



Suncor Base Mine Extension Project  
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May 7, 2021

**Re: Suncor Base Mine Extension – DRAFT Tailored Impact Statement Guidelines and Indigenous Engagement Plan**

The proposed Suncor Base Mine Extension (“the Project”) falls within the Traditional Territory of Driftpile Cree Nation (DCN) including our Treaty No. 8 to which Driftpile was a founding signatory. Our ancestors and present-day community members have lived in harmony with these lands and waters since time beyond memory. These lands have provided us with everything that we need to sustain our life, culture, and spirit. We therefore have a sacred duty to protect the environment and act as stewards, so that it may continue to sustain the wildlife, plants and other creatures which depend on it. We use the lands in the immediate vicinity of the Project to exercise our Aboriginal and Treaty Rights. It is for this reason that we are participating in the Impact Assessment for this Project.

We have prepared the comments below on the draft Tailored Impact Statement Guidelines (TISG) and the draft Indigenous Engagement and Partnership Plan (IEPP). These are being submitted to the Impact Assessment Agency of Canada (IAAC, or “the Agency”) so that they can be carefully incorporated into the final versions of these documents. The requested changes are necessary to ensure that impacts to DCN’s Aboriginal and Treaty rights are understood, mitigated and avoided. It will also result in an improved process for all those involved.

We are willing to meet with the IAAC and discuss these comments, should the Agency have any questions or wish to speak with us.

Respectfully,

<Original signed by>

Karl Giroux

Consultation Director  
Driftpile Cree Nation

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**Table 1.** DCN Comments on the Suncor Base Mine Extension Project TISG and IEPP

Comment Number	Section	DCN Comment
<b>Tailored Impact Statement Guidelines</b>		
1	2.1 The proponent	<p>In the modern era, there is increasing recognition that all parties must play a role in identifying and addressing social and environmental issues, including environmental degradation, racism, poverty, and inequality. Understanding how industrial organizations, such as Suncor, operate is a small but important piece of this puzzle and is a first step towards making improvements. Improving transparency on the proponent’s operations is one way that Impact Assessments can support these goals.</p> <p><b>Recommendation:</b> Section 2.1 lists the information the proponent must include information about their organization in the Impact Assessment. In addition to the general information described in this section, it would be valuable to include more detailed information on policies related to the environment, diversity and inclusion. This information would be important for transparency which is ultimately in the public interest. For example, it would be valuable to understand:</p> <ul style="list-style-type: none"> <li>• Relative number of women, black, Indigenous and other people of colour who are currently employed by the proponent, and in positions of management or leadership.</li> <li>• The proponent’s policies for working with Indigenous peoples to foster positive relationships, ensure protection of Aboriginal and treaty rights, and develop agreements for accommodations.</li> <li>• The proponent’s policies for hiring from marginalized groups such as women, black, Indigenous and other people of colour.</li> <li>• The proponent’s policy for education of employees, management and leadership on diversity and inclusion.</li> <li>• The proponent’s policy for charitable donations.</li> <li>• The proponent’s other policies for diversity and inclusion.</li> <li>• The extent to which the proponent has included Indigenous individuals or non-Indigenous individuals who have a unique insight into an Indigenous world view in the preparation of the Impact Statement.</li> </ul>
2	4.4. Alternative means of carrying out the project	<p>The TISG describe the project elements and components that should be considered as part of the alternative means analysis. This includes:</p> <ul style="list-style-type: none"> <li>• project site location;</li> <li>• access to the project site;</li> <li>• location of key project components, including a list of facilities and infrastructures for which locations may only be determined later (see also section 2.2 of Annex I);</li> </ul>



