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Regional Assessment of the St. Lawrence River Area
Impact Assessment Agency of Canada
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Sent by Email

March 28, 2025

Re: East Coast Environmental Law Submission on the Draft Terms of Reference for the Regional Assessment of the St. Lawrence River Area

East Coast Environmental Law is a community-centered non-profit organization that is committed to sharing our legal skills with those who seek environmental and climate justice for all species and the natural systems that support those species. We advocate for progressive environmental laws and policies for Atlantic Canada, provide public legal education, and share our legal skills to support individuals, communities, and organizations that are working to prevent or redress environmental harms. We do our work by responding to community inquiries, carrying out legal and policy research, and producing materials on public interest environmental law issues in Atlantic Canada.

Our organization works on matters of federal environmental law and policy that impact or have implications for Atlantic Canada. Our work includes legal research and engagement on impact assessment ("IA") processes and decision-making under the *Impact Assessment Act* ("IAA"). Our interest in the Regional Assessment of the St. Lawrence River Area (the "RASLR") comes from and is shaped by our extensive experience with federal impact assessment processes like assessments of physical activities, projects on federal lands, and regional assessments, and by our extensive legal research and public education on relevant areas of law and policy that pertain to both federal impact assessment and shipping. Our organization has actively participated in every regional assessment that has been completed, or is ongoing, under the IAA, including the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador (the "NFLD RA"), the regional assessments of offshore wind development in Newfoundland and Labrador and Nova Scotia (the "OSW RAs"), and the Regional Assessment in the Ring of Fire Area ("ROF RA"). We have participated as experts on advisory committees in each of the three completed regional assessments and have produced briefs, submissions, reports and recommendations on relevant matters like early planning of regional assessment, cumulative effects assessment, sustainability, public participation and education, and gender-based analysis plus. Our experience with regional assessment process is also shaped by our work as members of the Canadian Environmental Network's Environmental Planning and Assessment Caucus, our engagement on policy initiatives like the recent review of the *Physical Activities Regulations* and the *Order Designating*

Certain Excluded Classes of Projects, and our conversations with members of the public, government, and communities throughout Atlantic Canada and across the country.

As a result of our extensive engagement in regional assessments to date, we have a strong interest in seeing the lessons learned during each of these processes being applied during the RASLR, particularly because regional assessments can help to make impact assessment processes under the *IAA* and other relevant decision-making processes more effective, contribute to broad-level cumulative effects assessment, and inform our understanding and progress towards long-term sustainability in the face of the triple planetary crises (climate change, biodiversity loss, and global pollution).

In the first part of this submission, we have commented on the key goal and objectives of the RASLR that have been proposed in the draft Terms of Reference (“draft TOR”) and have shared our vision for how the RASLR can inform future impact assessment processes or other decision-making processes in an effective and efficient way that contributes to long-term sustainability. This is something that we see as being key to the success of the regional assessment. We have also provided suggestions about how the final TOR can be strengthened to foster meaningful public engagement and facilitate effective information gathering and knowledge sharing. Our commentary in both these areas is based on the lessons we have learned during our engagement on previous regional assessments and also reflects a large and growing body of scholarship that has advocated for a new generation of impact assessment that is focused on sustainability and safeguarding present *and* future generations. In the second part of this submission (Appendix 1), we have provided specific comments on the text of the draft TOR.

The goal and objectives of the Regional Assessment in the St. Lawrence River Area must foster effectiveness and efficiency in a way that contributes to long-term sustainability in the region

Regional assessments under the *IAA* are no longer a new tool in Canadian environmental impact assessment. We now have the benefit of experience from multiple regional assessments. While each of these regional assessments was different in scope and approach, there are lessons to be learned from each that can be incorporated into the RASLR to make it a stronger process, and to ensure that it provides value to future impact assessment processes and other decision-making processes. In essence, we can draw on that knowledge and experience to make the RASLR more effective and efficient and ensure that future decisions that use the products or outcomes are also more effective and efficient.

