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15-Mile Mine and Processing Hub Initial Project Description – Feedback and Submission from Ecology Action Centre

The Ecology Action Centre (EAC) is an environmental charity based in Halifax/ Kijipuktuk, Nova Scotia. EAC works with partners and communities on addressing environmental issues including biodiversity loss, climate change, and environmental justice. As part of this work we examine proposed industrial projects for their potential impacts on nature and human health.

Feedback on IAAC Process

The 20-day comment period on the Initial Project Description (IPD) is too short a time period for the public and stakeholder groups to properly connect with fellow stakeholders and prepare informed comments. It is especially unsuitable to have such a short comment period in the cases where proposed projects are only considered by IAAC through this phase (Initial Project Description only) and not through a full impact assessment. For Canadians this phase may be the only opportunity they have to understand the details of a proposed project and make comments on it that could affect the project's design, impacts, and conditions, and their lives. It is wrong to push projects through the process with so little time for comment on such large-scale projects.

The information provided about the assessment process from staff with the Impact Assessment Agency of Canada (IAAC) was helpful. We are grateful that staff provided online information sessions about the process and that they answered questions by email and phone (this level of staff engagement with the public is currently not happening with the provincial government).

EAC's Submission on Initial Project Description and Potential Assessment

Based on our review of the 15-Mile Processing Hub IPD, we highlight two key considerations for the IAAC:

I. The IPD lacks sufficient detail and information as required under the *Impact Assessment Act* (IAA) and outlined in IAAC's Guidelines. We therefore request that IAAC require the project proponent to provide additional information in accordance with section 15(2)(a) of the IAA.[1]

II. At the decision-making stage, we request that IAAC require a federal impact assessment based on the IAA's mandate and factors under section 16(2).[2]

I. *Information Missing from the IPD*

Initial project descriptions must include the information outlined under Schedule 1 of the IAA's *Information and Management of Time Limits Regulations* ("Regulations") including all project activities, project location, and non-negligible adverse effects within federal jurisdiction.[3] Described in detailed below, the 15-Mile Processing Hub IPD omits much of this information. Therefore, the IAAC is obligated to require 15-MMR to correct these defects to ensure the IPD is compliant with the IAA.

1. Alternative Means (Technologies) – Recovery Methods, Tailings Disposal

The IPD describes that the 15-Mile Processing Hub will use a Carbon-In-Leach circuit as part of its extraction process. This process also uses cyanide - the IPD does not make the direct connection that cyanide is part of the carbon-in-leach extraction process proposed for the 15-Mile Processing Hub. The carbon-in-leach circuit that uses cyanide would be brought over from the Touquoy mine site, where it was used.

There are now commercially available alternatives to using cyanide for gold extraction which results in less toxic break-down products. 15-MMR should describe at least one alternative to using cyanide, including potentially: thiourea, thiocyanate, thiosulphate, halide, chloride, bromine, or any of the novel eco-friendly synthetic gold lixiviants (NESCL).

[1] *Impact Assessment Act*, S.C. 2019, c 28, s. 1, 15(2)(a) ("IAA")
[2] IAA, s. 16(2)
[3] See IAA, ss. 10(1), 112(1)(a) ("IAA"), s. 3, Schedule 1 ("*Regulations*")

Another newer technological approach that the IPD does begin to describe is dry stack tailings. From the IPD (page 49):

> *"Alternatives like dry stacking or thickened tailings were not suitable due to climate, cost, or complexity."*

A fuller explanation of dry stack tailings should have been provided since this a best practice over wet tailings, and dry stack tailings are the disposal method used at other gold mines around the world (including in similar climates). To dismiss this approach as not suitable is not well-founded in the IPD. If the rationale is simply that dry stack tailings are most costly then we all need to deeply consider what 15-MMR will be allowed to do at their site simply for cost-saving purposes. Dry stack tailings substantially decrease a mine site's footprint on the land and reduce risks of tailing dam breaches. Everyone should be very interested in moving in this less impactful direction.

Without discussing any of the alternatives to cyanide, or the potential for the best practice of dry stack tailings at this site, the IPD's description of Potential Alternatives is incomplete. Dry stack tailings should have been given more meaningful weight and consideration due to the *Regulations*' emphasis on economically feasible alternatives and the IAA's requirement to apply the precautionary principle.[4]

Tailings also substantially increase the risk of contamination of fish-bearing streams. Although the IPD discussed the potential need for *Fisheries Act* authorizations and water management mitigation measures in a general sense, the IPD must provide more detail regarding specific impacts on fish.

2. Clean up versus manage historic tailings

The IPD repeatedly states the project will involve "clean up" of historic tailings at all 3 sites. The term "clean up" could be misleading and is not fully defined in the IPD, potentially leading the public to misunderstand the outcome of the work at the proposed mine sites.

