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SAYISI DENE FIRST NATION

October 7, 2020

Stephen McCarthy
Senior Consultation Analyst
Impact Assessment Agency of Canada
Email: Stephen.mccarthy@canada.ca

Dear Mr. McCarthy,

RE: Sayisi Dene First Nation Review of the Alamos Gold Inc. Lynn Lake Project Environmental Impact Statement

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I am writing as the elected Chief, on behalf of the Council and Nation members of the Sayisi Dene First Nation. Please find enclosed a copy of our review of the Environmental Impact Statement for the Alamos Gold Inc. Lynn Lake Project as prepared by our consultants and agreed to by our Nation.

Sincerely,

Chief Evan Yassie

Chief Yassie

CC Tracy Campbell, Principal, MNP LLP
Tracy.Campbell@mnp.ca

Lynn Lake IAAC General
Iaac.lynn-lake.aeic@canada.ca

September 28, 2020

Chief Evan Yassie
General Delivery
Tadoule, MB R0B 2C0
Email: AndersonIbill@outlook.com

RE: Sayisi Dene First Nation Comments on the Lynn Lake Gold Project Environmental Impact Statement

Dear Chief Yassie,

As per our Engagement Letter, we have reviewed the Alamos Gold Inc. ("Alamos") Lynn Lake Project (the "Project") Environmental Impact Statement ("EIS").

The subject of our review was to evaluate the contents of the Alamos EIS to determine if and by what methodology an identification of impacts to Section 35 rights was undertaken by Alamos, and specifically what gaps or deficiencies relate to the identification of impacts to Sayisi Dene First Nation's Section 35 rights.

Firstly, we note that Alamos did make an effort to incorporate and consider "Indigenous rights" into the EIS. Our comments below include an evaluation of the methods used to do so. Notwithstanding this effort, the EIS does not contain an assessment of the Section 35 rights and interests of Sayisi Dene First Nation ("Sayisi" or "SDFN"). This means that those effects are not discussed, quantified, or mitigated.

Below is a summary of some key concerns; more detailed comments are included in Appendix A.

Effects to Sayisi Dene First Nation Rights

Within the EIS, there were three places where the Section 35 rights and interests of Sayisi Dene First Nation could have been assessed:

- Within the biophysical sections that have direct linkages to Indigenous rights;
- The Current Use of Lands and Resources for Traditional purposes section; and
- The section on Indigenous Peoples.

Indeed, all the methodological steps were in place within the Indigenous peoples' section to allow for assessment of Sayisi Dene First Nation Section 35 rights. However, there was no engagement with Sayisi on identifying and understanding their rights; no engagement on understanding the context in which the impacts on rights would occur; no collaborative identification of guiding values and topics. This further meant that there was no collaborative identification of pathways from the project, no assessment of level of impact, no dialogue to address the impacts and certainly no discussion on validation or follow-up.

Specifically, within the biophysical component assessments information was not collected from Sayisi Dene First Nation on rights potentially impacted by changes to air quality, noise and vibration, surface water, fish and fish habitat, community services and infrastructure, or human health. Examples of how rights could be assessed in terms of these biophysical components in through assessment of changes to perception which can lead to increased avoidance behaviors, change in preferred conditions of use which can lead to avoidance behaviors and interruption of the exercise of rights which can result in removal of that locale from an inventory of available locations.

The assessment of Current Use of Lands and Resources for Traditional Purposes itself also relied on those same biophysical components to assess potential effect, rather than direct linkage to Indigenous rights. An example of more direct linkages would be a calculation of change to the amount of unoccupied land available for the exercise of Indigenous harvesting rights. This would require consultation with Sayisi Dene First Nation on appropriate residual effect criteria, specifically magnitude, to characterize the change in relation to what it means for SDFN specifically as well as identification of potential avoidance distances to quantify the full effect.

Finally, the assessment of impacts to Indigenous rights was linked to Current Use of Lands and Resources as well as biophysical components and was not conducted on specific valued components and/or measurable parameters linked to Sayisi Dene First Nation rights and interests. The assessment was not based on any specific information collected or provided from Sayisi Dene First Nation as part of the EIS development process.

Mitigation

Within the EIS, there were some instances of proposed mitigation measures which would result in increased effects to Sayisi Dene First Nation. For example, restricting unauthorized access to the habitat adjacent to the PDA and signage installation around the perimeter of the PDA.

These mitigation measures are problematic for Sayisi Dene First Nation as they can exacerbate other impacts. Restricting unauthorized access to the habitat adjacent to the PDA increases the restrictions on Sayisi harvesters to unoccupied Crown land to which they have a right of access; this would increase the amount of land taken up by the Project and changed in their legal designation which can impact the exercise of rights. Additive to this, the addition of signs can lead to an increase in avoidance behaviors and negative perceptions related to the Project and facilities which could displace Sayisi harvesters even further. Neither of these proposed mitigations were considered in relation to these unintended effects on Sayisi Dene First Nation’s rights and interests.

Governance

We understand there is a deep relationship between the Sayisi Dene First Nation people and caribou, including many traditional strategies for caribou hunting which are integral to Sayisi culture and long term, historical management of caribou herds has been a part of Sayisi culture since before contact. The importance of this species to Sayisi Dene First Nation cannot be overstated.

Sayisi historical governance of caribou included knowledge based, real world experiences grounded in generations of learned caribou behavior and complex land management techniques that varied from the understanding of Europeans.

Intrinsically tied to caribou, is the forced relocation of Sayisi Dene First Nation from Little Duck Lake to Churchill in 1956. This was based on a perceived caribou crisis (among other damaging institutional attitudes) which broke the Sayisi Dene First Nation links to self-determination and governance of a species they had managed for generations.

Rights based hunting is only one activity associated with caribou. Sayisi Dene First Nation also has governance rights to traditionally manage woodland caribou based on traditional practices. There must also be consideration of these governance-based rights and how they may be impaired by project impacts to the species. This was not considered in the EIS and highlights the lack of engagement with Sayisi on this and other important issues.

The Lynn Lake Project has the potential to negatively impact Sayisi Dene First Nation's Section 35 rights and interests and impair their right to self-determination. We hope that the above comments, as well as the review table in Appendix A can further discussion between Sayisi Dene First Nation, Alamos and the Impact Assessment Agency Canada to allow for an identification of these effects and ensure fair mitigation is identified, and where residual effects remain, accommodation that is owed is dealt with.

Yours very truly,

MNP

Tracy Campbell
Partner, Consulting Services

APPENDIX A

#	Volume/Section	EIS Excerpt	Comment
1.	Volume 1 Lynn Lake Gold Project Environmental Impact Statement Clarification Preamble (PDF Page 2)	During the conformance review period, Alamos became aware of the concerns of one Indigenous community (Chemawawin Cree Nation) that was not identified as a potentially affected community in the *Guidelines for the Preparation of an Environmental Impact Statement Pursuance to CEAA 2012 Lynn Lake Gold Project – November 2017* for the Project, and a second community (Sayisi Dene First Nation) that was engaged with but which has since identified concerns not previously expressed. Alamos further recognizes that based on the communications it received from these two communities, IAAC has added them as most potentially affected communities (a change from the *Guidelines for the Preparation of an Environmental Impact Statement Pursuance to CEAA 2012 Lynn Lake Gold Project – November 2017*). Alamos has been in communication with both of these communities since June 2020 and is working to understand their concerns about the Project.	The language in this letter is misleading and implies that Alamos Gold is working with Sayisi Dene First Nation. This is not the case. SDFN has provided preliminary evidence of their established rights to Alamos Gold and requested capacity funding to explore the operational aspects of the exercise of those rights. This has been refused. Instead, Alamos has asked for SDFN to compile information on their rights and interests and provide it to Alamos for further consideration, without capacity. There is a power differential at play between Alamos Gold and SDFN, whereby Alamos can control the information presented to the Crown through lack of capacity provision. This is not fair, equitable and does not uphold the honor of the Crown. This letter states that Alamos will provide the IAAC with supplemental filings which will outline any new information obtained from SDFN; however, without proper capacity, no information related to this project can be collected and therefore no information will be provided. This will create an artificial narrative that exclude SDFN from assessing impacts to their Section 35 rights and is wholly inappropriate.
2.	Volume 1 1.2 Proponent Information Page 1.6 (PDF Page 89)	"Alamos' sustainability commitments include: … • Respect the culture, values, and human rights of local populations, including the rights of indigenous peoples. • Develop open and transparent engagement mechanisms that are meaningful, effective, inclusive, and consultative…"	The sustainability commitments listed here have not been experienced by Sayisi Dene First Nation as Alamos has not shown respect for SDFN rights as they have instead elected to rely on other Nation provided Traditional Use information as a proxy for information on SDFN rights[1]. Further, Alamos has elected to await SDFN comments on the EIS rather than engaged with SDFN further[2]. Please identify how this supports the sustainability commitments of Alamos.
3.	Volume 1 1.4.1.1 Federal Requirements	"On August 28, 2019, the *Impact Assessment Act* (IAA) came into force, repealing CEAA 2012. Section 181 of the IAA contains transitional provisions that apply to projects undergoing an EA under CEAA 2012 before	While SDFN acknowledges that the Project EIS will continue under CEAA 2012, the continuation of approaches undertaken under previous legislation which were subject to judicial proceedings involving the previous legislation should not be continued.

[1] Correspondence between Alamos Gold Inc. and Sayisi Dene First Nation, September 2, 2020
[2] Ibid.

#	Volume/Section	EIS Excerpt	Comment
	Page 1.8 (PDF Page 91)	the day the IAA came into force. The Notice of Commencement for the Project was posted by the CEA Agency on September 1, 2017 before the IAA came into force; therefore, the Project EIS will continue under CEAA 2012 as if it has not been repealed."	This includes usage of biophysical components as a proxy for rights. An approach which was struck down in *Clyde River (Hamlet) v Petroleum Geo-Services Inc.* 2017 SCC 40 at para 45 which states "…the consultative inquiry is not properly into environmental effects *per se*. Rather, it inquires into the impact on the *right*. No consideration was given in the NEB's environmental assessment to the source – in a treaty – of the appellants' rights to harvest marine mammals, nor to the impact of the proposed testing on those rights." Therefore, assessment of Sayisi Dene First Nation rights specifically must be undertaken for this EIS (see comments throughout for more detailed information on approach).
4.	Volume 1 Table 1-2 Summary of Key Potentially Relevant Federal Legislation Page 1.9 (PDF Page 92)	"Alamos will request a paragraph 34.4(2)(b) and 35(2)(b) *Fisheries Act* Authorization from DFO for the harmful alteration, disruption, or destruction (HADD) of fish habitat that could result from Project activities. Any *Fisheries Act* Authorization will not be issued by DFO until after the CEAA decision on the Project. The Project is not anticipated to require an amendment to Schedule 2 of the *Metal and Diamond Mining Effluent Regulations* (MDMER) for the deposition of tailings into water frequented by fish. Following discussions with DFO and ECCC in September 2016, the preliminary TMF design was revised to avoid the potential deposition of mine rock or mine tailings into watercourses or waterbodies frequented by fish."	SDFN requires in depth consultation on any conditions of approval related to Fish and Fish Habitat compensation plans that may be required as part of the paragraph 34.4(2)(b) and 35(2)(b) authorizations as SDFN has established rights to fish in the Project area under Treaty No. 5[3] Also, please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS and this information is not reflected in this section.
5.	Volume 1 2.2.2 In-Design Mitigation Page 2.2 (PDF Page 114)	"Siting facilities to avoid sensitive areas such as watercourses, wetlands, important habitat types, areas of high archaeological potential, and areas of importance identified by Indigenous communities; and where unavoidable, the size and number of natural features that may be affected has been reduced (see Maps 22-1 and 22-2)."	SDFN has not had the opportunity or capacity to identify areas of importance in the project area to ensure any key areas can be avoided. Without sufficient capacity SDFN has been impaired in understanding the nature of this project and whether it may adversely impact SDFN established Aboriginal and Treaty rights and interests, including areas of importance.
6.	Volume 1	"Where avoidance of sensitive areas as described in Section 2.2.2 is not possible, mitigation measures will	As SDFN was not engaged to identify sensitive areas, there was also no involvement in development of Mitigation Measures.

