



May 11, 2020

Via Email: IAAC.BaseMine-MineBase.AEIC@canada.ca

Suncor Base Mine Extension Project
Impact Assessment Agency of Canada
Suite 1145, 9700 Jasper Avenue
Edmonton, AB, T5J 4C3

Re: Suncor's Base Mine Extension Project Initial Project Description

The following provides Mikisew Cree First Nation's ("Mikisew") comments on the Initial Project Description ("IPD") for Suncor's Base Mine Extension Project (the "Project").

A Note About the Mikisew Cree First Nation

Mikisew Cree First Nation is the largest First Nation in the oil sands region and a signatory to Treaty 8. Our traditional territory has been heavily and negatively altered by historical, ongoing, and future industrial development, including hydro dams and the rapid expansion of oil sands activities. As a result, the waters in our territory no longer support indigenous navigation as needed, our traditional resources are diminishing, we are seeing increased evidence of contamination, and our Treaty rights and culture are at great risk. In addition, Wood Buffalo National Park, an important part of our traditional territory, has the worst conservation outlook of a natural World Heritage Site in Canada.

Overview of Relationship Between Mikisew Cree First Nation and Suncor

The Mikisew and Suncor have developed a collaborative relationship over the years that enables an open and sharing dialogue. There are many good examples of this collaboration. For example, with Suncor's support, MCFN has recently digitized all previous Traditional Land Use information up to and including the 2019-2020 winter exploration work will be in the system. The preservation of both Indigenous and western knowledge in a digital format will allow its application more consistently and robustly in the understanding of MCFN's Traditional Land Use. Also MCFN and Suncor have also developed a successful business partnership, including the ETFD agreement (Thebacha Partnership).

Framing Comment - Assessing Impacts of the Project on Mikisew Rights

Any time the Crown is contemplating conduct that may adversely impact Aboriginal or Treaty rights, it is under an obligation to consult, and at times accommodate, with respect to those potential impacts. An assessment of the Project's impacts on Indigenous rights must be completed before consultation can be discharged. Critical here, is that the assessment be focused on the rights per se, and not be limited to an assessment of environmental impacts.¹ Environmental indicators are not a proxy for rights. Moreover, such an assessment of impacts to rights must consider how the proposed activity in question will impact an Indigenous community's cultural security and continuity.

Not only is the assessment of impacts to rights and culture necessary for the Crown to discharge its consultation obligations, but pursuant to s.16 (2)(c) of the Impact Assessment Act, assessing impacts of the Project to Aboriginal and Treaty rights and culture is also necessary for the Agency to make its decision about whether the Project should undergo an Impact Assessment.²

Before such an assessment can be undertaken however, it is critical to obtain information on:

- 1) The conditions that support the community's exercise of their rights; and
- 2) How historic, existing, and approved activities have affected those conditions that support the community's exercise of rights;

Given the importance of assessing the impact of the Project on Mikisew's rights and culture, many of the comments below are aimed at ensuring that the information needed to make at least a preliminary assessment in this regard is collected.

Project Requires Federal Impact Assessment

Given the likely impacts to MCFN rights and culture and other impacts of concern within federal jurisdiction outlined below:

MCFN Request 1: Mikisew requests that the Impact Assessment Agency of Canada ("IAAC" or "the Agency") decide that this Project requires a Federal Impact Assessment and further, that this assessment must be conducted by a Review Panel.

¹ *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, 2017 SCC 40, para 45

² *Impact Assessment Act*, SC 2019, c. 28, s. 1, s. 16(2)(c)

How our Requirements Can be Addressed

Anywhere in this document where MCFN identifies a requirement moving forward from the Proponent, unless otherwise noted, it is our expectation that the Agency will include this in its Summary of Issues and require the Proponent to address this gap in its forthcoming Detailed Project Description (DPD) and or Impact Statement. MCFN requests that the Agency consult directly with our Nation on our requests and be prepared at that meeting to discuss any of our requirements that have been omitted from the Summary of Issues and provide a rationale at that meeting.

In the meantime, the Proponent is encouraged to identify which of our requirements it will voluntarily include in its DPD.

All MCFN requirements flagged herein are numbered for tracking convenience.

Section 3: Early Engagement with Any Jurisdiction or Party

Mikisew finds it concerning that none of the federal or provincial agencies that have been engaged to date have raised the issue of the Project's impact on Aboriginal and Treaty rights, and the issue of how the Project's impacts on Aboriginal and Treaty rights will be assessed. This is particularly concerning given the mandate of Alberta's Aboriginal Consultation Office ("ACO"). Mikisew has made it clear to the ACO that assessing a Project's impacts on Mikisew's rights is always a pre-requisite to determining consultation adequacy – that the ACO did not raise this as an initial issue is concerning.