When we use the terms “effective” and “efficient”, we mean that the purposes of the *Impact Assessment Act* are achieved in a way that fosters sustainability, and that decisions are informed and shaped by the individuals, groups, and communities that are adversely and positively impacted. As many environmental impact assessment practitioners and scholars have now written, the *Impact Assessment Act* was an opportunity to achieve the “next generation” of IA that is focused on long-term sustainability and processes which complement, inform, and build on each other (i.e., a tiered approach to planning, assessment, decision-making, and monitoring). Our hope, when we use the terms “effective” and “efficient”, is that the RASLR process – including the gathering of information and knowledge, engagement of impacted communities, experts and the broader public, and the analysis of individual and cumulative effects of activities in a given region – will lead to better informed planning and decision-making that ensure that activities contribute to sustainability in ways that maximize positive effects and minimize or eliminate adverse effects.

Using a regional assessment process to improve effectiveness and efficiency of impact assessment processes – whether that is an impact assessment of a physical activity listed in the *Physical Activities*

Regulations, a project that is designated by the Minister of Environment and Climate Change (the “Minister”), or a project occurring on federal lands – is not new to the RASLR. In fact, efficiency and effectiveness has been a key focus of every completed or ongoing regional assessment conducted under the *Impact Assessment Act*. For example:

The preamble of the TOR for the NFLD RA read (emphasis added):

“WHEREAS the Governments of Canada and Newfoundland and Labrador are interested in improving the efficiency of the environmental assessment process as it applies to oil and gas exploration drilling while at the same time ensuring the highest standards of environmental protection continue to be applied and maintained.”

The preamble for the TOR of both OSW RAs also noted the desire to enhance “effectiveness and efficiency of impact assessments”, and a common objective of both, as set out in their TOR, was (emphasis added):

“Describing how the findings or recommendations of the Regional Assessment could be used to inform future planning and licencing processes for these activities in a manner that fosters sustainability and enhances the effectiveness and efficiency of their impact assessments”.

Finally, the TOR of the ROF RA state that an objective of the regional assessment process is to achieve effective and efficient future decision-making (emphasis added):

“Describing how the findings of the Regional Assessment should be considered and implemented to enhance the effectiveness and efficiency of future decision-making processes”.

The RASLR seems destined to join previous or ongoing regional assessments as a process through which future impact assessment processes or decision-making processes can be made more efficient and effective.

The preamble in the draft TOR reads as follows (emphasis added):

A regional assessment is a planning tool used to assess the potential effects of multiple existing and potential future developments and activities in a specific geographic region which must be taken into account in all designated project impact assessments. The Regional Assessment will enable more effective and efficient future project assessments and other decision-making processes. The establishment of baseline and targeted conditions will help reduce burden from collecting information for project-level assessments and inform scoping.¹

Two of the objectives of the regional assessment, as proposed in the draft TOR, align with this preamble text and our experience that regional assessments are used to make other impact assessment processes and decision-making more effective and efficient. Objective (d) of the RASLR is that information and knowledge gaps will be identified, and recommendations or methods will be developed to address those gaps in order to “improve the effectiveness and efficiency of impact

¹ Impact Assessment Agency of Canada, “Regional Assessment of the St. Lawrence River Area: Terms of Reference – Draft for Discussion” (February 27, 2025) [“**Draft TOR**”] at page 1.

assessments in the assessment area”.² Objective (f) of the regional assessment is that the findings and recommendations will inform future planning and permitting processes in a manner that fosters sustainability and “enhances the effectiveness and efficiency of their impact assessments”.³

The objectives flow from the proposed central goal of the RASLR, which reads as follows (emphasis added):

The main goal of this Regional Assessment is to gain a deeper insight into the state of the St. Lawrence River within the assessment area by assessing the relationships between targeted physical activities, complementary activities, and the ecosystems within which they operate. In this way, a set of baseline and targeted conditions, which take into account both Indigenous knowledge and modern Western science, can be established to better evaluate the effects of activities. This set of conditions will help to identify strategies for these activities and other efforts to achieve environmental and social gains that improve upon present day conditions in an efficient, collaborative manner.⁴

We think it is important to highlight two aspects of the proposed goal and the two objectives that we have highlighted, because they inform how this regional assessment can help shape future impact assessment processes and decisions in a meaningful way. First, it is striking that the term “sustainability” is not mentioned in the goal and only appears once in the TOR as part of Objective (f), other than the definition that is lifted from the *IAA*. Second, it is important to acknowledge that the goal of the regional assessment makes a link between using the RASLR to identify “strategies” and using those strategies in pursuit of environmental and social gains and improvements in efficiencies.

