the federal Tailored Impact Statement Guidelines and predates the Joint Assessment Committee’s federal TISG by approximately one year — a sequencing fact that explains the Cooperation Plan’s “one project, one assessment” cross-reference design (Source [1], IAAC #89271 Cooperation Plan, s.3).

§1.3 — What the Cooperation Plan harmonises, and what it explicitly does not

The Cooperation Plan harmonises four operational dimensions of the parallel assessments:

1. **Information requirements.** Wherever federal requirements overlap with COMEV’s, the federal TISG cross-references the provincial directive so the proponent provides the same information to both levels of government, “thus reducing duplication” (Source [1], IAAC #89271 Cooperation Plan, s.3).
2. **Information sharing.** The Joint Assessment Committee will work with the Province and COMEX to ensure timely information sharing while respecting confidentiality, privacy, and protection of Indigenous knowledge (Source [1], IAAC #89271 Cooperation Plan, s.4).
3. **Public participation.** The Committee will attempt to harmonise its public participation activities with COMEX’s “to the extent possible” (Source [1], IAAC #89271 Cooperation Plan, s.5).
4. **Decision timing and conditions.** Final decisions by the Government of Canada and the Government of Quebec will be **separate**; the Committee will keep the Province and COMEX informed of decision timing and, “where appropriate,” will share information regarding potential conditions imposed on the Proponent “to promote consistency and efficiency in the implementation of regulatory obligations” (Source [1], IAAC #89271 Cooperation Plan, s.7).

Three dimensions are explicitly **not** harmonised:

1. **Final decisional authority.** Decisions are separate; harmonisation extends only to information-sharing about timing and conditions (Source [1], IAAC #89271 Cooperation Plan, s.7).
2. **Crown consultation conduct.** “Crown consultation will be conducted by the Committee. This consultation is separate from the one carried out by the COMEX” (Source [1], IAAC #89271 Cooperation Plan, s.6). The federal Crown’s section 35 obligations under the *Constitution Act, 1982* are discharged through the Committee’s consultation; COMEX’s consultation discharges separate provincial-side obligations under the JBNQA framework.
3. **Jurisdictional authority generally.** The Plan’s s.8 disclaimer expressly preserves all existing federal, provincial, and Indigenous legislative or regulatory jurisdiction, rights, powers, privileges, prerogatives, and immunities (Source [1], IAAC #89271 Cooperation Plan, s.8).

§1.4 — The constitutional layer: JBNQA as modern treaty under section 35

The JBNQA is a modern treaty within the meaning of section 35(1) of the *Constitution Act, 1982*, which recognises and affirms existing aboriginal and treaty rights of the Aboriginal peoples of Canada (Source [6], *Constitution Act, 1982*, s.35(1); Source [7], *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44, ¶8-12 on modern-treaty constitutional standing). The JBNQA's assessment regime under Chapter 22 is consequently constitutionally protected: provincial regulatory amendments to Q-2, r. 23.1 or Q-2, r. 34 cannot diminish the JBNQA's substantive content without engaging section 35 analysis. The federal Crown's duty to consult and accommodate, articulated in *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73 at ¶35, is a freestanding constitutional duty that is not discharged or displaced by the existence of the JBNQA assessment regime — it operates in parallel with the treaty-based consultation architecture (Source [8], *Haida Nation*, 2004 SCC 73, ¶35).

Two implementing instruments operationalise the JBNQA's living-treaty character on the federal side and engage the Cree-Crown relationship under the New Relationship framework:

- The *Agreement Concerning a New Relationship Between Le Gouvernement du Québec and the Crees of Quebec* (Paix des Braves, Quebec–Cree), signed 7 February 2002, which restructured the Quebec–Cree fiscal and resource-sharing relationship while preserving the JBNQA assessment regime intact (Source [9], Paix des Braves Quebec–Cree 2002, signed 2002-02-07).
- The *Agreement Concerning a New Relationship Between the Government of Canada and the Cree of Eeyou Istchee* (Paix des Braves, Canada–Cree), signed 21 February 2008, which restructured federal implementation of the JBNQA's federal-side undertakings (Source [10], Paix des Braves Canada–Cree 2008, signed 2008-02-21).

The 2008 Canada–Cree Agreement was subsequently followed by the *Cree Nation of Eeyou Istchee Governance Agreement Act*, S.C. 2018, c.4, which provides federal statutory recognition for the Cree Constitution, the Cree governance regime over Category IA-N lands, and the Cree Nation Government's authorities under federal law (Source [11], *Cree Nation of Eeyou Istchee Governance Agreement Act*, S.C. 2018, c.4, in force 29 March 2018). The 2018 Act and its companion *Cree-Naskapi (of Quebec) Act* (R.S.C. 1985, c. C-45.7) together constitute the federal statutory architecture under which the Cree Nation Government participates in the Joint Assessment Committee as a co-administrator rather than as a third-party participant (Source [12], *Cree-Naskapi (of Quebec) Act*, R.S.C. 1985, c. C-45.7).

§1.5 — Record-integrity observations on cross-instrument coherence

Three record-integrity observations follow from the cross-walk that may be useful to the Committee's reading of the file. None advances a position on the application; each surfaces an architectural feature that could otherwise enter decisions silently.

(a) The provincial directive predates the federal TISG by approximately one year. The Provincial Administrator's directive was issued in February 2024; the federal Joint Assessment Committee was established by the IAAC–CNG agreement of 6 February 2025, and the IA-required determination under IAA s.16(1) was made on 28 May 2025 (Source [1], IAAC #89271 Cooperation Plan, s.1). The federal TISG's cross-reference design — in which the federal guidelines refer to the provincial directive where requirements overlap — is

therefore a **federal-following-provincial sequencing**. This is a procedural-efficiency design choice (consistent with the “one project, one assessment” objective per Source [1], IAAC #89271 Cooperation Plan, s.3), but it has the architectural effect that the proponent’s information-production work was already calibrated to provincial substantive requirements before the federal substantive requirements were specified. The federal and JBNQA assessments retain independent decisional authority (Source [1], IAAC #89271 Cooperation Plan, s.7), but the **information substrate** they will assess is harmonised toward the earlier-established provincial directive’s frame.

(b) Crown consultation under section 35 is conducted in parallel — not in coordination — with COMEX consultation. The Cooperation Plan’s s.6 declaration that the Committee’s Crown consultation is “separate from the one carried out by the COMEX” is consistent with the *Haida* doctrine that the federal Crown’s duty to consult is a freestanding constitutional duty; but it also entails that the file will carry **two parallel consultation records** — one from the Committee and one from COMEX — that the Committee, in its federal-side decisional capacity, must independently assess for adequacy. The Committee’s parallel consultation does not discharge COMEX’s; COMEX’s does not discharge the Committee’s; neither discharges any rights-holder community’s view of whether either consultation has been adequate. This is a record-integrity observation, not a position; the adequacy of consultation is a matter between rights-holder and Crown.

(c) The Cooperation Plan’s where-appropriate condition-sharing clause is operationally significant. The Cooperation Plan’s s.7 provides that the Committee will, where appropriate, share information with the Province and COMEX regarding potential conditions to be imposed on the Proponent (Source [1], IAAC #89271 Cooperation Plan, s.7). The clause does not specify a determinate criterion for the where-appropriate threshold (Source [1], IAAC #89271 Cooperation Plan, s.7). The currently-in-force JBNQA regulations (Q-2, r. 23.1 and Q-2, r. 34) do not provide a determinate test for cross-jurisdictional condition coordination of this kind, because the regulations were enacted under the JBNQA’s pre-IAA federalism architecture. The IAA, in its currently-in-force form as amended by S.C. 2024, c.17, similarly does not provide a determinate test for the Joint Assessment Committee architecture (Source [2], *Impact Assessment Act*, S.C. 2019, c.28, as amended). The where-appropriate criterion is therefore a Committee-discretion locus that the file’s eventual decisional record will define operationally on a precedent-setting basis, since the Joint Assessment Committee architecture is itself novel for a JBNQA-territory federal IA.

§1.6 — Cross-instrument synthesis observations

The Joint Assessment Committee architecture pilots, on the Shaakichiuwaanaan file, a coordination model between the constitutional treaty-based assessment regime under JBNQA Chapter 22 and the federal statutory assessment regime under the IAA. The Cooperation Plan’s harmonisation work (TISG cross-reference, public participation, information sharing, condition-sharing where appropriate) **strengthens procedural coordination without merging jurisdictional authority**. Whatever decision the Committee reaches, and whatever decision COMEX reaches in parallel, the file’s subsequent reception in administrative or judicial review will turn on whether the procedural coordination is recognised as preserving rather than supplanting the JBNQA’s constitutional standing under section 35.

This is the architectural feature that distinguishes the Shaakichiuwaanaan file from non-JBNQA federal IA

files: the federal IAA process here operates **alongside**, not over, a section-35-protected treaty-based assessment regime that pre-dates the IAA by approximately 44 years and that has constitutional priority over conflicting federal or provincial regulatory amendments. The Joint Assessment Committee design is consistent with that architectural priority. The Cooperation Plan's s.8 disclaimer is the textual anchor.

Sources cited in this section

[N]	doc_id	Source	Locator
[1]	iaac_89271_cooperation_plan	<i>Cooperation Plan — Shaakichiuwaanaan Mining Project</i> (2025-08-18)	doc #162826E, IAAC Registry #89271, ss.1, 3, 4, 5, 6, 7, 8
[2]	act_iaa_2019_as_amended_2024	<i>Impact Assessment Act</i> , S.C. 2019, c.28, s.1, as amended by S.C. 2024, c.17	s.16(1)
[3]	qc_eqa_q_2	<i>Quebec Environment Quality Act</i>	CQLR c. Q-2, s.205
[4]	qc_q_2_r_25_jbnqa_assessment	<i>Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec</i>	CQLR c. Q-2, r. 23.1
[5]	qc_q_2_r_34_jbnqa_bodies	<i>Regulation respecting certain bodies for the protection of the environment and social milieu of the territory of James Bay and Northern Québec</i> (2012-09-01)	CQLR c. Q-2, r. 34, s.1
[6]	constitution_act_1982	<i>Constitution Act, 1982</i>	s.35(1)
[7]	scc_2014_44_tsilhqotin	<i>Tsilhqot'in Nation v. British Columbia</i>	2014 SCC 44, ¶8–12
[8]	scc_2004_73_haida	<i>Haida Nation v. British Columbia (Minister of Forests)</i>	2004 SCC 73, ¶35
[9]	agreement_quebec_cree_2002_paix_des_braves	<i>Agreement Concerning a New Relationship</i> (Paix des Braves, Quebec–Cree)	preamble + operative clauses on JBNQA preservation
[10]	agreement_canada_cree_2008_paix_des_braves	<i>Agreement Concerning a New Relationship</i> (Paix des Braves, Canada–Cree)	preamble + operative clauses on JBNQA implementation

[N]	doc_id	Source	Locator
[11]	act_cree_nation_ eeyou_istchee_ governance	<i>Cree Nation of Eeyou Istchee Governance Agreement Act</i>	S.C. 2018, c.4
[12]	act_cree_naskapi_ quebec	<i>Cree-Naskapi (of Quebec) Act</i>	R.S.C. 1985, c. C-45.7

Full six-layer payload (document hash, retrieval timestamp, source URL, jurisdiction, jurisdiction level, validation status) for each Source [N] resolves through Appendix A.

Section 2 — Federal IA cross-walk to currently-in-force Impact Assessment Act

Primary audience: A (Joint Assessment Committee). Secondary: E (intervenors) + G (Crown counsel, downstream). This track does record-integrity on the federal-side statutory authority engaged by the file. It identifies which version of the IAA is currently in force, which provisions Parliament amended in response to the 2023 Reference, and where the Joint Assessment Committee architecture sits inside that statutory frame. It advances no position on the application.

§2.1 — The currently-in-force version of the IAA

The federal *Impact Assessment Act* was enacted as S.C. 2019, c.28, s.1 and is consolidated as I-2.75 in the federal statutes (Source [13], *Impact Assessment Act*, S.C. 2019, c.28, s.1, head note). Two material amending instruments are presently in force:

- **S.C. 2024, c.17** — *Budget Implementation Act, 2024, No. 1* (assented 2024-06-20), enacted in response to the Supreme Court’s *Reference re Impact Assessment Act*, 2023 SCC 23, which held that significant portions of the IAA’s “designated projects” scheme exceeded federal legislative authority (Source [14], *Reference re Impact Assessment Act*, 2023 SCC 23, ¶208–212; Source [15], S.C. 2024, c.17).
- **Last consolidation date** — the IAA is current to 2026-03-17 and was last amended 2025-06-02 (Source [13], laws-lois.justice.gc.ca consolidation header for I-2.75).

The IAAC #89271 Cooperation Plan was issued in August 2025 and the IA-required determination was made on 28 May 2025 (Source [1], IAAC #89271 Cooperation Plan, s.1). Both events occurred under the post-S.C. 2024, c.17 version of the IAA. The federal substantive authority engaged by this file is therefore the **post-Reference IAA**, not the pre-Reference version on which most prior commentary was developed.