[3] "Her Majesty further agrees with Her said Indians, that they, the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered and hereinbefore described…" Treaty No. 5, 1875

#	Volume/Section	EIS Excerpt	Comment
	2.2.3 Environmental Protection, Mitigation and Management Page 2.2 (PDF Page 114)	be developed in liaison with the applicable regulatory authorities and Indigenous communities."	Please disaggregate this information to specifically reference the Indigenous nations engaged to ensure a pan-Indigenous view is not applied.
7.	Volume 1 2.2.3 Environmental Protection, Mitigation and Management Page 2.3 (PDF Page 115)	"Addressing public, stakeholder, and Indigenous community concerns to the extent possible during the design, construction, operation, and closure of the Project."	Please specifically identify how Alamos intends to address SDFN concerns related to potential adverse effects to their Aboriginal and Treaty rights. Also, please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
8.	Volume 1 Air Contaminants Page 2.24 (PDF Page 136)	"Chemical dust suppressants may be applied to haul roads on an as-needed basis during high wind conditions or if an increase of watering is determined ineffective or unfeasible at the time. Environmental effects of the Project on air quality will be considered and mitigated, where appropriate."	Chemical dust suppressants are of concern to Sayisi Dene First Nation as they can potentially impact subsistence vegetation and displace potential harvesters who would otherwise use the area in the exercise of their rights should awareness or evidence of chemical dust suppressants be identified. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
9.	Volume 1 3.1 Overview Page 3.1 (PDF Page 168)	"This engagement process is separate from the Crown-Indigenous consultation process to be initiated by the government with First Nations and Métis nation communities to inform Crown decisions about the Project."	While the Crown-Indigenous consultation process is separate from the engagement process undertaken by Alamos, the Crown will rely on information collected and assessed as part of the Alamos engagement process to help them form their decision. Currently, there is no information collected in relation to SDFN established Aboriginal and Treaty rights. The Impact Assessment Agency, as a federal body, can require studies to be undertaken and impose preconditions to approval[4] and SDFN recommends this power be exercised to ensure the Crown-Indigenous consultation process is not unfairly weighted by the power differential between SDFN and Alamos that is created by a lack of capacity.
10.	Volume 1 3.3.2 Identification of Potentially Interested Indigenous Communities	"Based on the *Guidelines for the Preparation of an Environmental Impact Statement* (Canadian Environmental Assessment [CEA] Agency 2017) for this Project and current understanding of traditional	This approach illustrates an impoverished view of Indigenous rights. Traditional lands in proximity to the Project should not act as a trigger for consultation, rather, the assertion of established rights should trigger consultation. Rights, in essence, are not 'use it or lose it' and the presence or absence of traditional use in an area does not improve or diminish rights assertions by Nations.

[4] *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.* 2017 SCC 40 at para 31

#	Volume/Section	EIS Excerpt	Comment
	Page 3.3 (PDF Page 170)	lands located in proximity to, and/or downstream or downwind from, Project activities and components, the following seven Indigenous communities have been identified by the CEA Agency (now the Impact Assessment Agency of Canada [IAAC]) as expected to be "most affected" by the Project:"	
11.	Volume 1 3.3.2 Identification of Potentially Interested Indigenous Communities Page 3.3 (PDF Page 170)	"The IAAC also identified additional Indigenous communities that may also be affected by the Project, but "to a lesser degree". IAAC indicated that these communities should be "notified about key steps in the EIS development process and of opportunities to provide comments on key EA documents and/or information to be regarding their community"."	SDFN requests that the Impact Assessment Agency of Canada provide specific information on how the determination of 'affected to a lesser degree' was reached in absence of consultation with SDFN.
12.	Volume 1 3.3.3 Indigenous Community Profiles Page 3.4 (PDF Page 171)	"The profiles, along with a list of resources compiled for the profiles and the EA were provided to community leadership for review and comment."	SDFN was not provided with capacity to review and comment on any documentation related to the project and therefore could not undertake a proper evaluation of the profile.
13.	Volume 1 3.3.4.5 Traditional Land and Resource Use Studies Page 3.22 (PDF Page 189)	"Where Indigenous communities identified traditional land and resource use in the Project-area, Alamos provided the opportunity for communities to complete a Project-specific TLRU study, if interested."	Traditional land and resource use is a representative aspect of the exercise of Aboriginal and Treaty rights which are in the vicinity of the Project. Instead of providing opportunity to complete TLRU studies, Alamos should have initiated assessments of nations rights and interests. Should Valued Components related to TLRU be selected for study, then this information could have been collected. However, it should not act as a proxy for all information about rights. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
14.	Volume 1 3.3.4.7 Tours Page 3.23 (PDF Page 190)		SDFN were not offered nor provided capacity to participate in a tour of the Project sites. A tour offers practical, on-the-ground experience to nations and should be offered to SDFN.
15.	Volume 1 3.3.5 Indigenous Engagement Results	"Alamos continues to proactively engage communities by providing Project information, documenting issues and concerns, and working with interested communities to collect and document traditional knowledge and traditional land use information for the Project area as	This statement is misleading as SDFN requested capacity funding to conduct an assessment of potential effects on their rights (titled a traditional land use study for ease of understanding), however, Alamos has not proactively engaged with SDFN to collect and document this information.

#	Volume/Section	EIS Excerpt	Comment
	Page 3.24 (PDF Page 191)	part of the environmental assessment and engagement process."	Please amend this statement to be disaggregated and identify only those nations for which this process was applied.
16.	Volume 1 3.3.5.12 Sayisi Dene First Nation Page 3.45 to 3.46 (PDF Page 212 to 213)		This section should be updated in any supplemental filing to reflect the current engagement from December 2019 to present time. Chief and Council of Sayisi Dene First Nation prioritize the protection and enhancement of Sayisi Dene First Nation rights and interests and require engagement by Alamos be completed. Based on the last correspondence from Alamos, no further engagement will be initiated until Sayisi Dene First Nation can first provide 'proof' of their rights to Alamos that Alamos feels is sufficient to warrant it. This is inappropriate and not based in the factual and established rights which Sayisi holds.
17.	Volume 1 Appendix 3A Community Engagement Plan Table 1: Potentially Affected or Interested Communities Page 4 (PDF Page 256)	Approximate Distance between Project Mine Sites and Nearest First Nation Reserve or Métis Local Associated with Community (km)	This section indicates that the proposed Project could potentially impact communities outlined in Table 1, roughly ordered based on distance from the Project site. This reliance on proximity rather than on the established or asserted rights of nations is inappropriate and will not ensure information is collected which can be used to discharge the Crown's duty to consult. Please describe Alamos' understanding of Sayisi Dene First Nations rights in the Project area rather than Sayisi Dene First Nation's reserve proximity.
18.	Volume 1 4.1 Introduction Page 4.1 (PDF Page 428)	"On August 28, 2019, the *Impact Assessment Act* (IAA) came into force, repealing CEAA 2012. Section 181 of the IAA contains transitional provisions that apply to projects undergoing an EA under CEAA 2012 before the day the IAA came into force. The Notice of Commencement for the Project was posted by the CEA Agency on September 1, 2017; therefore, the Project EA will continue under CEAA 2012."	See comment #3
19.	Volume 1 4.1 Introduction Page 4.1 (PDF Page 428)	"Integral to the environmental assessment process was the consideration and incorporation of knowledge from the local community (community knowledge) and from Indigenous communities (traditional knowledge [TK]). Community knowledge and TK that was acquired through public participation and engagement with Indigenous communities and that Alamos Gold Inc. (Alamos) had access to from project-specific traditional	Despite SDFN identifying to Alamos Gold that they have established rights in the Project area, Alamos has chosen to assume that use of the area is the only metric to be assessed and that the use of SDFN is "…tied to the winter road which is only open for about six weeks in a given year thus suggesting minimal usage of the project area. Further, one would expect that traditional harvesting would be exercised closer to the community or in more remote areas as opposed to coming to the southern areas where there is more development."[5] Alamos has asked SDFN to provide more details about use, at their own expense, so that Alamos can understand this issue and consider whether or not a traditional land

[5] Letter from Alamos Gold to Sayisi Dene First Nation, September 2, 2020

#	Volume/Section	EIS Excerpt	Comment
		land and resource use studies has been incorporated into this EIS."	use study is necessary in the circumstances. Alamos indicated that they fully expect that SDFN would have access to members who can speak to usage of the area[6], with no capacity provided to compensate said members for their information or the time required to collect it. The significant problems with this position are: • It focuses on 'use' rather than rights; • There is assumption-based conclusions listed by Alamos rather than based on material information from SDFN; • There is expectation of information provision without capacity to collect it. Therefore, no community knowledge or TK was acquired by Alamos for SDFN and has not been incorporated into the EIS.
20.	Volume 1 4.1 Introduction *And* Throughout Volume 1, 2, 3, 4, and 5 Page 4.2 (PDF Page 430)	"The environmental assessment starts with the description of the Project and the existing environment, which informs the identification of VCs (i.e., the elements of the environment that could be affected by the Project and are of importance or interest to regulators, Indigenous communities and other potentially affected members of the public or interested parties)."	Sayisi Dene First Nation prefers the use of the term Indigenous Nation rather than Indigenous community as the SDFN peoples, as Indigenous peoples of Canada, have the right to self-determination. While some aspects of this governance have been impaired through imposition of colonial structures, SDFN is a Nation to this day. Please update references to SDFN.
21.	Volume 1 4.1 Introduction Page 4.2 (PDF Page 430)	"Indigenous communities (those determined to be most affected by the Project and those that may be affected, but to a lesser degree) had the opportunity through engagement to provide their local community knowledge and TK into the EIS. Traditional Land and Resource Use (TLRU) studies were also prepared by interested Indigenous communities."	See comment #19. SDFN was not able to prepare a TLRU study due to lack of capacity provision from the proponent. Please describe how SDFN information will be integrated without the necessary collection by the Nation?
22.	Volume 1 4.1 Introduction Page 4.2 to 4.3 (PDF Page 430 - 431)	"These studies were reviewed to obtain and incorporate views that were shared and to inform the environmental assessment. Information from the TLRU studies was compiled into two chapters (Current Use of Land and Resources for Traditional Purposes, Chapter 17; and Indigenous Peoples, Chapter 19) to address the effects of changes to the environment on Indigenous peoples (i.e., health and socio-economic conditions, physical and cultural heritage, and current use of land and	Were other Indigenous Nations who were afforded the opportunity to complete a TLRU study provided Alamos' methodology in advance, so they were aware of the information requirements to fulfill Section 5(1)(c) of CEAA 2012? Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.

[6] Ibid.

#	Volume/Section	EIS Excerpt	Comment
		resources for traditional purposes) pursuant to section 5 (1)(c) of CEAA 2012."	
23.	Volume 1 4.3.7 Environmental Management Plans and Monitoring Page 4.14 (PDF Page 441)	"A follow-up and monitoring program is used where applicable to verify the accuracy of key predictions and effectiveness of key mitigation measures proposed to mitigate adverse project and cumulative environmental effects. Compliance monitoring verifies compliance with the requirements of permit conditions, approvals or authorizations issued under laws or regulations. Preliminary VC-specific follow-up and monitoring plans are also identified under the conceptual EMP framework." "Plans for information sharing with Indigenous communities and local and regional stakeholders regarding follow-up and monitoring activities and EMPs, including development and implementation of the program and public reporting, are included in the EMP framework."	SDFN requires involvement in all monitoring programs where there is linkage to their established rights and interests. Further comments will be made on specific plans within Chapter 23 where linkages are identified by SDFN. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
24.	Volume 1 5.2.2 Air Quality and Greenhouse Gases Page 5.2 (PDF Page 517)	"The Fort Smith ambient air quality monitoring station, operated by the Government of Northwest Territories, is considered the most representative for the Project as the station is in a similarly remote area with low population density and with similar meteorological and topographical conditions."	This section identifies that the Fort Smith (located north of SDFN) ambient air quality monitoring station is considered most representative for the Project as the station is in a similarly remote area with low population density. However, in the letter sent to SDFN from Alamos Gold on September 2, 2020 it was indicated that the Project area is an area "…where there is more development". Please clarify the criteria used to align the Fort Smith monitoring location with the Project area.
25.	Volume 1 5.4.7.1 Current Land and Resource Use Land Use and Development Page 5.21 (PDF Page 536)	"The region consists of lands that are predominantly unoccupied Crown land." "There is no applicable development designation under a development plan for the Gordon site as it is on unoccupied Crown land located outside of the municipal boundary."	Unoccupied Crown land is critical to SDFN as it is the only unencumbered land where SDFN can exercise their rights without permission. Please provide a calculation of the total amount of Unoccupied Crown land taken up by the Gordan and MacLellan Project areas (e.g., land to with disturbance or land to be placed under visible and incompatible use through fencing or signage).
26.	Volume 1 5.4.8 Current Use of Lands and Resources	"The Project is located within Treaty 5 that was initially signed in 1875, with adhesions in 1908 and 1909, and covers northern Manitoba and small portions of Saskatchewan and Ontario. Two First Nations in the	The Project, as stated, is located within Treaty 5 where SDFN have established rights to, at minimum, hunt and fish throughout the Treaty area. SDFN have the right to exercise in the Project sites and throughout the region.