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		<ul style="list-style-type: none"> <li>• route for any linear or other infrastructure development or modification, including means for transportation of bitumen to existing processing facilities (see also section 2.4 of Annex I)</li> <li>• facility design;</li> <li>• processing facilities location and design;</li> <li>• excavation methods;</li> <li>• construction alternatives;</li> <li>• mining operations (e.g. open pit, underground, bitumen extraction) (see section 2.4 of Annex I);</li> <li>• suspension, abandonment, decommissioning and reclamation options;</li> <li>• thermal energy and electric power sources for the project site, and other stationary sources to provide heat or steam to the project (see section 2.2 of Annex I);</li> <li>• waste disposal and management, including tailings management (see sections 2.4 and 2.9; of Annex I);</li> <li>• management of excavated materials, including potentially acid-generating or leachable materials;</li> <li>• crossing, diversion and dewatering of watercourses and waterbodies, including wetlands;</li> <li>• management of water supply and wastewater, including location of the final effluent discharge points and water treatment technologies and techniques to control effluent quality;</li> <li>• control technologies to minimize air emission and ensure air quality management (see section 2.7 of Annex I);</li> <li>• any component or activity that has an effect on critical habitat of a species listed under the Species at Risk Act; and</li> <li>• the timing options for various components and phases of the project.</li> </ul> <p><b>Recommendation:</b> In addition to these alternative means, DCN recommends that the proponent also consider the following project elements and components:</p> <ul style="list-style-type: none"> <li>• Tailings management and storage;</li> <li>• Thickened tailings and tailings dewatering; and</li> <li>• Progressive reclamation strategies, including alternatives that would:               <ul style="list-style-type: none"> <li>○ start at the earliest practical moment during the life-of-mine; and</li> <li>○ augment habitat for species of cultural importance (e.g. walleye, caribou, etc.).</li> </ul> </li> </ul> <p>As part of identifying the preferred alternatives, the proponent should engage with Indigenous groups including DCN. This will give the groups the</p>



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		<p>opportunity to comment on proposed alternatives and suggest additional ones. The format/forum for this engagement should be determined between the proponent and each Indigenous group but may include meetings, workshops, surveys and other methods.</p>
3	6. Description of engagement with Indigenous groups	<p>Section 6 details that the proponent should engage with Indigenous groups in a way that is consistent with Canada’s commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This is an important commitment on the path to reconciliation and one that is wholeheartedly endorsed by DCN. However, this guidance provides no clear timeline for engagement with Indigenous groups. As a result, the proponent could choose to involve DCN or other Indigenous groups at a late stage of the Impact Assessment process, limiting the opportunity for meaningful involvement.</p> <p>Early involvement of DCN in the Impact Assessment is critical. The nature of the relationship between DCN and the proponent may take time to establish. Furthermore, the need to document, analyze, share and incorporate Indigenous Knowledge is a time-consuming process. If these processes are not established at an early stage, their utility is diminished.</p> <p><b>Recommendation:</b> The TISG should indicate that the proponent must engage with Indigenous groups at the earliest reasonable moment. This should include an attempt to define a mutually agreed-upon engagement approach. This recommendation is in line with the Agencies guide: <i>Indigenous Knowledge under the Impact Assessment Act: Procedures for Working with Indigenous Communities</i>, which provides the following advice:</p> <p><i>“It is helpful for Indigenous communities to share Indigenous knowledge with proponents and other participants in an impact assessment, starting early in the development of the project, as this knowledge may provide important insights related to:</i></p> <ul style="list-style-type: none"> <li>• <i>project design (e.g., are there important sites within the project footprint that should be avoided? Are there alternative approaches to project design?);</i></li> <li>• <i>baseline data collection (e.g., environmental, social, health, economic and cultural, land use, traditional place names);</i></li> <li>• <i>identification of valued components, indicators or measurement methods;</i></li> <li>• <i>identification of appropriate spatial and temporal boundaries;</i></li> <li>• <i>identification of potential mitigation measures; and</i></li> <li>• <i>identification of considerations for, and development of, follow-up and monitoring procedures”</i></li> </ul>