§2.2 — What the 2023 Reference held, and what Parliament changed

The Supreme Court in *Reference re Impact Assessment Act* held the IAA’s “designated projects” scheme — as enacted in 2019 — to be unconstitutional in part: the statute’s reach extended beyond federal heads of power into matters of provincial jurisdiction (Source [14], 2023 SCC 23, ¶208). The Court did not strike down the IAA in its entirety; it identified specific provisions and the *Physical Activities Regulations*, SOR/2019-285, as engaging the constitutional defect (Source [14], 2023 SCC 23, ¶211–212).

Parliament’s response in S.C. 2024, c.17 reframed the IAA’s substantive triggers around effects within federal

jurisdiction. The amending instrument's key operative changes — relevant to the present file — include:

- a reframed test in s.16(1) for determining whether an impact assessment is required, anchoring the determination in adverse effects within federal jurisdiction or non-negligible adverse direct or incidental effects within federal jurisdiction (Source [15], S.C. 2024, c.17, amendments to IAA s.16(1));
- conformed amendments to ss.7 and 8 (prohibitions on doing acts that may cause effects within federal jurisdiction without authorisation), to keep the prohibitions co-extensive with federal jurisdictional reach (Source [15], S.C. 2024, c.17, amendments to IAA ss.7–8); and
- conformed amendments to s.22 (factors to be considered in conducting an impact assessment) so the substantive analysis remains anchored to effects within federal jurisdiction (Source [15], S.C. 2024, c.17, amendments to IAA s.22).

The *Physical Activities Regulations*, SOR/2019-285, remain in force in their amended form; the schedule continues to identify the project categories that may be designated for an IA (Source [16], *Physical Activities Regulations*, SOR/2019-285, schedule). The Shaakichiwaanaan Project's IA-required determination of 28 May 2025 was made under s.16(1) as amended (Source [1], IAAC #89271 Cooperation Plan, s.1; Source [15], S.C. 2024, c.17, amendments to IAA s.16(1)).

§2.3 — Section 22 factors and the s.22(1)(g) Indigenous-knowledge integration requirement

Section 22 of the IAA enumerates the factors that must be considered in an impact assessment. Two factors are load-bearing for this file's record-integrity analysis and merit explicit citation:

- **s.22(1)(c) — cumulative effects.** cumulative effects likely to result from the designated project in combination with other physical activities must be considered (Source [13], IAA s.22(1)(c)). The cumulative-effects requirement is materially important for a hard-rock lithium mine in a JBNQA-territory watershed where prior and prospective resource development may engage ARD (acid mine drainage) interactions with downstream JBNQA-protected interests.
- **s.22(1)(g) — Indigenous knowledge.** any Indigenous knowledge provided with respect to the designated project must be considered (Source [13], IAA s.22(1)(g)). The IAA does not characterise the content, scope, weight, or evidentiary status of Indigenous knowledge in s.22(1)(g) — it imposes a statutory consideration requirement on the decision-maker. Section 3 addresses the boundary between this federal statutory consideration requirement and the JBNQA's own consultation regime; the present record-integrity observation is that the s.22(1)(g) factor is in force and applies to the Joint Assessment Committee's substantive analysis.

The IAA's currently-in-force factors list also includes the alternative means of carrying out the project (s.22(1)(e)), the impact on the rights of Indigenous peoples recognised and affirmed by section 35 of the *Constitution Act, 1982* (s.22(1)(c) read with the constitutional context), and any considerations related to Indigenous cultures (s.22(1)(l)) (Source [13], IAA s.22(1) factors).

§2.4 — Where the Joint Assessment Committee architecture sits in the IAA

The IAA permits the Minister to enter into agreements or arrangements with Indigenous governing bodies to carry out an impact assessment cooperatively or to delegate aspects of the assessment process. The IAAC–CNG agreement of 6 February 2025 is such an instrument (Source [1], IAAC #89271 Cooperation Plan,

s.1, footnote 1). The Joint Assessment Committee composed of IAAC and CNG members carries out “all aspects” of the impact assessment under that agreement; final decisional authority is reserved to the federal Minister of Environment and Climate Change (Source [1], IAAC #89271 Cooperation Plan, s.1).

The architectural posture this represents is significant:

- The IAA does not require the federal Crown to conduct the impact assessment alone, nor does it require an Indigenous governing body to participate only as a consulted party rather than as a co-administrator (Source [13], IAA, agreement and delegation provisions). The Joint Assessment Committee architecture takes the more cooperative end of the IAA’s available range.
- The IAA’s reservation of final decisional authority to the Minister, in conjunction with the Cooperation Plan’s s.7 declaration that decisions are separate from the provincial COMEX decision (Source [1], IAAC #89271 Cooperation Plan, s.7), preserves the IAA’s ministerial-decision architecture without surrendering it to a joint federal–provincial–Indigenous decisional body.
- The Cooperation Plan’s s.8 disclaimer that the Plan does not change any existing federal, provincial, or Indigenous jurisdictional rights (Source [1], IAAC #89271 Cooperation Plan, s.8) is consistent with the IAA’s text; nothing in the Cooperation Plan derogates from the IAA’s substantive or procedural requirements.

§2.5 — The IAA’s interaction with the Cree-Naskapi Act and the 2018 Governance Act

The IAA operates against a background of federal Cree-specific statutory architecture that pre-exists the IAA and continues in force:

- The *Cree-Naskapi (of Quebec) Act*, R.S.C. 1985, c. C-45.7, provides the federal statutory regime for the Cree and Naskapi communities of Quebec, governing local administration, council elections, by-laws, and JBNQA-implementation matters at the federal level (Source [12], *Cree-Naskapi (of Quebec) Act*, R.S.C. 1985, c. C-45.7).
- The *Cree Nation of Eeyou Istchee Governance Agreement Act*, S.C. 2018, c.4, gives effect to the Governance Agreement between the Cree Nation Government and Canada and provides federal statutory recognition for Cree governance over Category IA-N lands and the Cree Constitution (Source [11], *Cree Nation of Eeyou Istchee Governance Agreement Act*, S.C. 2018, c.4).

Neither of these statutes amends the IAA’s procedural or substantive requirements; both pre-date the post-Reference IAA. Their operative effect for the present file is that the Cree Nation Government’s authorities under federal law — including its capacity to be a party to the 6 February 2025 IAAC–CNG agreement that established the Joint Assessment Committee — rest on a federal statutory foundation independent of the IAA’s general delegation provisions. The 2018 Governance Act gives the Cree Nation Government federal statutory standing as a self-governing entity; the 6 February 2025 agreement engages that standing.

§2.6 — Record-integrity observations on the federal-side statutory frame

Three observations follow from the IAA cross-walk that may be useful to the Committee’s reading of the file.

(a) The post-Reference IAA’s federal-jurisdiction anchor preserves but does not expand the federal Crown’s reach. The 2024 amendments confined the IAA’s substantive triggers to effects within federal ju-

jurisdiction. On a JBNQA-territory project, federal jurisdiction is engaged through fisheries (federal fisheries jurisdiction over fish and fish habitat under s.91(12) of the *Constitution Act, 1867*), migratory birds, federal lands, transboundary waters, and the Crown's section-35 obligations. The Joint Assessment Committee's substantive analysis under s.22 must remain within these federal-jurisdiction anchors; matters outside federal jurisdiction remain within provincial assessment authority under EQA Q-2 and the JBNQA Chapter 22 regime (Source [3], EQA s.205; Source [4], CQLR c. Q-2, r. 23.1).

(b) The s.22(1)(g) Indigenous-knowledge factor is a federal statutory requirement that operates in parallel with — not instead of — JBNQA-side consultation. The federal Crown's duty to consider Indigenous knowledge under s.22(1)(g) is a statutory requirement on the federal decision-maker. It does not displace any rights-holder community's own deliberative processes; it does not specify the form or weight of Indigenous knowledge integration; and it does not coordinate with COMEX's parallel review (Source [13], IAA s.22(1)(g); Source [1], IAAC #89271 Cooperation Plan, s.6). Section 3 develops the record-integrity boundary mapping in detail.

(c) The Cooperation Plan's procedural design is consistent with — but not required by — the IAA. The IAA permits delegation and cooperation but does not mandate the Joint Assessment Committee architecture. The Committee's design is a discretionary choice by IAAC and CNG that reflects the JBNQA's constitutional standing. Whether that architectural choice becomes a precedent template for future federal IA on JBNQA territory is not a matter the present submission addresses; the record-integrity observation is that the Cooperation Plan's mechanics are within the IAA's available range, not at its outer limit.

Sources cited in this section

[N]	doc_id	Source	Locator
[1]	iaac_89271_cooperation_plan	<i>Cooperation Plan — Shaakichiuwaanaan Mining Project (2025-08-18)</i>	doc #162826E, IAAC Registry #89271, ss.1, 6, 7, 8
[3]	qc_eqa_q_2	<i>Quebec Environment Quality Act</i>	CQLR c. Q-2, s.205
[4]	qc_q_2_r_25_jbnqa_assessment	<i>Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec</i>	CQLR c. Q-2, r. 23.1
[11]	act_cree_nation_eeyou_istchee_governance	<i>Cree Nation of Eeyou Istchee Governance Agreement Act</i>	S.C. 2018, c.4
[12]	act_cree_naskapi_quebec	<i>Cree-Naskapi (of Quebec) Act</i>	R.S.C. 1985, c. C-45.7

[N]	doc_id	Source	Locator
[13]	act_iaa_2019_as_ amended_2024	<i>Impact Assessment Act</i> (current to 2026-03-17; last amended 2025-06-02)	S.C. 2019, c.28, s.1; ss.16(1), 22(1)(c), 22(1)(g), 22(1)(e), 22(1)(l)
[14]	scc_2023_23_iaa_ reference	<i>Reference re Impact Assessment Act</i>	2023 SCC 23, ¶¶208–212
[15]	bia_2024_no_1_sc_ 2024_c_17	<i>Budget Implementation Act, 2024, No. 1</i>	S.C. 2024, c.17, amendments to IAA ss.7, 8, 16, 22
[16]	sor_2019_285_ physical_activities	<i>Physical Activities Regulations</i>	SOR/2019-285, schedule

Full six-layer payload for each Source [N] resolves through Appendix A.

Section 3 — Indigenous Knowledge integration under IAA s.22(1)(g): boundary mapping

*Primary audience: A (Joint Assessment Committee). Secondary: B (Cree Nation Government) + C (individual Cree communities, where the boundary mapping may be useful). This track does **record-integrity only**: it maps the federal statutory and constitutional architecture under which Indigenous knowledge integration and Crown consultation operate on this file. **It does not characterise the content, scope, weight, or evidentiary status of any Indigenous knowledge that may be provided to the proceeding. It does not characterise the position of any rights-holder community. It does not assess the adequacy of any consultation conducted on this file. Those matters are between rights-holders and the Crown.***

§3.1 — Four parallel architectural layers

Indigenous knowledge integration on the Shaakichiuwaanaan file is governed by four parallel architectural layers, each with its own statutory or constitutional source, its own decision-maker, and its own operative effect. Boundary clarity between them matters because each layer imposes obligations that cannot be discharged by performance of another layer.

Layer	Source	Decision-maker	Operative effect
Federal statutory consideration	IAA s.22(1)(g)	Joint Assessment Committee → Minister	Indigenous knowledge “provided with respect to the designated project” must be considered as a factor in the impact assessment

Layer	Source	Decision-maker	Operative effect
Federal Crown duty to consult and accommodate	s.35 <i>Constitution Act, 1982</i> + <i>Haida</i> doctrine	Federal Crown (operationally: the Joint Assessment Committee on this file)	Independent constitutional obligation triggered by Crown conduct that may adversely affect potential or established rights
JBNQA Chapter 22 / Q-2 r. 23.1 review process consultation	JBNQA Ch.22 + EQA s.205 + CQLR c. Q-2, r. 23.1	COMEX → Quebec Deputy Minister of Environment	Treaty-based consultation regime for environmental and social impact review on JBNQA territory
UNDRIP Act implementation	UN <i>Declaration on the Rights of Indigenous Peoples Act</i> , S.C. 2021, c.14	Government of Canada (operationally: every federal authority)	Statutory obligation to align federal laws with UNDRIP, taking into account the Declaration’s articles on FPIC, self-determination, and lands

Each layer’s obligation runs in parallel with the others. Performance of one does not discharge another. The Joint Assessment Committee discharges the federal statutory consideration under IAA s.22(1)(g) and operates the federal Crown’s consultation under the *Haida* doctrine; COMEX’s review process is conducted under the JBNQA’s treaty-based regime; UNDRIP-Act alignment imposes a separate federal statutory duty across the federal government’s exercise of authority. The relationship between these layers is **architectural coexistence, not substitution**.

§3.2 — Layer 1: IAA s.22(1)(g) federal statutory consideration

Section 22(1)(g) of the IAA requires that any Indigenous knowledge provided with respect to the designated project be considered in conducting the impact assessment (Source [13], IAA s.22(1)(g)). The provision does not specify the form, weight, evidentiary status, or integration mechanism for Indigenous knowledge; it imposes a consideration requirement on the federal decision-maker. The IEPP for this file commits the Joint Assessment Committee to consultation that is “clear, timely, transparent, and respected” and that includes “active efforts to uphold traditional land use practices, values, and areas of interest throughout the federal assessment process” (Source [17], IAAC #89271 IEPP, s.4 + Table 2).

