

Annex 1: Conformity Information Requirements Directed to the Proponent

Please use the table below to provide your department's comments and suggestions for information that should be required from the proponent to ensure the EIS conforms to the EIS Guidelines. Please keep in mind the focused questions provided in the cover letter. Reviewers are also encouraged to refer to the table of concordance between the EIS Guidelines and EIS (Volume 4, Appendix A) which indicates where each information requirement from the EIS Guidelines is located in the EIS.

ID	Reference to EIS Guidelines	Reference to EIS	Context and Rationale	Specific Conformity Information Requirement	Revised EIS or Supplementary Info
<p>Create an ID # for each item</p> <p><i>e.g. DFO-1</i></p>	<p>Identify which section(s) of the EIS Guidelines are related to the comment.</p> <p><i>e.g. Part 2, section 6.7.1 Effects of potential accidents or malfunctions</i></p>	<p>Identify which section(s) and appendices of the EIS are related to the comment (chapter or technical supporting document, section, page number, other identifier as appropriate).</p> <p><i>e.g. page XX, section 6.7.1 Accidents and malfunctions</i></p>	<p>Identify what information is not included in the EIS that is required by the EIS Guidelines.</p> <p>Does the missing information prevent your department from undertaking a detailed technical review? What are the implications for technical review?</p> <p><i>e.g. The EIS does not include an assessment of effects to water quality in the receiving waters as a result of discharges from the primary settling pond. Without this information, this department cannot advise on the significance of residual effects.</i></p>	<p>Ask a specific question stating what information the proponent should provide to conform to the EIS Guidelines.</p> <p><i>e.g. Provide an assessment of effects to receiving water quality as a result of discharges from the primary settling pond.</i></p>	<p>In your view, could the missing information have implications for multiple sections of the EIS and therefore warrant resubmission of a revised EIS, or can it be adequately addressed through the provision of supplementary information? This can be responded to on an gap by gap basis or with regards to your findings overall.</p> <p><i>e.g. This information request can be adequately addressed through the provision of supplementary information.</i></p>
INFC - 1	Part 2 EIS Guidelines 2.2 – Alternative means of carrying out the project	EIS 2.4 Alternative Means of Carrying Out the Project	“The Proponent will identify whether and how Indigenous groups have been engaged in project design and in the analysis and identification of preferred means of carrying out the project from the alternative means.”	This information is useful to understand how Indigenous groups were consulted on the project design and analysis of preferred means of carrying out the project.	Gap – Additional information is needed to understand how Indigenous groups were engaged in the <u>project design and analysis of preferred means</u> of carrying out the project from alternative means.

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			It is unclear how Indigenous were included in the assessment of alternative means of carrying out the project.		
INFC -2	Part 2 EIS Guidelines 3.2 – Project activities	EIS Chapter 2	“The EIS will include a summary of the changes that have been made to the project since originally proposed, including the benefits of these changes to the environment, Indigenous groups, and the public.”	Section 2.4 of the EIS addresses this topic.	Meets guidelines
INFC -3	Part 1 Guiding Principles 2.2.3. Engagement with Indigenous groups	EIS Summary, Section 6.13.2.3 (pg 123) Traditional Land and Resource Use	Part 1 EIS Guidelines, 4.2.2 Community knowledge and Indigenous knowledge: “The proponent will integrate Indigenous knowledge into all aspects of its assessment...” EIS summary 6.13.2.3 “The specific degree to which the PDA is being accessed for traditional purposes (by Indigenous people) is unknown.”	Traditional land and resource use information forms the baseline for assessing project effects. To make an adequate analysis of residual impacts, more information on traditional land use needs to be included.	Gap - Additional information specific to traditional land use needs to be included to allow for a fulsome analysis of impacts.
INFC - 4	Part 1 Guiding Principles 2.2.3. Engagement with Indigenous groups	EIS Summary, Section 6.13.2.2 (pg 122) Traditional Land and Resource Use	Mitigation Measures: Have the proposed mitigation measures been shared with the Indigenous groups? What was the outcome of the discussions? It is unclear if the mitigation that would address Indigenous issues was shared with Indigenous groups for discussion. This information is essential to determine how Indigenous groups were engaged in the process.	Part 1 EIS Guidelines, 4.3 Study strategy and methodology: “The proponent will provide Indigenous groups the opportunity to review and provide comments on the information used for describing and assessing effects on Aboriginal peoples. The proponent will respond to the comments of Indigenous groups prior to submitting the EIS to ensure that the comments are adequately addressed.”	Gap - Indigenous perspectives on the proposed mitigation need to be included in the EIS.