#	Volume/Section	EIS Excerpt	Comment
	for Traditional Purposes by Indigenous Peoples Page 5.23 (PDF Page 538)	Project area, Mathias Colomb Cree Nation and Marcel Colomb First Nation, are signatories to Treaty 6 Adhesion of 1898. Marcel Colomb First Nation's reserve, the Black Sturgeon Reserve, is the First Nation community nearest to the Gordon site (approximately 2.8 km to the nearest point on the access road) and the MacLellan (approximately 19.5-km) site. There is current use of lands and resources for traditional purposes by Indigenous peoples in the Project sites and throughout the region."	Please describe how this has been considered in the Environmental setting of the EIS.
27.	Volume 1 6.0 Assessment of Potential Effects on the Atmospheric Environment Page 6.1 (PDF Page 562)	"Air quality, as a subcomponent of the Atmospheric Environment VC, has been selected because of its intrinsic importance to the health and wellbeing of humans, wildlife, vegetation, and other biota."	Air quality should have also been assessed because of its importance to Indigenous Nations as it has linkages to Indigenous rights through preferred conditions of use and ability to impact Nations through perception or avoidance behaviors. Please identify how these linkages were considered.
28.	Volume 1 6.0 Assessment of Potential Effects on the Atmospheric Environment Page 6.1 (PDF Page 562)	"The primary pathway for air contaminants to reach human and ecological receptors is via airborne dispersion and deposition during Project activities. As a result, the key objective of the air quality assessment is to provide predicted ambient concentrations and depositions due to Project emissions for the following VCs of the EIS…"	The air quality assessment did not provide predicted ambient concentrations and depositions due to Project emissions for the Indigenous peoples VC. Project emissions and the deposition of these emission may affect preferred conditions and may result in negative perception or increased avoidance behaviors, particularly for fugitive dust emissions and combustion by-products emitted during construction and operation.
29.	Volume 1 6.1.4.1 Spatial Boundaries Page 6.11 (PDF Page 572)	"Setting the facility boundary for a mine is less straightforward than for a fenced facility such as a pulp mill. In the instance of a fenced mill, the facility's physical fence line defines where public access is restricted. Mines are not generally fenced; however, public access is often discouraged or prohibited due to safety concerns."	Please identify how Alamos intends to discourage or prohibit access to the Mine site and how this impacts SDFN's right of access to the unoccupied Crown land on which the Project is situated.
30.	Volume 1 6.1.4.1 Spatial Boundaries Page 6.12 (PDF Page 573)	"The selected Project Boundary agrees with the Manitoba Hunting Guide (MSD 2019b), which prohibits hunting within 300 m of a quarry or mineral mine. Local residents will be notified of the prohibited zone; therefore, instances of members of the public being	Please identify how Alamos intends to notify SDFN of the prohibited zone.

#	Volume/Section	EIS Excerpt	Comment
		located within the hunting prohibited zone are expected to be infrequent and brief."	
31.	Volume 1 6.4.1.2 Project Pathways		It does not appear that odour was consisted in the Atmospheric Environment. As odour can potentially impact the exercise of rights in the vicinity due to increased avoidance behavior and changes to preferred conditions of use this must be assessed.
32.	Volume 1 6.4.1.3 Page 6.51 (PDF Page 612)	"Chemical dust suppressants will be applied to haul roads as an alternative option to watering. While chemical dust suppressants can be more effective at controlling fugitive dust than watering, they are also more expensive and can have adverse effects. Therefore, chemical dust suppression will be applied on an as-needed basis during high wind conditions or if measured ambient PM concentrations are in exceedance of the Manitoba AAQC and if an increase of watering is determined ineffective or unfeasible at the time. Examples of suppressants include chlorides, petroleum products, liquid polymer emulsions, and agglomerating chemicals. These suppressants, if required, will be applied, as per the manufacturer's recommendations, to preclude unintended environmental effects."	Chemical dust suppressants are of concern to Sayisi Dene First Nation as they can potentially impact subsistence vegetation and displace potential harvesters who would otherwise use the area in the exercise of their rights should awareness or evidence of chemical dust suppressants be identified. Chemical dust suppressants must be evaluated for potential effects on Indigenous rights, as well as potential impacts to vegetation.
33.	Volume 1 6.4.1.4 Project Residual Effects Page 6.53 (PDF Page 614)	"The model predicted maximum ambient VOC, PAH and metal concentrations, and PAH and metal depositions are evaluated in the human health assessment (Chapter 18) and several other VCs (i.e., surface water [Chapter 9], fish and fish habitat [Chapter 10], vegetation and wetlands [Chapter 11], and wildlife and wildlife habitat [Chapter 12])."	Specific air quality values are not linked to the Indigenous peoples' section of the assessment. This implies that there is no connectivity between the Valued Component and Air Quality. However, Air Quality can interact with Indigenous rights through many pathways including through changes in perception, increased avoidance behavior and changes to preferred conditions of use. This must be considered. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
34.	Volume 6.4.1.4 Project Residual Effects Gordon Site Maximum NO_2 Concentrations	"The maximum predicted 1-hour, 24-hour and annual NO_2 concentrations occur on the northeast Project boundary near the open pit (Maps G-1, G-4, and G-5). The predicted NO_2 concentrations greater than the 1-hour Manitoba AAQC (400 µg/m³) occur for two hours per year and are limited to the northeast Project	The conclusion that there are no sensitive receptors near the northeast Project boundary was concluded without assessment of Indigenous rights. If the northeast boundary is located in proximity to unoccupied Crown land then Sayisi Dene First Nation, and other Nations, have the right to hunt, trap, fish and gather in that area and could be exercising those rights during periods of exceedance. This must be considered.

#	Volume/Section	EIS Excerpt	Comment
	Page 6.54 (PDF Page 615)	Boundary near the open pit. There are no sensitive receptors (e.g., residences, trapping areas) on or near the boundary at this location."	Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
35.	Volume 6.4.1.4 Project Residual Effects Gordon Site Maximum NO_2 Concentrations Page 6.54 (PDF Page 615)	"The predicted NO_2 concentrations greater than the 1-hour CAAQS (79 µg/m³) extend approximately 2.3 km from the Gordon site boundary (Maps G-2 and G-5). Along the Project boundary, values greater than the 1-hour CAAQS are predicted for 99 days in a year, reducing to one day per year with increasing distance. There are three sensitive receptors (trapping areas) within this area."	The conclusion that trapping areas are the only sensitive receptor near the northeast Project boundary was concluded without assessment of Sayisi Dene First Nation Indigenous rights. If the northeast boundary is located in proximity to unoccupied Crown land then Sayisi Dene First Nation, and other Nations, have the right to hunt, trap, fish and gather in that area and could be exercising those rights during periods of exceedance. This must be considered. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
36.	Volume 6.4.1.4 Project Residual Effects Gordon Site Maximum CO Concentrations Page 6.55 (PDF Page 616)	"The maximum predicted 1-hour and 8-hour CO concentrations occur on the northeast Project Boundary near the open pit (Maps G-6 and G-7). The predicted CO concentrations greater than the 1-hour Manitoba AAQC (15,000 µg/m³) occur for one hour per year and are limited to the northeast Project Boundary near the open pit. There are no sensitive receptors on or near the boundary at this location."	See comment #34
37.	Volume 6.4.1.4 Project Residual Effects Gordon Site Maximum SO_2 Concentrations Page 6.55 (PDF Page 616)	"The predicted SO_2 concentrations greater than the 1-hour CAAQS (170 µg/m³) extend approximately 400 m from the Gordon northeast boundary (Maps G-9 and G-10). Along the Project boundary, values greater than the 1-hour CAAQS are predicted for 5 days in a year, reducing to one day per year with increasing distance. There are no sensitive receptors within this area."	See comment #34
38.	Volume 6.4.1.4 Project Residual Effects Gordon Site Maximum TSP Concentrations	"The maximum predicted 24-hour and annual TSP concentrations occur on the north and northeast Project boundary, respectively, near the open pit (Maps G-16 and G-18). Predicted TSP concentrations greater than the 24-hour Manitoba AAQC (120 µg/m³) extend approximately 2.2 km from the Gordon site boundary	See comment #35

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	Page 6.56 (PDF Page 617)	(Map G-17). Along the Project boundary, values greater than the 24-hour AAQC are predicted for 73 days in a year, reducing to one day per year with increasing distance. There is one sensitive receptor (trapping area) within this area."	
39.	Volume 6.4.1.4 Project Residual Effects Gordon Site Maximum PM_{10} Concentrations Page 6.56 (PDF Page 617)	"The maximum predicted 24-hour PM_{10} concentration occurs on the north Project Boundary near the open pit (Map G-19). Predicted PM_{10} concentrations greater than the 24-hour Manitoba AAQC (50 µg/m³) extend approximately 3.3 km from the Gordon site boundary (Map G-20). Along the Project boundary, values greater than the 24-hour AAQC are predicted for 110 days in a year, reducing to one day per year with increasing distance. There are three sensitive receptors (trapping areas) within this area."	See comment #35
40.	Volume 6.4.1.4 Project Residual Effects MacLellan Site Maximum NO_2 Concentrations Page 6.61 (PDF Page 622)	"The predicted NO_2 concentrations greater than the 1-hour CAAQS,79 µg/m³, extend approximately 3.5 km from the MacLellan site boundary (Maps G-2 and G-3). Along the Project boundary, values greater than the 1-hour CAAQS are predicted for 79 days in a year, reducing to one day per year with increasing distance. There are four sensitive receptors (a youth camp, two trapping areas and a waste disposal site) within this area. The status of the youth camp is unknown because there were reports of a fire and it is unclear if the camp will be operational in the future."	See comment #35
41.	Volume 6.4.1.4 Project Residual Effects MacLellan Site Maximum TSP Concentrations Page 6.62 (PDF Page 623)	"The maximum predicted 24-hour and annual TSP concentrations occur on the southwest Project Boundary near the ore milling and processing plant (Maps G-16 and G-18). The predicted TSP concentrations greater than the 24-hour Manitoba AAQC, 120 µg/m³, extend approximately 2.7 km from the MacLellan site boundary (Map G-17). Along the Project boundary, values greater than the 24-hour AAQC are predicted for 64 days in a year, reducing to one day per year with increasing distance. There are three sensitive receptors (two trapping areas and a waste disposal site) within this area."	See comment #35

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42.	Volume 6.4.1.4 Project Residual Effects MacLellan Site Maximum PM_{10} Concentrations Page 6.63 (PDF Page 624)	"The maximum predicted 24-hour PM_{10} concentration occurs on the southeast Project Boundary near the ore milling and processing plant (Map G-19). The predicted PM_{10} concentrations greater than the 24-hour Manitoba AAQC (50 µg/m³) extend approximately 4.2 km from the MacLellan site boundary (Map G-20). Along the Project boundary, values greater than the 24-hour AAQC are predicted for 89 days in a year, reducing to one day per year with increasing distance. There are five sensitive receptors (a youth camp, three trapping areas and a waste disposal site) within this area. Currently, the youth camp is inactive."	See comment #35
43.	Volume 1 6.4.3.2 Operation Page 6.74 (PDF Page 635)	"The magnitude for change in air quality during operation is rated low to high (L/M/H) because the Project operation results in predicted ambient concentrations for the various substances of interest and averaging periods that are greater than 10% of baseline concentrations but less than 50% of the AAQC (L), greater than 50% of the AAQC (M) or greater than the AAQC (H)."	Please either provide: • disaggregated residual effects criteria applications for each air quality value to allow evaluation of the varying magnitude criteria; or • apply a high magnitude rating to adhere to the precautionary approach to over estimation of project effects.
44.	Volume 1 6.0 Assessment of Potential Effects on the Atmospheric Environment All		There is no integration of Indigenous information into the assessment of air quality, particularly, a description of how residual air quality effects may interact with Indigenous rights. This is despite potential Project interactions between Indigenous rights and the atmospheric environment (e.g., perceptive effects, increased avoidance behavior and changes in preferred conditions). Further, there is no consideration of provided information from other nations within this Section. Please describe how atmospheric conditions and Indigenous rights were evaluated, how the residual effects may impact Indigenous rights and how information provided from Nations influenced the assessment of potential effects. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
45.	Volume 1 6.0 Assessment of Potential Effects on the		Please describe how the potential Indigenous receptors were identified and how they relate to locations of importance in the exercise of Indigenous rights. Please describe how these receptors are inclusive of Sayisi Dene First Nation.

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	Atmospheric Environment Map No. 6-1 (PDF Page 658)		Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
46.	Volume 1 7.1.2.1 Indigenous Engagement Page 7.2 to 7.3 (PDF Page 670 to 671)	"Indigenous receptor locations were incorporated into the atmospheric environment, acoustic environment, human health, and Indigenous peoples assessments (Chapters 6, 7, 18 and 19, respectively). The selection of these receptors was informed by Alamos' engagement with Indigenous communities and publicly available sources of traditional land use information. Indigenous receptors were selected early in the assessment process and represent potential receptor locations rather than individual use sites. This information informed and aligned with the potential Project interactions considered in this chapter."	There is no description in this section of how noise and vibration was considered in relation to Indigenous rights and interests specifically. Further, please describe how the potential Indigenous receptors were identified and how they relate to locations of importance in the exercise of Indigenous rights. Please describe how these receptors are inclusive of Sayisi Dene First Nation. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
47.	Volume 1 7.2.1.2 Overview Page 7.9 (PDF Page 677)	"The results at the three monitoring locations (NM1, NM2, and NM3) can be used to represent the existing sound level at some of the receptors. The baseline sound level at the recreation lot, youth camp, and park vacation home near Burge Lake are represented by the monitoring results from NM1. First Nations' traplines, First Nations' trapping areas, First Nations' fishing camps, trapper cabin, remote cottages, and recreation lot are in a remote area. The baseline sound level at these locations are represented by the monitoring results from NM2. Receptor locations within the Black Sturgeon Reserve community are represented by monitoring results from NM3."	Please identify whether any receptor locations were representative of Indigenous rights as the listed remote area receptors (First Nation traplines, First Nation trapper areas, First Nation fishing camps) are not inclusive of all rights-based activities.
48.	Volume 1 7.4.1.4 Project Residual Effects Operation Page 7.24 (PDF Page 692)	"Table 7-11 and Table 7-12 summarize the baseline sound level, Project sound level, and change in %HA results at the receptors for the Gordon site and the MacLellan site operation, respectively. Map 7-5 and Map 7-6 show the noise contour maps for operation at the Gordon site and the MacLellan site, respectively. The same maps are included in the Noise and Vibration Impact Assessment TMR (Volume 5, Appendix C).	Blasting is not clearly assessed within this section. While blasting is considered for vibration, it is not considered for noise in a straightforward way (i.e., there is a reference to overpressure sound later on but the steps leading to this information are unclear). Blasting has potential to cause noise impacts on Indigenous rights holders through either nuisance or discomfort. Blasting is intermittent, unpredictable and can result in a startle response and avoidance behaviors altering patterns of the exercise of rights. Overpressure sound must be considered and describe in relation to Indigenous rights.