Two record-integrity observations on Layer 1:

(a) The s.22(1)(g) factor is conditional on Indigenous knowledge being “provided.” The statute does not

require the Joint Assessment Committee to elicit, characterise, or independently develop Indigenous knowledge content; it requires consideration of what is provided. The form, scope, and authorisation of any Indigenous knowledge content are matters for the rights-holder community providing it. The IEPP's reference to consultation plans that "may be developed with certain Indigenous groups to clarify their specific consultation objectives or unique characteristics" (Source [17], IAAC #89271 IEPP, s.1, p.2) is consistent with this conditional structure: the protocol for any Indigenous knowledge contribution is set by the contributing community, not by the Committee.

(b) The IEPP itself disclaims that the impact assessment is a rights-determination process. "Although the impact assessment process is not a rights-determination process, IAAC acknowledges that the content and extent of the duty to consult and, where appropriate, accommodate varies according to the nature of the rights (established or potential) and the severity of the Project's potential impact on these rights" (Source [17], IAAC #89271 IEPP, s.3). This anchors the IA's analytical scope: the assessment considers effects on rights but does not adjudicate the rights themselves. Rights adjudication remains within constitutional and judicial fora.

§3.3 — Layer 2: Federal Crown duty to consult and accommodate under section 35

The federal Crown's duty to consult and, where appropriate, accommodate Indigenous peoples whose existing or asserted rights may be adversely affected by Crown conduct is grounded in section 35(1) of the *Constitution Act, 1982* and articulated in *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73 (Source [6], *Constitution Act, 1982*, s.35(1); Source [8], *Haida Nation*, 2004 SCC 73, ¶35–47). The duty operates on a sliding scale: the content of the duty varies with the strength of the asserted right and the severity of the potential adverse impact (Source [8], *Haida Nation*, 2004 SCC 73, ¶39–45).

The Cooperation Plan provides that "Crown consultation will be conducted by the Committee. This consultation is separate from the one carried out by the COMEX" (Source [1], IAAC #89271 Cooperation Plan, s.6). The IEPP further states that the federal Crown's consultations will be conducted throughout the Project's impact assessment process in a spirit of reconciliation and in accordance with the *Principles respecting the Government of Canada's relationship with Indigenous peoples* (Source [17], IAAC #89271 IEPP, s.1).

Record-integrity observations on Layer 2:

(a) The duty to consult is freestanding from the IA process. The Joint Assessment Committee's IA findings do not adjudicate whether the duty to consult has been discharged; the discharge of the duty is judicially reviewable in its own right (Source [8], *Haida Nation*, 2004 SCC 73, ¶35–37; Source [18], *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, 2004 SCC 74, ¶29–32). The IA record may inform but does not determine the consultation-adequacy analysis.

(b) The duty is owed to specific rights-holder communities, not to the public generally. The IEPP identifies five Indigenous groups for consultation by the Joint Assessment Committee on this file: the Cree Nation of Chisasibi, the Cree Nation of Wemindji, the Cree Nation of Mistissini, the Cree Nation Government, and Makivik Corporation (Source [17], IAAC #89271 IEPP, Table 1). The duty owed to each is determined by the nature of that community's potential or established rights and the severity of the project's potential impact on those rights — a determination that the IEPP states will continue to be reassessed throughout the

impact assessment process (Source [17], IAAC #89271 IEPP, s.3).

(c) The IEPP commits to UNDRIP-aligned posture but does not characterise FPIC standard. The IEPP states that the Government of Canada is “committed to renewing its relationship with Indigenous Peoples by implementing the United Nations Declaration on the Rights of Indigenous People Act” and references “the need to seek free, prior, and informed consent and support self-determination” (Source [17], IAAC #89271 IEPP, s.3). This is a posture commitment under the UNDRIP Act framework (Layer 4); whether free, prior, and informed consent has been obtained on this file, and what standard of consent applies to which decisions, is determined in the substantive consultation record, not in the IEPP’s framing.

§3.4 — Layer 3: JBNQA Chapter 22 / Q-2 r. 23.1 review process consultation

The JBNQA’s Chapter 22 review process is constitutionally protected as a modern treaty under s.35(1) (Source [6], *Constitution Act, 1982*, s.35(1)). The currently-in-force operationalisation in CQLR c. Q-2, r. 23.1 (Source [4]) sets out COMEX’s review procedure, which engages the Cree Nation Government and the Government of Quebec as joint participants in the assessment of projects on JBNQA territory. The COMEX-side consultation is operationally distinct from the federal Crown consultation conducted by the Joint Assessment Committee (Source [1], IAAC #89271 Cooperation Plan, s.6).

The JBNQA architecture also identifies the territorial-status framework relevant to consultation. The IEPP states the project is located “in the Eeyou Istchee James Bay Regional Government area, on Category III lands under the James Bay and Northern Quebec Agreement (JBNQA). These are public lands that are under the jurisdiction of the Crown where Indigenous Peoples have hunting, fishing, and trapping rights, in accordance with section 24 of the JBNQA” (Source [17], IAAC #89271 IEPP, s.1, p.2). The Category III designation engages the JBNQA’s hunting, fishing, and trapping rights regime under JBNQA s.24, as distinct from the Category IA / IB rights-management regime applicable to other JBNQA-territory lands (Source [17], IAAC #89271 IEPP, s.1, p.2 textually incorporating JBNQA s.24; Source [11], *Cree Nation of Eeyou Istchee Governance Agreement Act*, S.C. 2018, c.4, on Category IA-N governance).

Record-integrity observation on Layer 3: **the JBNQA-side consultation is conducted by the JBNQA’s bodies under the JBNQA’s framework, not by the federal Crown under *Haida*.** The constitutional architecture is that the JBNQA’s treaty-based consultation regime exists alongside the *Haida* common-law duty to consult; neither replaces the other. The Joint Assessment Committee’s parallel consultation under Layer 2 does not discharge the JBNQA-side consultation under Layer 3, and vice versa.

§3.5 — Layer 4: UNDRIP Act implementation

The *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, c.14, requires the federal government, in consultation and cooperation with Indigenous peoples, to take measures necessary to ensure that the laws of Canada are consistent with the Declaration, and to prepare and implement an action plan to achieve the Declaration’s objectives (Source [20], *UN Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, c.14, ss.5–6). The Act does not directly amend the IAA, the JBNQA, or the *Haida* doctrine; it imposes a continuing federal statutory duty of legislative and operational alignment with the Declaration.

Record-integrity observations on Layer 4:

(a) The UNDRIP Act creates an alignment obligation, not a substitution. Federal authorities exercising decision-making authority — including the Joint Assessment Committee on this file — operate within the UNDRIP Act’s alignment frame, which influences how IAA s.22(1)(g) consideration, *Haida* consultation, and JBNQA-territory engagement are conducted, but does not displace the underlying statutory or constitutional architecture (Source [20], *UN Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, c.14).

(b) FPIC is referenced in the IEPP as a posture commitment. The IEPP’s reference to “the need to seek free, prior, and informed consent” (Source [17], IAAC #89271 IEPP, s.3) reflects the UNDRIP Act’s alignment frame. The substantive content of FPIC on any specific decision in this file — whether FPIC has been sought, obtained, withheld, or remains undetermined — is not characterised in the IEPP and is not characterised in this submission. That content lies in the substantive consultation record between the federal Crown and each rights-holder community.

§3.6 — Synthesis: the four-layer architecture preserves rights-holder authority

The four-layer architecture preserves the rights-holder communities’ authority over their own knowledge, their own deliberation, their own positions on Crown-conduct adequacy, and their own consent. Each layer imposes obligations on Crown actors; none imposes obligations on rights-holders to provide content, take positions, or accept the Crown’s framing of the proceeding.

Three record-integrity observations follow.

(a) The federal-side architecture acknowledges the limits of its own analytical reach. The IAA’s s.22(1)(g) factor considers what is provided; the IEPP disclaims rights determination; the Cooperation Plan disclaims jurisdictional change. None of these instruments authorises the federal Crown to characterise rights-holder positions, to determine the content of Indigenous knowledge, or to determine the adequacy of consultation from the rights-holder’s vantage. The Joint Assessment Committee’s substantive findings under s.22 are findings within federal jurisdictional reach; they do not bind, characterise, or speak for rights-holder communities.

(b) The constitutional layer is sovereign over the statutory layers. The s.35 *Haida* doctrine and the JBNQA’s treaty-based consultation regime operate on a constitutional plane that the IAA, the *Physical Activities Regulations*, and the UNDRIP Act do not displace. Statutory amendments — including the post-Reference S.C. 2024, c.17 amendments to the IAA — operate within the constitutional priority, not over it (Source [14], *Reference re Impact Assessment Act*, 2023 SCC 23, ¶208–212; Source [6], *Constitution Act, 1982*, s.35(1)).

(c) The Joint Assessment Committee architecture, by including the Cree Nation Government as co-administrator under the 6 February 2025 IAAC–CNG agreement, redistributes some of Layer 1’s analytical work to the JBNQA-implementation framework. The 2018 *Cree Nation of Eeyou Istchee Governance Agreement Act* gives federal statutory standing to the Cree Nation Government’s exercise of authority over Category IA-N lands and its participation in federal frameworks (Source [11], S.C. 2018, c.4). The Committee’s design is a federal statutory architecture; the CNG’s participation in it is the exercise of CNG’s own governance authority, not a delegation of federal authority. This is the architectural distinction the Cooperation Plan’s s.8 disclaimer preserves (Source [1], IAAC #89271 Cooperation Plan, s.8).

What this section does not do

This section does not characterise the content of Indigenous knowledge that may be provided to this file. It does not characterise the position of any rights-holder community on the project, on the IA process, or on consultation adequacy. It does not assess whether the federal Crown has discharged its *Haida* duty on this file. It does not assess whether COMEX has conducted JBNQA-side consultation adequately. It does not assess whether FPIC has been sought, obtained, or withheld. It maps the legal architecture only. The substantive work in each of those domains is conducted by the rights-holder communities, by COMEX, by the Joint Assessment Committee in its consultation capacity, and ultimately by the constitutional fora that adjudicate s.35 questions.

Sources cited in this section

[N]	doc_id	Source	Locator
[1]	iaac_89271_cooperation_plan	<i>Cooperation Plan — Shaakichiuwaanaan Mining Project</i> (2025-08-18)	doc #162826E, IAAC Registry #89271, ss.6, 8
[4]	qc_q_2_r_25_jbnqa_assessment	<i>Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec</i>	CQLR c. Q-2, r. 23.1
[6]	constitution_act_1982	<i>Constitution Act, 1982</i>	s.35(1)
[8]	scc_2004_73_haida	<i>Haida Nation v. British Columbia (Minister of Forests)</i>	2004 SCC 73, ¶35–47
[11]	act_cree_nation_eeyou_istchee_governance	<i>Cree Nation of Eeyou Istchee Governance Agreement Act</i>	S.C. 2018, c.4
[13]	act_iaa_2019_as_amended_2024	<i>Impact Assessment Act</i>	s.22(1)(g)
[14]	scc_2023_23_iaa_reference	<i>Reference re Impact Assessment Act</i>	2023 SCC 23, ¶208–212
[17]	iaac_89271_iepp	<i>Indigenous Engagement and Partnership Plan — Shaakichiuwaanaan Mining Project</i> (2025-08-18)	doc #162825E, IAAC Registry #89271, ss.1, 3, 4 + Table 1 + Table 2
[18]	scc_2004_74_taku_river	<i>Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)</i>	2004 SCC 74, ¶29–32

[N]	doc_id	Source	Locator
[19]	jbnqa_section_24	<i>James Bay and Northern Quebec Agreement</i> , Section 24 (hunting, fishing, and trapping rights regime)	1975 (with subsequent implementation)
[20]	act_undrip_2021	<i>United Nations Declaration on the Rights of Indigenous Peoples Act</i>	S.C. 2021, c.14, ss.5–6

Full six-layer payload for each Source [N] resolves through Appendix A.

Section 4 — CEPA Schedule 1 toxic substances framework for ARD-associated metals

Primary audience: A (Joint Assessment Committee) + D (COMEX / COFEX-South). Secondary: E (environmental NGOs) + G (Crown counsel, downstream). This track does record-integrity on the federal toxic-substances framework as it applies to acid mine drainage from a hard-rock lithium mine, identifies the currently-in-force operative instruments, and surfaces a temporal-staleness observation about the original PSL Assessment Reports for cadmium and lead. It advances no position on the application.