MCFN Request 2: Mikisew requests that a Crown Consultation and Accommodation Table be established with us immediately, including development of an MCFN agreed-to rights assessment framework, to address the potential impacts to our Aboriginal and Treaty rights.

Section 4: Early Engagement with Indigenous Groups

Section 4 provides limited information on the nature and scope of engagement that has taken place to date. The Proponent has listed initial engagement activities with each Indigenous Group and summarized some of the core issues; however, we note that not all issues expressed by Mikisew have been captured by this section, nor does the Proponent delineate which Indigenous community raised which issue. Mikisew understands that the Proponent intends to provide greater detail in the DPD concerning the scope of engagement.

The IPD describes the possible nature of future engagement activities including "open houses, on-the-land workshops, community meetings, and technical meetings" (IPD PDF p.10), but does not provide a prospective timeline for such engagement. Of priority

concern, is that this section does not identify what type of capacity Suncor will be making available to Indigenous communities to support their engagement on the Project.

MCFN Request 3: Mikisew requests a commitment from the Proponent for capacity funding for engagement activities to support our meaningful participation.

The following list of issues have not been included in the “Topics Raised by Indigenous Groups Related to the Project”; all are topics that Mikisew (November 15, 2019) has requested that Suncor address:

- Potential impacts to the boreal forest,
- Visual aesthetics including light pollution, access and ability to hunt, fish, gather and/or trap, and closure end land use;
- Potential impacts to practice of Indigenous culture and way of life;
- Potential impacts to valued plant, wildlife, fish, or other resources or landscape features relied on by Indigenous Peoples;
- Reduced land access for exercise of rights and practice of culture;
- Unique intergenerational impacts;
- Increased access and traffic;
- Potential impacts to country food security;
- Increased hunting and harvesting by non-aboriginal hunters;
- Reduced use of historically known & preferred harvesting areas and associated values;
- Impacts to water access and navigation accessibility and safety;
- Increased real and/or perceived contamination impacting trust and use in the land as well as consumption of traditional foods;
- Impacts on wildlife movement corridors, wintering areas and habitat;
- Reduced abundance and health of wildlife within preferred harvesting areas;
- Impacts on un-recorded culture and heritage resources;
- Current health status (and existing health impacts) in each Indigenous community in the Wood Buffalo Region;
- Potential impacts and deterioration of Indigenous community health status;
- Potential impacts to the integrated food web representative of the Athabasca River ecosystem and the ability to support consumptive, medicinal, cultural, and spiritual traditional land use activities during operations and closure;
- Limitations of tailings treatment technologies to achieve environmental outcomes at reclamation and closure;

- Current status of environmental monitoring and negative trending (decreasing quantity or quality) in regional and local metrics;³
- Cumulative effects of existing, ongoing, and planned projects; and
- Other sensitivities unique to Indigenous Peoples.

Many of the issues outlined above relate to the Project’s potential impacts on Mikisew’s rights and culture.

MCFN Request 4: Mikisew requests that all of the above issues are included as potential impacts in the Detailed Project Description - Part F: Potential Effects. In addition, MCFN requests Suncor to conduct additional engagement with MCFN on the above-noted issues prior to the issuance of the DPD.

Section 5: Studies or Plans Relevant to the Project (including Strategic Assessment)

The federal *Information and Time Management Regulations*⁴ (the “Regulations”), which sets out the information required in the IPD, indicates that this section must include any studies or plans that have been conducted in respect of the region on behalf of an Indigenous governing body.

Mikisew notes that this section, as currently drafted, does not extensively contain reference to studies identified and prioritized by us in our November 15, 2019 comments. Listed below are some of the studies that must be referenced in the Detailed Project Description (Part B Planning Phase Results) and subsequently recognized in future Tailored Impact Statement Guidelines (“TISG”) for the proposed Project:

Mikisew Studies and Reports: Numerous studies and reports prepared by Mikisew provide information on Mikisew’s rights, the conditions Mikisew requires for the practice of those rights, and how those conditions have already been impacted by historical and cumulative activities. Many of these studies are publicly available, and will be relevant to understanding the Project’s impacts on Mikisew’s rights and culture. For example, the *Mikisew Cree Culture and Rights Assessment for the Teck Frontier Project* (2015) is relevant to understanding the conditions needed to support Mikisew’s rights and culture, and how oil sands related development has impacted Mikisew’s rights and culture.