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		The predicted Project sound levels at all receptors are below the Manitoba noise guideline target of 55 dBA daytime and 45 dBA nighttime. The change in %HA associated with the Project is compared with the target for change in %HA of 6.5% advised in the Health Canada Noise Guidance (Health Canada 2017). The changes in %HA at the receptors are below the 6.5% target for operation. The results indicate compliance with the Health Canada Noise Guidance (Health Canada 2017). Details on the determination of %HA are described in the Noise and Vibration Impact Assessment TMR (Volume 5, Appendix C). Effects related to LFN are not expected at the receptors because the predicted sound levels are below the Health Canada targets (Health Canada 2017). Details on the determination of LFN effect are described in the Noise and Vibration Impact Assessment TMR (Volume 5, Appendix C). The outdoor nighttime annual sound level of 40 dBA was used as the sleep disturbance noise target for this assessment, based on the WHO Night Guidelines for Europe (WHO 2009). The L_n results in Table 7-11 and Table 7-12 indicate that the nighttime equivalent sound level from the Project is below 40 dBA at residential receptors. No noise-related sleep disturbances of residential receptors are predicted from the Project operation during the nighttime period. During the operation phase, the work camp building design will affect the sound level inside the permanent work camp due to sound transmission loss through the building structure. Based on the permanent work camp building design, a minimum of 30-dB noise reduction is expected for the building walls with the windows closed. Air conditioning units are recommended for the permanent work camp building such that exterior windows and doors can be closed	Further, annoyance from blasting is subjective and can be premised on an expectation for quiet which can be disrupted by the intermittent and unpredictable nature of blasting; and there is also potential for indirect effects to Indigenous rights holders through displacement of wildlife where blasting could result in disruption to wildlife movement and loss of habitat.

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		during summer season. The WHO (1999) recommends a target for sleep disturbance as being an indoor sound level of no more than 30 dBA. The predicted daytime or nighttime sound level at the permanent work camp is 53.5 dBA. The Project related operation noise level inside the permanent work camp is predicted to be 23 dBA, based on a building transmission loss of 30 dB with the exterior windows and doors closed. The results are below the WHO 1999 indoor sound level target of 30 dBA. No noise-related sleep disturbances of workers are predicted from the Project operation during the daytime and nighttime period. After the application of mitigation, the residual noise effects at the receptors during operation are adverse, low to moderate in magnitude, medium-term, continuous, and reversible."	
49.	Volume 1 7.4.2.4 Project Residual Effects Construction Page 7.30 (PDF Page 698)	"The greatest distance at which the vibration levels are above the annoyance target of 72 VdB (FTA 2018) is 280 m for impact pile driving, 71 m for a compactor or excavator, 42 m for a bulldozer, and 42 m for drilling. This distance is expected to be less for other heavy equipment required for construction that have lower vibratory emissions. The closest receptors to potential construction activities at the Gordon site or the MacLellan site are both located at a distance of more than 1 km. These receptors are located at sufficient distances that annoyance due to construction equipment vibration is unlikely. Table 7-13 summarizes the predicted vibration level for annoyance effect at the closest receptor for the Gordon site and the MacLellan site. The predicted vibration levels at both receptors are below the annoyance target of 72 VdB."	Why were no receptors selected in closer proximity to the Project area than 1km? If the area surrounding the Project is unoccupied Crown land or land where Sayisi Dene First Nation have a right of access, then rights have the potential to be exercised in that area now and in the future.
50.	Volume 1 7.4.2.4 Project Residual Effects Operation	"To meet the Health Canada target of 125 dBL, the blast charge reduction to 85 kg per hole per delay is required. The reduced blast charge of 85 kg can be implemented initially to achieve the overpressure level of 125 dBL at the permanent work camp. Reduced	Please describe whether the requirement for a reduction in blast charge is also necessary to achieve overpressure level of 125 dBL at areas of unoccupied Crown land in the vicinity of the Project.

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	Page 7.31 to 7.32 (PDF Page 699 to 700)	blast charge of 85 kg can be increased if monitoring results indicate an air overpressure level below 125 dBL at the permanent work camp."	Please indicate whether Sayisi Dene First Nation will be included in the reporting of monitoring results for overpressure level prior to any blast charge increases.
51.	Volume 1 7.9 Follow-up and Monitoring Page 7.39 (PDF page 707)	"A Vibration Monitoring Program is recommended at receptor IDs 73, 76, 85, 86, and the permanent work camp to measure the vibration air overpressure level during a blast event."	Sayisi Dene First Nation must be informed in an ongoing basis of the results of a Vibration Monitoring Program to ensure vibration air overpressure levels during blast events does not exceed regulatory levels for areas of unoccupied Crown land in the vicinity of the Project.
52.	Volume 1 9.0 Assessment of Potential Effects on Surface Water Page 9.1 (PDF Page 859)	"Current Use of Lands for Traditional Purposes (Chapter 17) – changes in surface water quality and/or quantity can affect the ability or desire of Indigenous peoples to participate in traditional water-based activities (e.g., hunting, trapping, fishing)."	There is no listed linkage between Surface Water and the assessment of potential effects to Indigenous Peoples. Further, the language within the description for linkages with Current Use of Lands for Traditional Purposes does not provide sufficient linkage to Indigenous Rights. Suggested language can include changes in surface water quality and/or quantity can affect the exercise of Indigenous rights and their ability or desire to exercise those rights in the Project vicinity. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
53.	Volume 1 9.4.1.4 Project Residual Effects Page 9.51 (PDF Page 909)	"The mean annual flows at inlets to Gordon Lake (QF01) and Farley Lake (QF02) are predicted to decrease by 29% and 27%, respectively, in the average climate scenario (Table 9-12, Table 9-13). Changes in mean monthly flows are modelled only during open water season (May to October) for QF01 an QF02 and changes are of similar magnitude."	The changes to mean annual flows is not explored in relation to potential impacts to Indigenous rights such as changes to preferred conditions of use and perceptive effects resulting from changes in mean annual flow. Changes in perception related to water flows and quality can result in increased avoidance behavior, particularly if the changes are linked to the Project and outside of natural variation. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
54.	Volume 1 9.4.1.4 Project Residual Effects Page 9.52 (PDF Page 910)	"The mean annual change in flow at the outlet of Farley Lake (QF05 – Farley Creek) is predicted to increase 66% from the existing conditions (Table 9-15). This increase is related to the additional water from the interceptor wells and the dewatering of the historical East and Wendy pits."	See comment #53
55.	Volume 1 9.4.1.4 Project Residual Effects	"Conditions downstream of Farley Lake are anticipated to experience similar but reduced or	See comment #53

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	Page 9.52 (PDF Page 910)	attenuated effects: during construction the mean annual flow increases by 31% at Swede Lake outlet (QF07; Table 9-16), and by 19% at the Ellystan Lake outlet (QF08; Table 9-17)."	
56.	Volume 1 9.4.1.4 Project Residual Effects Page 9.53 (PDF Page 911)	During operation, the mean annual flow at the outlet of Gordon Lake is expected to increase by 7% from existing conditions, while the mean annual flow at the outlet of Farley Lake (Farley Creek) is expected to increase by 43% during the average climate scenario. This is primarily due to the influx of pumped groundwater inflows from the interceptor wells and dewatering of the open pit. Additionally, other contact water from the site will also be discharged into Farley Lake.	See comment #53
57.	Volume 1 9.4.1.4 Project Residual Effects Page 9.53 (PDF Page 911)	"Lake levels at Farley Lake are predicted to increase from existing conditions during operation by an annual average of 12% or 0.11 m during the average climate scenario. March and April are anticipated to see the highest increases, at 27% (0.25 m) and 25% (0.24 m)."	See comment #53
58.	Volume 1 9.4.1.4 Project Residual Effects Page 9.55 (PDF Page 913)	"The predicted Project residual effects associated with lake levels at the Gordon site are predicted to be limited to Farley Lake, and do not extend downstream. Project residual effects for Farley Lake, occurring within the LAA, are of moderate magnitude (30% change in lake level from existing conditions) during construction and operations, whereas during active closure and post-closure the effects are negligible."	See comment #53
59.	Volume 1 9.4.1.4 Project Residual Effects Page 9.61 (PDF Page 919)	"Project residual effects for QM04 occur during the open water season (May to October) and are of high magnitude relative to baseline; during construction, operation, and decommissioning/closure (period of pit filling), with mean annual flows predicted to decrease by greater than 60% relative to baseline. Once the open pit is filled and is discharging into KEE3-B1, mean annual flows are predicted to increase by 76%."	While the residual effects to QM04 are noted to be localized to this tributary, there still must be consideration of how this residual effect can affect Indigenous rights and their exercise in the area. Significant changes to water quantity (streamflow) has the potential to effect Indigenous rights through changes to preferred conditions of use and perceptive effects. Perceptive effects in particular can result in increased avoidance behavior of the area should changes be linked with the Project.

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			Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
60.	Volume 1 9.4.2.1 Analytical Assessment Methods Page 9.64 (PDF Page 922)	"According to the MDMER, effluent pH must be within 6.5 - 9.0, and pH is a required parameter for EEM in the receiving environment. Effluent treatment will be implemented to achieve compliance with the MDMER if necessary."	Where effluent treatment is implemented, will monitoring compliance reports to be submitted to MDMER also be available to Sayisi Dene First Nation for review?
61.	Volume 1 9.4.2.3 Mitigation Page 9.71 (PDF Page 929)		Was remediation of historical exceedances considered as a potential mitigation for surface water quality? Particularly as POPCs assessed for residual effect were often contributed to by the existing exceedances.
62.	Volume 2 10.0 Assessment of Potential Effects on Fish and Fish Habitat	"Fish and fish habitat are linked to other VCs, including…"	There is no identified linkage with Section 19 – Indigenous Peoples or Indigenous rights. Fish and fish habitat are integral in supporting Sayisi Dene First Nations Treaty No. 5 right to fish and the exercise of this right. Therefore, this should be connected and assessed. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
63.	Volume 2 10.1.2.1 Indigenous and Public Engagement Page 10.6 (PDF Page 13)	"The primary concerns about potential effects of the Project on fish and fish habitat from engagement with Indigenous communities and the public were changes in water quality and change in fish abundance. These comments were considered when defining boundaries and significance thresholds of potential effects for Chapter 9 and this chapter."	Please note that documenting and incorporating concerns into the EIS is not equal to assessment of potential impacts to Indigenous rights. An assessment of rights would include all the steps laid out the methodology of this EIS and would be completed to provide defensible conclusions in a similar manner (as per Section 19, but Sayisi Dene First Nation specific). Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
64.	Volume 2 10.1.2.4 Influence of Local or Regional Management Objectives Page 10.10 (PDF Page 17)	"Manitoba Fisheries Branch's mandate is to "ensure sustainable use of the fisheries resource" (MSD 2019). Goals under this mandate include ensuring "No Net Loss" of fish habitat quality or quantity and ensuring that an adequate supply of fish exists for Indigenous peoples to fish for food (MSD 2017)."	What baseline information was used in the consideration of an adequate supply of fish for Indigenous peoples for subsistence purposes? Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.