§4.1 — The federal toxic-substances framework, in three layers

Three federal instruments operate together on the toxic-substances dimension of a metal-mine project:

- The *Canadian Environmental Protection Act, 1999*, S.C. 1999, c.33, which establishes the federal toxic-substances regime. Substances assessed and added to Schedule 1 are subject to risk-management instruments developed under Part 5 of the Act (Source [21], CEPA 1999, S.C. 1999, c.33, Part 5, Schedule 1).
- The *Fisheries Act*, R.S.C. 1985, c. F-14, which prohibits the deposit of deleterious substances into waters frequented by fish (s.36) and authorises regulations for the deposit of deleterious substances under prescribed conditions (Source [22], *Fisheries Act*, R.S.C. 1985, c. F-14, s.36).
- The *Metal and Diamond Mining Effluent Regulations*, SOR/2002-222, made under the *Fisheries Act*, which set effluent standards for metal mines and diamond mines and are the operative federal effluent-discharge framework (Source [23], *Metal and Diamond Mining Effluent Regulations*, SOR/2002-222, current to 2026-03-17; enabling Act: *Fisheries Act*, R.S.C. 1985, c. F-14).

CEPA's risk-management instruments and the MDMER's effluent standards operate on overlapping but not identical substance lists. CEPA Schedule 1 listing reflects assessment-based determinations that a substance meets the criteria in CEPA s.64 (toxicity to environment, human health, or biodiversity); MDMER Schedule 4 sets numeric effluent limits for specific deleterious substances at the point of mine discharge under the *Fisheries Act*. A metal-mine project's federal-side substance management therefore engages both instrument families simultaneously.

§4.2 — ARD-associated metals on CEPA Schedule 1

Acid mine drainage from sulphide-mineral-bearing waste rock and tailings can mobilise a defined set of metals into surface and groundwater. Several of these metals have been assessed and added to CEPA Schedule

1 as toxic under CEPA s.64:

- **Inorganic arsenic compounds** — added to Schedule 1; subject to risk-management instruments under CEPA Part 5 (Source [21], CEPA 1999, Schedule 1, “Inorganic arsenic compounds”).
- **Inorganic cadmium compounds** — added to Schedule 1; subject to risk-management instruments under CEPA Part 5 (Source [21], CEPA 1999, Schedule 1, “Inorganic cadmium compounds”).
- **Lead** — added to Schedule 1; subject to risk-management instruments under CEPA Part 5 (Source [21], CEPA 1999, Schedule 1, “Lead”).
- **Mercury** — added to Schedule 1; subject to risk-management instruments under CEPA Part 5 (Source [21], CEPA 1999, Schedule 1, “Mercury and its compounds”).

The assessment determinations underlying these listings were made through the Priority Substances List (PSL) Assessment Report process and through subsequent re-assessments under the Chemicals Management Plan. The original PSL Assessment Reports for cadmium and lead are 1990s-vintage instruments. The currently-in-force operative regulatory architecture for these substances reflects the original PSL assessments **as supplemented by** subsequent risk-management instruments.

§4.3 — Currently-in-force operative instruments for cadmium and lead

For cadmium, the current operative status under CEPA Part 5 is reflected in the **Inorganic Cadmium Compounds — Performance Measurement Evaluation (ecological component)** issued by Environment and Climate Change Canada and Health Canada (Source [24], *Inorganic Cadmium Compounds — Performance Measurement Evaluation (ecological component)*, Environment and Climate Change Canada / Health Canada). The PME evaluates the effectiveness of the Government’s risk-management actions for inorganic cadmium since the original Schedule 1 listing; it is the currently-in-force performance-tracking instrument.

For lead, the current operative status is reflected in the **Risk Management Strategy for Lead** (February 2013), issued by Health Canada in collaboration with ECCC (Source [25], *Risk Management Strategy for Lead*, Health Canada, February 2013). The RMS sets out: - the federal risk-management objective for lead in Canada (s.12 of the RMS, “What is our management objective?”); - proposed risk-management measures across food, drinking water, consumer products, soil, house dust, and environmental releases (Source [25], RMS, s.13); - specifically for environmental releases, the primary base metals smelting sector, electrical power generation, and lead-containing commercial products are identified as priority sources (Source [25], RMS, s.13.7).

For metal-mining ARD specifically, the operative federal instrument is the MDMER (SOR/2002-222), which sets effluent limits at the discharge point regardless of CEPA-side risk-management status of the substance (Source [23], MDMER). MDMER Schedule 4 lists the deleterious substances and the maximum authorised concentrations for arsenic, cadmium, lead, and other metals (Source [23], MDMER, Schedule 4).

§4.4 — Temporal-staleness disclosure and acknowledged unobtainable: original PSL Assessment Reports

A record-integrity observation: this submission’s Section 4 cites the currently-in-force follow-on instruments (the Cadmium PME and the Lead RMS) for current operative regulatory status. The 1990s-vintage **original PSL Assessment Reports** for inorganic cadmium compounds and for lead remain citable as historical au-

thority for the original CEPA s.64 toxicity determinations, but are superseded for current operative regulatory status by the PME and the RMS respectively. The original PSL Assessment Reports were not obtained in current-operative form within this submission's production window because, on inspection of the canada.ca publication portal, the original reports' canonical pages have been replaced or supplanted by the follow-on instruments' canonical pages. **This is acknowledged in Appendix B as a limited substrate gap.** Where the original PSL determination is the load-bearing citation (e.g., the s.64 toxicity finding), Section 4 cites the follow-on instrument's textual incorporation by reference of the original PSL determination. The platform-wide refresh of CEPA Schedule 1 substance assessments to current operative state is queued under standard substrate-maintenance cadence; the gap does not affect any specific finding in this submission, and the follow-on instruments are themselves the current authority on operative regulatory status.

§4.5 — ECCC Environmental Code of Practice for Metal Mines

The ECCC *Environmental Code of Practice for Metal Mines* is the federal operational guidance document for metal-mine environmental management, including ARD prevention and management (Source [26], ECCC *Environmental Code of Practice for Metal Mines*). The Code addresses: - mine design and construction practices to minimise generation of acid- and metal-bearing drainage; - waste rock and tailings management to prevent ARD; - effluent treatment and discharge management consistent with MDMER requirements; - closure and post-closure management of mine sites; - monitoring and reporting consistent with federal regulatory requirements.

The Code is operational guidance, not binding regulation in itself; its provisions are made operative through MDMER and through the project-specific authorisations issued under the *Fisheries Act*. For a project on JBNQA territory, the Code's recommendations operate in parallel with whatever substantive requirements COMEX imposes through the JBNQA review process; the Code does not displace COMEX's authority to set project-specific conditions (Source [1], IAAC #89271 Cooperation Plan, s.7 on separate decisions and s.8 on jurisdictional preservation).

§4.6 — Lithium-mine ARD considerations as a record-integrity matter

Hard-rock lithium mines on spodumene-pegmatite deposits are not characterised in the literature as primary ARD generators in the same category as base-metal sulphide deposits. The geological substrate of pegmatite deposits typically carries lower sulphide-mineral content than copper, lead, zinc, or nickel sulphide ore bodies. However, the federal regulatory framework's substance-listing logic does not turn on the geological category of the host rock: the MDMER's effluent limits for arsenic, cadmium, and lead apply to any metal-mine effluent that meets the regulatory definitions, and CEPA Schedule 1 risk-management instruments apply to releases of listed substances regardless of the source's sectoral classification (Source [21], CEPA 1999, Part 5; Source [23], MDMER, ss.4–6 on application).

Two record-integrity observations follow.

(a) The substantive ARD analysis on this file is conducted by the proponent in the Environmental Impact Statement and reviewed by the Joint Assessment Committee under IAA s.22 and by COMEX under the JBNQA framework. This submission does not duplicate that substantive analysis and does not advance findings on the project's ARD-generation potential. The record-integrity observation is that the

federal regulatory framework in force at the time of the IA (CEPA 1999, MDMER as last amended 2025-06-13, and the ECCC Code of Practice) provides the substantive standards against which the project’s ARD-management measures are assessed.

(b) The Cooperation Plan’s “where appropriate” condition-sharing clause (s.7) is operationally significant for ARD-related conditions. Where federal-side conditions on ARD management interact with provincial-side conditions imposed through COMEX’s review, the Cooperation Plan does not specify a co-ordination mechanism beyond the Committee’s discretion to share information “where appropriate” (Source [1], IAAC #89271 Cooperation Plan, s.7). The MDMER’s effluent limits are federally binding regardless of COMEX-imposed conditions; provincial conditions may be more stringent than federal conditions but cannot relax federal effluent limits without engaging the *Fisheries Act* prohibition framework (Source [22], *Fisheries Act*, s.36; Source [23], MDMER).

§4.7 — Synthesis observations on the toxic-substances dimension

The federal toxic-substances framework engaged by a hard-rock lithium mine is layered and multi-instrument: CEPA 1999 establishes the substance-listing regime; the *Fisheries Act* and MDMER establish the effluent-discharge regime; the ECCC Code of Practice provides operational guidance; substance-specific risk-management instruments (Cadmium PME, Lead RMS) provide the currently-in-force operative regulatory status for individual ARD-associated metals.

Federal jurisdiction over the toxic-substances dimension is anchored in fisheries (s.91(12) *Constitution Act, 1867*, via *Fisheries Act* s.36 and MDMER) and in the federal residual peace, order, and good government power for the CEPA framework’s national-scope toxic-substances regime. The *Reference re Impact Assessment Act* did not disturb these federal jurisdictional anchors; the post-Reference IAA’s substantive triggers under s.16(1) properly engage federal jurisdiction over fish and fish habitat where mine effluent may interact with federally-jurisdiction watercourses (Source [14], 2023 SCC 23, ¶208–212; Source [15], S.C. 2024, c.17, amendments to IAA s.16(1)). On JBNQA territory, the federal toxic-substances framework operates **in parallel with**, not over, the JBNQA’s environmental-protection regime — the same architectural posture as for the assessment regime in Section 1. The Cooperation Plan’s s.8 jurisdictional disclaimer applies (Source [1], IAAC #89271 Cooperation Plan, s.8).

Sources cited in this section

[N]	doc_id	Source	Locator
[1]	iaac_89271_cooperation_plan	<i>Cooperation Plan — Shaakichiuwaanaan Mining Project</i> (2025-08-18)	doc #162826E, IAAC Registry #89271, ss.7, 8
[14]	scc_2023_23_iaa_reference	<i>Reference re Impact Assessment Act</i>	2023 SCC 23, ¶208–212

[N]	doc_id	Source	Locator
[15]	bia_2024_no_1_sc_2024_c_17	<i>Budget Implementation Act, 2024, No. 1</i>	S.C. 2024, c.17, amendments to IAA s.16(1)
[21]	act_cepa_1999	<i>Canadian Environmental Protection Act, 1999</i>	S.C. 1999, c.33, Part 5 + Schedule 1 (entries: inorganic arsenic compounds, inorganic cadmium compounds, lead, mercury and its compounds); s.64 toxicity criteria
[22]	act_fisheries_1985	<i>Fisheries Act</i>	R.S.C. 1985, c. F-14, s.36
[23]	sor_2002_222_mdmer	<i>Metal and Diamond Mining Effluent Regulations</i> (current to 2026-03-17; last amended 2025-06-13)	SOR/2002-222, ss.4–6 (application), Schedule 4 (deleterious-substance limits including As, Cd, Pb)
[24]	eccc_inorganic_cadmium_pme_ecological	<i>Inorganic Cadmium Compounds — Performance Measurement Evaluation (ecological component)</i>	full document, ECCC / Health Canada
[25]	eccc_lead_risk_management_strategy_2013	<i>Risk Management Strategy for Lead</i> (Health Canada / ECCC, February 2013)	Health Canada, ss.1, 12, 13, 13.7
[26]	eccc_metal_mines_code_of_practice	<i>ECCC Environmental Code of Practice for Metal Mines</i>	Chapters on mine design, ARD management, effluent management, closure

Full six-layer payload for each Source [N] resolves through Appendix A. Substrate gap acknowledgement on the original 1990s PSL Assessment Reports for inorganic cadmium and for lead is in Appendix B.

Section 5 — Critical Minerals export pathway and the post-IRA §30D regulatory environment

Primary audience: A (Joint Assessment Committee). Secondary: E (intervenors interested in economic-context framing). This track does record-integrity on the federal trade and critical-minerals policy frame engaged by a Canadian lithium-mine project, identifies the currently-in-force Canadian instruments, and surfaces the U.S. regulatory development that has materially altered the export pathway since the Critical Minerals Strategy was issued. It advances no position on the application.

§5.1 — Why a federal IA on a lithium mine engages a trade-policy frame

Lithium is a designated critical mineral under Canada’s Critical Minerals Strategy 2022 (Source [27], *Canada’s Critical Minerals Strategy*, December 2022, list of 31 critical minerals). The Strategy’s six policy objectives include accelerating critical-minerals project development, advancing reconciliation with Indigenous peoples, fostering domestic and global value chains, supporting net-zero workforce development, supporting science and innovation, and growing global competitiveness (Source [27], *Canada’s Critical Minerals Strategy*, six pillars).

A federal impact assessment under the IAA does not adjudicate trade-policy questions; the Joint Assessment Committee’s substantive analysis is anchored in effects within federal jurisdiction (Source [13], IAA s.16(1), as amended by S.C. 2024, c.17). However, the trade-policy frame is record-integrity-relevant in two specific ways: (a) the Critical Minerals Strategy commits the federal government to specific policy postures that engage IAA-adjacent decisions (e.g., participant funding, capacity-building support to Indigenous communities engaged in critical-minerals project review), and (b) the U.S.-side regulatory environment for critical-minerals end-use has changed materially since the Strategy was published, with implications for the project-economics narrative the Committee will encounter in the file.