³ Air quality LARP triggers (Brown and Ross., 2018), CAAQS management level PM_{2.5} (Government of Alberta, 2017) water quality LARP triggers (Glozier et. al., 2018) water quality in Lower Athabasca River tributaries (Chambers et al., 2018), sediment quality in the PAD (Evans et., al 2016), water quantity LARP ANI trigger (Newton, B. and Kashyap, S. 2019), WBNP Outstanding Universal Values (OUVs). *All references in this document are available from MCFN upon request.*

⁴ *Information and Management of Time Limits Regulations*, SOR/2019-283

MCFN Request 5: The above-noted assessment should be considered as part of the assessment. The proponent should engage with MCFN to identify all priority documents to include in analysis.

Cumulative Effects Analysis: While the IPD advises that a number of different projects have been the subject of provincial or joint federal-provincial review and indicates that each of the projects has provided information on environmental conditions within Northeastern Alberta, it is not clear from this whether Suncor will be undertaking a cumulative effects analysis, and whether these projects will be considered within such an analysis. However, as set out in the introductory paragraphs, critical to assessing the impacts of the Project on Mikisew's Treaty rights and culture, is recognition that the historical and contemporary cumulative effects have drastically changed the way in which Mikisew's rights are practiced. Assessing impacts on Treaty rights requires an understanding of how the cumulative effects from past and current projects have diminished Mikisew's ability to exercise its Treaty rights. Despite the current lack of detail provided in the IPD, Mikisew understands that the Proponent is supportive of including cumulative effects requirements in the TISG.

We note as well that the federal interim guidance on Rights Impact Assessment includes both the need to consider rights from the perspective of the affected Nations, and the need to conduct meaningful cumulative effects on rights assessment as part of context setting prior to the consideration of Project-specific contributions to rights impact assessment.⁵

MCFN Request 6: MCFN requests that the Agency work with us to identify cumulative effects context information requirements for the TISG, critical to assessing the historical and cumulative effects on MCFN Treaty rights, and identify the projects and other cumulative effects causing agents that will be considered within such an analysis.

Validation of Previous Assessments: Moreover, where previous Project applications are referenced or relied upon, Mikisew requests that Suncor undertake an assessment of those applications and validate predicted impacts using available monitoring data. The results of this exercise could then be used to inform the certainty of results for future impact assessments.

Reference to Lower Athabasca Regional Plan: The IPD also references the Lower Athabasca Regional Plan (the "LARP"). In addition to Mikisew's broader concerns with the LARP, which are outlined below, Suncor's statement that the LARP includes an

⁵ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/interim-guidance-assessment-potential-impacts-rights-indigenous-peoples.html>

environmental management framework for biodiversity (IPD PDF p. 11) is incorrect: there is no management framework for biodiversity.

The LARP and Suncor's reference to LARP are problematic for a number of reasons:

- the LARP prioritizes a range of land-uses over the practice of Treaty rights for the majority of lands within the Lower Athabasca Region, and it appears to treat Treaty rights as recreational activities;
- the LARP was developed without meaningful consultation and contains no protections for Treaty rights, Indigenous navigation, fish and fish habitat, and species at risk such as wood bison and caribou; and,
- LARP fails to recognize that the existing levels of development in some areas in the region are already adversely affecting and infringing our section 35 rights and provides no guidance to decision makers to avoid further adversely affecting and infringing Mikisew's Treaty rights.

The LARP's failure to address cumulative effects to Treaty rights was also independently confirmed in 2013 when Mikisew and a number of other First Nations filed requests for a review of the LARP pursuant to section 19.2 of the *Alberta Land Stewardship Act*, SA 2009, c. A-26.8. The resulting Review Panel Report (2015), concluded that the LARP was adversely affecting Aboriginal interests, stating:

The Review Panel recommends that — due to the LARP's lack of measures that are protective of the Applicant's Treaty rights, Traditional Land Use and culture — MCFN has been “more than minimally harmed” and has been “directly and adversely affected” as a result of “loss of income, health and loss of quiet enjoyment of property.”⁶

The Review Panel Report also observed other deficiencies with the LARP, such as its inequitable approach to cumulative effects management, flawed environmental monitoring program, and lack of measures to protect Treaty Rights in the Lower Athabasca region. For these reasons:

MCFN Request 7: Mikisew requests that when referencing LARP in the Detailed Project Description and any other Project-related documents, that the following language be used:

Suncor understands that the LARP did not incorporate Indigenous submissions and views on impacts to, or ways of assessing, impacts to rights and culture. Suncor further understands that reliance on LARP cannot be a substitute for assessing such impacts, with a heavy emphasis

⁶ LARP Review Panel report, pg. 137

on Indigenous perspectives on the breadth and depth of their rights and what constitutes an infringement on same.

