

## **Attachment 1: Guiding Questions for this Comment Period**

**Please respond by March 23, 2020**

### **Suncor Base Mine Extension Project**

Canadian Impact Assessment Registry File No.: 80521

*The Agency encourages you to use the “Submit a Comment” feature on the Agency’s Registry website using reference number: 80521*

### **Potential Effects and Impacts**

1. Please identify any effects of the Project that are of concern to your community. Also please identify any effects that you are aware of that are not listed in the initial project description. *Note: Information on effects and direct and incidental effects as well as effects within federal jurisdiction are defined in section 2 of IAA<sup>1</sup>.*

#### **Sediment Quality**

- The Project Description should consider and assess impacts to sediment quality in the Athabasca River and the Peace-Athabasca Delta arising from oil sands activity including land disturbance and erosion, industrial emissions, fugitive dust, water releases, and seepage. Contaminants of concern include heavy metals and polycyclic aromatic hydrocarbons (PAHs).
- The Athabasca River is the primary transport mechanism for PAHs into PAD, which is an important depositional area for sediment and sediment-associated contaminants. The sediment represents the foundational trophic level, on which other species feed, and on which ACFN land users rely for traditional foods.
- Water-borne contaminants readily attach to buoyant particles suspended in the water column and can be transported long-distance downstream. Contaminants can also be transported by atmospheric processes. These water-borne contaminants are deposited in sediment but can enter the water column through resuspension. Low concentrations of contaminants in the water column can result in higher concentrations of contaminants in the sediment. As such, concentrations of contaminants in the water column are not a reliable predictor of concentrations of contaminants in sediment.

#### **Water Quantity & Navigation**

- The Project Description makes a few references to water quantity, a reference to a hydrology study, and a single reference to navigation. The Project Description should outline the nature of the necessary *Water Act* licences, including any existing license that may be relied upon to support the Project.
- The exercise of ACFN’s rights and the continuation of our culture and way of life depends on our ability to safely navigate the Athabasca River through our territory throughout the year. Alberta’s Surface Water Quantity Management Framework (SWQMF) fails to protect Aboriginal navigation, fails to adequately monitor water levels and fails to impose appropriate and necessary triggers, thresholds and limits on withdrawals from the Athabasca River by oil sands operators. Put more simply, the SWQMF is irreconcilable with the scientific consensus on River conditions and must be amended to protect ACFN’s Aboriginal and Treaty Rights. The imposition of navigation protection measures – from both Alberta and Transport Canada – are essential in light of evolving River conditions.

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<sup>1</sup> A link to IAA text can be found here: <https://www.canada.ca/en/impact-assessment-agency/corporate/acts-regulations/legislation-regulations.html>

2. Please describe how the potential effects of the Project could result in changes to your community's:

(a) physical and cultural heritage (e.g. ceremonial sites, burial sites, cultural landscapes)

- The BMX Project is located within ACFN territory, so it is possible that there are ACFN land use sites within the Project footprint or the local area. However, ACFN will cross-reference its own Indigenous Knowledge and data collections with the shapefiles of the Project that Suncor provided to ACFN in March 2020 to determine if there are any land use sites in the vicinity.
- Given that land use information is typically collected as part of a project application, it may be the case that ACFN's database of existing, previously-collected land use information does not include information for this particular area. As such, a traditional land use study (with interviews of ACFN members) would be necessary to understand the extent to which the Project would affect ACFN physical or cultural heritage.

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(b) current use of lands and resources for traditional purposes (e.g. hunting, fishing, trapping)

- As above, ACFN will have to cross-reference the BMX shapefiles with ACFN Indigenous Knowledge and data and anticipates needing to conduct a land use study to understand whether, and how, the Project would affect ACFN members' use of the Project footprint and the surrounding area for traditional purposes.
- However, it is clear that the Lower Athabasca Region is at an ecological and cultural tipping point as industrial disturbance and habitat destruction and fragmentation over the past 50 years have excluded key species (such as moose and woodland caribou) and have caused ecosystems to shift from old growth to early successional systems dominated by human-associated and invasive species.
- As such, any additional impacts to the area are significant and, if they cannot be avoided, must be adequately mitigated and appropriately accommodated. For example, sizeable buffers for transportation of wildlife and land users would need to be implemented.
- ACFN members live in both Fort McMurray and Fort McKay, and still use remaining intact landscapes in the surrounding region for hunting and trapping. While the existing oil sands development in the vicinity of BMX has already destroyed large tracts of land and habitat, additional development further reduces the hunting grounds available to ACFN members, forces them to travel further to hunt, and increases competition with other land users for resources.
- As ACFN land users typically share hunted foods with family and community members, the loss of hunting opportunities affects the whole community, not just the hunters themselves.

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(c) structures, sites or things of historical, archaeological, paleontological or architectural significance (e.g. artifacts, important historic buildings or symbols)

- As above, ACFN will have to cross-reference the BMX shapefiles with ACFN Indigenous Knowledge and data and anticipates needing to conduct a land use study to understand whether the Project would affect ACFN structures, sites or things of historical, archaeological, paleontological or architectural significance

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3. Please describe how the Project may result in changes (both positive and negative) to your community's:

(a) health, social or economic conditions (e.g. employment opportunities, easier access to goods and services, economic development, accessibility to health-care services);

- BMX will provide employment opportunities that ACFN members may be able to access. It is unclear from the Project Description how many jobs will be created and, as with all economic benefits, the gross economic benefits will have to be distinguished from the net economic benefits.
- There may also be loss of economic opportunity and livelihood for ACFN members due to a reduced ability to use the land in the project area, and as a result of project impacts to water (particularly navigation) and wildlife.
- A health risk assessment would need to be conducted to determine impacts to health conditions for ACFN members.