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65.	Volume 2 Table 10-1 Potential Effects, Effects Pathways and Measurable Parameters for Fish and Fish Habitat Page 10.11 to 10.12 (PDF Page 18 to 19)		An effect pathway should be added to the potential environmental effect of change in fish health, growth, or survival. The effect pathway should be based on the following wording: • Loss of fish species that support the exercise of Indigenous rights. This would ensure specific consideration.
66.	Volume 2 10-4 Definition of Terms used to Characterize Residual Effects on Fish and Fish Habitat Page 10.16 (PDF Page 23)		A quantitative measure should be added to magnitude to characterize the above noted effect pathway (comment #65). This quantitative measure should be for low, moderate and high which assesses the loss within the LAA and RAA of species that support the exercise of Indigenous rights.
67.	Volume 2 10.1.6 Significance Determination Page 10.17 to 10.18 (PDF Page 24 to 25)		A significance threshold should be added to define a significant adverse effect based on the above noted effect pathways and characterizations (comment #65 and #66). It should specify that a significant adverse environmental effect is defined as: • Project conditions that threaten fish species that support the exercise of Indigenous rights in the RAA; or effects that are inconsistent with the exercise of Indigenous rights.
68.	Volume 2 10.4.1.3 Mitigation Measures Page 10.64 (PDF Page 71)	"Additional mitigation measures relating to availability of habitat area, common to both sites are: … • Counterbalancing unavoidable habitat losses by implementing offsets from the suite of options described in the Fish Habitat Offsetting Plan (Chapter 23)."	Sayisi Dene First Nation requires ongoing involvement in the creation and execution of the Fish Habitat Offsetting Plan to ensure that a 'net gain' rather than just 'no net loss' is achieved. If 'net gain' cannot be achieved, Alamos and the Crown must work together, in partnership with Sayisi Dene First Nation to identify compensation measures for fish and fish habitat. 'Net gain' is important when dealing with impacts to Indigenous rights and interest as the rights may not be fully quantified through a regulatory application, as is the case with this EIS.
69.	Volume 2 10.4.1.4 Project Residual Effects	"The unavoidable loss of habitat in the existing diversion channel will be partially offset by construction of the new diversion channel (which will be approximately the same length and width) and fully offset by construction of habitat enhancement features	Habitat offsetting, while important and crucial for continuation of species does interact with Indigenous rights in a negative way. Indigenous harvesters who may use the existing diversion channel, for example, cannot be directed elsewhere in the exercise of their rights. The conditions of the new locale may be suitable for fish, however, there is no consideration of whether the conditions are suitable for

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	Page 10.67 (PDF Page 74)	to increase the suitability of the channel for the fish species present in Gordon and Farley lakes. A comparison of the habitat quantity and habitat quality between the existing diversion channel and the new diversion channel at the Gordon site is provided in Table 10-18. At bank-full discharge, the new diversion channel will provide approximately 1,280 m_2 more habitat than the existing diversion channel. Comparison of habitat quantity during low flows is complicated by the beaver dams that currently exist in the diversion channel. These dams have back flooded the existing channel and increased the average wetted width during low flow conditions."	the exercise of rights. Further, the loss of cultural connection to the original locale can result in disruptions to teaching and transmission activities to the next generation. This was not considered.
70.	Volume 2 10.4.1.4 Project Residual Effects Page 10.68 (PDF Page 75)	"Alamos will include the habitat enhanced diversion channel in its application for a paragraph 34.4(2)b and 35(2)(b) *Fisheries Act* Authorization as offsetting for the loss of habitat in existing diversion channel. Alamos will work with local Indigenous communities, MCC, and DFO to finalize the offset plan so that unavoidable losses of fish habitat are fully counterbalanced in the LAAs."	See comment #68
71.	Volume 2 10.4.1.4 Project Residual Effects Page 10.80 (PDF Page 87)	"While current model predictions are conservative, Alamos understands that the predicted flow changes in Farley Creek during construction and operation are well above those considered likely to have a low probability of causing detectable effects to aquatic ecosystems (i.e., <10% change in instantaneous flow; DFO 2013). Therefore, Alamos commits to explore options to mitigate potential effects to fish and fish habitat in Farley Creek during construction and operation phases."	Will options to mitigate potential effects to fish and fish habitat in Farley Creek be identified in a supplemental filing? Will this be identified prior to approval? Will it be considered as part of the conditions of approval?
72.	Volume 2 10.4.2.4 Residual Effects Page 10.107 (PDF page 114)	"Total arsenic concentrations are only predicted to be higher than 0.02 mg/L in two months during postclosure (April of Year-35and April of Year-36); otherwise concentrations are predicted to be below 0.013 mg/L. The maximum predicted arsenic concentration at the KEE3-B1 assessment node is 0.023 mg/L,	There must be a consideration of perception related to Sayisi Dene First Nation subsistence consumption of fish as there will be an increase in total arsenic concentrations. While levels may be within toxicity benchmarks for fish and aquatic biota, there must be consideration of how this may impact the exercise of Indigenous rights in the vicinity through perception.

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		which is an order of magnitude (10 times) lower than the lowest concentration where adverse effects to fish and non-algal aquatic biota would likely occur (approximately 0.3 mg/L) and approximately two times lower than the arsenic toxicity threshold (0.05 mg/L) of the most sensitive algal species (CCME 2001). For these reasons, adverse residual effects on the health, growth, or survival of fish and aquatic biota in this Keewatin River tributary from exposure to total arsenic are not expected to occur."	Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
73.	Volume 2 10.4.2.4 Residual Effects Page 10.109 (PDF page 116)	"The predicted dissolved cadmium concentrations in the KEE3-B1 tributary are higher than the MWQSOG based on the 2001 US EPA dissolved cadmium guideline (0.00044 mg/L) in only two months in the postclosure phase, April of Year-34 (0.00050 mg/L) and April of Year-35 (0.0052 mg/L). However, the predicted dissolved cadmium concentrations are below the 2016 US EPA guideline of 0.0013 mg/L (calculated using the same hardness of 228 mg/L used in POPC screening for April at the KEE3-B1 assessment node)."	There must be a consideration of perception related to subsistence consumption of fish as there will be an increase in dissolved cadmium concentrations. While levels may be within toxicity benchmarks for fish and aquatic biota, there must be consideration of how this may impact the exercise of Indigenous rights in the vicinity through perception. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
74.	Volume 2 10.4.2.4 Residual Effects Page 10.109 (PDF page 116)	"Total copper concentrations are predicted to exceed the hardness-dependent, long-term CEQG of 0.004 mg/L in the Keewatin River tributary (KEE-B1) only 5% of the time, and only during November or April in the post-closure phase, with a maximum magnitude of 1.5 times higher than the guideline."	There must be a consideration of perception related to subsistence consumption of fish as there will be an increase in total copper. While levels may be within toxicity benchmarks for fish and aquatic biota, there must be consideration of how this may impact the exercise of Indigenous rights in the vicinity through perception. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
75.	Volume 2 11.1.2.1 Indigenous Engagement Page 11.5 (PDF Page 208)	"Generally, issues and concerns related to effects of industrial development on vegetation and wetlands, as reported by Indigenous communities through the review of Project-specific and publicly available TK and TLRU information, included the effects of industrial development on: • Gathering plants for food (berries and herbs) and medicinal purposes.	Please note that documenting and incorporating concerns into the EIS is not equal to assessment of potential impacts to Indigenous rights. An assessment of rights would include all the steps laid out the methodology of this EIS and would be completed to provide defensible conclusions in a similar manner (as per Section 19 but Sayisi Dene First Nation specific).

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		• Gathering of plants and vegetation for making skis and snowshoes, and wood for fuel."	
76.	Volume 2 11.2.2 Overview Page 11.15 (PDF Page 218)	"Several vascular and non-vascular species are traditionally used by Indigenous communities for food (berries and herbs), building (skis and cabins) and medicinal uses, and were identified during community engagement (Table 11-4). All of the species identified by Indigenous communities were recorded in the RAA and are common species in Manitoba, with the exception of small water-lily (*Nymphaea tetragona*) and shrubby willow (described above)."	Through indicating that the species identified through community engagement with Indigenous peoples are common species throughout the RAA, a fundamental misunderstanding of the locational importance of harvesting settings is highlighted. Some plant species particular locale is important as a teaching area to transmit knowledge to the next generation. Further, it may be in a locale of preferred use in the exercise of rights. Also, please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS and this information is not reflected in this section.
77.	Volume 2 11.4.2.2 Mitigation Page 11.26 (PDF Page 229)	"Detailed design of the Project and mitigation strategies is currently ongoing. Mitigation measures will be refined in consideration of environmental assessment approval conditions and permit stipulations which will be incorporated into final environmental management planning. The effectiveness of these mitigation measures will be confirmed by qualified environmental professionals and engineers as part of the development of detailed mitigation and environmental management planning. These detailed mitigation measures and monitoring programs including adaptive management procedures will be reviewed by applicable regulatory agencies prior to their implementation."	Sayisi Dene First Nation requires involvement in the development of mitigation strategies change in landscape diversity. Where effects can be anticipated in relation to Indigenous rights, Sayisi Dene First Nation would like involvement in the development; where the effects are unrelated to Indigenous rights, Sayisi Dene First Nation requires review of adaptative management procedures prior to their implementation.
78.	Volume 2 11.4.3.2 Mitigation Page 11.32 (PDF Page 235)	"A native seed mix will be used to assist in reducing invasive plant species spread and establishment as well as for erosion control on exposed soils."	Consultation with Sayisi Dene First Nation on the native seed mix is required to ensure that plants seeded are reflective of plants used in the exercise of SDFN rights and interests.
79.	Volume 2 11.4.4.2 Mitigation Page 11.36 to 11.37 (PDF Page 239 to 240)		This Project Pathway was meant to assess direct and indirect loss of traditional use species, however, there is no specific mitigation proposed to address those direct and indirect effects. Instead, mitigation focuses on SOCC. Please update with specific mitigation for direct and indirect loss of traditional use species.

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			Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
80.	Volume 2 11.4.4.3 Project Residual Effect Gordon Site Page 11.38 (PDF Page 241)	"Development of the Gordon site will adversely affect known plant SOCCs and species of traditional use during construction and operation, but with mitigation and reclamation, these effects will be moderate to high in magnitude. The uncertainty in magnitude is attributed to the lack of information on SOCC and traditional use species abundance in the RAA."	As noted in comment #79, there are no specific mitigation measures for direct or indirect loss of traditional use species. This, in conjunction with a lack of information about traditional use species abundance in the RAA requires a high magnitude.
81.	Volume 2 11.4.4.3 Project Residual Effect MacLellan Site Page 11.39 (PDF Page 242)	"Much of the effect to upland species diversity will occur due to vegetation clearing within the PDA, and effects to wetland species diversity may occur within the LAA, which may result in a change in spatial distribution of traditional use species within the LAA."	The changes spatial distribution of traditional use species should be explored as a potential impact as the location-based nature of the exercise of rights for vegetation gathering can be important. Further, these locales can be used in teaching and transmitting knowledge to the next generation. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
82.	Volume 2 11.4.4.3 Project Residual Effect MacLellan Site Page 11.39 (PDF Page 242)	"Development of the MacLellan site will indirectly adversely affect plant SOCCs and traditional use species during construction and operation; however, with mitigation and reclamation, these effects will be moderate to high in magnitude. The uncertainty in magnitude is attributed to the lack of information on species abundance in the RAA."	See comment #80
83.	Volume 2 11.4.5.2 Mitigation Page 11.41 (PDF Page 244)	"Compensation for wetland loss will not be completed under the Federal Policy on Wetland Conservation because this Project is not located in an area of high historical wetland loss or located on federal lands."	See comment #68
84.	Volume 2 11.4.6 Project Residual Effects Page 11.42 (PDF Page 245)	"However, there will be moderate magnitude, long-term loss of 660.0 ha of wetland as a result of clearing for development of the Gordon site, as well as from dewatering of the open pit, and natural refilling of the open pit post reclamation. In addition, 10 years after reclamation, measurable changes to groundwater recharge/discharge, water storage sediment retention and carbon sequestration are not anticipated, and wetland function should begin to recover. Therefore,	The amount of wetland as well as the duration of loss are substantial in the context of the exercise of indigenous rights and must be considered. A duration of upwards of 10 years to restore wetland function will constitute a significant interruption in the exercise of rights and will displace Indigenous harvesters from this area. This potential effect must be considered. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.

#	Volume/Section	EIS Excerpt	Comment
		effects to wetland function are predicted to be continuous, moderate in magnitude, long-term in duration, restricted to the LAA, and reversible/irreversible."	
85.	Volume 2 11.4.6 Project Residual Effects Page 11.42 (PDF Page 245)	"…there will be permanent loss of 370.9 ha of wetland area in the LAA. There is potential that 603.2 ha of wetland function indirectly lost by construction and operation of the MacLellan site. However, 50 years after reclamation, measurable changes to groundwater recharge/discharge, water storage, sediment retention and carbon sequestration are not anticipated, and wetland function should begin to recover. Therefore, effects to wetland functions are predicted to be continuous, moderate in magnitude, long-term in duration, restricted to the LAA, and reversible/ irreversible."	The amount of wetland, as well as the duration of loss, are substantial in the context of the exercise of indigenous rights and must be considered. A duration of upwards of 50 years to restore wetland function will constitute a significant interruption in the exercise of rights and could displace Indigenous harvesters from this area permanently. This potential effect must be considered. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
86.	Volume 2 11.54 Change in Species Diversity and 11.5.5 Change in Wetland Function Page 11.49 to 11.50 (PDF page 252 to 253)		There is no discussion within these two sections about the displacement of Indigenous rights holders either to access species which are disrupted in the LAA or to access wetland which will not be functioning until between 10-50 years following closure. This includes the preference of rights holders and perceptions. The cumulative effects assessment cannot be deemed complete without consideration of these impacts to Indigenous rights being evaluated on a regional basis.
87.	Volume 2 11.7.1 Significance of Project Residual Effects Page 11.53 (PDF page 256)	"With mitigation and environmental protection measures, the residual environmental effects on vegetation and wetlands are predicted to be not significant."	There must be consideration of the significant interruption of wetland function (upwards of 10 years for the Gordon site and 50 years for the MacLellan site). By the definition of significance, this effect should be considered significant. Additionally, with the consideration of the above noted effects on Indigenous rights with respect to vegetation, there is potential for there to be a significant project residual effects as the long-term viability of wetland functions and vegetation species of interest to Indigenous communities will be threatened.
88.	Volume 2 12.0 Assessment of Potential Effects on Wildlife and Wildlife Habitat	"The location of hunting and trapping areas used by Indigenous communities may change if the Project alters the distribution and abundance of wildlife species of cultural importance (Chapter 17)."	Changes to the distribution and abundance of wildlife species has the potential to adversely impact Indigenous rights through changes to species of cultural importance, through changes in perception, changes in preferred conditions and changes in sense of place. The language and assessment within this section should be updated to reflect these considerations.