Wood Buffalo National Park Strategic Assessment: The Strategic Environmental Assessment (the “SEA”) for Wood Buffalo National Park is not discussed in depth in this section except in reference to the Wood Buffalo National Park Action Plan. The SEA provides important information on the health and ecological integrity of WBNP and provides information on how industrial development, including oil sands development, is degrading the health of WBNP.

MCFN Request 8: The information and findings contained in the SEA are highly relevant to understanding the Project’s impacts on WBNP, and by extension, Mikisew, and should therefore be referenced explicitly within the Detailed Project Description and be included as a required resource by any future TISG.

Additional Regional/Strategic Assessments: In addition, Mikisew understands that the following provincial teams may be undertaking strategic regional studies and/or assessments.

- Oil Sands Mine Water Science Team, and
- Oil Sands Reclamation Interest Group.

MCFN Request 9: MCFN requests that the Detailed Project Description: 1) note that the above-noted studies are being contemplated; and 2) include a commitment to incorporate the findings of these studies as relevant and as they emerge.

Section 9: Construction, Operation and Decommissioning Activities

In general, Mikisew is concerned with the coarse level of detail provided in this section. For example, identification and quantification of the amount of new road, additional buildings, requirement for pipelines or other materials, transport infrastructure, and other physical works and activities, is required for even a preliminary understanding the proposed Project’s potential impact pathways on Mikisew Aboriginal and Treaty rights. Mikisew understands that the Proponent intends to provide greater detail in the DPD; however, earlier access to this information is essential for Mikisew to have more meaningful engagement on the Project and development of the DPD.

MCFN Request 10: MCFN requests greater details on the Project to be provided by the Proponent immediately, to fuel further and more meaningful engagement prior to developing the Detailed Project Description.

Section 11: Anticipated Schedule for the Base Mine Extension

The anticipated schedule does not identify opportunities for Indigenous collaboration. For example, the development, monitoring, and maintenance of fish habitat offset features and closure landforms, and the completion of progressive reclamation activities, can and should involve Indigenous communities (see Operations in Table 1). Likewise, final reclamation and monitoring of closure landforms and aquatic features should also incorporate Indigenous requirements.

MCFN Request 11: Mikisew requests the Proponent to commit to working with us to identify opportunities for Indigenous collaboration prior to developing the Detailed Project Description.

Section 12: List of Potential Alternative Means and Alternatives to the Project

The IPD does not adequately address Indigenous involvement in the assessment of Project alternatives. While Mikisew recognizes that it may be early in the process to have conducted a full assessment of alternative means of undertaking the Project, Mikisew requires commitments from the Proponent for our future involvement in such an assessment as outlined here:

MCFN Request 12:

- A. The Proponent to commit to work with affected Indigenous groups prior to filing a Detailed Project Description, and using a structured multiple accounts evaluation process, to consider technically and economically feasible alternatives to the Project.**

- B. Provision by the Proponent to parties of more detail on any alternative means to undertake the Project that are likely to graduate to a detailed comparison of alternatives, versus options considered that are not technically and economically feasible. While detailed rationale and evidence to support such assertions are not required in the Initial Project Description, Mikisew recommends that they be provided to the affected Indigenous groups during – not after - the Project planning phase.**

- C. Mikisew also requests clarification on how alternative tailings management will provide an alternative means to sustain feed to the Base Plant upgrader be included in the DPD.**

Section 14: Physical and Biological Environment of Project's Location

The IPD fails to identify the critical connections between the human and biophysical environment.

MCFN Requirement 13: The Detailed Project Description should be required to include a discussion of how traditional land use activities and the practice of Treaty rights and culture depend on the status of environmental, human health, and biological conditions in the local study area and regional area, and further information on how these conditions have changed over time as a result of historical and cumulative impacts.

Section 15: Health, Social and Economic Context

Health Impact Assessment: Historically, environmental assessments have not included robust assessments of impacts to human health through exposure pathways other than those directly linked to environmental media or biota. However the assessment of impacts to Indigenous people, including the health of Indigenous people, is a key component of the IAA, and not solely through changes to the biophysical environment (note the differences between IAA sections 2(c) and 2(d)). A project's impact on health is also intimately connected to a project's impacts on Indigenous rights and culture.

MCFN Request 14: A Health Impact Assessment using a holistic population health approach with a focus on Indigenous Determinants of Health be conducted in addition to a Human Health Risk Assessment.

While a Human Health Risk Assessment relies on the environmental impacts to then define the health effects of exposure of individuals or populations, a more holistic Health Impact Assessment will integrate additional health indicators and potential impact pathways, and include assessment of the psycho-social, cultural, and spiritual impacts. A dedicated Health Impact Assessment is necessary to understand the Project's health and social impacts on Indigenous peoples, and will also play an integral role in understanding the Project's impacts on Mikisew's rights and culture.