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		<p>This guidance is valuable and should be explicitly described in the TISG.</p> <p>Finally, the reference to the words “to the extent possible” at the commencement of paragraph 3 should be removed and this section should refer to a mandatory requirement to collect nation specific information.</p>
4	6. Description of engagement with Indigenous groups	<p>The TISG describe how Indigenous Knowledge should be incorporated throughout the Impact Assessment. This includes how it can be gathered, documented, and used in the assessment. Unfortunately, there is no guidance on how Indigenous Knowledge should be used when it may conflict or disagree with scientific knowledge.</p> <p><b>Recommendation:</b> Where there is disagreement between the conclusions drawn from scientific, technical, and engineering knowledge and those from Indigenous Knowledge, the proponent must clearly present the information and perspectives of both. Where possible, the proponent should make reasonable efforts to engage with Indigenous Groups to understand the conflicts between the different ways of knowing and resolve them. Ultimately, the proponent should provide a statement in the Impact Statement based on the conclusions that were made and supporting rationale.</p>
5	6.1 Indigenous Knowledge considerations; 12 Indigenous People	<p>The meaningful and culturally relevant incorporation of Indigenous Knowledge into impact assessment is a critical step to ensuring the project is assessed using both Western Science and Indigenous Knowledge on equal footing. The TISG note that the proponent must refer to the Agency’s guidance document <i>Indigenous Knowledge under the Impact Assessment Act: Procedures for Working with Indigenous Communities</i>. This document contains a statement regarding approaches to incorporating Indigenous Knowledge; furthermore, the TISG state that the proponent is encouraged to work with Indigenous groups who demonstrate an interest in drafting sections of the Impact Statement that concern them. This is an important step as proponents often receive Indigenous Knowledge but are unsure of how this information should be incorporated. Notwithstanding, the TISG should have a firmer directive that the proponent should make all reasonable efforts to work with each Indigenous group and/or consultants of that group’s choice to properly incorporate Indigenous Knowledge into the Impact Statement.</p> <p><b>Recommendation:</b> The TISG should state that the proponent should make all best efforts to work with each Indigenous group/consultant of that group’s choice to properly incorporate Indigenous Knowledge into the Impact Statement.</p>
6	6.2. Record of engagement	<p>It is stated in the TISG that the record of engagement must include: “a description of how Indigenous expertise will be sought to assist with the carrying out of the project, should it be approved.” This is important</p>



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		<p>information, but it is not clear what is intended by the term “Indigenous expertise”.</p> <p>Indigenous people have a vast diversity of skills, knowledge and expertise that should be sought by the proponent. This includes traditional knowledge of things like environment, ecology, governance, and traditional activities but it also includes modern knowledge related to construction, trades, engineering, project management, etc.</p> <p><b>Recommendation:</b> The IAAC should elaborate on what is meant by Indigenous expertise and provide a broad definition. Furthermore, Indigenous expertise should be sought throughout all phases of project planning and development, not just for carrying out the project after approval.</p> <p>The TISG should require the proponent to engage with all groups that demonstrate an interest in being engaged, or alternatively, if the proponent has not engaged an Indigenous group that has indicated an interest in being engaged, this should be noted and included in the record of engagement.</p>
7	7.2. Selection of valued components	<p>IAAC has identified several components that could be considered as VCs or as intermediate components to support assessment of other VCs. Included on this list of possible VCs is hydrology and surface water quality.</p> <p>DCN believes that water resources (including hydrology and surface water quality) are of the utmost importance. Water is the lifeblood of earth and any project with such high potential for negative impacts on water must consider them in the highest possible way.</p> <p><b>Recommendation:</b> Hydrology and surface water quality must both be considered as VCs.</p>
8	7.3.2. Spatial Boundaries	<p>The Regional Study Area (RSA) for surface aquatic resources (Suncor Detailed Project Description: Figure 4E) shows that it only includes an area upstream of the project on the Athabasca River of approximately 5 km. This is problematic as several aquatic species in the Athabasca River that are potentially impacted by the Project (e.g., exposed to contaminants) will travel upstream to feed and spawn. As a result, these species may be adversely affected by the Base Mine Extension Project and then encounter cumulative effects from other projects in areas upstream of the project that are not included in the RSA. For a full assessment of effects, these areas upstream of the Project should be included in the RSA.</p> <p><b>Recommendation:</b> The Aquatic resources RSA should be expanded upstream of Fort McMurray on the Athabasca river (to Horse River) and Clearwater River. All smaller tributaries that have connections to this</p>