In our view, the main goal of the RASLR can and should be clearly framed as a process that will advance sustainability in the assessment area. Such a process would be used to (a) facilitate an analysis (i.e., “deeper insight”) of the existing state of the St. Lawrence River area that includes consideration of the “relationships” of activities and ecosystems in a comprehensive and cumulative way, and (b) facilitate the development of strategies that will foster sustainability (i.e., “environmental and social gains”) in the long term.

We are supportive of regional assessments as planning tools and processes that inform and are used alongside other impact assessment processes and related decision-making processes.⁵ Since the *IAA* is not prescriptive about how regional assessments ought to be conducted, there is an ongoing opportunity for these processes to be innovative and transformative. Regional assessments can help governments, communities, industries, the public, and other rightsholders or stakeholders to create effective and efficient decision-making frameworks. These frameworks – or strategies – could then empower all stakeholders and rightsholders to make informed decisions about which environmental and socioeconomic risks and benefits are in the public interest. However, to be effective, regional assessments, and in this case, the RASLR, must contribute to an understanding of how the region (i.e., the assessment area) can move towards long-term sustainability. The draft TOR for the RASLR is already well on its way to enabling exploration of how the region can achieve long-term sustainability, and we urge the signatories to the TOR to be explicit in that endeavor because it is clear that project-specific

² Draft TOR at page 6.

³ *Ibid.*

⁴ *Ibid* at page 4.

⁵ *Impact Assessment Act* SC 2019 c 28 s 1 [“*IAA*”] at subsection 6(1).

assessments and assessments of projects on federal lands have typically failed to adequately consider regional, long-term sustainability.⁶

To be clear, the goal of using the RASLR to inform impact assessment processes and decision-making processes reflects an important concept that is embedded into the intention of the IAA: sustainability. While the recent amendments to the IAA removed fostering sustainability as one of the purposes of the IAA, the preamble of the IAA and aspects of decision-making under the IAA still reflect that intent. For example, the preamble of the IAA recognizes the importance of implementing impact assessment processes in a manner that “contributes to fostering sustainability”; the Agency, or a review panel, must still consider the extent to which a designated project will contribute to sustainability when deciding whether a designated project will require an IA;⁷ and, the Minister or Governor in Council must consider a project’s contributions to sustainability when making a public interest determination.⁸

Because the RASLR can inform future planning, it is imperative that the process and its outcomes support sustainability. IAAC’s guidance on sustainability in its *Practitioner’s Guide to Federal Impact Assessment* (the “*Practitioner’s Guide*”) is informative. In particular, the Agency identifies four guiding sustainability principles that are meant to inform a sustainability analysis. While these principles are not necessarily reflective of the full extent or range of commonly accepted sustainability principles, they are useful for framing sustainability assessment in the context of the RASLR.⁹ The four principles set out in the *Practitioner’s Guide* are: considering the interconnectedness and interdependence of human-ecological systems; considering the wellbeing of present and future generations; considering positive benefits and limiting adverse effects; and, applying the precautionary principle and considering the uncertainty and risk of irreversible harm.¹⁰

Recognizing the interconnectedness and interdependence of human and ecological systems requires consideration of the interactions and complexities of activities and processes in a way that can be linked to cumulative effects assessment. It is a recognition that activities must not be viewed individually or in a siloed manner but must be viewed holistically in a way that draws together the interrelated components.¹¹ Interconnectedness – of people in and between communities, of people with their past, present, and future generations, and of people and the environment – is an important reason to do cumulative effects assessment and sustainability analysis. Consideration of present and future generations is closely tied to the need to maximize positive benefits and limit adverse effects, as well as the need to proceed with precaution in the face of uncertainty. Another similar concept is the need to consider how positive and adverse impacts are equitably distributed for present and future generations.