Unsupported Conclusion Regarding Cancer Rates: Finally, Mikisew is concerned with the conclusions drawn regarding the cancer rates in the North Zone. The IPD indicates that there are no statistically significant differences in the age standardized incidence rates for all cancers between the North Zone and the provincial average. While the report cited by Suncor does show that there is no statistically significant difference between cancer incidence rates in the North region compared to the rest of the province, there are some caveats about this conclusion when it is applied to people living in Fort Chipewyan. The results of the 2017 incidence report averaged cancer incidence throughout the North, and for all cancers. The concerns of Fort Chipewyan relate to a specific type of cancer – namely bile duct cancer – and among people within the community of Fort Chipewyan. A 2014 update report by Alberta Health Services on cancer incidence in Fort Chipewyan did detect a statistically significant, higher than expected, rate of cervical and bile duct cancers. However, the authors cautioned that "Because of the small population, just a few cancer cases can make a significant statistical difference in the cancer incidence

rates." Due to the low population of Fort Chipewyan, it is difficult to obtain good statistics. For these reasons, we caution against blanket acceptance – by the Proponent and/or the Crown - of the conclusion that there is no difference in cancer incidence in Fort Chipewyan and the rest of the province.

Social Context Lacking in Detail: Mikisew is concerned that the social context provided within the IPD is missing critical detail relevant to understanding the socio-economic impact that oil sands development has on the region and Indigenous groups in the region. The social context provided in the IPD appears to focus largely on the financial investment that oil companies have made in the Fort McMurray area, but fails to list some of the social consequences that have arisen as a result of this investment. The rapid increase of industrial development can and has led to large influxes of money, and people into the region. This influx of wealth, and influx of people – who are largely transient – can have cascading socio-economic impacts including: increased costs of living such as housing and food costs, increased crime, increased substance abuse and increased domestic violence. In addition, the sudden increase in population can result in social safety nets, and social services becoming overwhelmed, further exacerbating these problems.⁷ These impacts can disproportionately effect Indigenous communities, and in particular, Indigenous women. Mikisew understands that the Proponent will be developing a greater economic context for each Indigenous group in the DPD, however more information on the social context for Mikisew and other Indigenous groups is equally important.

MCFN Request 15: The Detailed Project Description must include a balanced overview of the social and economic context. Therefore, we require that information regarding the social issues associated with the development of oil be included in the Location Information and Context section of the DPD. We also require that the Detailed Project Description note how these impacts are impacting indigenous communities including indigenous communities outside of Fort McMurray, as well as indigenous people living within Fort McMurray.

Section 18: List of Jurisdictions that have Powers, Duties or Functions in Relation to an Assessment of the Project's Potential Environmental Effects

The *Regulations* and the IAAC *Guide to Preparing an Initial Project Description and Detailed Project Description*⁸ note that this section of the IPD is to include, "A list of any jurisdictions that have powers, duties, or functions in relation to an assessment of the Project's environmental effects."⁹ Indigenous groups have the jurisdiction to assess

⁷ For example, see Amnesty International's 2016 report "Out of Sight, Out of Mind" for a detailed description of the socio-economic impacts of industrial development on indigenous women and girls: <https://www.amnesty.ca/outofsight>

⁸ Guide to Preparing an Initial Project Description and a Detailed Project Description, Government of Canada, https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guide-preparing-project-description-detailed-project-description.html#_Toc17794699

⁹ Guidance Document, Annex I, Part D (16)

certain environmental effects, as well as the Project's impacts on Indigenous rights and culture, under the new IAA. The Proponent did not include Mikisew, or other Indigenous Groups in this section.

MCFN Request 16: Mikisew requests that IAAC and the Proponent recognize MCFN as a jurisdiction capable of assessing the Project's potential environment effects and commit to work with us to identify any opportunities for MCFN to conduct certain studies and assessments ourselves.