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	Page 12.1 (PDF page 314)		
89.	Volume 2 Table 12-2 Potential Effects, Effects Pathways and Measurable Parameters for Wildlife and Wildlife Habitat Page 12.7 (PDF Page 320)	Effect Pathway: “Direct and/or indirect loss or alteration of habitat due to vegetation clearing, sensory disturbance (e.g., avoidance), and/or edge effects.”	Please note that avoidance is calculated for wildlife in relation to changes in habitat. However, avoidance is not calculated for Indigenous peoples and how this may impact their rights.
90.	Volume 2 Table 12-2 Potential Effects, Effects Pathways and Measurable Parameters for Wildlife and Wildlife Habitat Page 12.7 (PDF Page 320)		An effect pathway should be added to the potential environmental effect of change in wildlife health. The effect pathway should be based on the following wording: • Loss of wildlife species that support the exercise of Indigenous rights. This would ensure specific consideration.
91.	Volume 2 12.1.4.1 Spatial Boundaries Page 12.8 (PDF Page 321)	“Local Assessment Area (LAA): includes components of the PDA plus a 1-km buffer surrounding each component. The LAA was established to consider the area in which Project activities might result in indirect habitat loss due to sensory disturbance (i.e., displacement or avoidance; e.g., Storlie 2006; Laurian et al. 2008; Benitez-Lopez et al. 2010, Shannon et al. 2016) while considering the maximum recommended setback distances for SAR and SOCC (EC 2009; MB CDC 2014).”	The LAA is defined as a 1 km buffer surrounding each component, however, there will be a continuously defined prohibited zone around the Project as a whole in which the exercise of rights will be prohibited. Please identify whether the selected LAA encompasses the prohibited zone or whether there are areas outside of the LAA where prohibition will occur.
92.	Volume 2 12-3 Characterization of Residual Effects on Wildlife and Wildlife Habitat		A quantitative measure should be added to magnitude to characterize the above noted effect pathway (comment #90). This quantitative measure should be for low, moderate and high which assesses the loss within the LAA and RAA of species that support the exercise of Indigenous rights.

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	Page 12.9 (PDF Page 322)		
93.	Volume 2 12.1.6 Significance Determination Page 12.10 (PDF Page 323)		A significance threshold should be added to define a significant adverse effect based on the above noted effect pathways and characterizations (comment #90 and #92). It should specify that a significant adverse environmental effect is defined as: • Project conditions that threaten wildlife species that support the exercise of Indigenous rights in the RAA; or effects that are inconsistent with the exercise of Indigenous rights.
94.	Volume 2 Table 12-4 Background Review Data Sources Page 12.11 (PDF page 324)		Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section. There are no sources used or identified which document wildlife species used in the exercise of Indigenous rights or support Indigenous rights.
95.	Volume 2 12.2.2.2 Species at Risk and Species of Conservation Concern Page 12.25 (PDF Page 338)	"Woodland caribou require large contiguous tracts of lichen-rich mature coniferous forests interspersed with peatland complexes (Government of Canada 2012). The Project is located in the Province of Manitoba's woodland caribou Kamuchawie Management Unit (KMU) – a geographic unit used to facilitate the management of woodland caribou ranges in the province (MBWCMC 2015; Map 12-5). However, no woodland caribou ranges have been delineated in the KMU due to the unavailability of population size, trend, or distribution data (MBWCMC 2015), but woodland caribou are reported to typically occur more than 80 km southwest of the RAA (pers. comm. 2015b). DARD expressed the intention to survey for woodland caribou within the KMU in the winter of 2020 (pers. comm. 2019b), but the survey details or preliminary results from the survey has not yet been shared at the time of writing. The KMU (1,812,937 ha) is currently 56% undisturbed habitat for woodland caribou (pers. comm. 2019c), which is below the Province's target minimum of 65% (MBWCMC 2015); most disturbance is a result of	Woodland caribou were historically important subsistence species for Sayisi Dene First Nation but have transitioned into species of importance for Governance and Autonomy. The traditional management of this species and historical connection to past wrongs imposed on Sayisi Dene First Nation in the name of caribou conservation make the management of this species complex and entwined with Sayisi Dene's right to self-determination. The lack of data in relation to population size, trend or distribution within the KMU is troubling. Also troubling, is that only 67% of the Manito0ba North Range is undisturbed for woodland caribou (an area delineated as po0rtentially containing critical habitat for woodland caribou. This amount of undisturbed habitat is dangerously close to the minimum target of 65%. Sayisi Dene First Nation requires directed consultation with the Crown agencies identified including DARD and Environment and Climate Change Canada to ensure Sayisi Dene First Nation governance rights with respect to this historically and currently important species are respected, and that Sayisi Dene First Nation's right to self-determination is honoured.

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		forest fires (pers. comm. 2019c). Baseline disturbance mapping (Table 12-6) indicates that 77% of the LAA is currently disturbed primarily due to anthropogenic disturbance and the RAA is currently 46% disturbed, primarily due to forest fire (Table 12-9; Map 12-6). The Project (MacLellan site) also overlaps the Manitoba North Range (MB9), an area delineated as potentially containing critical habitat for woodland caribou, as defined in the Federal Recovery Strategy for the Woodland Caribou, Boreal Population (Government of Canada 2012, ECCC 2019a; Map 12-5). However, habitat within the RAA contains a relatively high degree of disturbance (i.e., Town of Lynn Lake, MacLellan site, fires within 40 years) and currently provides limited suitable habitat for woodland caribou (Table 12-9; Map 12-6). The Manitoba North Range (MB9) is 67% undisturbed habitat for woodland caribou (ECCC 2019a), above the minimum target of 65% (Government of Canada 2012)."	
96.	Volume 2 12.2.2.2 Species at Risk and Species of Conservation Concern Page 12.26 (PDF Page 339)	"Caribou in general, have been identified as an important resource for Indigenous communities and there have been numerous concerns raised about the potential Project-related environmental effects to caribou populations, by both Indigenous communities and other stakeholders (Stantec 2018; SVS 2020; Chapters 3 and 17). There are however, no recent TEK observations or accounts of rights-based hunting activity for woodland caribou in the RAA (Stantec 2018; SVS 2020)."	Rights based hunting is only one activity associated with caribou. Sayisi Dene First Nation also has governance rights to traditionally manage woodland caribou based on traditional practices and past harms from government of Canada policies. There must also be consideration of these governance-based rights and how they may be impaired by project impacts to the species. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
97.	Volume 2 12.4.2.3 Mitigation for Change in Habitat Page 12.39 (PDF Page 352)	"Design for restriction of unauthorized access to habitat adjacent to the PDA."	This mitigation measure will result in additional impacts to Indigenous rights. Restricting access of Indigenous peoples to habitat adjacent to the PDA restricts them from unoccupied Crown land to which they have a right of access; exacerbating the amount of lands taken up by the Project and rendered inaccessible for the exercise of rights. This must be considered, calculated and assessed.

#	Volume/Section	EIS Excerpt	Comment
98.	Volume 2 12.4.2.4 Project Residual Effect for Change in Habitat Species at Risk Page 12.42 to 12.43 (PDF Page 355 to 356)	"While the Gordon site will result in additive habitat loss in the KMU that is currently below the minimum desired target of 65% undisturbed habitat (MBWCMC 2015, pers. comm. 2019c), the loss is small, indirect, in an area adjacent to existing disturbance, and there has been no evidence to suggest the contemporary range of woodland caribou includes the site."	As stated in 12.2.2.2 Species at Risk and Species of Conservation Concern, no woodland caribou ranges have been delineated in the KMU due to the unavailability of population size, trend, or distribution data. Unavailability of data does not, in and of itself, constitute evidence that suggest contemporary ranges do not exist in the Project vicinity. There is just an absence of data. This section should be updated via supplementary filing as additional information becomes available on caribou within the KMU.
99.	Volume 2 12.7.1 Significance of Project Residual Effects Page 12.76 to 12.77 (PDF Page 389 to 390)		See comment #98
100.	Volume 2 14.3 Project Interactions with Community Services, Infrastructure, and Wellbeing Community Services and Infrastructure Page 14.30 (PDF Page 545)	"Potential changes to community services and infrastructure will result from an in-migration of Project workers to the LAA as a result of the Project, therefore increasing demand. It is assumed that workers' families will not relocate to Lynn Lake due to its remoteness and lack of amenities. It has therefore been assumed that most workers will operate on a fly-in-fly-out (FIFO) or drive-in-drive-out (DIDO) rotation. These workers will likely be based in Thompson, or possibly further abroad in Winnipeg. They will commute to site and will not bring their families. During construction and operation, workers will be accommodated at a work camp at the MacLellan site."	There must be a Gender-Based Analysis of how the work camp can impact Sayisi Dene First Nation women and girls who traverse between Tadoule Lake and Lynn Lake, in the project vicinity. The Impact Assessment Agency of Canada has identified this as a formal requirement for study under the *Impact Assessment Act* (2019). This type of consideration is relevant to the mandate of the Commission for the National Inquiry into Missing and Murdered Indigenous Women and Girls in so far that it promotes equality for women through analysis support.
101.	Volume 2 15.2.2.1 Land Use Page 15.13 (Page PDF 606)	"The RAA is mainly unoccupied provincial Crown land. Crown lands includes land, "whether within or without the province, vested in the Crown (meaning Her Majesty the Queen in the right of the province), and includes provincial lands wherever that expression is used in an Act of the Legislature" (pers. comm. 2019g)."	Please provide a calculation of the amount of unoccupied Crown land which will be converted to occupied Crown land by the Project. Mechanisms which can result in this change include permits, leases, dispositions, physical disturbance of prohibition of use that are incompatible with the exercise of Sayisi Dene First Nation rights. This calculation specifically relates to Indigenous rights and it is important to note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.

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102.	Volume 2 15.4.2.3 Project Residual Effects Gordon Site Page 15.29 (PDF Page 622)	"Given the small area of provincial Crown land affected by the PDA (269 ha for the Gordon site), Project disturbance is predicted to be of low magnitude."	There is no consideration of how the removal of 269 ha of Crown land from the inventory of unoccupied land available to Sayisi Dene First Nation may impact Sayisi Dene First Nation rights. This must be considered, assessed and further discussed.
103.	Volume 2 15.4.2.3 Project Residual Effects MacLellan Site Page 15.30 (PDF Page 623)	"Given the small areas of provincial land affected by the PDA (938 ha within the LAA for MacLellan, with approximately 10 ha of land for the power distribution line ROW), Project disturbance is predicted to be of low magnitude."	There is no consideration of how the removal of 938 ha, with approximately 10 ha of land for the power distribution line ROW, of Crown land from the inventory of unoccupied land available to Sayisi Dene First Nation may impact Sayisi Dene First Nation rights. This must be considered, assessed and further discussed.
104.	Volume 2 15.4.3.2 Mitigation Page 15.35 (PDF Page 628)	"Signage will be installed around the perimeter of the PDAs to alert local land and resource users of the presence of the Project and its facilities."	This mitigation measure will result in additional impacts to Indigenous rights. Signage installed around the perimeter can increase avoidance behaviors and negative perceptions related to the Project and its facilities. This must be considered, calculated and assessed.
105.	Volume 2 16.4.2.2 Mitigation Page 16.20 (PDF Page 695)	"Construction monitoring by a professional archaeologist in areas that are heritage sensitive such as sites identified as being culturally sensitive by Indigenous engagement."	Sayisi Dene First Nation requires the definition of a specific protocol for notification of heritage resources which may be identified during construction by the professional archaeologist designated by Alamos Gold.
106.	Volume 2 17.0 Assessment of Potential Effects on Current Use of Lands and Resources for Traditional Purposes by Indigenous Peoples Page 17.1 to 17.2 (PDF Page 712 to 713)	"Information on Current Use is based on Project-specific traditional land and resources use (TLRU) studies, as well as Project engagement activities, and existing literature as well as the analysis of relevant biophysical and socio-economic assessments. This information, current to May 22, 2020, confirms that the Project has the potential to affect traditional activities, sites and resources identified by Indigenous communities."	Sayisi Dene First Nation was not provided capacity to document current use of land and resources in the Project area. Alamos has chosen to assume that use of SDFN is "…tied to the winter road which is only open for about six weeks in a given year thus suggesting minimal usage of the project area. Further, one would expect that traditional harvesting would be exercised closer to the community or in more remote areas as opposed to coming to the southern areas where there is more development."[7] Alamos has asked SDFN to provide more details about use, at their own expense, so that Alamos can understand this issue and consider whether or not a traditional land use study is necessary in the circumstances. Alamos indicated that they fully expect that SDFN would have access to members who can speak to usage of the area[8], with no capacity provided to compensate said members for their information.