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		expanded area should also be included (due to the potential spawning habitat they possess).
9	8.7.1. Baseline conditions	<p>Aquatic habitats are highly variable environments through time, subject to changing water levels, variable water quality, migrations, invasions, individual species population dynamics, and myriad other pressures and variables. Even physical characteristics such as substrates, banks, and shorelines are subject to change. To adequately characterize these changes, it is best practice to gather data over multiple seasons and years.</p> <p><b>Recommendation:</b> IAAC should provide guidance to the proponent around gathering data across multiple seasons and years for several parameters to adequately characterize the variability of fish and fish habitat.</p>
10	8.7.1. – 8.7.2 Fish and fish habitat: Baseline conditions and effects	<p>The proponent is responsible for describing fish and aquatic species that are used by Indigenous peoples as country foods and for other traditional purposes.</p> <p>Despite the clear importance of fish as a source of food, the IAAC has not requested that the proponent characterize the existing body burden of contaminants in fish tissue in the study area. Instead, the TISG only request that the effects of these contaminants be considered. It is unclear how the effects of contaminants can be considered without adequately characterizing the baseline conditions.</p> <p><b>Recommendation:</b> IAAC must update section 8.7.1 to include characterization of contaminant levels in harvested species and their prey.</p>
11	12 Indigenous Peoples	<p>The proponent is responsible for incorporating Indigenous Knowledge into the Impact Statement and the Impact Assessment overall. However, the proponent is only required to indicate where input from Indigenous groups has been incorporated into the Impact Statement and is encouraged to work with Indigenous communities in the drafting of the Impact Statement. It is possible that the proponent may fail to include critical Indigenous Knowledge within the Impact Statement and is currently under no obligation to provide reasons for doing so.</p> <p><b>Recommendation:</b> IAAC must update section 12 to include an obligation upon the proponent to not only incorporate Indigenous Knowledge in the Impact Statement and overall Impact Assessment process, but to also provide reasons, if certain Indigenous Knowledge is not included, why it was not included.</p>
12	12.1.2 Effects on Indigenous Physical and Cultural Heritage	<p>Cultural heritage resources are difficult to spot and identify to untrained individuals. While chance-finds are always a possibility during any ground-disturbing activities, even after archaeological assessment has occurred, the likelihood of these resources being spotted, and triggering contingency plans/field interventions is diminished if workers do not know what to look</p>