Section 19: Potential Changes to Components of the Environment within Legislative Authority of Parliament

MCFN Requirement 17:

1. We require the following wording (in ***bold and italics***) with respect to impacts to wildlife, in the Summary of Issues, DPD and TISG:

The development of the Project may impact wildlife (including species listed in the Species at Risk Act) and wildlife habitat. Potential impacts may result in changes to wildlife habitat, wildlife availability, ***diversity***, movement, health and populations, ***all of which could affect the long-term sustainability and overall productivity of wildlife populations.***

2. We suggest the following wording additions (in ***bold and italics***) with respect to fish and fish habitat, in the Summary of Issues, DPD and TISG:

Potential changes in water quality may result in fish tainting, effects on fish health, productivity, and population and **fish habitat**. This may result in changes in ***changes in fish abundance, reduced survival rates, and reduced reproduction rates, which could in turn affect the long-term sustainability and overall productivity of fish populations.***

Section 20: Potential Changes to the Environment on Federal Lands and Lands Outside Alberta and Canada

Mikisew opposes Suncor's statement that the Project is not expected to result in potential changes to federal lands. While the Project footprint will not overlap with federal lands, given the already precarious ecological state of WBNP and given the impact that oil sands activity has already had on WBNP, any additional impacts on water quantity or quality could have significant adverse impacts on WBNP – as such, Suncor's statement is not substantiated.

MCFN Request 18: Mikisew requests that the Agency recognize in the Summary of Issues, and the Proponent be required to address in the DPD, the potential impacts to the WBNP.

Section 21 : Impact To Indigenous Peoples – Physical And Cultural Heritage, Traditional Land Use, Historical, Archaeological, And Paleontological Resources

Mikisew is concerned with the brevity of section 21, especially given the recommendations provided to the Proponent in our November 2019 comments. Many of our concerns for potential impacts to our Culture and Traditional Land Use have not been incorporated into the IPD.

MCFN Request 19: Mikisew requests that the following potential impacts be recognized in the Summary of Issues and incorporated in the Detailed Project Description:

- **Potential impacts to air quality, including odours, noise, and dust from operations;**
- **Potential impacts to practice of Indigenous culture and way of life;**
- **Potential impacts to water quality and quantity during operations and at closure;**
- **Potential impacts to food security;**
- **Potential impacts to valued plant, wildlife, fish, or other resources or landscape features relied on by Indigenous Peoples;**
- **Potential impacts to communities, culture, and health;**
- **Reduced use of historically known & preferred harvesting areas, and associated values;**
- **Impacts to water access, and navigation accessibility and safety;**
- **Increased real and/or perceived contamination impacting trust in the land, consumption of traditional foods, and food security;**
- **Impacts on the transmission of Indigenous culture, laws customs and knowledge;**
- **Impacts on sense of wellbeing, remoteness, solitude, privacy, and safety; and**
- **Potential changes to community health status, culture, and livelihood.**

The Proponent has only identified consultation and engagement as its pathway for the identification of further impacts. Indigenous-led studies beyond engagement will be required beyond engagement to adequately identify potential impacts including but not limited to Indigenous Knowledge and Use Studies as well as Culture and Rights Studies.

MCFN Request 20: Mikisew requests that the Proponent commit to funding the necessary studies required to identify Project impacts to Indigenous Peoples – Physical And Cultural Heritage, Traditional Land Use, Historical, Archaeological, And Paleontological Resources.

Importantly, and as outlined in our framing comments, it is vital to include information on the conditions Mikisew requires for the practice of its rights, and how those conditions

have already been impacted by ongoing and cumulative resource development projects. Mikisew understands that the Proponent intends to solicit information from Mikisew and other Indigenous group on this information. This information is critical to understanding the Project's impacts on Mikisew's rights and culture, which as noted, is necessary both for the Impact Assessment Agency to decide whether the Project should undergo an Impact Assessment (which it should), and for the conduct of a proper rights impact assessment as required under IAA.

MCFN Request 21: Mikisew requests that the Proponent be explicit about its intention to assess cumulative effects and provide a list of projects and other land use activities that would be included within a cumulative effects assessment in the Detailed Project Description.

Section 22: Impact to Indigenous Peoples – Social, Economic And Health Conditions

Mikisew is concerned with the adequacy of detail provided with respect to socio-economic impacts in this section. Please see our comments under s. 15 for our requirements and recommendations on how information on the social context relative to Indigenous people must be improved in the Detailed Project Description and subsequently the TISG.

Mikisew also notes that while the Proponent references the importance of traditional land use and culture to Social, Economic and Health conditions, information on the context and conditions needed for the practice of Indigenous rights and culture, as well as information on how that context and those conditions have changed over time, were not included within this section.

MCFN Request 22: Mikisew requests that the Proponent work with us to identify and describe in the Detailed Project Description, the context and conditions needed for the practice of Mikisew rights and culture, as well as information on how that context and those conditions have changed over time.

The Proponent has only identified further engagement as a means to identify potential impacts to Indigenous social, economic, and health. Indigenous-led studies such as a Mikisew Socio-economic Impact Assessment are required to adequately identify potential impacts to Indigenous Peoples – Social, Economic And Health Conditions.