§5.2 — CUSMA’s rules-of-origin frame and lithium battery materials

The *Canada–United States–Mexico Agreement* (CUSMA), in force from 1 July 2020, sets the rules of origin under which goods traded between Canada, the United States, and Mexico qualify for preferential tariff treatment under CUSMA Chapter 4 — Rules of Origin and Origin Procedures (full CUSMA text is acknowledged as Appendix B substrate-resident-not-case-record-ingested). The general rule-of-origin framework requires that goods originate in the territory of one or more Parties and meet the regional value content (RVC) and substantive transformation tests prescribed in CUSMA Chapter 4 and its annexes (general rules of origin at Article 4.2 originating goods; regional value content at Article 4.5; primary-source full text resident in the platform trade-instruments corpus).

For automotive goods, including electric vehicle batteries and battery components, CUSMA’s Annex 4-B sets specialised rules-of-origin (Annex 4-B automotive RVC schedule; primary-source text resident in the platform trade-instruments corpus). The Annex 4-B rules phase in over time and impose a 75% RVC threshold for passenger vehicles, light trucks, and heavy trucks at full implementation, with parallel labour-value-content (LVC) requirements (Annex 4-B RVC and LVC schedule; primary-source text resident in the platform trade-instruments corpus).

Lithium itself, as a mined commodity, is not subject to CUSMA’s automotive Annex 4-B; it is subject to the

general rules-of-origin framework in Chapter 4. **The interaction that matters for a Canadian lithium mine is downstream:** lithium produced at a Canadian mine and processed into battery-grade chemicals (lithium hydroxide, lithium carbonate) and then incorporated into battery cells qualifies as North American content if the processing chain meets the substantive transformation and RVC requirements at each stage (CUSMA Chapter 4 substantive transformation analysis; primary-source text resident in the platform trade-instruments corpus).

§5.3 — The U.S. regulatory environment: IRA §30D as enacted, and its 2025 modification

When the *Inflation Reduction Act of 2022* was enacted (Pub. L. 117-169), section 13401 enacted Internal Revenue Code §30D, the Clean Vehicle Credit, which provided up to \$7,500 in tax credits for qualifying clean vehicles, conditioned in part on critical-minerals-content and battery-component-content sourcing requirements. The §30D rules, as enacted, provided incentives for U.S.-end-use vehicles whose critical minerals were extracted or processed in the United States, in countries with which the United States has a free trade agreement (a category that includes Canada under CUSMA), or recycled in North America (26 U.S.C. § 30D as enacted by Pub. L. 117-169 §13401; primary-source text resident in the platform U.S. trade-instruments corpus, with the section-level locator at §30D(e)).

Two record-integrity observations on §30D as it stood after the 2022 enactment:

- The “free trade agreement country” pathway treated Canadian-extracted critical minerals (including lithium) as qualifying critical-minerals content for §30D purposes, on the same footing as U.S.-extracted minerals (26 U.S.C. §30D(e) pre-modification; primary-source text resident in the platform U.S. trade-instruments corpus).
- The §30D rules incentivised North American critical-minerals supply chains for U.S.-market clean vehicles in a manner that was substantively favourable to Canadian critical-minerals extraction projects, including lithium mines, that supplied U.S.-market battery and vehicle manufacturers.

In 2025, the United States enacted significant tax legislation that materially modified the §30D framework. The current operative status of the §30D Clean Vehicle Credit reflects this 2025 modification, including changes to the credit’s availability, eligibility, and termination conditions. **The specific terms, effective dates, and transition rules of the 2025 §30D modification are matters of U.S. domestic law that this submission does not authoritatively cite** — the operative U.S. statutory text for §30D as currently in force is the citation that should be relied upon, and that text is in the U.S. Internal Revenue Code as amended by the 2025 legislation. *Substrate gap acknowledgement: the submission’s substrate for the 2025 §30D modification is the contemporaneous U.S. Treasury / IRS guidance and the underlying U.S. legislation; section-level citation to the modifying U.S. statute is acknowledged as the load-bearing authority and is documented in Appendix B as a substrate gap on the U.S.-side modifying instrument’s specific provisions.*

The record-integrity observation that **does not depend** on the specific terms of the 2025 modification is that the U.S.-end-use regulatory environment for clean-vehicle critical-minerals sourcing has changed since the Critical Minerals Strategy was published in December 2022. The Strategy’s framing of the global critical-minerals value chain reflected the §30D-as-enacted regulatory environment; the post-2025 environment is a different regulatory environment. This is a Canadian-policy-context observation, not a position on the Shaakichiuwaanaan project’s economic case.

§5.4 — The Canadian-side instruments: Critical Minerals Strategy and Indigenous-engagement framework

Canada's Critical Minerals Strategy commits the federal government to a partnership-based approach with Indigenous peoples for critical-minerals development, including support for Indigenous-led project review, equity participation, and revenue-sharing (Source [27], *Canada's Critical Minerals Strategy*, "Indigenous reconciliation" pillar). The Strategy positions federal participant-funding programs and capacity-building supports as instruments through which Indigenous communities engaged in critical-minerals project review can participate in the IA process at higher analytical capacity than they could without those supports.

For the Shaakichiuwaanaan file, the Strategy's commitments are operationally relevant in two specific ways:

- **Participant funding.** The Cooperation Plan and the IEPP both reference participant-funding availability for the Joint Assessment Committee's IA process (Source [1], IAAC #89271 Cooperation Plan, s.5; Source [17], IAAC #89271 IEPP, s.6). The Strategy's commitment to capacity-building supports the resourcing of Indigenous participation in the federal IA, distinct from any direct federal funding to the proponent.
- **Indigenous reconciliation pillar.** The Strategy's reconciliation pillar aligns with the IAA's s.22(1)(g) Indigenous-knowledge-consideration factor, the *Haida* duty to consult, and the UNDRIP Act alignment frame (analysed in Section 3). The Strategy itself is a policy instrument, not legislation; it informs federal posture but does not create new statutory obligations.

§5.5 — Cross-instrument observation: the trade-policy frame and the federal IA

The Joint Assessment Committee's substantive analysis under IAA s.22 is conducted within federal jurisdictional reach. Trade-policy considerations — CUSMA rules of origin, Critical Minerals Strategy commitments, U.S.-side §30D incentives — are not directly within the IAA's substantive mandate; they are part of the broader federal-government context in which the IA decision will be made. The Committee's findings will be received by the federal Minister of Environment and Climate Change as the decision-maker on the IA; the Minister's eventual decision is informed by, but not bound by, trade-policy considerations.

The record-integrity observation is twofold:

(a) The IAA's substantive analysis is independent of trade-policy outcomes. The Joint Assessment Committee's findings on effects within federal jurisdiction do not depend on whether the project's downstream lithium output qualifies for §30D credits, on whether CUSMA rules of origin treat the lithium chain favourably, or on any other trade-policy outcome. The IA either finds or does not find significant adverse effects within federal jurisdiction; it does not weigh trade-policy benefits against environmental effects (Source [13], IAA s.22; Source [15], S.C. 2024, c.17, amendments).

(b) The trade-policy environment is part of the file's economic-context framing but not part of the substantive IA finding. Where the proponent's Environmental Impact Statement frames project economics with reference to the global critical-minerals environment (including §30D-era assumptions about U.S. demand), the Joint Assessment Committee may consider whether the economic-context framing is material to any IAA s.22 factor. This is a factor-specific analytical question, not a trade-policy adjudication.

What this section does not do

This section does not advocate for or against the project’s trade-policy positioning. It does not advocate for or against the Critical Minerals Strategy. It does not characterise the U.S. domestic-political context behind the 2025 §30D modification. It does not advance findings on the project’s economic case. It surfaces the cross-instrument architecture only.

Sources cited in this section

[N]	doc_id	Source	Locator
[1]	iaac_89271_ cooperation_plan	<i>Cooperation Plan — Shaakichiuwaanaan Mining Project</i> (2025-08-18)	doc #162826E, IAAC Registry #89271, s.5
[13]	act_iaa_2019_as_ amended_2024	<i>Impact Assessment Act</i>	s.16(1), s.22
[15]	bia_2024_no_1_sc_ 2024_c_17	<i>Budget Implementation Act, 2024, No. 1</i>	S.C. 2024, c.17, amendments to IAA
[17]	iaac_89271_iepp	<i>Indigenous Engagement and Partnership Plan — Shaakichiuwaanaan Mining Project</i> (2025-08-18)	doc #162825E, IAAC Registry #89271, s.6
[27]	nrcan_critical_ minerals_strategy_ 2022	<i>Canada’s Critical Minerals Strategy</i> (NRCan, December 2022)	full document, six pillars + critical-minerals list (31 minerals including lithium)
[28]	cusma_chapter_4	<i>Canada–United States–Mexico Agreement</i> (CUSMA)	Chapter 4 (Articles 4.2, 4.5) and Annex 4-B (automotive RVC and LVC schedules)
[29]	usc_26_30d_clean_ vehicle_credit	<i>Internal Revenue Code</i> §30D Clean Vehicle Credit (enacted 2022-08-16 by Pub. L. 117-169 §13401; modified by 2025 U.S. tax legislation)	26 U.S.C. § 30D(e) (critical-minerals and battery-component content), as amended

Full six-layer payload for each Source [N] resolves through Appendix A. Substrate gap acknowledgement on the 2025 U.S. §30D modifying instrument's specific provisions is in Appendix B.

Section 6 — Quebec occupational health and safety framework × Cree Nation Governance Agreement Act

Primary audience: A (Joint Assessment Committee). Secondary: B (Cree Nation Government on workforce dimensions) + E (workforce-oriented intervenors). This track does record-integrity on the workforce-side regulatory architecture engaged by the project, identifies the boundary between the Quebec OHS framework's reach and the Cree Nation Government's federal-statutory governance authority, and surfaces the architectural feature that the project is on Category III JBNQA lands rather than Category IA-N lands. It advances no position on the application.

§6.1 — The Quebec OHS framework's three operative instruments

The Quebec occupational health and safety framework applicable to a hard-rock mine in Quebec consists of three primary operative instruments:

- The *Act respecting occupational health and safety* (LSST), CQLR c. S-2.1, which establishes the general workplace OHS regime, the rights of workers, the obligations of employers, and the role of the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNESST) (Source [30], LSST, CQLR c. S-2.1).
- The *Regulation respecting occupational health and safety in mines* (RSSTM), CQLR c. S-2.1, r. 14, which sets the mine-specific operative standards under the LSST framework, including ground control, ventilation, dust and chemical exposure limits, electrical safety, blasting, hoisting, and emergency preparedness (Source [31], RSSTM, CQLR c. S-2.1, r. 14).
- The *Act respecting industrial accidents and occupational diseases* (LATMP), CQLR c. A-3.001, which establishes the workers' compensation regime — replacement income, rehabilitation, and medical benefits for workers injured at work or who develop occupational diseases (Source [32], LATMP, CQLR c. A-3.001).

The 2021 *Act to modernize the occupational health and safety regime* (LMRSST), Chapter 27 of the Statutes of Quebec 2021, materially restructured the LSST framework, extending coverage of prevention mechanisms to additional sectors and updating risk-management obligations. The currently-in-force consolidated LSST and RSSTM reflect those amendments (Source [30], LSST consolidation; Source [31], RSSTM consolidation).

CNESST has provincial-jurisdictional authority over workplace inspection, accident investigation, employer-compliance enforcement, and the workers' compensation regime. The administrative tribunal hearing CNESST-related disputes is the *Tribunal administratif du travail* (TAT). For mine workers on the Shaakichiuwaanaan project site, CNESST is the operative occupational-health-and-safety regulator, regardless of the workforce composition (Cree, non-Cree, mixed) and regardless of whether individual workers are residents of JBNQA-territory communities.

§6.2 — The Cree Nation Government’s governance authority under S.C. 2018, c.4

The *Cree Nation of Eeyou Istchee Governance Agreement Act*, S.C. 2018, c.4, gives effect to the *Agreement on Cree Nation Governance between the Crees of Eeyou Istchee and the Government of Canada*, signed 18 July 2017 (Source [11], S.C. 2018, c.4, preamble; Governance Agreement signed 2017-07-18). The Act provides federal statutory recognition for:

- the **Cree Constitution**, developed under s.3.1 of the Governance Agreement and ratified in accordance with ss.31.4, 31.6, and 31.7 of the Agreement (Source [11], S.C. 2018, c.4, definition of Cree Constitution);
- the **Cree Nation Government** as a legal person established under section 2 of the *Quebec Act respecting the Cree Nation Government*, CQLR c. G-1.031, with federal-recognition standing (Source [11], S.C. 2018, c.4, definition of Cree Nation Government);
- judicial notice of the Agreement, Cree law, and notice provisions for the Cree First Nations (Source [11], S.C. 2018, c.4, ss.21–24).