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INFC - 5	Part 1 Guiding Principles 2.2.3. Engagement with Indigenous groups	EIS Summary, Section 6.13.3.2 Indigenous Health and Socio-Economic Conditions Mitigation Measures	<p>Mitigation Measures: Have the proposed mitigation measures been shared with the Indigenous groups? What was the outcome of the discussions? It is unclear if the mitigation that would address Indigenous issues was shared with Indigenous groups for discussion.</p> <p>This information is essential to determine how Indigenous groups were engaged in the process.</p>	Part 1 EIS Guidelines, 4.3 Study strategy and methodology: “The proponent will provide Indigenous groups the opportunity to review and provide comments on the information used for describing and assessing effects on Aboriginal peoples. The proponent will respond to the comments of Indigenous groups prior to submitting the EIS to ensure that the comments are adequately addressed.”	Gap - Indigenous perspectives on the proposed mitigation need to be included in the EIS.
INFC - 6	Part 1 Guiding Principles 2.2.3. Engagement with Indigenous groups	EIS Summary, Section 6.13.4 Aboriginal and Treaty Rights	<p>Were the potential impacts to rights shared with Indigenous groups? It is unclear if they were. What was the feedback from Indigenous groups on this assessment?</p> <p>This information is essential to determine how Indigenous groups were engaged in the process.</p>	Part 2 EIS Guidelines 6. Impacts to Potential or Established Aboriginal or Treaty Rights “Include perspectives and specific suggestions raised of potentially impacted Indigenous groups.”	Gap - The EIS does not present a full understanding on potential impacts to Indigenous Aboriginal and Treaty Rights of the potentially impacted Indigenous groups.
INFC - 7	Part 1 Guiding Principles 2.2.3. Engagement with Indigenous groups	EIS Summary, 7.14 Indigenous Peoples	<p>“Follow-up and monitoring requirements specific to traditional land and resource use, Indigenous health and socio-economic conditions, and Aboriginal and Treaty rights have not been identified.” Were these discussed with Indigenous groups?</p> <p>This information is essential to determine how Indigenous groups were engaged in the process.</p>	Part 1 EIS Guidelines, 4.3 Study strategy and methodology: “The proponent will provide Indigenous groups the opportunity to review and provide comments on the information used for describing and assessing effects on Aboriginal peoples. The proponent will respond to the comments of Indigenous groups prior to submitting the EIS to ensure that the comments are adequately addressed.”	Gap - A Follow-up program was not presented for these VCs.

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INFC - 8	Part 1 EIS Guidelines 5. Engagement with Indigenous Groups and Concerns Raised	EIS Chapter 5	<p>Were the potential impacts to rights shared with Indigenous groups? It is unclear if they were. What was the feedback from Indigenous groups on this assessment?</p> <p>This information is essential to determine how Indigenous groups were engaged in the process.</p>	Part 1 EIS Guidelines 5 “how engagement activities by the proponent allowed groups to understand the project and evaluate its impacts on the environment and on their communities, activities, potential or established Aboriginal or Treaty rights. Where impacts are identified, provide a discussion of how those would be managed or mitigated (and provide this information for each Indigenous group separately).	<p>Gap – Concerns raised during consultation are summarized but there is no discussion on how impacts could be mitigated or accommodated.</p> <p>If this is covered in another section of the EIS please provide reference to appropriate EIS sections.</p>
INFC - 9	Part 1 EIS Guidelines 3.2.1 Changes to the environment	Chapter 10 – Indigenous Peoples	Aboriginal and Treaty rights are presented in the EIS Chapter 10	Part 2 EIS Guidelines 6. “Assess the potential impacts to Aboriginal or Treaty rights resulting directly and indirectly (through changes in the environment) from the project, as outlined in Part 2, Section 6 of these Guidelines.”	Meets guidelines
INFC -10	Part 1 Guiding Principles 2.2.3. Engagement with Indigenous groups	Chapter 10 10.2.2.4	Traditional Land and Resource Use information is presented for 16 of 39 Indigenous groups identified by in the EIS Guidelines.	The information presented in the EIS is inadequate to get a clear sense of the TLRU by Indigenous groups to be consulted for this project.	Gap - Additional information on TLRU needs to be included to complete the EIS requirements.
INFC -11	Part 1 Guiding Principles 2.2.3. Engagement with Indigenous groups	Chapter 10	The assessment of residual environmental effects on Traditional Resource and Lands Use is based on TK assessments completed by the MMF, Interlake Reserves Tribal Council, Fisher River Cree Nation and Dauphin River First Nation. (pg 329 volume 4).	5. Engagement with Indigenous Groups and Concerns Raised: “the proponent will engage with Indigenous groups that may be affected by the project, to obtain their views on...” The EIS Guidelines provide clear instruction the proponent to gather Indigenous views and to	<p>Gap - The assessment of residual effects on TLRU inadequate.</p> <p>Additional information related to traditional knowledge and use of resources needs to be included to complete the analysis of impact.</p>

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				consider these views throughout the EIS.	
INFC -12	Part 1 EIS Guidelines, 3.2.2 Valued components to be examined	EIS Chapter 10	Information on TLRU of Indigenous groups is presented but does not include TLRU for all the Indigenous groups.	Part 2 EIS Guidelines, 5. “with respect to aboriginal peoples, an effect of any change that may be caused to the environment on: -health and socio-economic conditions; -physical and cultural heritage; -the current use of lands and resources for traditional purposes; or -any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.”	Gap – TLRU is presented for 16 groups but not for the entire list of Indigenous groups identified for inclusion in the EIS. This may have implications for the overall assessment of effects to VCs.
INFC -13	Part 2 EIS Guidelines 5. Engagement with Indigenous groups and Concerns Raised	EIS Chapter 10 pg 337	Recommendations proposed by Indigenous groups. This section contains a few recommendations. What was the process for acquiring the recommended mitigation measures and were these applied/offered to all the identified Indigenous groups?	Part 2 EIS Guidelines 5. “the proponent will engage with Indigenous groups that may be affected by the project, to obtain their views on...” The EIS Guidelines provide clear instruction the proponent to gather Indigenous views and to consider these views throughout the EIS.	Gap - Indigenous perspectives need to be included in the EIS.
INFC -14	Part 2 EIS Guidelines 9. Follow-Up and Monitoring Programs	EIS Summary, 7.14 Indigenous Peoples	“Follow-up and monitoring requirements specific to traditional land and resource use, Indigenous health and socio-economic conditions, and Aboriginal and Treaty rights have not been identified.” Were these discussed with Indigenous groups?	Part 2 EIS Guidelines 9. “suggestions from Indigenous groups regarding the design of an involvement in follow-up monitoring programs.”	Gap - A Follow-up program was not presented for these VCs. Indigenous perspectives need to be included in the EIS.