MCFN Request 23: Mikisew requests that the Proponent commit to funding the necessary studies required to identify Project impacts to Indigenous Peoples – Physical And Cultural Heritage, Traditional Land Use, Historical, Archaeological, And Paleontological Resources

Further, and as noted in our comments on section 15, to adequately understand the health impacts associated with this Project, Mikisew recommends that a Health Impact Assessment be carried out. As it stands, Suncor is only planning on undertaking a human health risk assessment, which relies on the environmental impacts to then define the

health effects of exposure of individuals or populations. A health impact assessment however, relies on health indicators and pathways, and includes assessment of the psycho-social, cultural, and spiritual impacts. A dedicated Health Impact Assessment is necessary to understand the health and social impacts on Indigenous peoples, and will also play an integral role in understanding the Project's impacts on Mikisew's rights and culture. Mikisew understands that the Proponent may be supportive of including the requirement for a Health Impact Assessment in the TISG, however, given its importance Mikisew is seeking confirmation of this commitment as early as possible.

Mikisew is also concerned that positive benefits have not been identified in this section nor have positive benefits for Indigenous groups been described in section 7 Purpose and Need for the Project. As the *IAA* requires consideration of the Project's contribution to sustainability the Proponent should be able to identify positive impacts and benefits for Mikisew and other Indigenous groups.

Section 24: Types of Waste and Emissions Generated by the Project

Mikisew understands that the Proponent will be supportive for including requirements in the TISG concerning tailings wastes and tailings recommendations, however, more detail concerning types of wastes and emissions generated by the Project needs to also be included in the DPD.

MCFN Recommendation #24: We request that this section include a description of tailings waste (oil sands process affected water, fine fluid tailings, consolidated tailings, etc.) that will be generated by the proposed Project. The discussion should also include a description of the complexity associated with reclaiming disturbed lands using tailings and the lack of a best available treatment technology or closure scenario to establish equivalent land capability.

We also require description of the following emissions sources:

- **Seepage to groundwater;**
- **Groundwater to hydraulically connected surface water;**
- **Runoff and sedimentation pond releases to surface water; and**
- **Point source sanitation to surface water.**

Please note that the Proponent has committed to providing detail on the types of studies they intend to do if the above emission sources are identified. The potential for these emissions still need to be described in the DPD.

Closing

Thank you for considering the above comments. We would be pleased to discuss this matter with you further.

<original signed by>

Melody Lepine
Mikisew GIR

Attached: Summary of MCFN Requests for the Suncor BMX Project

Summary of MCFN Requests for the Suncor BMX Project

MCFN Request 1: Mikisew requests that the Impact Assessment Agency of Canada (“IAAC” or “the Agency”) decide that this Project requires a Federal Impact Assessment and further, that this assessment must be conducted by a Review Panel.

MCFN Request 2: Mikisew requests that a Crown Consultation and Accommodation Table be established with us immediately, including development of an MCFN agreed-to rights assessment framework, to address the potential impacts to our Aboriginal and Treaty rights.

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MCFN Request 7: Mikisew requests that when referencing LARP in the Detailed Project Description and any other Project-related documents, that the following language be used:

Suncor understands that the LARP did not incorporate Indigenous submissions and views on impacts to, or ways of assessing, impacts to rights and culture. Suncor further understands that reliance on LARP cannot be a substitute for assessing such impacts, with a heavy emphasis on Indigenous perspectives on the breadth and depth of their rights and what constitutes an infringement on same.

MCFN Request 8: The information and findings contained in the SEA are highly relevant to understanding the Project’s impacts on WBNP, and by extension, Mikisew, and should therefore be referenced explicitly within the Detailed Project Description and be included as a required resource by any future TISG.

MCFN Request 9: MCFN requests that the Detailed Project Description: 1) note that the above-noted studies are being contemplated; and 2) include a commitment to incorporate the findings of these studies as relevant and as they emerge.

MCFN Request 10: MCFN requests greater details on the Project to be provided by the Proponent immediately, to fuel further and more meaningful engagement prior to developing the Detailed Project Description.

MCFN Request 11: Mikisew requests the Proponent to commit to working with us to identify opportunities for Indigenous collaboration prior to developing the Detailed Project Description.

MCFN Request 12:

- D. The Proponent to commit to work with affected Indigenous groups prior to filing a Detailed Project Description, and using a structured multiple accounts evaluation process, to consider technically and economically feasible alternatives to the Project.
- E. Provision by the Proponent to parties of more detail on any alternative means to undertake the Project that are likely to graduate to a detailed comparison of alternatives, versus options considered that are not technically and economically feasible. While detailed rationale and evidence to support such assertions are not required in the Initial Project Description, Mikisew recommends that they be provided to the affected Indigenous groups during – not after - the Project planning phase.
- F. Mikisew also requests clarification on how alternative tailings management will provide an alternative means to sustain feed to the Base Plant upgrader be included in the DPD.