Critically for Section 6’s boundary mapping: the Cree Nation Government’s by-law-making and governance authority under the Governance Agreement framework operates over **Category IA-N lands** — the Cree-Naskapi land category over which the Cree Nation has the highest level of governance authority under the JBNQA + post-JBNQA-implementation framework. The Governance Agreement does not transfer occupational-health-and-safety regulatory authority over hard-rock mines from CNESST to the Cree Nation Government; OHS regulation of workplaces remains within Quebec provincial jurisdiction under the LSST framework, including for workplaces situated on Cree lands (Source [11], S.C. 2018, c.4, scope of Cree Nation governance authority; Source [30], LSST, CQLR c. S-2.1, applicability provisions).

§6.3 — The territorial-status boundary on this file

The Shaakichiuwaanaan Project is located on **Category III lands under the JBNQA** (Source [17], IAAC #89271 IEPP, s.1, p.2). Category III lands are public Crown lands under the jurisdiction of the Crown where Indigenous Peoples have hunting, fishing, and trapping rights in accordance with section 24 of the JBNQA (Source [17], IAAC #89271 IEPP, s.1, p.2 textually incorporating JBNQA s.24). The Category III status has three operationally significant implications for Section 6:

(a) The mine workplace is not on Category IA-N lands. The Cree Nation Government’s by-law-making authority under S.C. 2018, c.4 does not extend to the project workplace; the workplace is subject to provincial OHS jurisdiction under the LSST framework (Source [30], LSST; Source [11], S.C. 2018, c.4, governance scope on Category IA-N lands).

(b) Cree communities have JBNQA s.24 hunting, fishing, and trapping rights on Category III lands. These rights operate alongside the Crown’s Category III public-lands jurisdiction and are constitutionally protected as treaty rights under section 35(1) of the *Constitution Act, 1982* (Source [17], IAAC #89271 IEPP, s.1, p.2 textually incorporating JBNQA s.24; Source [6], *Constitution Act, 1982*, s.35(1)). Workforce-related impacts on those rights — for example, workforce footprint affecting traditional-use areas, or mine site impacts affecting harvesting access — are matters within the IAA s.22 substantive analysis, not within CNESST’s OHS jurisdiction.

(c) The Cree Nation Government’s interest in workforce matters on this file is governance interest, not OHS regulatory authority. The IEPP identifies the CNG, the Cree Nation of Chisasibi, the Cree Nation of Wemindji, and the Cree Nation of Mistissini as Indigenous groups for consultation by the Joint Assessment Committee (Source [17], IAAC #89271 IEPP, Table 1). Workforce considerations — Cree employment in the workforce, training and skills development, on-site cultural accommodations, transportation logistics from communities to the mine, family separation impacts — engage the CNG and the affected communities as participants in the IA’s consultation process, not as parallel OHS regulators.

§6.4 — The interaction between OHS and the IA’s substantive analysis

The IAA s.22 substantive factors include health and socio-economic conditions of Indigenous peoples (Source [13], IAA s.22(1)(g) Indigenous knowledge consideration; s.22(1) factors generally). Workforce-related effects fall within the IA’s substantive scope where they engage federal jurisdiction or federally-considered factors under s.22. Two specific record-integrity observations:

(a) Workforce training and benefit-sharing arrangements are not OHS matters but they are IA-relevant. Where the proponent’s Environmental Impact Statement describes workforce-training programs, Cree-employment commitments, or benefit-sharing arrangements with Cree communities, these are economic and social-impact matters that the Joint Assessment Committee considers under the s.22 socio-economic factor. They are not within CNESST’s OHS jurisdiction; CNESST’s mandate is workplace safety, not workforce composition or community-economic-benefit allocation (Source [30], LSST, ss.49–53 on employer obligations, framed in workplace-safety terms; Source [13], IAA s.22 socio-economic factor).

(b) On-site occupational exposure to ARD-associated metals is both an OHS matter and an IA-relevant matter. Workplace exposure to airborne dust, contaminated water, or contact with sulphide-mineral-bearing materials is regulated under RSSTM (mine-specific exposure limits) and the LSST general framework (Source [31], RSSTM, exposure-limit provisions; Source [30], LSST, employer prevention-program obligations). The same exposures, where they affect off-site environmental quality (drainage to surface water, dust deposition outside the workplace), engage the IA’s federal-jurisdiction analysis under MDMER and CEPA (Source [23], MDMER; Source [21], CEPA 1999, Schedule 1). The two regulatory domains run in parallel: CNESST regulates worker exposure, federal IA regulates off-site environmental effects, and the boundary is workplace-fenceline.

§6.5 — Synthesis observations on the workforce-side architecture

Three cross-instrument observations follow.

(a) The federal IA does not duplicate CNESST’s substantive OHS function. The Joint Assessment Committee’s s.22 analysis considers worker-population effects (commuting impacts, family-separation effects, social impacts of mining-camp models), but it does not adjudicate workplace OHS standards; that remains within CNESST’s provincial jurisdiction. The Cooperation Plan’s separation-of-decisions framework (Source [1], IAAC #89271 Cooperation Plan, s.7) reinforces the architectural separation.

(b) The Cree Nation Government’s participation in the JAC under the 6 February 2025 IAAC–CNG agreement does not extend CNG governance authority into OHS regulation. The CNG’s governance authority is anchored in S.C. 2018, c.4 + the Cree Constitution, and operates over Category IA-N lands and

Cree-internal governance matters; the IA's process does not transfer workplace-OHS regulatory authority from CNESST to CNG (Source [11], S.C. 2018, c.4, scope; Source [1], IAAC #89271 Cooperation Plan, s.8 jurisdictional preservation).

(c) The architectural posture is consistent across all six sections of this submission. Federal IAA, JB-NQA, CEPA, OHS, and Critical Minerals Strategy frameworks each operate in parallel under coordinated procedural mechanisms (where coordination exists) but with preserved jurisdictional independence. The Cooperation Plan's s.8 disclaimer and the IAA's reservation of ministerial decisional authority are the textual anchors of this architectural posture.

What this section does not do

This section does not characterise specific workforce arrangements that may be set out in the proponent's Environmental Impact Statement or in any benefit-sharing agreement between the proponent and any Cree community. It does not assess the adequacy of any OHS provisions in the proponent's mine plan. It does not advance findings on workforce-related social impacts. It maps the legal architecture only.

Sources cited in this section

[N]	doc_id	Source	Locator
[1]	iaac_89271_cooperation_plan	<i>Cooperation Plan — Shaakichiuwaanaan Mining Project</i> (2025-08-18)	doc #162826E, IAAC Registry #89271, ss.7, 8
[6]	constitution_act_1982	<i>Constitution Act, 1982</i>	s.35(1)
[11]	act_cree_nation_eeyou_istchee_governance	<i>Cree Nation of Eeyou Istchee Governance Agreement Act</i>	S.C. 2018, c.4, definitions (Cree Constitution, Cree Nation Government), ss.21–25
[13]	act_iaa_2019_as_amended_2024	<i>Impact Assessment Act</i>	s.22 substantive factors
[17]	iaac_89271_iepp	<i>Indigenous Engagement and Partnership Plan — Shaakichiuwaanaan Mining Project</i> (2025-08-18)	doc #162825E, IAAC Registry #89271, s.1 (Category III lands), Table 1 (identified Indigenous groups)

[N]	doc_id	Source	Locator
[19]	jbnqa_section_24	<i>James Bay and Northern Quebec Agreement</i> , Section 24 (hunting, fishing, and trapping rights regime)	1975
[21]	act_cepa_1999	<i>Canadian Environmental Protection Act</i> , 1999	S.C. 1999, c.33, Schedule 1 (ARD-associated metals)
[23]	sor_2002_222_mdmer	<i>Metal and Diamond Mining Effluent Regulations</i>	SOR/2002-222, Schedule 4
[30]	qc_lsst_s_2_1	<i>Loi sur la santé et la sécurité du travail (LSST) / Act respecting occupational health and safety</i>	CQLR c. S-2.1, ss.49–53 (employer prevention obligations); applicability provisions
[31]	qc_rsstm_s_2_1_r_14_ mine_safety	<i>Regulation respecting occupational health and safety in mines (RSSTM)</i>	CQLR c. S-2.1, r. 14, mine-specific exposure-limit provisions
[32]	qc_latmp	<i>Act respecting industrial accidents and occupational diseases (LATMP)</i>	CQLR c. A-3.001, workers’- compensation regime

Full six-layer payload for each Source [N] resolves through Appendix A.

Section 7 — Cross-instrument synthesis: where the six sections interact

Audience: all participants. The cross-instrument observations in this section are the floor-demonstration most broadly useful: they identify interactions and tensions between the six sections that no single track could surface in isolation. Per the chair declaration in Section 0, the observations advance no position on the application; they document architectural features the Joint Assessment Committee’s reading of the file may benefit from having visible.

§7.1 — Five cross-instrument interactions visible only across tracks

The six sections of this submission, taken together, surface five cross-instrument interactions that are not visible from any single track in isolation. Each is a record-integrity observation; none is a recommendation.

Interaction (i) — The federal-following-provincial sequencing of substantive requirements

The provincial directive on the project’s environmental impact study was issued by the Provincial Administrator (on COMEV’s recommendation) in February 2024 (Source [1], IAAC #89271 Cooperation Plan, s.1). The federal IA-required determination under IAA s.16(1) was made on 28 May 2025 (Source [1], Cooperation Plan, s.1; Source [13], IAA s.16(1)). The federal Tailored Impact Statement Guidelines were developed under the Joint Assessment Committee architecture established by the 6 February 2025 IAAC–CNG agreement (Source [1], Cooperation Plan, s.1, footnote 1). The federal TISG cross-references the provincial directive where requirements overlap, “thus reducing duplication” (Source [1], Cooperation Plan, s.3).

The architectural consequence — visible across Sections 1 and 2 — is that the **information substrate** the Joint Assessment Committee will assess is harmonised toward the **earlier-established provincial directive’s framing**, even though final decisional authority is split between Canada and Quebec under the Cooperation Plan’s s.7 (Source [1], Cooperation Plan, s.7). The Committee’s federal-side substantive analysis is conducted on a body of evidence that was structured to meet provincial directive requirements first. Whether this sequencing affects the Committee’s analytical reach on federal-jurisdiction-specific factors (e.g., fish and fish habitat under federal s.91(12) jurisdiction, migratory birds, transboundary effects) is a record-integrity question the file’s eventual decisional record will define. The post-*Reference re Impact Assessment Act* version of the IAA confines federal substantive triggers to effects within federal jurisdiction (Source [14], 2023 SCC 23, ¶208–212; Source [15], S.C. 2024, c.17, amendments to IAA s.16(1)); the federal-following-provincial sequencing does not narrow that confinement, but it shapes the analytical-substrate frame within which the federal analysis is conducted.

Interaction (ii) — Two parallel Crown-consultation records on a single file

The Cooperation Plan provides that Crown consultation is conducted by the Joint Assessment Committee “separate from the one carried out by the COMEX” (Source [1], Cooperation Plan, s.6). The IEPP commits the federal Crown’s consultations to be conducted “throughout the Project’s impact assessment process, in a spirit of reconciliation” and in accordance with the *Principles respecting the Government of Canada’s relationship with Indigenous peoples* (Source [17], IEPP, s.1). The COMEX-side consultation is conducted under the JBNQA Chapter 22 framework as operationalised by Q-2, r. 23.1 (Source [4], CQLR c. Q-2, r. 23.1). The constitutional duty under *Haida* operates as a freestanding obligation parallel to both (Source [8], *Haida Nation*, 2004 SCC 73, ¶35–47).

The cross-track observation — visible across Sections 1, 2, and 3 — is that the file will carry **two parallel Crown-consultation records**, neither of which discharges the other, and neither of which discharges the *Haida* constitutional duty in its own right. The Joint Assessment Committee, in its federal-side decisional capacity, must independently assess the adequacy of its own consultation; COMEX must independently assess the adequacy of its consultation; rights-holder communities retain their own view on the adequacy of either. This is a structural feature of the JBNQA-territory federal-IA architecture, not a deficit of the file; the architectural feature is consequential because it means the file’s downstream litigation-readiness depends on both consultation records being independently adequate.

Interaction (iii) — Federal jurisdictional anchoring through fisheries and the ARD-metals framework

Section 4 identifies that the federal toxic-substances framework engages a hard-rock lithium mine through CEPA Schedule 1 (arsenic, cadmium, lead) and through the *Fisheries Act* / MDMER framework (Source [21], CEPA 1999, Schedule 1; Source [22], *Fisheries Act*, s.36; Source [23], MDMER, SOR/2002-222). Section 2 identifies that the post-Reference IAA’s federal substantive triggers under s.16(1) are anchored in adverse effects within federal jurisdiction (Source [13], IAA s.16(1), as amended).

The cross-track observation is that **federal jurisdiction over the ARD-metals dimension of this file is robustly anchored** in the federal fisheries head of power (s.91(12), *Constitution Act, 1867*) through the *Fisheries Act*’s s.36 prohibition framework and the MDMER’s effluent-limit regime. This anchoring did not require the post-Reference IAA’s amendments; the *Fisheries Act* / MDMER architecture pre-dates the IAA and is not constitutionally vulnerable in the way the *Reference re Impact Assessment Act* found the IAA’s broad “designated projects” trigger to be (Source [14], 2023 SCC 23, ¶208–212). For ARD-management aspects of the project, the federal regulatory architecture is durable independently of how the IAA’s broader trigger framework evolves under judicial review.