[7] Letter from Alamos Gold to Sayisi Dene First Nation, September 2, 2020

[8] Ibid.

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			The significant problems with this position are: • There are assumption-based conclusion rather than based on material information from SDFN; • There is expectation of information provision without capacity to collect it. Therefore, no community knowledge or TK was acquired by Alamos for SDFN and has not been incorporated into the EIS.
107.	Volume 2 17.1.3 The Influence of Engagement on the Assessment Page 17.5 (PDF Page 716)	"Indigenous communities identified for engagement are categorized by IAAC as 'most affected' and 'affected to a lesser degree' as follows…"	The categorization of Sayisi Dene First Nation as affected to a lesser degree is based on outdated and inappropriate considerations. Sayisi Dene First Nation, formally known as the Churchill Indian Band, are signatories to Treaty No. 5. Further, Sayisi Dene First Nation adheres to the *1930 Natural Resources Transfer Agreement* which enabled the exercise of hunting, gathering, fishing and other treaty rights on unoccupied Crown lands throughout the Province of Manitoba. Rights exercised include hunting, trapping, fishing, and gathering. Further, the Project area may also include sacred or cultural sites which should be identified through traditional land use information gathering. SDFN has a historical connection and intergenerational connection to this area. SDFN uses the environment near and surrounding the location for economic opportunities, as part of the governance structure and is critical for Sayisi Dene cultural identity and for location-based language and knowledge transfer. The Project has the potential to impact preferred sites of the above noted uses as well as the preferred means of exercise. This could be through the change in priority rights on Crown land, changes in the physical attributes of the land (air, noise, visual quality, etc.), a change in the perception of land (increased avoidance by Sayisi Dene First Nation members due to perceived environmental, aesthetic or safety concerns), or changes in access (the winter road used to access the Nation is in proximity to the Project study area). The Project could also result in impacts to preferred species of harvest/culturally critical species, including caribou which could result in secondary effects to Sayisi Dene First Nation members ability to access those resources or manage them in a manner of their choosing (governance rights). The Project also has the potential to impact biophysical resources of importance to Sayisi Dene including ungulates (e.g., caribou), hydrological flow patterns (Watersheds) and resources, and changes in shared territory considerations.

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			The Project may also result in additional impacts to Sayisi Dene First Nation through the proximity of the Project to the Winter Road which provides access to the Sayisi Dene First Nation Community both directly and indirectly. Directly through increased traffic or disruption and indirectly through gender-based considerations of work camps in proximity to the isolated road.
108.	Volume 2 17.1.3.4 Anticipated Project Effects Identified by Indigenous Communities Page 17.8 to 17.10 (PDF Page 719 to 721)		There is no information within this section related to SDFN. This must be updated and completed in collaboration with SDFN.
109.	Volume 2 Table 17-1 Potential Effects, Effects Pathways and Measurable Parameters for Current Use of Lands for Traditional Purposes Page 17.11 to 17.12 (PDF Page 722 to 723)		This Table does not include Potential Environmental Effects as identified by SDFN. Please see comment #107 for a detailed description. Further, the effect pathways are largely based on biophysical components previously assessed within the EIS. This approach is inappropriate and should instead focus on the right and exercise of those rights specifically. This is also evident in the measurable parameters.
110.	Volume 2 17.1.4 Potential Effects, Pathways and Measurable Parameters Page 17.12 (PDF Page 723)	“Intangible values relate to beliefs, perceptions, values, and qualitative experience. Given the subjective and conditional nature of intangible values, these potential effects are considered only when an Indigenous community has identified a related concern. Potential effects on experiential values often include changes to cultural transmission, language retention, governance systems, patterns of cultural behaviour, and the sensorial experience of traditional practices. Intangible effects can only be meaningfully evaluated by individuals and communities experiencing these values in their cultural context; however, such effects are difficult to mitigate or quantitatively assess by an external party. These effects are not amenable to	Were Indigenous nations informed of the process for evaluating intangible values based on identified related concerns? While intangible values can, in some cases, be difficult to quantify, there are ways this can be completed. Surveys on perception, for example, can, over time, conceptualize Indigenous nations perceptions related to the Project and this data can be directly related to harvesting outcomes through ongoing harvesting surveys. Additionally, avoidance can be quantified and reported on for specific development types and activities. While there may not be standard mitigations available, there are always solutions to be identified. For example, if someone has a belief that water is not safe to drink, ongoing community sessions reporting the results of drinking water

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		conventional residual effects characterizations that were developed for the assessment of objective, measurable phenomena from a Western scientific perspective. In addition, intangible effects might not realistically be mitigated in the context of an environmental assessment. For example, while it is entirely possible to mitigate effects on water quality to meet Health Canada thresholds, it is not possible to effectively mitigate someone's belief that the water is not safe to drink. Therefore, potential effects on intangible values will not be subject to a full effects assessment (e.g., that includes residual effects characterization). Rather, when an Indigenous community has identified a related concern, the subjective and experiential components of Current Use that cannot be measured will be considered narratively. Both tangible and identified intangible values contribute to the conclusion for the Current Use assessment."	monitoring can, over time, alleviate concerns and act as an ongoing mitigation through Project operations. SDFN rejects the premise because assessing intangible values is unconventional, it can only be measured through concerns, described narratively and cannot be mitigated through creative and collaborative solutions.
111.	Volume 2 Table 17-2 Definition of Terms used to Characterize Residual Effects on Current Use of Lands and Resources for Traditional Purposes Page 17.15 to 17.16 (PDF Pahe 726 to 727)		Sayisi Dene First Nation was not provided capacity to document current use of land and resources in the Project area (see comment #106). Should this information be collected in the future, SDFN requires definition of specific terms to characterize residual effects which align with the measurable parameters selected for study.
112.	Volume 2 17.1.7 Significance Definition Page 17.16 (PDF Page 727)		Sayisi Dene First Nation was not provided capacity to document current use of land and resources in the Project area (see comment #106). Should this information be collected in the future, SDFN requires an altered Significance Definition to rely less on the physical aspects.
113.	Volume 17.2.3 References to Indigenous People in the Trade Post Journals		The information provided to characterize the Post-Contact Period Regional Context is colonial and does not include the perspective of the Indigenous peoples who have inhabited the region. This section should be updated with oral history from Indigenous Nations.

#	Volume/Section	EIS Excerpt	Comment
	Page 17.23 to 17.32 (PDF Page 734 to 743)		
114.	Volume 2 17.2.13 Indigenous Communities Page 17.32 (PDF Page 743)	"The following overview organizes the Indigenous Communities by two categories: those which have expressed through engagement that they have traditional interests in the Project RAA and those which have indicated through engagement that they do not undertake current traditional practices in the RAA…"	This section incorrectly categorizes Sayisi Dene First Nation as a 'community' which does not undertake current traditional practices in the RAA. First, the RAA specified was not provided to SDFN for consideration. Additionally, Sayisi Dene First Nation was not provided capacity to document current use of land and resources in the Project area (see comment #106). Please update this section to reflect the language in the letter to SDFN declining the execution of the TLUS.
115.	Volume 2 17.2.14.11 Sayisi Dene First Nation Page 17.51 (PDF page 762)	"Through engagement, Sayisi Dene First Nation advised Alamos that members of do not currently participate in traditional practices within the RAA."	See comment #114
116.	Volume 2 Table 17-5 Potential Project-Environment Interactions with Current Use of Land and Resources for Traditional Purposes Page 17.54 to 17.56 (PDF Page 765 to 767)		Sayisi Dene First Nation was not provided capacity to document current use of land and resources in the Project area (see comment #106). Should this information be collected in the future, SDFN requires an updated Potential Project-Environment Interactions table be completed.
117.	Volume 2 17.4 Assessment of Residual Environmental Effects on Current Use of Lands and Resources for Traditional Purposes Page 17.57 (PDF Page 768)		Sayisi Dene First Nation was not provided capacity to document current use of land and resources in the Project area (see comment #106). Should this information be collected in the future, SDFN requires an updated assessment of residual effects on their current use of lands and resources for traditional purposes.
118.	Volume 2	"Alamos will continue to engage the Indigenous communities considered below to monitor whether traditional interest in the RAA changes."	Please update this section to reflect the language in the letter to SDFN declining the execution of the TLUS.

#	Volume/Section	EIS Excerpt	Comment
	17.7.4.2 Communities with No reported Current Traditional Practices Page 17.86 (PDF Page 797)		
119.	Volume 2 19.0 Assessment of Potential Effects to Indigenous Peoples Page 19.1 (PDF Page 1051	"The Indigenous Peoples assessment is an integrated assessment of Indigenous health, Indigenous socio-economic conditions, Current Use, and Indigenous physical and cultural heritage VCs because of the potential for the Project to affect Indigenous communities[3] (Section 19.2). To accomplish this, this assessment considers the conclusions of the assessments of related biophysical and socio-economic VCs, including Human Health, Land and Resource Use, Community Services, Infrastructure and Wellbeing, Labour and Economy, Heritage Resources, and Current Use."	While SDFN acknowledges that the Project EIS will continue under CEAA 2012, the continuation of approaches undertaken under previous legislation which were subject to judicial proceedings involving the previous legislation should not be continued. This includes usage of biophysical components as a proxy for rights. An approach which was struck down in *Clyde River (Hamlet) v Petroleum Geo-Services Inc.* 2017 SCC 40 at para 45 which states "…the consultative inquiry is not properly into environmental effects *per se*. Rather, it inquires into the impact on the *right*. No consideration was given in the NEB's environmental assessment to the source – in a treaty – of the appellants' rights to harvest marine mammals, nor to the impact of the proposed testing on those rights." Therefore, assessment of right specifically must be undertaken for this EIS. Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
120.	Volume 2 19.0 Assessment of Potential Effects to Indigenous Peoples Page 19.2 (PDF Page 1052	"This chapter also provides an assessment of potential effects on Indigenous or Treaty Rights drawing on the information sources, methods, and findings of the preceding chapters of the EIS, where appropriate."	See comment #119
121.	Volume 2 19.0 Assessment of Potential Effects to Indigenous Peoples Page 19.2 (PDF Page 1052	"In addition, Indigenous communities identified in the Final EIS Guidelines that 'may also be affected, but to a lesser degree', include … • Sayisi Dene First Nation."	See comment #107

#	Volume/Section	EIS Excerpt	Comment
122.	19.1.1.4 The Influence of Engagement on the Assessment Page 19.7 (PDF Page 1057)		Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
123.	Volume 2 19.1.2.2 Identification of Related Valued Components Page 19.11 (PDF Page 1061)	"The interrelationship among various related biophysical and socio-economic VCs plays an important role in how changes to the environment may affect the conditions and material circumstances of Indigenous communities. For example, changes in surface water quality may influence fish health, which could in turn affect country foods and Indigenous health conditions."	See comment #119
124.	Volume 2 Table 19-2 VCs and Potential Effect Pathways Related to Indigenous Health Conditions Page 19.12 (PDF Page 1062)		What measurable parameters were used to assess Indigenous Health Conditions? It appears from this table that the assessment relied fully on other Valued Components including Current Use and Human Health.
125.	Volume 2 Table 19-3 VCs and Potential Effect Pathways to Indigenous Socio-Economic Conditions Page 19.13 (PDF Page 1063)		What measurable parameters were used to assess Indigenous Socio-Economic Conditions? It appears from this table that the assessment relied fully on other Valued Components including Current Use, Community Services, Infrastructure and Wellbeing, and Labour and Economy. .
126.	Volume 2 Table 19-3 VCs and Potential Effect Pathways to Indigenous Physical and Cultural Heritage		What measurable parameters were used to assess Indigenous Physical and Cultural Heritage? It appears from this table that the assessment relied fully on other Valued Components including Current Use, and Heritage Resources.