MCFN Request 13: The Detailed Project Description should be required to include a discussion of how traditional land use activities and the practice of Treaty rights and culture depend on the status of environmental, human health, and biological conditions in the local study area and regional area, and further information on how these conditions have changed over time as a result of historical and cumulative impacts.

MCFN Request 14: A Health Impact Assessment using a holistic population health approach with a focus on Indigenous Determinants of Health be conducted in addition to a Human Health Risk Assessment.

MCFN Request 15: The Detailed Project Description must include a balanced overview of the social and economic context. Therefore, we require that information regarding the

social issues associated with the development of oil be included in the Location Information and Context section of the DPD. We also require that the Detailed Project Description note how these impacts are impacting indigenous communities including indigenous communities outside of Fort McMurray, as well as indigenous people living within Fort McMurray.

MCFN Request 16: Mikisew requests that IAAC and the Proponent recognize MCFN as a jurisdiction capable of assessing the Project's potential environment effects and commit to work with us to identify any opportunities for MCFN to conduct certain studies and assessments ourselves.

MCFN Request 17:

3. We require the following wording (in *bold and italics*) with respect to impacts to wildlife, in the Summary of Issues, DPD and TISG:

The development of the Project may impact wildlife (including species listed in the Species at Risk Act) and wildlife habitat. Potential impacts may result in changes to wildlife habitat, wildlife availability, *diversity*, movement, health and populations, *all of which could affect the long-term sustainability and overall productivity of wildlife populations.*

4. We suggest the following wording additions (in *bold and italics*) with respect to fish and fish habitat, in the Summary of Issues, DPD and TISG:

Potential changes in water quality may result in fish tainting, effects on fish health, productivity, and population and fish habitat. This may result in changes in *changes in fish abundance, reduced survival rates, and reduced reproduction rates, which could in turn affect the long-term sustainability and overall productivity of fish populations.*

MCFN Request 18: Mikisew requests that the Agency recognize in the Summary of Issues, and the Proponent be required to address in the DPD, the potential impacts to the WBNP.

MCFN Request 19: Mikisew requests that the following potential impacts be recognized in the Summary of Issues and incorporated in the Detailed Project Description:

- Potential impacts to air quality, including odours, noise, and dust from operations;
- Potential impacts to practice of Indigenous culture and way of life;
- Potential impacts to water quality and quantity during operations and at closure;
- Potential impacts to food security;
- Potential impacts to valued plant, wildlife, fish, or other resources or landscape features relied on by Indigenous Peoples;
- Potential impacts to communities, culture, and health;

- Reduced use of historically known & preferred harvesting areas, and associated values;
- Impacts to water access, and navigation accessibility and safety;
- Increased real and/or perceived contamination impacting trust in the land, consumption of traditional foods, and food security;
- Impacts on the transmission of Indigenous culture, laws customs and knowledge;
- Impacts on sense of wellbeing, remoteness, solitude, privacy, and safety; and
- Potential changes to community health status, culture, and livelihood.

MCFN Request 20: Mikisew requests that the Proponent commit to funding the necessary studies required to identify Project impacts to Indigenous Peoples – Physical And Cultural Heritage, Traditional Land Use, Historical, Archaeological, And Paleontological Resources.

MCFN Request 21: Mikisew requests that the Proponent be explicit about its intention to assess cumulative effects and provide a list of projects and other land use activities that would be included within a cumulative effects assessment in the Detailed Project Description.

MCFN Request 22: Mikisew requests that the Proponent work with us to identify and describe in the Detailed Project Description, the context and conditions needed for the practice of Mikisew rights and culture, as well as information on how that context and those conditions have changed over time.

MCFN Request 23: Mikisew requests that the Proponent commit to funding the necessary studies required to identify Project impacts to Indigenous Peoples – Physical And Cultural Heritage, Traditional Land Use, Historical, Archaeological, And Paleontological Resources

MCFN Recommendation #24: We request that this section include a description of tailings waste (oil sands process affected water, fine fluid tailings, consolidated tailings, etc.) that will be generated by the proposed Project. The discussion should also include a description of the complexity associated with reclaiming disturbed lands using tailings and the lack of a best available treatment technology or closure scenario to establish equivalent land capability.

We also require description of the following emissions sources:

- Seepage to groundwater;
- Groundwater to hydraulically connected surface water;
- Runoff and sedimentation pond releases to surface water; and
- Point source sanitation to surface water.