Interaction (iv) — The Cooperation Plan’s “where appropriate” clause as a precedent-setting locus

Section 1 surfaces that the Cooperation Plan’s s.7 condition-sharing clause uses the criterion “where appropriate” without specifying a determinate test (Source [1], Cooperation Plan, s.7). Section 2 surfaces that neither the IAA nor the Cooperation Plan provides a determinate test for the Joint Assessment Committee architecture’s coordination mechanism (Sources [13], [15]). Section 4 surfaces that condition-sharing on ARD-related conditions is operationally significant because federal MDMER limits cannot be relaxed by provincial conditions (Source [22], *Fisheries Act*, s.36; Source [23], MDMER) but may be tightened.

The cross-track observation is that the Joint Assessment Committee’s exercise of the “where appropriate” condition-sharing discretion **will define an operational precedent** for the Committee architecture more broadly, since this is the first federal IA conducted under a Joint Assessment Committee on JBNQA territory. The textual anchor for the discretion is exclusively the Cooperation Plan’s s.7; there is no statutory criterion. The architectural posture inherent in the Cooperation Plan’s s.8 jurisdictional-preservation disclaimer (Source [1], Cooperation Plan, s.8) suggests the discretion is constrained by jurisdictional separation: the Committee shares information about conditions but does not coordinate condition-imposition with COMEX or Quebec. Whether the file’s decisional record adopts a more restrictive or more cooperative reading of “where appropriate” will matter for subsequent JBNQA-territory federal IAs.

Interaction (v) — The Category III boundary as a four-instrument convergence

Section 6 surfaces that the project’s Category III JBNQA-land status is the operative territorial-status fact for OHS jurisdiction (CNESST jurisdiction over workplace) and for Cree governance authority (CNG governance does not extend to Category III) (Source [11], S.C. 2018, c.4; Source [17], IEPP, s.1; Source [30], LSST). Section 3 surfaces that the same Category III status engages JBNQA s.24 hunting, fishing, and trapping rights for Cree communities, constitutionally protected under s.35(1) (Source [17], IEPP s.1, p.2 textually incorporating JBNQA s.24; Source [6], *Constitution Act, 1982*, s.35(1)). Section 1 surfaces that the same Category III status engages COMEX’s review jurisdiction under Q-2, r. 23.1 (Source [4]). Section 4 surfaces that the same Category III status engages MDMER’s federal effluent-limit regime regardless of land

category (Source [23]).

The cross-track observation is that the Category III boundary on this file engages **four different regulatory architectures simultaneously**, each with its own jurisdictional reach:

Architecture	Authority on Category III lands	Source
Crown public-lands jurisdiction	Crown holds underlying title; provincial jurisdiction over public lands generally	JBNQA s.24; provincial public-lands law
JBNQA s.24 harvesting rights	Cree hunting, fishing, and trapping rights, treaty-protected under s.35	JBNQA Section 24; <i>Constitution Act, 1982</i> , s.35(1)
Quebec OHS jurisdiction	CNESST regulates workplace OHS regardless of land category	LSST, CQLR c. S-2.1; RSSTM, CQLR c. S-2.1, r. 14
Federal fisheries/effluent jurisdiction	<i>Fisheries Act</i> / MDMER apply to mine effluent regardless of land category	<i>Fisheries Act</i> , s.36; MDMER, SOR/2002-222

The CNG’s federal-statutory governance authority under S.C. 2018, c.4 does **not** extend to Category III lands (Source [11], S.C. 2018, c.4); the CNG’s participation in the Joint Assessment Committee is an exercise of its co-administrator role under the 6 February 2025 IAAC–CNG agreement, not an exercise of its IA-N governance authority. This is a record-integrity boundary that distinguishes the Category III project file from a hypothetical Category IA-N project, and it has implications for how subsequent JBNQA-territory federal IAs are structured.

§7.2 — One synthetic observation about architectural coherence

The Joint Assessment Committee architecture, the Cooperation Plan’s procedural mechanics, the IAA’s post-Reference jurisdictional confinement, the JBNQA’s constitutional priority, the CEPA / *Fisheries Act* / MDMER federal toxics framework, the LSST / RSSTM provincial OHS framework, the CNG’s federal-statutory governance under S.C. 2018, c.4, and the *Haida* / UNDRIP-Act consultation regime can each be read as separate regulatory tracks running in parallel. They can also be read as a **coherent multi-track architecture in which jurisdictional independence is preserved while procedural coordination is achieved through file-specific instruments** (the Cooperation Plan, the IEPP, the federal TISG cross-referencing the provincial directive).

The architectural coherence is not automatic. It is constructed file-by-file, through specific procedural choices: which agreement governs the JAC, what the Cooperation Plan harmonises and what it preserves, how Crown consultation is conducted in parallel, where the federal TISG defers to the provincial directive and where it does not. The Shaakichiwaanaan file is the first JBNQA-territory federal IA conducted under a Joint Assessment Committee architecture; the procedural choices made on this file will inform the architectural design for subsequent files.

This is the file’s structural significance, independent of any decision the Joint Assessment Committee reaches

on the application. The decisional record this file produces — whatever it concludes — will be the precedent reference point for the next JBNQA-territory federal IA. The record-integrity, documentation, and cross-instrument synthesis discipline this submission contributes is intended to make the precedent legible to future participants regardless of the substantive outcome.

Sources cited in this section

[N]	doc_id	Source	Locator
[1]	iaac_89271_cooperation_plan	<i>Cooperation Plan — Shaakichiuwaanaan Mining Project</i> (2025-08-18)	doc #162826E, IAAC Registry #89271, ss.1, 3, 6, 7, 8
[4]	qc_q_2_r_25_jbnqa_assessment	<i>Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec</i>	CQLR c. Q-2, r. 23.1
[6]	constitution_act_1982	<i>Constitution Act, 1982</i>	s.35(1)
[8]	scc_2004_73_haida	<i>Haida Nation v. British Columbia (Minister of Forests)</i>	2004 SCC 73, ¶35–47
[11]	act_cree_nation_eeyou_istchee_governance	<i>Cree Nation of Eeyou Istchee Governance Agreement Act</i>	S.C. 2018, c.4
[13]	act_iaa_2019_as_amended_2024	<i>Impact Assessment Act</i>	s.16(1), s.22
[14]	scc_2023_23_iaa_reference	<i>Reference re Impact Assessment Act</i>	2023 SCC 23, ¶208–212
[15]	bia_2024_no_1_sc_2024_c_17	<i>Budget Implementation Act, 2024, No. 1</i>	S.C. 2024, c.17, amendments to IAA s.16(1)
[17]	iaac_89271_iepp	<i>Indigenous Engagement and Partnership Plan — Shaakichiuwaanaan Mining Project</i> (2025-08-18)	doc #162825E, IAAC Registry #89271, s.1
[19]	jbnqa_section_24	<i>James Bay and Northern Quebec Agreement, Section 24</i>	1975 (with subsequent implementation)
[21]	act_cepa_1999	<i>Canadian Environmental Protection Act, 1999</i>	S.C. 1999, c.33, Part 5 + Schedule 1

[N]	doc_id	Source	Locator
[22]	act_fisheries_1985	<i>Fisheries Act</i>	R.S.C. 1985, c. F-14, s.36
[23]	sor_2002_222_mdmer	<i>Metal and Diamond Mining Effluent Regulations</i>	SOR/2002-222
[30]	qc_lsst_s_2_1	<i>Loi sur la santé et la sécurité du travail (LSST)</i>	CQLR c. S-2.1

Full six-layer payload for each Source [N] resolves through Appendix A.

Appendix A — Source manifest (TRACEVANT six-layer payload)

Each row carries the full TRACEVANT six-layer provenance payload for the cited source. The `chunk_id` and per-chunk SHA-256 hash for every retrieved evidence chunk are preserved in the case record's chunk-level manifest at `case_records/shaakichiuwaanaan_2026/manifests/` and are verifiable through the Merkle-anchored hash chain described in Section 0. The `effective_date` is the date the source became legally effective; the `superseded_date` is null where the source remains in force or “—” where the source has no formal supersession event. The `validation_status` reflects the case-record ingestion gate at submission filing time.

[N]	doc_id	source_name	source_url	document_ hash (SHA-256, prefix)	jurisdiction	jurisdiction_ level	effective_ date	superseded_ date	validation_status
[1]	iaac_89271_ cooperation_ plan	Cooperation Plan — Shaakichiuwaanaan Mining Project (IAAC #89271, doc #162826E)	https://iaac-aeic.gc.ca/050/documents/p89271/162826E.pdf	72c5f4ad5198b0b0c	Federal Canada	federal	2025-08-18	null	validated
[2]	act_iaa_2019_ as_amended_ 2024	Impact Assessment Act, S.C. 2019, c.28 — currently-in-force (incl. S.C. 2024, c.17 amendments)	https://laws-lois.justice.gc.ca/eng/acts/I-2.75/	d16ef3aa122a759d	Federal Canada	federal	2019-08-28 (with 2024 amend- ments)	null	validated
[3]	qc_eqa_q_2	Quebec <i>Environment Quality Act</i> , R.S.Q. c. Q-2 (currently-in-force)	https://www.legisq.quebec.gouv.qc.ca/en/document/cs/Q-2	3343aba064091c00b	Quebec	provincial	enacted 1972; con- solidated current	null	validated
[4]	qc_q_2_r_25_ jbnqa_ assessment	<i>Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec</i> , CQLR c. Q-2, r. 23.1 (Légis-Québec instrument number Q-2, r. 25 in current consolidation)	https://www.legisq.quebec.gouv.qc.ca/en/document/cr/Q-2,%20r.%2025	6a51385d25f7c006	Quebec	provincial	currently in force	null	validated

[N]	doc_id	source_name	source_url	document_ hash (SHA-256, prefix)	jurisdiction	jurisdiction_ level	effective_ date	superseded_ date	validation_status
[5]	qc_q_2_r_34_ jbnqa_bodies	<i>Regulation respecting certain bodies for the protection of the environment and social milieu of the territory of James Bay and Northern Québec</i> , CQLR c. Q-2, r. 34	https://www.legisquebec.gouv.qc.ca/en/document/cr/Q-2,%20r.%2034	6dd3a3a7fc86f30...	Quebec	provincial	2012-09-01	null	validated
[6]	constitution_ act_1982	<i>Constitution Act, 1982</i>	general-corpus in the general regulatory corpus; canonical text at https://laws-lois.justice.gc.ca/eng/Const/page-15.html	general- corpus hash	Federal Canada	federal	1982-04-17	null	validated (general-corpus)
[7]	scc_2014_44_ tsilhqotin	<i>Tsilhqot'in Nation v. British Columbia</i> , 2014 SCC 44	https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/14246/index.do	59918bd74935f51e... (HTML) + sha256:[case- record PDF]	Federal Canada	federal (SCC)	2014-06-26	null	validated
[8]	scc_2004_73_ haida	<i>Haida Nation v. British Columbia (Minister of Forests)</i> , 2004 SCC 73	https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/2189/index.do	dcc6cc541609c59f... 59f...	Federal Canada	federal (SCC)	2004-11-18	null	validated
[9]	agreement_ quebec_cree_ 2002_paix_ des_braves	<i>Agreement Concerning a New Relationship Between Le Gouvernement du Québec and the Crees of Quebec (Paix des Braves, Québec-Cree, 2002)</i>	(publication-portal copy retained in case record)	sha256:89a03af0d6830c2...	Quebec	provincial	2002-02-07	null	validated

[N]	doc_id	source_name	source_url	document_ hash (SHA-256, prefix)	jurisdiction	jurisdiction_ level	effective_ date	superseded_ date	validation_status
[10]	agreement_ canada_cree_ 2008_paix_ des_braves	<i>Agreement Concerning a New Relationship Between the Government of Canada and the Cree of Eeyou Istchee</i> (Paix des Braves, Canada–Cree, 2008)	(publication-portal copy retained in case record)	sha256:0dec748f504f12f...	Federal Canada	federal	2008-02-21	null	validated
[11]	act_cree_ nation_eeyou_ istchee_ governance	<i>Cree Nation of Eeyou Istchee Governance Agreement Act</i> , S.C. 2018, c.4	https://laws-lois.justice.gc.ca/eng/acts/C-45.75/	sha256:e2b6d0f816c...	Federal Canada	federal	2018-03-29	null	validated
[12]	act_cree_ naskapi_ quebec	<i>Cree-Naskapi (of Quebec) Act</i> , S.C. 1984, c.18 / R.S.C. 1985, c. C-45.7	https://laws-lois.justice.gc.ca/eng/acts/C-45.7/	44d4e68b05ed4f0...	Federal Canada	federal	1984 (enacted); consolidated	null	validated
[13]	act_iaa_2019_ as_amended_ 2024	<i>Impact Assessment Act</i> (full consolidated text, current to 2026-03-17, last amended 2025-06-02)	https://laws-lois.justice.gc.ca/eng/acts/I-2.75/	d16ef3aa122a7b9...	Federal Canada	federal	2019-08-28 (with subsequent amendments)	null	validated
[14]	scc_2023_23_ iaa_reference	<i>Reference re Impact Assessment Act</i> , 2023 SCC 23	https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/20066/index.do (canonical); case-record copy	sha256:[case-record PDF: scc_2023_23_iaa_reference.pdf]	Federal Canada	federal (SCC)	2023-10-13	null	validated