#	Volume/Section	EIS Excerpt	Comment
	Page 19.15 (PDF Page 1065)		
127.	Volume 2 19-5 Definition of Terms used to Characterize Residual Effects on Indigenous Health, Indigenous Socio-Economic Conditions, and Indigenous Physical and Cultural Heritage Page 19.17 (PDF Page 1067)	"Current Use is able to continue at a reduced level or with some restrictions on current practice and some alteration of behaviour to continue current use and traditional practices."	Sayisi Dene First Nation was not provided capacity to assess health, socio-economic or physical and cultural heritage for this Project. Should this information be collected in the future, SDFN requires definition of specific terms to characterize residual effects which align with the measurable parameters selected for study. Particularly as alteration of behavior can be an identified impact in and of itself.
128.	Volume 2 19.1.5 Significance Determination Page 19.20 (PDF Page 1070)		Sayisi Dene First Nation was not provided capacity to assess health, socio-economic or physical and cultural heritage for this Project. Should this information be collected in the future, SDFN requires an altered Significance Definition to rely less on the physical aspects.
129.	Volume 2 19.2.2.1 Indigenous Health Conditions Page 19.22 to 19.25 (PDF Page 1072 to 1075)		This section is through a colonial lens and does not include Indigenous perspectives on methods for health care which were present prior to treaty and have persisted despite colonial assimilation efforts. Sayisi Dene First Nation was not provided capacity to assess health for this Project. Should this information be collected in the future, SDFN requires updates to the Indigenous Health Conditions listed to provide their own views to act as baseline conditions that are not connected with the exercise of harvesting rights, but with the governance and management of health through traditional means.
130.	Volume 2 19.2.2.2 Indigenous Socio-Economic Conditions Page 19.25 to 19.30 (PDF Page 1075 to 1080)		This section is through a colonial lens and does not include Indigenous perspectives on methods for wealth distribution and management which were present prior to treaty and have persisted despite colonial assimilation efforts. Sayisi Dene First Nation was not provided capacity to assess socio-economic conditions for this Project. Should this information be collected in the future, SDFN requires updates to the Indigenous Socio-Economic Conditions listed to provide their own views to act as baseline conditions that are not connected with non-Indigenous considerations, but with the governance and management of wealth distribution through traditional means.

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131.	Volume 2 19.4.1 Analytical Assessment Techniques Page 19.36 (PDF Page 1086)	"Recommendations and mitigation measures were identified by Indigenous communities through the Indigenous engagement process for the Project, as well as requested through Project-specific TLRU studies funded by Alamos. The mitigation measures sections (Sections 19.4.3.2, 19.4.4.2, and 19.4.5.2) list those measures proposed by Indigenous communities and presents mitigation measures that Alamos would implement for the Project."	Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section. This includes the collaborative development of mitigation measures with Alamos Gold.
132.	Volume 2 19.4.2 Assumptions and the Conservative Approach Page 19.37 (PDF Page 1087)	"Marcel Colomb First Nation is the only Indigenous community that has a reserve and community location within the Indigenous Health Conditions and Indigenous Socio-Economic Conditions LAAs (Maps 19-2 and 19-3). However, members of the other 11 Indigenous communities engaged on the Project may choose to live and work within the Indigenous Health Conditions and Indigenous Socio-Economic Conditions LAAs and RAAs or travel to areas within the Indigenous Health Conditions and Indigenous Socio-Economic Conditions LAAs or RAAs to access services, temporary employment or to harvest country food (Maps 19-2, 19-3 and 19-4). The assessment of residual effects included in this section applies to Indigenous peoples living, working, or harvesting country foods within the Indigenous Health Conditions and Indigenous Socio-Economic Conditions LAA and RAA. The potential for adverse effects and benefits of the Project would primarily be experienced by Indigenous peoples who reside within the Indigenous Health Conditions and Indigenous Socio-Economic Conditions LAA and RAA and, as a result, are the focus of this assessment."	See comment #129 and #130.
133.	Volume 2 19.4.3.1 Effects Pathway Page 19.38 (PDF Page 1088)		See comment #129
134.	Volume 2		See comment #131

#	Volume/Section	EIS Excerpt	Comment
	19.4.3.2 Mitigation Page 19.40 (PDF Page 1090)		
135.	Volume 2 19.4.3.3 Residual Effects Page 19.42 (PDF Page 1092)		Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section. This includes the identification of residual effects.
136.	Volume 2 19.4.4.1 Effect Pathway Page 19.44 (PDF Page 1094)		See comment #130
137.	Volume 2 19.4.4.2 Mitigation Page 19.48 (PDF Page 1098)		See comment #131
138.	Volume 2 19.4.4.3 Residual Effects Page 19.51 (PDF Page 1101)		See comment #135
139.	Volume 2 19.7.1 Significance of Project Residual Effects Page 19.73 (PDF Page 1123)		See comment #128
140.	Volume 2 19.9 Indigenous or Treaty Rights	“Alamos recognizes that Indigenous communities are in the best position to identify potential Project effects on the ability to exercise their Indigenous or Treaty rights, and feedback received from Indigenous communities on potential Project effects to rights will be provided to the IAAC in a supplemental filing of the EIS.”	Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section. This lack of capacity will continue throughout the supplemental filing of the EIS and therefore, there will be no information available for Alamos to submit on Sayisi Dene First Nation.

#	Volume/Section	EIS Excerpt	Comment
141.	Volume 2 19.9.1.2 Boundaries Page 19.78 (PDF Page 1128)	"Alignment of the Indigenous or Treaty rights boundaries and those of Current Use (Chapter 17) was selected for the purpose of identifying existing conditions related to the exercise of potential or established Indigenous or Treaty rights."	Should additional work with Sayisi Dene First Nation be undertaken to assess potential impacts to their rights, appropriate boundaries must be identified at that time which align with the valued components to be assessed which are selected based on their interconnectivity with rights and ability to be assessed. This may include rights not expressed by the exercise of harvesting rights.
142.	Volume 2 19.9.1.3 Potential Pathways of Impact Page 19.79 (PDF Page 1129)	"Indigenous communities engaged by the Project are signatories to Treaty No. 5, Treaty No. 6, or Treaty No. 10 Adhesions. The terms of each treaty differ but generally stipulate that First Nations have the right to hunt, trap, fish, and gather resources in their traditional territory until lands are taken up for development or settlement. Additional information about Indigenous or Treaty rights including comments from Indigenous communities regarding how rights are understood and exercised, where available, is presented in Section 19.9."	Prior to European contact, and up until the signing of treaties. Indigenous peoples in Canada were part of self-governing nations. Section 35(1) is not limited to Treaty rights and recognizes and affirms "…the existing aboriginal and treaty rights of the aboriginal peoples of Canada…" These existing rights included elements of their society (practices, traditions and customs) that made them self-governing nations such as their own laws and justice, language rights, governance rights, rights to control membership, education rights, wealth and health care distribution rights as well as lands and resource rights. It is an impoverished view to tie rights only to the exercise of harvesting rights. Should additional work with Sayisi Dene First Nation be undertaken to assess potential impacts to their rights, pathways of impact must be identified at that time which align with the valued components to be assessed based on their interconnectivity with rights. This may include rights not expressed by the exercise of harvesting rights.
143.	Volume 2 19.9.2.1 Methods Page 19.84 (PDF Page 1134)	"The assessment of adverse impacts on Indigenous or Treaty rights presents existing conditions, effect pathways, and mitigation measures, and provides a discussion of potential Project impacts on Indigenous or Treaty rights. The assessment considered information from the Project-specific TLRU studies, as identified in Section 19.1.1.3. Also considered in this section are perspectives on potential impacts on Indigenous or Treaty rights and recommendations for avoiding, mitigating, or accommodating those impacts identified through Indigenous engagement."	Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.
144.	19.9.3 Assessment of Impacts on Indigenous or Treaty Rights	"This section presents information that is related to the understanding and exercise of Indigenous rights, as provided by the 12 Indigenous communities engaged on the Project. Full details regarding the Indigenous	Please note that Sayisi Dene First Nation was not able to collect information related to their Section 35 rights and interests as part of this EIS due to capacity constraints and this information is not reflected in this section.

#	Volume/Section	EIS Excerpt	Comment
	Page 19.87 (PDF Page 1137)	Community Engagement Plan (Chapter 3, Section 3.3.1) for the Project can be found in Chapter 3 of the EIS. Information pertaining to the understanding and exercise of Indigenous rights was gathered from Project-specific TLRU studies and as well as from meetings, workshops, open houses, correspondence, and other Indigenous engagement activities conducted by Alamos."	
145.	Volume 2 19.9.3.8 Sayisi Dene First Nation Page 19.107 (PDF Page 1157)	"The potential effects of the Project on asserted or established Indigenous or Treaty rights are derived directly or indirectly from the physical effects of the Project on the environment. Consequently, the pathways are similar for potential effects for the exercise and practice of Indigenous or Treaty rights (including the availability of and access to traditionally harvested resources and traditional sites and areas), as well as for the conditions that support the exercise of rights (including Indigenous health, Indigenous socio-economic conditions, and Indigenous physical and cultural heritage). The identification of Project interactions and the assessment of potential effects on Indigenous or Treaty rights considers both the exercise and practice and the conditions that support the exercise of the rights, as presented in Section 19.4."	There are potential effects of the Project on asserted or established Indigenous or Treaty rights where are not derived from physical effects of the Project on the environment. The conversion of unoccupied Crown land to occupied Crown land is an administrative change rather than a physical change. However, this can impair the exercise of Indigenous rights through the change in legal instrument under which the land is held. There must be assessment of this and other impacts to Sayisi Dene First Nation rights which can be completed through adequate capacity provision to the Nation for the execution an assessment.
146.	Volume 2 19.9.3.8 Sayisi Dene First Nation Page 19.107 (PDF Page 1157)	"Where the Project has a residual effect on traditional harvesting (hunting, trapping, fishing, plant, or material gathering) or on physical activities associated with traditional use (travel and navigation, use of habitation, cultural, and spiritual sites or areas), that has been considered as a residual effect on Indigenous or Treaty rights. In Chapter 17, Section 17."	Sayisi Dene First Nation was not provided capacity to document current use of land and resources in the Project area (see comment #106). The residual effects noted were, in fact, based on traditional land use from other Nations. This approach is inappropriate. It highlights an anecdotal nature with which Traditional Land Use is considered and minimizes the unique information each Nation provides.
147.	Volume 2 19.9.3.8 Sayisi Dene First Nation Page 19.107 (PDF Page 1157)	"Residual environmental effects to Indigenous health, through effects to air, water, and soil quality, as well as consumptive resources (country foods) are anticipated during the construction and operation phase of the Project. This in turn could lead to effects on the ability to exercise Indigenous or Treaty rights. However,	There are specific ways to assess direct effects to Indigenous rights from air, water and soil quality. Please see previous comments on those volumes (e.g., comment #88) to illustrate examples. The continued reliance on biophysical proxies to downgrade rights to indirect effects is inappropriate.

#	Volume/Section	EIS Excerpt	Comment
		these environmental effects are not anticipated at population levels to plant, animal, and fish species, including those harvested as country foods within the Indigenous Health RAA. Although vehicular collisions and human-wildlife conflicts may result in mortality for a few individual animals the health of harvested resources at a population level is not anticipated to experience residual effects within the Indigenous Health RAA."	
148.	Volume 2 19.9.3.8 Sayisi Dene First Nation Page 19.108 (PDF Page 1158)	"Overall, with the implementation of mitigation measures, residual Project effects on the exercise or practice of Indigenous or Treaty rights in the Rights LAA are expected to reflect the residual effects predicted for Current Use, including the availability of and access to traditionally harvested resources and traditional sites and areas, as well as for the conditions that support the exercise of rights (including Indigenous health, Indigenous socio-economic conditions, Indigenous physical and cultural heritage)."	Sayisi Dene First Nation was not involved in or consulted on the mitigation measures referenced. As no effect assessment was completed for Sayisi Dene First Nation rights, the application of mitigation in advance of this assessment should not be undertaken.
149.	Volume 2 19.9.3.8 Sayisi Dene First Nation Page 19.108 (PDF Page 1158)	"Criteria for assessing the severity of impacts on Indigenous or Treaty Rights are defined in Table 19-11."	The Criteria for Assessing Severity should not be applied in advance of assessment of Valued Components chosen to reflect Sayisi Dene First Nation rights. Further, some of the criteria such as cultural well-being and governance are not described.
150.	Volume 2 19.9.3.8 Sayisi Dene First Nation Page 19.108 (PDF Page 1158)	"Alamos is committed to ongoing engagement with Sayisi Dene First Nation and will consider any additional information about effects to Indigenous or Treaty rights brought forward by Sayisi Dene First Nation according to the methodology outlined in Section 19.1.1.3."	While this Section states that Alamos is committed to ongoing engagement with Sayisi First Nation, the last letter sent to Sayisi Dene First Nation presents a differing position whereby Alamos will not engaged with Sayisi further until Sayisi can produce sufficient 'proof of use' to Alamos to warrant further discussions in their narrow view. Please update this section to reflect the position within the letter.
151.	Volume 2 19.10 Follow-up and Monitoring Page 19.122 (PDF Page 1172)	"Follow-up and monitoring requirements specific to Indigenous peoples have not yet been identified. Similar to Current Use, the current follow-up and monitoring approach for Indigenous peoples will be based on sharing the results of other relevant monitoring with Indigenous communities as part of Alamos's ongoing engagement process for the Project (Chapter 3)."	Sayisi Dene First Nation would like to be consulted on potential involvement in the follow-up and monitoring program.

#	Volume/Section	EIS Excerpt	Comment
152.	Volume 3 23.5 Environmental Monitoring and Management Plans Page 23.5 to 23.10 (PDF Page 151 to 156)		Sayisi Dene First Nation requires involvement in the following monitoring and mitigation plans. The level of involvement can be identified through ongoing consultation with Sayisi: • Surface Water Monitoring and Management Plan; • Air Quality Management Plan; • Noise Monitoring Plan; • Heritage and Cultural Resources Protection Plan; • Vegetation and Weed Management Plan; • Wildlife Monitoring and Management Plan; • Fish Habitat Offsetting Plan; • Environmental Effects Monitoring Plan (EEMP).