



Impact Assessment
Agency of Canada
Ontario Region
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Toronto ON M5J 1R7

Agence d'évaluation
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Région de l'Ontario
600-55, rue York
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December 19, 2024

Sent by email

Sarah Morin
Superintendent, Sustainable Development
Agnico Eagle Mines Limited
10 200, route de Preissac
Rouyn-Noranda QC J0Y 1C0
sarah.morin@agnicoeagle.com

Dear Sarah Morin:

Subject: Upper Beaver Gold Project – Next Steps in the Impact Statement Phase

Thank you for meeting with the Impact Assessment Agency of Canada (IAAC) on October 25, 2024, and noting Agnico Eagle Mines' intention to submit a revised work plan for the development of the Impact Statement for the Upper Beaver Gold Project (the Project). Now that you have made decisions regarding the mineral processing alternatives to carry through the assessment, and resumed work on the Impact Statement, the next formal step in the federal impact assessment process is to complete the Impact Statement and submit it to IAAC.

I am writing to advise you of improvements to our processes in light of the recent amendments to the *Impact Assessment Act* (the IAA)¹ and the measures announced in *Building Canada's Clean Future* and the accompanying Cabinet Directive on Regulatory and Permitting Efficiency for Clean Growth Projects.² These measures will streamline the subsequent steps of the assessment and any permitting requirements of the Project.

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¹ Amended *Impact Assessment Act*: <https://laws.justice.gc.ca/eng/acts/I-2.75/index.html>

² Cabinet Directive: <https://www.canada.ca/en/privy-council/services/clean-growth-getting-major-projects-done/cabinet-directive.html>

IAAC will:

- focus its technical review of the Impact Statement by placing emphasis on key issues relevant to decision-making, specifically federal effects and positive benefits as set out in the amended IAA;
- support early technical discussions on the key issues relevant for decision-making, as listed in the Enclosure, to ensure that the assessment process is as efficient and effective as possible, and in consideration of the amended IAA;
- leverage provincial legislative frameworks and tools to address key federal issues; and,
- support and coordinate future permitting requirements for the Project.

Maximizing collaboration

As set out in the Cooperation Plan,³ aspects of the Project are also subject to class environmental assessments pursuant to Ontario's *Environmental Assessment Act*. Various provincial permitting and approvals that include an assessment of environmental effects will also be required. IAAC wants to explore opportunities with you to maximize collaboration with the Province of Ontario and to take full advantage of other means to address effects in federal jurisdiction, to enhance regulatory efficiency and support the principle of “one project, one assessment”.

Key issues relevant for decision-making

We look forward to receiving the Impact Statement (IS) for the Project.

IAAC will ensure that the process going forward will be effective, efficient and cooperative. IAAC will conduct a technical review of the Impact Statement taking into consideration the requirements of the Tailored Impact Statement Guidelines⁴ as well as the amended IAA. To ensure that the technical review and consultation on the Impact Statement is as efficient as possible, IAAC is providing a list of key issues (Enclosure 1) for the Project so that specific focus and attention is given to the issues that IAAC views as being material to decision-making under the amended IAA. IAAC further offers to hold technical meetings with federal and provincial experts to ensure that technical matters can be discussed in a timely manner and to ensure an efficient review of the final Impact Statement when it is received.

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³ Cooperation Plan: <https://iaac-aeic.gc.ca/050/evaluations/document/143639>

⁴ Tailored Guidelines: <https://iaac-aeic.gc.ca/050/evaluations/document/143580>

When IAAC is satisfied that you have provided it with all the required information and studies, IAAC will post a notice of that determination on the Canadian Impact Assessment Registry in accordance with subsection 19(4) of the IAA.

Coordinating permitting

To further increase efficiency and timeliness, as indicated in IAAC's letter of November 1, 2024, we encourage you to consider working concurrently on complementary federal regulatory processes that may be required for the Project. IAAC is available to liaise with federal authorities to support the coordination of these processes. Additional information can be found on IAAC's website at: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/coordination-federal-authorizations-impact-assessment-process.html>.

If you have any questions, please do not hesitate to contact me by phone at 416-735-1673 or by email at UpperBeaver@iaac-aeic.gc.ca.

Sincerely,

Conor Anderson
Team Lead, Ontario Region

Enclosure: Upper Beaver Gold Project – Key issues relevant for decision-making under the *Impact Assessment Act*

Enclosure 1: Upper Beaver Gold Project – Key issues relevant for decision-making under the *Impact Assessment Act*

In order to ensure that the technical review and consultation on the Impact Statement is as efficient as possible, IAAC is providing a list of key issues for the Upper Beaver Gold Project (the Project) to ensure that specific focus and attention is given to the issues that the Impact Assessment Agency of Canada (IAAC) views as being material to decision-making under the amended *Impact Assessment Act* (IAA).

With respect to **fish and fish habitat**, given the context of the Project as set out in the Tailored Impact Statement Guidelines, IAAC's review will focus specific attention on:

- adverse changes to fish and fish habitat, specifically the loss or alteration of fish habitat resulting from the dewatering of York Lake and the diversion of the Misema River, and the development of feasible offsetting plans to inform more detailed federal permitting;
- adverse changes to fish resulting from project activities, including construction activities, with consideration of how provincial class environmental assessments and permitting may help address effects;
- adverse changes to water quality and the geographic extent of contaminants, specifically as a result of planned or unplanned effluent discharge, taking into account cyanide use and any contaminants generated by acid rock drainage or metal(loid) leaching, with consideration of how the mine closure plan and provincial permitting may address effects;
- fish species harvested by Indigenous Peoples as a country food or for other traditional or medicinal purposes, or that are of cultural importance to Indigenous Peoples, such as baitfish, bass, northern pike, pickerel/walleye, and white sucker; and
- fish and fish habitat in the following water bodies: Beaverhouse Lake, Ava Lake, York Lake, Victoria Creek, and the Misema and Blanche Rivers, and any fish-bearing unnamed waterbody or watercourse that may be impacted by the Project.

With respect to **migratory birds**, given the context of the Project as set out in the Tailored Impact Statement Guidelines, IAAC's review will focus specific attention on:

- adverse changes to bird species of importance to Indigenous Peoples; and
- adverse changes to migratory bird species at risk and their respective habitats (whip-poor-will, Canada warbler, common nighthawk, and any other migratory bird species at risk that is potentially affected by the Project), with consideration of any non-standard mitigation needs and provincial legislative frameworks will address effects.

With respect to the potential **impacts on Indigenous Peoples**, the requirements set out in the Tailored Impact Statement Guidelines on current use of lands and resources for traditional purposes, physical and cultural heritage of Indigenous Peoples, as well as health, social and economic conditions should be assessed by the Proponent in collaboration with the Indigenous communities identified in the Indigenous Engagement and Partnership Plan⁵ for the Project. IAAC will continue to meaningfully engage and consult with Indigenous Peoples throughout the assessment process, specifically on the potential adverse impacts of the Project on Aboriginal and/or treaty rights as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

Finally, in the event that there are significant adverse effects within federal jurisdiction on the matters listed above, IAAC will also consider the **positive contributions of the Project**. This can include information made available in the Impact Statement to substantiate any predictions about improvements to local and regional socio-economic conditions, such as: employment, business, and training opportunities for members of potentially affected Indigenous communities and diverse subpopulations of the local community.

⁵ <https://iaac-aeic.gc.ca/050/evaluations/document/144830>