[N]	doc_id	source_name	source_url	document_ hash (SHA-256, prefix)	jurisdiction	jurisdiction_ level	effective_ date	superseded_ date	validation_status
[15]	bia_2024_no_ 1_sc_2024_c_ 17	<i>Budget Implementation Act, 2024, No. 1</i> , S.C. 2024, c.17 (relevant Division: amendments to the IAA)	general-corpus in the general regulatory corpus; canonical text at https://laws-lois.justice.gc.ca/eng/AnnualStatutes/2024_17/	general-corpus hash	Federal Canada	federal	2024-06-20 (royal assent)	null	validated (general-corpus); see Appendix B
[16]	sor_2019_ 285_physical_ activities	<i>Physical Activities Regulations</i> , SOR/2019-285	https://laws-lois.justice.gc.ca/eng/regulations/SOR-2019-285/	(case-record file sor_2019_285_physical_activities_Federal_27952977.html)	Federal Canada	federal	2019-08-28; as amended	null	validated
[17]	iaac_89271_ iepp	<i>Indigenous Engagement and Partnership Plan — Shaakichiuwaanaan Mining Project</i> (IAAC #89271, doc #162825E)	https://iaac-aeic.gc.ca/050/documents/p89271/162825E.pdf	sha256:a64559f50be41004a...	Federal Canada	federal	2025-08-18	null	validated
[18]	scc_2004_74_ taku_river	<i>Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)</i> , 2004 SCC 74	https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/2190/index.do	eea2ec8f74d8b7...	Federal Canada	federal (SCC)	2004-11-18	null	validated

[N]	doc_id	source_name	source_url	document_ hash (SHA-256, prefix)	jurisdiction	jurisdiction_ level	effective_ date	superseded_ date	validation_status
[24]	eccc_ inorganic_ cadmium_ pme_ ecological	<i>Inorganic Cadmium Compounds — Performance Measurement Evaluation (ecological component)</i>	https://www.canada.ca/en/health-canada/services/chemical-substances/performance-measurement-toxic-substances/ecological-component-inorganic-cadmium-compounds.html	sha256:693b98f006812a7...	Federal Canada	federal	(currently-in-force performance-tracking instrument)	null	validated
[25]	eccc_lead_ risk_ management_ strategy_2013	<i>Risk Management Strategy for Lead</i> (Health Canada / ECCC, February 2013)	https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/environmental-contaminants/risk-management-strategy-lead.html	sha256:a2085997110c7...	Federal Canada	federal	2013-02	null (currently in force)	validated
[26]	eccc_metal_ mines_code_ of_practice	<i>ECCC Environmental Code of Practice for Metal Mines</i>	https://www.canada.ca/en/environment-climate-change/services/managing-pollution/sources-industry/mining/code-practice-metal-mines.html	sha256:219436f8fe1a9fe...	Federal Canada	federal	(currently-in-force operational guidance)	null	validated

[N]	doc_id	source_name	source_url	document_ hash (SHA-256, prefix)	jurisdiction	jurisdiction_ level	effective_ date	superseded_ date	validation_status
[27]	nrcan_critical_minerals_strategy_2022	<i>Canada's Critical Minerals Strategy</i> (NRCan, December 2022)	https://www.canada.ca/en/campaign/critical-minerals-in-canada/canadian-critical-minerals-strategy.html	fec57098346a367d	Federal Canada	federal	2022-12	null	validated
[28]	cusma_chapter_4	<i>Canada–United States–Mexico Agreement</i> (CUSMA), Chapter 4 — Rules of Origin and Origin Procedures, and Annex 4-B (Automotive RVC schedule)	general-corpus in the trade-instruments corpus; canonical text at international.canada.ca CUSMA implementation portal	general-corpus hash	Trilateral (Canada / US / Mexico)	supranational	2020-07-01 (in force)	null	validated (general-corpus); see Appendix B
[29]	usc_26_30d_clean_vehicle_credit	U.S. <i>Internal Revenue Code</i> §30D Clean Vehicle Credit (as enacted by Pub. L. 117-169 §13401; as modified by 2025 U.S. tax legislation)	general-corpus in the U.S. trade-instruments corpus	general-corpus hash	United States	federal	2022-08-16 (enacted); 2025 modification effective per 2025 legislation	(current as modified)	partial — see Appendix B unobtainable note on 2025 modifying U.S. statute
[30]	qc_lsst_s_2_1	<i>Loi sur la santé et la sécurité du travail</i> (LSST) / <i>Act respecting occupational health and safety</i> , CQLR c. S-2.1	https://www.legisquebec.gouv.qc.ca/en/document/cs/S-2.1	07b3f936faabcd0e	Quebec	provincial	enacted 1979; consolidated; modernised by Chapter 27 of the Statutes of Quebec 2021	null	validated

[N]	doc_id	source_name	source_url	document_ hash (SHA-256, prefix)	jurisdiction	jurisdiction_ level	effective_ date	superseded_ date	validation_status
[31]	qc_rsstm_s_2_1_r_14_mine_safety	<i>Regulation respecting Occupational Health and Safety in Mines (RSSTM), CQLR c. S-2.1, r. 14</i>	https://www.legisquebec.gouv.qc.ca/en/document/cr/S-2.1,%20r.%2014	sha256:5742a962a062dfc9...	Quebec	provincial	currently in force	null	validated
[32]	qc_latmp	<i>Loi sur les accidents du travail et les maladies professionnelles (LATMP), CQLR c. A-3.001</i>	https://www.legisquebec.gouv.qc.ca/en/document/cs/A-3.001	20698cd4b6831a88bec	Quebec	provincial	1985 (enacted); consolidated	null	validated

TRACEVANT chain anchor. The Merkle hash chain anchored to this submission’s filing event resolves all of the above sources to the exact retrieved chunks the substantive sections drew on. The chain is preserved in the case record’s `manifests/` directory and the anchor hash will be published in the SUBMISSIONS_ LOG row for this filing.

Appendix B — Pre-flight audit summary and acknowledged unobtainables

§B.1 — Pre-flight audit summary

Audit date: 2026-04-30 (initial probe); 2026-04-30 (second-pass acquisition); 2026-04-30 (Gate 2 ingestion to production substrate).

Audit method. A drift-resistant pre-flight probe enumerated the currently-active production substrate at runtime to ensure that the pre-flight check ran against present-state corpora and knowledge graphs rather than against a stale list. Each candidate substrate item identified by the analytical scaffold was probed against the full platform corpus before any item was treated as a substrate gap.

Audit outcome summary. Of 32 candidate substrate items identified for the analytical questions in Tracks 1 through 6 plus the cross-instrument synthesis section:

- **Substrate available and ready to cite in the brief:** 27 items, including all primary-source citations underlying the substantive findings.
- **Substrate structurally present in platform corpus but not initially returned by case-record-filtered retrieval:** 0 items (the fresh Gate 2 ingestion of the case-record substrate eliminated this category for this file).
- **Substrate genuinely absent and acquired before drafting:** 5 items — Paix des Braves Quebec–Cree 2002, Paix des Braves Canada–Cree 2008, *Cree Nation of Eeyou Istchee Governance Agreement Act* (S.C. 2018, c.4), the IAAC #89271 Cooperation Plan / IEPP / TISG / IS Summary / Public Participation Plan / Summary of Issues, and the ECCC follow-on instruments (Cadmium PME, Lead RMS, *Environmental Code of Practice for Metal Mines*).
- **Substrate genuinely absent and acknowledged unobtainable within the production window:** see §B.2 below.

The case record’s pre-flight probe artefacts and Gate 2 ingestion run log are preserved in the case record’s working files. The Gate 2 ingestion completed without rejection of any cited substrate item; the corresponding knowledge-graph nodes were synchronised at 100% bridge coverage; the audit’s chunk-level verification artefact is preserved in the case-record manifests.

§B.2 — Acknowledged unobtainables

The Doctrine commits ParadigmForge to acknowledging substrate gaps in the text where they matter, rather than papering over them with weaker citations. Three substrate gaps are acknowledged here.

B.2.1 — Original 1990s PSL Assessment Reports for inorganic cadmium compounds and for lead

What is unobtainable. The original Priority Substances List (PSL) Assessment Reports for inorganic cadmium compounds and for lead, as issued by Environment Canada and Health Canada in the 1990s, are not present in current-operative form on the canada.ca publication portal. The portal pages that historically hosted these reports have been replaced or supplanted by the post-Schedule-1 follow-on instruments (the Cadmium *Performance Measurement Evaluation* and the Lead *Risk Management Strategy*), which incorporate the original PSL determinations by reference but are themselves the currently-in-force operative regulatory status.

Where the gap matters. Track 4 cites the currently-in-force follow-on instruments (Sources [24] and [25]) for current operative regulatory status. Where the original PSL determination is the load-bearing citation (the s.64 toxicity finding for each substance), Track 4 relies on the textual incorporation of the original PSL determination in the follow-on instrument.

Acknowledgement. A platform-wide refresh of CEPA Schedule 1 substance assessments to current operative state — including acquisition of all available follow-on Risk Management Strategies and Performance Measurement Evaluations across the schedule — is queued under standard substrate-maintenance cadence. The gap does not affect any specific substantive finding in this submission because the follow-on instruments are themselves the current authority on operative regulatory status.

B.2.2 — Specific provisions of the 2025 U.S. tax legislation modifying IRA §30D

What is unobtainable. The specific text and section-level provisions of the 2025 U.S. tax legislation that modified Internal Revenue Code §30D (the Clean Vehicle Credit) are not authoritatively cited in this submission. The submission's substrate for the post-2025 §30D framework consists of the contemporaneous U.S. Treasury / IRS guidance and the underlying U.S. Congressional record; section-level citation to the modifying U.S. statute, by section number and effective date, is the load-bearing authority and is acknowledged as a substrate gap on the modifying U.S. instrument.

Where the gap matters. Track 5 advances no finding that depends on the specific terms of the 2025 modification. The record-integrity observation Track 5 carries — that the U.S.-end-use regulatory environment for clean-vehicle critical-minerals sourcing has changed since the Critical Minerals Strategy was published in December 2022 — does not depend on the specific section-level text of the modifying legislation; it depends only on the existence of the modification, which is matter of public record.

Acknowledgement. Section-level citation to the modifying U.S. statute is the load-bearing authority for any substantive finding that depends on the post-2025 §30D regulatory framework. This submission does not advance such a finding; the substrate gap therefore does not affect any specific finding.

B.2.3 — Misacquired source flagged at the case-record level: jbnqa_1975_section_22 agentic-collection artefact

What was misacquired. During the case-record substrate acquisition pass, the agentic collector retrieved a file labelled jbnqa_1975_section_22 from the canonical RCAANC URL <https://www.rcaanc-cirnac.gc.ca/eng/1>. On Cardinal Rule 9 verification of file content, the retrieved document is the *Vuntut Gwitchin First Nation Self-Government Agreement amendments page*, not the JBNQA Section 22 text. The RCAANC URL

resolved to a different page than its canonical identifier suggested at retrieval time.

Where the gap matters. Section 1 cites JBNQA Chapter 22 by reference to the IAAC #89271 Cooperation Plan’s textual incorporation (Source [1], Cooperation Plan, s.1, where the Plan describes Chapter 22 of the JBNQA as enshrined in the Quebec EQA). Section 3 cites JBNQA Section 24 by reference to the IEPP’s textual incorporation (Source [17], IEPP, s.1, p.2, where the IEPP records that Indigenous Peoples have hunting, fishing, and trapping rights in accordance with section 24 of the JBNQA). Both treaty-section references in this submission therefore rely on textual incorporation by the proceeding’s official documents; the misacquired RCAANC artefact is not cited as primary authority anywhere in this submission.

Acknowledgement. The misacquired file is preserved in the case record per Cardinal Rule 1 (no deletion) but is flagged in the case-record substrate manifest as `validation_status: misacquired_do_not_cite` and is not cited in the submission. The platform’s substrate-maintenance follow-up will re-acquire JBNQA Sections 22 and 24 in current operative form from authoritative publication channels and ingest the verified text under the correct `doc_id`; this is a substrate-side maintenance task and does not affect any substantive finding in this submission, since the operative cross-walk to JBNQA Chapter 22 is already grounded in the Cooperation Plan’s authoritative textual incorporation.

§B.3 — Document hashes for case-record substrate not bracketed above

The full list of document hashes for the case-record substrate retained in the case-record working files (including all eight IAAC IS Volumes for the proponent’s Environmental Impact Statement, which were ingested but not directly cited in this submission’s substantive sections) is preserved in the case-record’s chunk-verification manifest and is verifiable by any reader holding the chunk hash and Appendix A row.