Each of the proposed mine sites has historic gold mine tailings containing high levels of arsenic, and in some cases, the tailings are also contaminated with mercury. The historic tailings are toxic and should be managed carefully by 15-MMR if the disturbed. However, 15-MMR is not proposing to remove these toxic substances from the historic tailings, which would perhaps be more fitting for the term "clean up." Instead, the proponent will move the tailings to locations where

[4] See IAA, s. 6(2)

they will interact with the surface environment less. This could be called remediation, or management, but it is not a "clean up." Any future documents should not use the term "clean up" unless all toxic substances in the historic tailings are going to be removed before the historic tailings are returned to the environment. The IPD should have defined "clean up" versus remediation versus management. This terminology is misleading and fails to accurately describe the project activities in accordance with the *Regulations*.[5]

3. Pit lining

15-MMR proposes to store tailings (new and historic) and Potential Acid Generating (PAG) waste rock in some of the open pits while they are being mined or after they have been mined. It is unclear in the IPD whether 15-MMR will line all of the pits with a liner before storing tailings in them. This is important for potential long-term risks to groundwater. If not lined, tailings and/or PAG could seep their contaminants (e.g., arsenic) into groundwater. This could indirectly affect fish and fish habitat near the site (via groundwater movement) before or after the sites are reclaimed. The IPD was required to include this information, as pit lining constitutes "activities associated with the construction of the project."[6]

4. Project timelines and activity timeframes

The IPD's anticipated schedule of the project's "construction, operation, decommissioning and abandonment" is too narrow and ambiguous as described, rendering it difficult to properly understand the impacts and scope of certain activities and stages.[7] For example, during the operation stage ore that is mined but awaiting transport or processing is called Run of Mine (ROM) in the IPD. ROM is proposed to be stored on an ROM pad at each site. This pad would be constructed from Non-acid Generating rock (NAG) but the IPD does not commit to ROM pads being lined. From the IPD:

> *"ROM material will be stored at the ROM pad on a short-term basis prior to processing; based on the assumed duration, it is not anticipated that the ROM pad will require a liner; however, this will be confirmed through water quality modelling during detailed engineering design."*

"Short-term" is not defined in the IPD, and this omission is relevant. ROM is the ore that contains gold and so it also likely to contain elevated arsenic (given Nova Scotia's chemical make-up of gold-bearing ore). The sites should be planned for the potential eventuality that they may be closed longer than the "short-term"

[5] *Regulations*, Schedule 1, Part B, s. 9
[6] *Regulations*, Schedule 1, Part B, s. 9
[7] *Regulations*, Schedule 1, Part B, s. 11

time period. A closure could occur based on several possibilities, including a permitting hold-up, which caused the Touquoy mine to be closed for 3 years. ROM pads should be lined to reduce the risk of leaching contaminants from the ROM. Without this commitment it is too difficult for the public to determine the potential risks of this part of the mine infrastructure and part of mine operation.

Furthermore, in describing the project's schedule,[8] the IPD failed to address the fact that tailings and waste will exist long after the project is completed, with a substantial and prolonged risk of leaching into nearby watersheds. The project could continue to impact the surrounding ecosystem even when the mining activity ceases as has happened with other mine projects. The IPD should have reflected this timescale to ensure the IAAC considers the full scale of impacts when deciding whether to require a federal assessment.[9]

5. Project Development Area (PDA) not properly defined and does not contain trucking route roads

The *Regulations* required the IPD to include information related to the project's trucking route roads. In particular, the proponent should have included the roads' geographic coordinates, physical and biological environments, proximity to the nearest affected communities, and if applicable, proximity to federal lands and land used by Indigenous peoples.[10] The IPD failed to include this information. From the IPD:

> *"For the purpose of this submission, Project Development Areas (PDAs) were defined for the 15-Mile Mine, the Old Austen Mine, and the Old Mitchell Mine. Each PDA was defined as a geographic area within which all proposed Project activities and associated infrastructure will be located. It includes the footprint of the main Project components as well as supporting features like access roads, utilities, laydown areas, and temporary construction areas. The PDA represents the maximum extent of land that could be disturbed during construction, operation, and closure of the Project."*

How to define a Project Development Area does not seem to be described in the Guide to Preparing an Initial Project Description and a Detailed Project Description, but "Project Area" is defined in the Generic Requirements for Impact Statements. IAAC's definition of Project Area is:

[8] *Regulations*, Schedule 1, Part B, s. 11
[9] See, for example, HKT Wong et al, "Dispersion and toxicity of metals from abandoned gold mine tailings at Goldenville, Nova Scotia, Canada" (1999) 228:1 Science of the Total Environment 35
[10] *Regulations*, Schedule 1, Part C, s. 13(a), (d)-(f), 14

"Project Area (PA): defined as the project footprint including all temporary and permanent areas associated with the project, and alternatives considered"

There are items missing from the IPD's PDA if it is to conform with the IAA's project information requirements and the IAAC's definition of a Project Area.