⁶ See Meinhard Doelle and A. John Sinclair, “Regional & Strategic Assessments in the Proposed Federal Impact Assessment Act (IAA)” (25 February 2018), online: <<https://blogs.dal.ca/melaw/2018/02/25/regional-strategic-assessments-in-the-proposed-canadian-impact-assessment-act-ciaa/>>; see also Robert B. Gibson, Meinhard Doelle, and A. John Sinclair, “Fulfilling the Promise: Basic Components of Next Generation Environmental Assessment”, *Journal of Environmental Law and Practice* 29 [“Gibson et al”]; see also Peter N. Duinker and Lorne A. Greig, “The impotence of cumulative effects assessment in Canada: ailments and ideas for redeployment” *Environmental Management* 37:2 (2006) [“Duinker and Greig”].

⁷ IAA at subsection 22(1)(h).

⁸ IAA at subsection 63(c).

⁹ For literature discussing sustainability, see: Robert Gibson, “Sustainability assessment: basic components of a practical approach” (2004), online: <https://www.iaia.org/pdf/IAIAMemberDocuments/Publications/Conference_Materials/IAIA04/PapersPDF/SN1.1-Gibson-Sustainability%20Assessment.pdf>; Robert Gibson et al “Synthesis at the nexus of sustainability assessment, regional/strategic assessment and Indigenous partnerships” (17 June 2020), online: <https://uwaterloo.ca/applied-sustainability-projects/sites/default/files/uploads/documents/gibson_et_al_ks_rpt_sept_2020.pdf>.

¹⁰ Impact Assessment Agency of Canada, “Guidance: Considering the Extent to which a Project Contributes to Sustainability” Part 2.2 of the *Practitioners Guide to Federal Impact Assessments* (6 December 2021), online: <<https://www.canada.ca/content/dam/iaac-acej/documents/policy-guidance/pp-pp/guidance-considering-extent-project-contributes-sustainability.pdf>>.

¹¹ *Ibid* at subsection 4.1.1.

Regardless of the specific principles and priorities that might be considered, the underlying foundation of sustainability is the need to consider present activities and proposals in a way that fosters a livable and equitable future for the communities living in the region.

We strongly recommend that the main focus of the Regional Assessment Working Group's work be to undertake assessment of activities in the St. Lawrence River Area in a way that fosters sustainability. More particularly, the work can, and should, identify and facilitate ways to enable more efficient and effective impact assessment processes and other decision-making processes in the future, but with a view to minimizing adverse impacts and maximizing benefits in an equitable way. Moreover, the outcomes from the RASLR (i.e., the strategies that are developed) should also reflect this key goal.

Public education and engagement during the early stages of the Regional Assessment of the St. Lawrence River Area can foster effective and efficient outcomes

Many members of communities in the assessment area for the RASLR will likely face barriers to participation and will not have their voices heard if the appropriate measures are not taken to ensure meaningful participation. If community members do not have a space in the regional assessment, the final Report and other outcomes, and especially strategies to ensure long-term sustainability in the region, will not reflect the diverse knowledge, hopes, concerns, and priorities of the communities that could be most impacted by development and activities in the assessment area.

Meaningful participation for community members needs to include early and ongoing planning *and* education. Potential participants will need information about the regional assessment process itself, about potential developments or activities occurring in the region that may be examined, and about the ongoing studies, analysis, lessons, and outcomes of the process as it unfolds. East Coast Environmental Law's experience during the OSW RAs – particularly in the early stages of the processes – was that the RA committees spent much of their limited time working to educate communities and participants about how the regional assessments worked and how the proposed development activities (in those cases, offshore wind) worked. That education work was essential to facilitate stronger engagement and understanding, but it took away from the ability of the committees to undertake other work (and it was beyond the mandate and scope of the RA committees despite being foundational to their work).

We regularly communicate the importance of meaningful public participation and Indigenous consultation and engagement in *IAA* processes, and those messages warrant repeating here. With the coming into force of the *IAA*, new emphasis on and opportunities for public participation and Indigenous consultation were created, and we encourage the TOR for the RASLR to reflect that positive development.

As is set out in section 2 of the *IAAC's Framework: Public Participation Under the Impact Assessment Act*, meaningful public participation is understood by the Agency as meaning:

[that] members of the public who wish to participate in an impact assessment have an opportunity to do so and are provided with the information and capacity that enables them to participate in an informed way. Meaningful public participation also means that public perspectives inform and influence decision-making and allows those who participated to see that their input was considered.

