

May 6<sup>th</sup>, 2021

Impact Assessment Agency of Canada  
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**RE: *Draft Indigenous Engagement and Partnership Plan and Draft Public Participation Plan for Suncor Energy Inc.'s Proposed Base Mine Extension Project***

At the request of the Chard Métis Nation (CMN), I have reviewed the Impact Assessment Agency of Canada (the Agency) **Draft Indigenous Engagement and Partnership Plan (IEPP)**<sup>1</sup> and **Draft Public Participation Plan (PPP)**<sup>2</sup> for the Impact Assessment (IA) for Suncor Energy Inc.'s (the Proponent) Base Mine Extension Project (the Project) issued Feb 26, 2021 (Canadian Impact Assessment Registry File No. 80521). The review of the Draft Plans is guided by the following questions:

- How does the Agency intend to approach the Indigenous Engagement and Consultation process and how would this relate to the Chard Métis Nation?
- How does the Agency intend to assess the Project's potential impact to community's traditional land use and how would this relate to Chard's Métis culture, Aboriginal rights and traditional land and resource use?
- What are some of the potential gaps in the process and procedures outlined by the Draft Plans and how might these be addressed?

Information of relevance to the CMN is identified, gaps are considered and recommendations for changes to the Draft Plans are provided for each of these sections.

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<sup>1</sup>Impact Assessment Agency of Canada 2021. "Draft Indigenous Engagement and Partnership Plan: Impact Assessment of the Suncor Base Mine Extension Project." <https://iaac-aeic.gc.ca/050/evaluations/document/138268>

<sup>2</sup> Impact Assessment Agency of Canada 2021. "Draft Indigenous Engagement and Partnership Plan: Impact Assessment of the Suncor Base Mine Extension Project." <https://iaac-aeic.gc.ca/050/evaluations/document/138247>

## Draft Indigenous Engagement and Partnership Plan

### Determining Adequacy of Consultation and Meaningful Engagement

The Agency states that the objectives of Indigenous engagement and partnership are to “Conduct adequate Crown consultation” and to “Meaningfully engage with Indigenous communities” in a manner “consistent with the Government of Canada’s commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples” (IEPP, pg. 4). Adequate and meaningful can be interpreted in different ways by the Government of Canada, Government of Alberta, and Indigenous communities.

**Recommendation:** It is important that CMN and other Indigenous communities are given the power to determine whether they have been adequately and meaningfully engaged throughout the consultation and accommodation process. Meaningful and adequate must be defined by each Indigenous community.

### Adequacy of funding for Cultural Impact Assessment

The Agency states that funding is available to Indigenous communities throughout the impact assessment process and provides information about the activities that are eligible for funding (IEPP, pg. 17). It is important to the CMN that the funding is adequate to complete the work necessary to fully understand the cultural, socioeconomic and environmental impacts of the project.

**Recommendation:** The Agency should be prescriptive and ask the proponent to complete work with communities to complete community specific studies such as such as Cultural Impact Assessments, Traditional Knowledge Studies, and Socioeconomic Assessments and ensure that this funding is adequate to enable each affected Indigenous community to complete a thorough assessment process. This process will promote understanding of potential cumulative project impacts.

### Coordination of Federal and Provincial Processes

The Agency states that if it “enters into a Joint Review Panel Agreement with the Alberta Energy Regulator, the Agency will seek clarity on federal/provincial consultation activities with Alberta’s Aboriginal Consultation Office. The CMN is concerned about the relationship between the Impact Assessment Agency and the Alberta Energy Regulator. In particular, the CMN is concerned that the two organizations have significantly different understandings about their role in effectively including Indigenous rights and perspectives into the assessment process. Further to this point, the CMN wonders how the two representatives of the Crown will manage this potential discrepancy? Particularly when the provincial regulator does not consider topics such as: endangered species, greenhouse gases and Métis

rights in their assessment process. It is the CMN's belief that Métis rights and perspectives are essential to effective impact assessment, and if one level of government is unwilling to take this into account, it is the CMN's belief that the higher level needs to insert themselves. With this in mind, CMN asks:

***Recommendation 1:***

**The Impact Assessment Agency of Canada request that the Province of Alberta provide a clear plan for how they will meaningfully incorporate Indigenous rights and perspectives into their regulatory process.**

The CMN strongly encourages the Agency to request from the Alberta Energy Regulator evidence that their process does effectively consider Indigenous Rights, and based upon that submission, consider whether the AER process is in fact providing an effective substitution.

## **Draft Public Participation Plan**

### **Public Participation Tools**

In response to The Agency's call for suggestions on communication methods and challenges, please find recommendations below.

***Recommendation:***

While communication tools and platforms are listed, the format of materials to be shared is not specified. CMN requests that all documents be either provided in plain and accessible text or accompanied by plain text guides.

### **Definition of "Public"**

The CMN is a community organization that represents local public interests but also represents the interests of a rights-bearing Metis Community. As such, it is of interest to the CMN that the Agency clarify how stakeholder communities and potentially affected Indigenous communities will be identified for inclusion and participation in the Consultation process.

***Recommendation:*** Define the "Public" and indicate how the spatial parameters of consultation with the "Public" are to be determined.

These recommendations are made on behalf of the Chard Métis Nation. Unfortunately, Covid-19 restrictions and lack of funding have limited the scope of this review and the opportunity for broader community engagement. As the project

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continues it, it is the writer's hope that more opportunities for broad community engagement will be made available. If you have any questions about these recommendations, please contact Justin Herman, CEO of the Chard Métis Nation at <email address removed> or Peter Fortna at <email address removed> .

Yours,

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Willow Springs Strategic Solutions

CC: Justin Herman, CEO Chard Métis Nation  
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