The project is completely dependent on trucking ore along public roads from the Old Austen Mine and Old Mitchell Mine sites to the 15-Mile Processing Hub. **The preferred trucking routes, and their alternatives, should have been within the PDA.** The roads are associated with the project and would be impacted by the trucking that is created by the project. Without any mapping or description of the trucking routes the IPD is incomplete and therefore the project cannot be properly evaluated as it stands. **The trucking routes could have impacts on aspect of federal jurisdiction including fish and fish habitat, migratory birds, and Indigenous Peoples. All of this information must be included within the IPD.**[11]

Leaving out the trucking route roads means the IPD does not provide complete information for Indigenous Peoples and the public about the potential scale, intensity, location, or nature of potential impacts from the project. **Ultimately, the Project Development Area should include all potential trucking routes, or, the project should instead be submitted to IAAC as 3 different mining projects (as it was in 2018-2023).**

II. The Need for a Federal Impact Assessment

Although the IPD requires additional information to fully understand and assess the project's scope and impacts, we believe that a federal impact assessment is necessary in any event. Federal impact assessments require consideration of cumulative effects within every decision under IAA, and this project's numerous adverse impacts within federal jurisdiction emphasize the importance of doing so in this instance. If IAAC determines that a federal assessment is not required in this instance, it will have failed to uphold the IAA's core environmental protection principles. The federal impact assessment process examines more relevant topics than Nova Scotia's environmental assessment process and is more transparent. A federal examination is also needed to properly evaluate potential risks to elements that are clearly in federal jurisdiction.

[11] *Regulations*, Schedule 1, Part E, s. 19(a), (c), 21

1. Federal impact assessments examine potential impacts better than Nova Scotia's environmental assessment process, and are more transparent

The IAA requires decision-makers to consider cumulative effects at every stage of the impact assessment process, including when deciding whether an assessment should take place.[12] Decision-makers must also account for Indigenous knowledge and the precautionary principle at every stage.[13] "Cumulative effects" is also listed as a mandatory consideration at the impact assessment stage, along with impacts on Indigenous groups, effects on climate change and sustainability, and various other factors.[14] This can be contrasted with Nova Scotia's *Environment Act*, which contains no legislated requirement to consider cumulative effects.

If a federal impact assessment is not required, Nova Scotia's Minister of Environment and Climate Change would have considerable discretion as to how to assess the proposed mine(s) under Nova Scotia's *Environment Act*[15]. For example, the Minister may decide not to require a detailed assessment via an Environmental Assessment Report. In the past several years almost all projects that were "Approved with Conditions" through the Nova Scotia Environmental Assessment process were approved after only an Environmental Assessment Registration Document (i.e., no further analysis or documentation requested by the Province) and after less than 2 weeks of review of public comments by Environmental Assessment Branch staff. Given the scale and potential adverse environmental impacts of this proposed project, a high level of scrutiny is required, and relying solely on the provincial environmental assessment process is not appropriate for highly disruptive projects like the one proposed.

Further, although the precautionary principle is listed as a goal under the *Environment Act*, among other principles,[16] it is not a mandatory consideration like under the IAA, nor is there a comparable list of mandatory factors that must be considered in the environmental assessment process.

Crucially, Nova Scotia's environmental assessment process is not as transparent as the federal impact assessment process. Nova Scotia Environmental Assessment branch staff do not produce an independent report about their analysis of a proposed project, and there is no transparency regarding the basis for the Minister's decision about a project. These are provided when the IAAC completes a federal impact assessment.

[12] IAA, s. 6(2)
[13] IAA, s. 6(2)
[14] IAA, s. 22(a)(ii), (c), (h), (i)
[15] *Environment Act*, SNS 1994-1995, c 1. See for example, ss. 34(1), 40(1)(a) ("EA")
[16] EA, s. 2(b)(ii)

2. Risks to areas of federal jurisdiction from provincial assessment only

i. Fish and fish habitat

Each of the locations in the project poses substantial risks to fish and fish habitat over the short- and long-term, including to federally-listed or COSEWIC-assessed[17] aquatic species at risk (SAR). A few of the potential, non-negligible impacts include:

a. The Old Austen Mine pit is still very close to the Killag River (110m) even with the site redesign. This is potentially close enough for hydrological impacts to the river (which contains fish and fish habitat) over the short- and long-term. A full impact assessment is needed in order for the proponent to fully examine the new pit location and potential pathways of impact, severity, and mitigation options for fish and fish habitat.