The integration of Crown consultation into processes conducted under the IAA is framed in part by the Agency's *Policy Context: Indigenous Participation in Impact Assessment*, in which the Agency indicates that meaningful Crown consultation must: be founded on principles of good faith, respect, and reciprocal responsibility; respect the uniqueness of Indigenous communities; be carried out in a timely, efficient, and responsive manner; be collaborative, transparent, predictable, accessible, reasonable, flexible, and fair; and, be accommodating.¹²

We strongly recommend that the RAWG provide timely and regular communications about the Regional Assessment processes, provide ongoing public participation funding support, and create opportunities for participants to engage in accessible ways. We highlight this because an important component of meaningful public participation is ensuring that participants have the capacity to undertake the necessary work – many hours of paid and unpaid work – and to empower those potentially impacted by the RASLR and by existing or future activities in the assessment area to influence decisions about those activities. Public participation funding is critical to enhancing capacity and the omission of any provision providing for participation funding in the draft TOR is glaring. We therefore strongly recommend that the final TOR specifically provide for participation funding.

We are supportive of the RASLR occurring over a period of 24-30 months. Meaningful engagements and meaningful outcomes in regional assessments require sufficient time. It takes significant time to review lengthy technical documents, to become familiar with materials, to consult and confer with others, and to gather relevant information to effectively respond to issues and questions. It takes further time to draft and review submissions, share submission with others, and ensure that submissions are reflective of concerns and useful. The many stakeholders and rightsholders who will participate in the RASLR will have other deadlines, commitments, and pressing concerns. Therefore, sufficient time is needed to create opportunities for meaningful participation. If participants are provided with sufficient time to engage, the quality of the information, input, feedback, and advice will be higher. Additionally, participants will be better equipped to collaborate and learn about the topics, issues, and challenges that are especially difficult – like cumulative effects and sustainability assessment – and integrate that new information and knowledge in refined and targeted ways. We strongly recommend that all engagement opportunities and public comment periods afford participants sufficient time to engage.

We look forward to continued dialogue during the Regional Assessment.

We hope you find our comments and recommendations helpful, and we look forward to seeing how they are integrated into the final TOR for the RASLR. Please do not hesitate to reach out if there are questions or concerns or if there is further information that would be helpful to supplement our submission.

Sincerely,
<Original signed by>

Mike Kofahl
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East Coast Environmental Law

¹² Impact Assessment Agency of Canada, "Policy Context: Indigenous Participation in Impact Assessment" (last modified 3 December 2021 and accessed autumn 2022), online: <<https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/policy-indigenous-participation-ia.html>>.

Appendix 1: Comments on the Text of the Draft TOR

Text of the Draft TOR	Pg.	Comments & Recommendations
PREAMBLE		
<p>These terms of reference provide overall direction on the purpose, scope and deliverables of the Regional Assessment of the St. Lawrence River Area and provide a collective common understanding of the Regional Assessment Working Group’s duties.</p> <p>A regional assessment is a planning tool used to assess the potential effects of multiple existing and potential future developments and activities in a specific geographic region which must be taken into account in all designated project impact assessments. The Regional Assessment will enable more effective and efficient future project assessments and other decision-making processes. The establishment of baseline and targeted conditions will help reduce burden from collecting information for project-level assessments and inform scoping.</p>	1	<p>We support a regional assessment process that will inform future impact assessment processes and other decision-making processes. As per our comments in the narrative portion of our submission, the regional assessment can improve the effectiveness and efficiency of these processes by informing the ways that the St. Lawrence River Area, and the activities within it, contribute to long-term sustainability.</p> <p>We recommend that the preambular text be modified so the regional assessment will inform project assessments <i>and</i> assessments of projects on federal lands under section 82 of the IAA.</p> <p>Our proposed text follows (proposed language to be added in bold):</p> <p style="padding-left: 40px;">[...] The Regional Assessment will enable more effective and efficient future project assessments, assessments of projects on federal lands under section 82 of the IAA, and other decision-making processes</p>