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		<p>for. The TISG should include a directive for the proponent to outline its approach to increasing the chance that unanticipated cultural heritage resources are spotted, such as via training programs for workers and/or monitors.</p> <p><b>Recommendation:</b> IAAC must update section 12.1.2 to include a description of any cultural heritage training programs for workers and/or follow-up monitoring.</p>
13		<p>One of the most important aspects of Impact Assessment is the determination of significance criteria and characterization of the residual effects. Despite how important this is in the final decision, the input of Indigenous peoples is rarely, if ever, considered. This is a major flaw of the current impact assessment process, that ignores the input of Indigenous perspectives by design.</p> <p><b>Recommendation:</b> DCN requests that the Crown engage with Indigenous peoples on determining the significance criteria and characterization of the residual effects for the project. This will help to ensure that the conclusions of the Impact Assessment are in line with the perspectives of Indigenous peoples.</p>
14	21.7. Establishing spatial boundaries	<p>IAAC recommends that the proponent establish three study areas for each Valued Component (VC) in the Impact Assessment, generally recommended to be:</p> <ul style="list-style-type: none"> <li>• Project Area, where the project activities and infrastructure will be</li> <li>• Local Study Area, where potential effects of the project may occur</li> <li>• Regional Study Area, where cumulative effects should be assessed.</li> </ul> <p>However, IAAC does not provide any specific guidance on how each area should be defined or the purpose of each. This information is critical to the execution of the Impact Assessment, as it will determine the scope of all value components.</p> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• IAAC must provide detailed descriptions for how the proponent should establish the size of study areas including the purpose of each. For example;             <ul style="list-style-type: none"> <li>○ Project Area, where the project activities and infrastructure will be</li> <li>○ Local Study Area, where potential effects of the project may occur</li> <li>○ Regional Study Area, where cumulative effects should be assessed.</li> </ul> </li> </ul> <p>Indigenous groups, such as DCN, should be given an opportunity to review and comment on the spatial scope of study areas for each VC prior to submission of the draft Impact Statement.</p>





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<b>Indigenous Engagement and Partnership Plan</b>		
15	4.2. Crown list of additional Indigenous communities to be engaged	<p>DCN is listed under section 4.2 of the IEPP as a community that should be engaged by the Crown under section 22 of the <i>Impact Assessment Act</i>. However, DCN community members use the land and waters throughout our territory and the lands of Treaty 8, which includes the project area. It is not clear why DCN is not listed under Section 4.1 of the IEPP. As a community that may experience potential impacts on the exercise of Aboriginal or Treaty rights, DCN must be meaningfully consulted.</p> <p><b>Recommendation A:</b> DCN must be listed as a potentially impacted community under section 4.1 of the IEPP.</p> <p><b>Recommendation B:</b> DCN has a desire to be directly involved in identifying concerns, developing follow-up and monitoring programs, and incorporating Indigenous knowledge throughout the Impact Assessment process. Our interest in protecting the environment goes beyond the requirements of policy and legislation. Our interest is in protecting the lands and waters for today and future generations and to allow the intergenerational transfer of knowledge. This involvement should include the completion of an Indigenous Knowledge study to gain a better understanding of our current land use and values within the Project area.</p>
16	7. Engagement and consultation approach	<p>Table 1 – Table of Indigenous engagement approaches and activities (Phase 2 – Impact Statement) under “Expected Indigenous communities’ participation/activities” it states:</p> <ul style="list-style-type: none"> <li>• Indigenous communities collaborate with the proponent to collect relevant information about the Project’s potential positive and adverse effects (direct and incidental), as well as the mitigation and monitoring measures and may wish to co-draft certain sections of the impact statement</li> </ul> <p>One of the stated purposes of Phase 2 is to “identify potential impacts on exercise of s. 35 rights and avoidance, mitigation or accommodation measures in collaboration with Indigenous communities”. In order to meet this purpose, there must be meaningful capacity and resources provided to Indigenous communities who require Traditional Land Use, Indigenous Knowledge or any other studies/research methods in order to identify what the potential impacts are and what would be adequate accommodation and mitigation measures with respect to those impacts. This requires a commitment from the Crown that during Phase 2 funding and resources will be provided to impacted Indigenous communities to support the requisite studies and information gathering, and engage with the proponent to ensure the results of these studies are included in the Impact Statement.</p>



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		<p><b>Recommendation:</b> DCN requests that the IEPP include a commitment by the Crown to provide funding and resources (or impose conditions on the proponent to do same) during Phase 2 (and throughout all phases of the Impact Assessment process as necessary) for impacted communities to conduct Traditional Land Use, Indigenous Knowledge or any other studies as required to identify impacts of the Project to the communities' rights and potential accommodation, mitigation or avoidance measures.</p>