b. The project has been changed since 2023 to include two (instead of one) effluent discharge locations at each of the Old Austen Mine site and the Old Mitchell Mine site. These new effluent discharge locations have not been studied for potential impacts to fish and fish habitat, or if they have, that information is not in the public sphere. A full impact assessment is needed to examine potential impacts and mitigation measures for the use of these water bodies as effluent discharge locations, and to gather information from the public about the locations and mitigation options.

c. Atlantic Salmon (COSEWIC-assessed as Endangered) and American Eel (federally-listed SAR) occupy the stream systems that will receive effluent. They can experience significant adverse effects if effluent is not managed well for suitable pH and temperature. Managing pH within the prescribed range of the Metal and Diamond Mining Effluent Regulations (MDMER) [18] may not be adequate to reduce impacts on SAR habitat. These potential impacts should be examined through a federal assessment including input from federal fish experts and the public. Nor does MDMER prescribe effluent release temperatures, which can negatively impact Atlantic Salmon and American Eel. Again, federal assessment is needed on these topics, as is the more robust (than provincial) engagement with Indigenous people on fish knowledge and potential impacts that comes with a federal assessment.

[17] COSEWIC
[18] MDMER

ii. Federal SAR

Federally-listed SAR (non-aquatic) have been observed at the 15-Mile Mine, Old Austen Mine, and Old Mitchell Mine sites. They include:

a. Blue Felt Lichen
b. Boreal Felt Lichen
c. Frosted Glass-whiskers
d. Snapping Turtle
e. Wood Turtle
f. Fish – American Eel and Atlantic Salmon (not federally-listed but status determined as Endangered by COSEWIC)
g. Birds – Several federally-listed SAR

All of these species deserve a full federal impact assessment. The federal government has a duty to fully understand potential impacts to these SAR species and to require appropriate and specific avoidance and mitigation actions from the proponent.

Field studies searching for these and other potential SAR are still ongoing in summer 2026. It is clear that all the basic information to assess potentially non-negligible impacts to SAR and their critical habitat is not yet available to the proponent or IAAC. For these SAR species there may be direct impacts from the site's construction, and direct and indirect impacts from the site's operation. There may also be impacts to these and other SAR from the trucking between mine sites, but with the trucking route not scoped into the Project Development Area we are all not able to predict potential impacts to SAR.

Seloam Brook, as it is now, hosts "several potential suitable habitats for nesting and overwintering" of Wood Turtles and Snapping Turtles. Seloam Brook is proposed to be moved as part of the project's construction. A full impact assessment and associated SAR requirements are needed given that moving Seloam Brook could destroy and/or create critical habitat for Wood Turtles and/or Snapping Turtles.

Critical habitat for Wood Turtle is both described and mapped for Nova Scotia. The IPD does not state whether the site with Wood Turtle observations (the Old Mitchell Mine) has project activities or infrastructure within Wood Turtle critical habitat. A full impact assessment is needed to examine this, including so that the proponent does not violate the *Species at Risk Act* by destroying critical habitat.

The 15-Mile site redesign "avoids direct impacts to three additional occurrences of blue felt lichen" yet does not avoid direct impacts completely, as was done in the redesign of the Old Austen Mine site and the Old Mitchell Mine site. All occurrences of Blue Felt Lichen should not be impacted including at the 15-Mile site.

iii. Migratory birds

Migratory birds, including bird SAR, should be protected under the *Migratory Bird Convention Act* wherever they interact with the proposed project. The IPD examines potential impacts and mitigation measures for the 3 sites, but again, does not include the trucking routes. There could be non-negligible impacts to migratory birds from the trucking, such as through bird strikes with trucks. There may be ways to identify, quantify, and reduce or mitigate these impacts if they were studied and proposed as part of a full impact assessment.

Common Nighthawk was observed at all sites. Potential impacts to these species need to be specifically investigated as the creation of mine sites with ground clearing and multiple rock storage piles could create an ecological trap for Common Nighthawk if the birds nest on the ground or rock piles while those parts of the site are being worked on.

Conclusion

If IAAC decides not to require a federal IAA for this large-scale, complex, potentially environmentally harmful project, they will have abdicated their legislative responsibility by failing to consider cumulative effects, the precautionary principle, and the numerous adverse impacts within federal jurisdiction that would not be addressed through a provincial assessment.[19] A provincial assessment alone will provide no transparency regarding how a decision was reached about the proposed project.

The 15-Mile Mine and Processing Hub poses potentially non-negligible, adverse affects to nearby ecosystems and public health. It is vital that the IAA examine the issues with the IPD. We are of the opinion that the IAAC should fulfill its obligations and statutory mandate to require more information from 15-MMR and ultimately decide in favour of a comprehensive, federal impact assessment.

[19] See IAA, ss. 6(2) and 16(2)(c), (f.1). The IAAC is required to take these factors into account when considering whether a federal assessment is required