1. CONTEXT		
<p>On July 29, 2020, the Mohawk Council of Kahnawà:ke (MCK) submitted a request to the Minister of the Environment (Minister) to conduct a regional assessment of an area of the St. Lawrence River, as per sections 93 to 103 of the <i>Impact Assessment Act</i> (IAA).</p> <p>MCK’s request highlighted that notwithstanding the project-based environmental and impact assessments which had been conducted in the region, cumulative effects of development had failed to be thoroughly considered. As a result of the lack of consideration of cumulative effects, MCK is of the opinion that current environmental, and socio-economic conditions should not be used as reference points to assess the impacts of future projects. According to MCK, future impact assessments should strive to enhance the environment at the regional scale, and respond to the historic impacts to the rights and interests of the Mohawks of Kahnawà:ke which have already been incurred.</p> <p>In his response of October 27, 2020, the Minister determined that there is potential merit in conducting such a regional assessment and that further analysis and engagement would be necessary before deciding to move forward. The Minister instructed the Impact Assessment Agency of Canada (IAAC) to initiate an engagement process with governmental agencies, the MCK and other Indigenous peoples, and non-governmental organizations to help define the nature, scope, objectives and outcomes of a potential regional assessment in the St. Lawrence River.</p> <p>Following this engagement process, on July 15, 2021, the Minister decided to proceed with the Regional Assessment of the St. Lawrence River Area (SLRA) and instructed IAAC to begin the Planning Phase.</p> <p>On December 17, 2024, the Minister confirmed his commitment to move forward and authorized the IAAC to conduct the SLRA in partnership with MCK and other interested First Nations in the region.</p>	2	<p>We support the inclusion of this introductory text to help frame the regional assessment and provide the context in which it is being undertaken.</p> <p>We note that Transport Canada conducted a cumulative effects assessment of marine transportation (i.e., shipping) in 2018. That CEA included a case study and pilot project in the St. Lawrence River that seems to overlap with the RASLR assessment area.</p> <p>It is our position that the early engagement and early planning of the RASLR – to define the nature, scope, objectives and outcomes of a potential RA – is a strong approach because it allows for the kind of early planning that is necessary for strong assessment processes, and we encourage IAAC to continue to conduct early planning throughout the RASLR. However, to our knowledge, there was no public participation funding available for communities and participations who engaged, or may have wanted to engage, in the early planning.</p> <p>For example, on January 6, 2021, the IAAC posted a news release, providing notice of virtual information sessions and early engagement activities for a potential regional assessment of the St. Lawrence River Area. However, IAAC only posted a notice for the opportunity for potential participants to apply for participation funding on October 27, 2021, after the Minister had decided to proceed with the RASLR.</p>

		<p>We recommend that in the future, IAAC provide public participation funding for early planning and engagement opportunities in situations where IAAC or the Minister is reviewing whether to proceed with a regional assessment process.</p>
<p>2. DEFINITIONS</p>		
<p>“assessment area” means the geographical extent of the Regional Assessment of the St. Lawrence River Area, as set out in section 4.2 of the present terms of reference. All the activities to be analyzed are included within the assessment area.</p> <p>“assessment priorities” means key environmental, health, cultural and socioeconomic components, which may be affected by targeted physical activities and complementary activities occurring in the assessment area (selected by the Regional Assessment Working Group, as described in section 4.1 of the present terms of reference).</p> <p>“baseline conditions” means the state of assessment priorities which represents the minimum environmental and/or socio-economic reference conditions against which to evaluate effects of future projects within the assessment area.</p> <p>“Chief” means an elected or customary leader of a First Nation designated as a decision-maker within the regional assessment process.</p> <p>“complementary activities” means existing or foreseeable activities and related stressors which are not subject to impact assessments under the <i>Impact Assessment Act</i> but may provide additional regional context in the regional assessment’s cumulative effects analysis.</p> <p>“cumulative effects” means changes to the environment or to health, social, cultural and economic conditions caused by interactions of human activities and natural processes that accumulate over time and space.</p> <p>“effects” means, unless the context requires otherwise, changes to the environment or to health, social or economic conditions and the positive and negative consequences of these changes (s.2 of IAA).</p>	<p>2-4</p>	<p>Our organization’s position is that, wherever possible, the language in the TOR should be as clear and accessible as possible to ensure that members of the public can understand the goals, objectives, processes, and outcomes of the RASLR.</p> <p>On that point, we have the following notes on the definitions provided:</p> <p>Under “assessment area”, we recommend removal of the last sentence because it is not necessary for the definition and deals with the scope of the RASLR. The sentence should be incorporated into the provisions in section 4.2 that deal with the scope.</p> <p>Under “complementary activities”, we recommend that the text be modified so that these activities deal with activities not subject to an “impact assessment <u>process</u>” under the <i>IAA</i>. Currently, the language is unclear whether complementary activities will deal with activities that require an assessment of a project on federal lands, per section 82 of the <i>IAA</i>.</p> <p>The definition of “mitigation measures” includes a reference to section 81, which does not make</p>

