



Smith's Landing First Nation

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May 7, 2021

VIA REGISTRY WEBSITE

Impact Assessment Agency of Canada
Suncor Base Mine Extension Project
160 Elgin Street, 22nd Floor, Ottawa ON
K1A 0H3

Dear Sir or Madame:

Re: Smith's Landing First Nation Comments on the Draft Indigenous and Engagement Partnership Plan dated February 26, 2021

I am writing in response to the Impact Assessment Agency of Canada's (the "**Agency**") request for comments on the draft Indigenous and Engagement Partnership Plan dated February 26, 2021 (the "**Plan**"). The Agency has taken a step in the right direction by providing more a transparent and open process for consultation on the proposed Suncor Base Mine Extension Project (the "**Project**") as outlined in the draft Plan. We submit our comments below for the Agency's consideration for improving the Plan to ensure meaningful consultation, and where appropriate, accommodation of potentially affected Indigenous groups, such as Smith's Landing First Nation ("**SLFN**").

Comments on Draft Plan

1. Impact Assessment Agency of Canada's objectives (section 3, page 4 to 5)

SLFN recommends the following amendments (in red and underlined) to this section to ensure that the Crown upholds its duty to consult on the proposed Project:

- Conduct adequate Crown consultation on the potential positive and adverse effects (direct, indirect, cumulative, residual and incidental) of the Project and adverse impacts of the Project on the exercise of Aboriginal and/or Treaty rights of the Indigenous peoples of Canada recognized and affirmed in section 35 of the *Constitution Act, 1982* (Aboriginal or Treaty rights);
- Meaningfully engage with Indigenous communities throughout the impact assessment process with opportunities to provide comments on key documents and the engagement process, and submit information requests;
- Provide meaningful opportunities for collaboration with Indigenous communities on specific elements of the impact assessment as identified by Indigenous communities. This may include, where appropriate, collaboration with Indigenous groups on their own

community developed impact assessment methodology or process to assess the impact of the Project on Aboriginal or Treaty rights;

- Conduct adequate Crown consultation with Indigenous communities on measures to avoid, mitigate or minimize potential adverse impacts of the Project on Aboriginal and Treaty rights;

SLFN recommends that the Agency add the following objective to this section:

- Conduct adequate Crown consultation on potential downstream adverse effects and impacts (i.e., impacts to waters flowing north into the Northwest Territories) of the Project on the exercise of Aboriginal or Treaty rights;

2. Objectives identified by Indigenous communities during the Planning phase (section 3, page 5)

In addition, SLFN recommends that the Agency amend this section as follows (amendments in red and underlined):

- Evidence needs to be provided to demonstrate that Project design, mitigation measures, Crown actions and decisions are informed through broad and ongoing consultation with Indigenous communities, including:
 - Potential impacts to Aboriginal and Treaty rights assessment;
 - Community concerns, interests and traditional values; ~~and~~
 - The health and well-being, and social conditions;
 - Cumulative effects assessment, including a consideration of past, present and future projects and other activities.

SLFN also recommends adding the following objectives to this section:

- Consultation must consider the Project in the context of historical and contemporary cumulative effects impacting Indigenous communities' ability to exercise Aboriginal or Treaty rights, including degree to which the exercise has already been diminished;
- Rationale for decisions not to consider or incorporate Indigenous knowledge and/or Indigenous communities' concerns and recommendations in the Project design, mitigation measures and Crown actions and decisions;
- Consultation requires a meaningful two-way exchange of information sharing between the Crown and Indigenous communities;

3. Engagement and consultation tools, and methods (section 5, page 8 to 9)

Further, SLFN recommends adding the following to the list of tools and methods to ensure meaningful consultation on the Project:

- Identify any delegated consultation to the Proponent, if any, and mechanism for the Crown to monitor such delegation;
- Establish clear processes for identifying and designing accommodation measures;

We recommend the following amendments (in red and underlined) to this section:

- Following community consultation policies or protocols in consultation activities, to the extent possible;

Conclusion

Thank you for taking the time to review and consider SLFN's proposed amendments to the Plan. We trust that these amendments are in line with the Crown's commitment to build a renewed relationship with Indigenous groups based on reconciliation, trust and transparency. We welcome the opportunity to discuss this further with the Agency via phone or video conference.

Sincerely,

A handwritten signature in blue ink, reading "Gerry Cheezie", is displayed on a light yellow rectangular background.

Chief Gerry Cheezie
Smith's Landing First Nation

CC: Council, SLFN
Becky Kostka, Lands & Resources Manager, SLFN
Megan McConnell, Rana Law

We, the Tthebatthi Dēnésułíné, have been sovereign since time immemorial. Together, we will continue our journey in harmony with the environment to sustain a healthy and self-sufficient lifestyle for future generations. To honour our Creator and ancestors, we will protect and nurture the integrity of our Dēné Ch'aní.