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(b) Indigenous knowledge, indigenous language or indigenous culture.

- As the ability of ACFN members to exercise their Aboriginal and Treaty rights and practice land uses is diminished, so too will ACFN's Indigenous knowledge, language and culture diminish. This is because land use is the "what" and "how" current ACFN land users pass on and protect ACFN Indigenous knowledge and culture to future generations.
- Certain teachings can only occur out on the land in specific places and in relation to specific land uses, such as hunting key cultural species and gathering medicines.
- Certain core Dene values of stewardship, respect for the land, and sharing of wildfoods also require a healthy land base and active land users.
- The parts of the Dene language that refer to the land and land use will be lost if there is no land or land use practices to speak of. Land use links generations and ensures continuity of ACFN identity.
- As above, ACFN will have to cross-reference the BMX shapefiles with ACFN Indigenous Knowledge and data and anticipates needing to conduct a land use study to understand whether there are Dene words and land use practices that are specific to the BMX Project area.

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4. Please describe how the Project may result in any change (positive or negative) to:

(a) the intersection of sex and gender with other identity factors (would there be effects to different sub-groups within your community, identified based on factors such as gender, age, race, religion etc. For example, to women, youth, elders);

- As above, ACFN will have to learn more about the BMX project and the potential impacts on the ACFN community to understand whether there will be positive or negative changes to different subgroups in the community.
- However, we know that contributions to climate change disproportionately impact vulnerable populations and future generations. For example, the elderly are less able to cope with extreme weather events (eg. heat waves) while future generations will have to live in, and try to adapt to, the predicted and increasingly severe consequences of climate change.
- Further, the loss of opportunities for the current generations to transmit Indigenous knowledge, language, and culture has a disproportionate impact on youth and future generations who will not be able learn and participate in these elements of ACFN way of life and identity.

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(b) sustainability, considering, for example, the interconnectedness and interdependence of human-ecological systems and the well-being of present and future generations.

- In general, oil sands development negatively impacts the interdependence of human-ecological systems generally, and the well-being of present and future generations of ACFN members specifically, including in the following ways:

- It undermines the current ability of the Lower Athabasca Region to support healthy ecological systems via the destruction of large areas of habitat (wetlands, forests, peatlands, rivers and streams), significant use of surface water, and the contamination of water, air, vegetation, and wildlife. This is threatening present generations of ACFN members in Indigenous communities like Fort Chipewyan and Fort McKay who rely on a healthy environment to practice their rights and culture, but have witnessed a decline over the past 40 years in their ability to use the land while experiencing an increase in negative health effects, such as respiratory issues and cancers.
- It can produce significant quantities of Green House Gas (GHG) emissions during operations and via the downstream use of bitumen. These GHGs exacerbate the current climate change crisis, which is having (and will continue to have) a negative impact on northern Canadian communities that is significant and more pronounced than on southern communities. Climate change is drying the Athabasca River and the Peace Athabasca Delta, increasing the frequency and severity of forest fires, and affecting wildlife populations in ways that are not yet understood. These changes pose a significant risk to the wellbeing of future generations of ACFN members.
- It frequently relies on as-of-yet developed technologies to manage significant quantities of process-affected water, manage and reclaim tailings, and reclaim whole landscapes.
- Further, Alberta's Mine Financial Security Program does not have sufficient security to cover the current liability from existing mines. If the oil sands industry is not able to manage its waste in a responsible manner or return the land to ecologically and culturally functional state, ACFN's right to continue our culture and way of life would be significantly threatened.

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5. If you expect the Project may impact your community's rights as protected under section 35 of the *Constitution Act, 1982*, please describe how.

- ACFN will need to understand more about the Project – including its expected impacts and proposed mitigations - to more comprehensively determine the extent of impact ACFN's Aboriginal and Treaty rights.

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#### **Approach to Consultation and Engagement**

6. If a federal impact assessment is required for the Project, the Agency will be developing a draft Indigenous Engagement and Partnership Plan and, if applicable, will contact you to seek your comments. Please provide information on how you would like to be consulted by the Agency (for example, does your community have specific cultural practices, traditions or protocols, etc.).

- ACFN will provide this input if, and when, we are contacted by the Agency.

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7. Please also provide your views on how you would like the proponent to engage your community during all phases of the Project.

- **Planning Phase:** Suncor should meaningfully engage with ACFN Dene Lands and Resource Management (DLRM) office throughout the Planning Phase.
- **Impact Statement Phase:** Suncor should meaningfully engage with the ACFN DLRM office throughout the Impact Statement Phase.
- **Ongoing:** Suncor should ensure that there is adequate ACFN engagement in the monitoring of the Project and the development of reclamation standards and criteria.

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8. If a federal impact assessment is required for the Project, the Agency will act as the Crown Consultation Coordinator and will be responsible for implementing the Duty to Consult. Do you have any views on how the

Agency should work with your community in relation to the assessment of impacts on the rights of your community, as protected under section 35 of the *Constitution Act, 1982*?

The Agency should:

- Engage with ACFN to understand the strength and nature of ACFN's Aboriginal and Treaty rights and the community's perspective on the impact to these rights;
  - Ensure that ACFN understands and agrees with the methodology used by the Agency (or Panel) to assess impacts to ACFN rights;
  - Engage with ACFN to develop mitigations and accommodations
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