

STRENGTH
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Melanie Sanschagrinn
Crown Consultation Lead,
Crown Consultation Operations Directorate
Impact Assessment Agency of Canada,
Government of Canada

RE: Mohawk Council of Kahnawà:ke comments on the Regional Impact Assessment for the St. Lawrence river & Engagement Sessions

Ms. Sanschagrinn,

The Mohawk Council of Kahnawà:ke (MCK) participated in the three Indigenous engagement sessions led by the Impact Assessment Agency of Canada (IAAC) to gather additional information from stakeholders concerning our request for a Regional Impact Assessment (RIA) of a portion of the St. Lawrence River. As the requestors of this assessment, the MCK wishes to confirm our position as outlined in our request submission dated July 29, 2020. We also take this opportunity to offer our views on the engagement sessions that were held.

RIA Rationale

Participants in the Indigenous engagement sessions were unanimous in the need for an RIA for the St. Lawrence River. All participants agreed that current or anticipated government initiatives, including those stemming from the Oceans Protection Program, though related, did not replace the need for an RIA of the St. Lawrence River. The MCK agrees and submits that the focus should be on how current or anticipated government initiatives can be used as inputs into an RIA or be enhanced by an eventual RIA. However, it is clear from all stakeholders that current or anticipated government initiatives do not negate the need for the RIA.

The MCK explained why we believe an RIA is necessary in our original request. Of primary interest is the impact of cumulative effects on the exercise of rights for the Mohawks of Kahnawà:ke and the environment. Project specific IAs are too narrowly focused on direct impacts to the present-day landscape. This is problematic as the Mohawks of Kahnawà:ke are already limited in the exercise of their rights by on-going pollution discharges into the river and barriers to access stemming from projects implemented at a time when Indigenous consultation or environmental sustainability were not seriously considered. Mitigation measures proposed for specific projects are unable to address the larger challenge of ecosystem restoration in this region. An RIA is a necessary step to identify the valued components and stressors within the study region and how they interact, encourage engagement and interaction between all regional stakeholders, and identify opportunities for collaboration. This will ensure that future projects in the region not only consider local project impacts but also start to reverse some of the on-going, unacceptable cumulative impacts.

The MCK would also like to clarify that we do not believe the RIA should be primarily motivated by an effort to reduce regulatory burdens for development (e.g. as has been raised as a critique of the previous RIA completed for offshore oil drilling in Newfoundland). A well executed RIA focused on the long-term health of the river and all the species that it hosts can, however, provide certainty to proponents by identifying protected areas and those that could be suitable for development, elaborating suitable compensation / restoration opportunities and partners, assisting with consultation by establishing baseline conditions, and informing regulatory agencies. This information will likely streamline, but should not replace, project impact assessments going forward.

Geographical Scope of the project

Many felt that the geographic scope proposed in the original request was too small and should expand to encompass additional fluvial sections of the St. Lawrence River, the estuary, the gulf, and the Saguenay Fjord. From what we heard; all of these regions would clearly benefit from an RIA. However, over the course of the sessions, it was identified that the St. Lawrence contains numerous regions with environmental features and potential threats that can be quite distinct. It was also noted that there is the potential for the study to become too complex and unwieldy if the geographic scope is not well targeted.

MCK therefore believes that an ultimate scope similar in size to that originally proposed in the RIA request would be the most appropriate. A geographic scope of this size, developed with an appropriate ecological and logistical rationale, would allow for an evaluation in sufficient detail of the valued components and threats within the study area and could be completed within a reasonable time frame. A completed RIA would then serve as an important data source for subsequent RIAs with important boundary conditions established to inform these projects. Given the relative scarcity of previous RIAs in Canada, MCK suggests that a well executed, targeted RIA could serve as a pilot study that could then be replicated within other regions along the St. Lawrence and beyond.

Ongoing Indigenous consultation and next steps

The MCK understands that the IAAC will be providing the Minister with a comprehensive report of what was heard in the various engagement sessions, and that the Minister will then take a decision on whether to proceed with the RIA request. We also understand that even if the Minister agrees to undertake an RIA, that additional consultation will take place to finalize the scope of the assessment.

As the requestors of this RIA, Canada should continue to engage with us on a respectful basis pertaining to our request. We would like to have the opportunity to review the report that will be submitted to the Minister and to provide comments and dialogue with the Minister's office, if required, prior to a final decision being made.

We also understand that the RIA would likely be carried out by a Committee and that an agreement with the Minister outlining the Terms of Reference for the study would be developed. The MCK would like to be consulted and involved in this eventual process. We would also like to be involved in the development of the Terms of Reference for the eventual study, including the development of the provisions on how the Minister can or will take into account the results of the eventual study in future decision making and initiatives.

We wish to thank the Impact Assessment Agency for their collaboration and look forward to continuing to work together on this important initiative.

In Peace & Friendship,

<Original signed by>

Chief Ross Montour
Consultation Portfolio
Mohawk Council of Kahnawà:ke