<p>“enhancement measures” means interventions that, if implemented, may have a net positive impact towards achieving the targeted conditions.</p> <p>“First Nations partners” means First Nations who are represented in the Regional Assessment Working Group.</p> <p>“IAA” means the Impact Assessment Act (S.C. 2019, c. 28, s. 1).</p> <p>“IAAC” means the Impact Assessment Agency of Canada.</p> <p>“Indigenous knowledge” means a living set of complex knowledge systems based on the worldviews of Indigenous Peoples.</p> <p>Indigenous knowledge reflects the unique cultures, languages, values, histories, governance and legal systems of Indigenous Peoples. It is place-based, cumulative and dynamic. Indigenous Knowledge systems involve living well with, and being in relationship with, the natural world. Indigenous Knowledge systems build upon the experiences of earlier generations, inform the practice of current generations, and evolve in the context of contemporary society.</p> <p>Different First Nations, Inuit and Métis communities each have distinct ways of describing their knowledge. Knowledge holders are the only people who can truly define Indigenous Knowledge for their communities. It is important to note that some Indigenous communities are struggling to maintain their Indigenous knowledge due to ongoing impacts of colonialism.</p> <p>“Indigenous peoples” is a collective name for the original peoples of North America and their descendants.</p> <p>“mitigation measures” means measures to eliminate, reduce, control or offset adverse effects within federal jurisdiction, direct or incidental adverse effects or adverse environmental effects, as defined in section 81, and includes restitution for any damage caused by those effects through replacement, restoration, compensation or any other means (s.2 of IAA).</p> <p>“priority interventions” means targeted actions identified as having a strongly positive impact towards achieving the baseline conditions and targeted conditions established in the Regional Assessment.</p>	<p>sense in the context of the TOR because it is referring to section 81 of the IAA. We recommend that the definition be modified for the context to be clearer for lay readers.</p> <p>The definition of “targeted conditions” is not clear. The definition introduces several other phrases like “environmental and/or socio-economic conditions”, “socially and environmentally acceptable” and “restoration efforts” that are not defined. We are not sure whether the definition is referring to a state of the environment or a set of conditions that may be imposed on projects in the future. Who will be responsible for deciding what is “socially and environmentally acceptable”?</p> <p>Inserting the definition of “assessment priorities” into the definition for “targeted conditions” showcases the lack of clarity:</p> <p>“targeted conditions” means the states of environmental and/or socio-economic conditions of <i>“key environmental, health, cultural and socioeconomic components, which may be affected by targeted physical activities and complementary activities occurring in the assessment area”</i> which are deemed socially and environmentally acceptable and against which to assess effects of future projects within the assessment area and future regional conservation and restoration efforts.</p> <p>There is a typo: “asses” should be “assess”.</p>
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<p>“Regional Assessment” means the regional assessment that the minister authorized the Impact Assessment Agency of Canada to conduct pursuant to sub-paragraph 93(1)(a)(ii) of the Impact Assessment Act, in the assessment area and which is the subject to these terms of reference.</p> <p>“Regional Assessment Working Group” means the group established to conduct the Regional Assessment, which will consist of members delegated by each First Nation partner and Impact Assessment Agency of Canada officials.</p> <p>“Registry” means the Canadian Impact Assessment Registry established under section 104 (s.2 of IAA).</p> <p>“report” means the final report provided to the Minister and the Chief(s) pursuant to subsection 102(1) of the Impact Assessment Act and further defined in the terms of reference.</p> <p>“study zone” means the appropriate spatial boundaries for describing and analyzing potential effects, including cumulative effects, on each assessment priority. A study zone could extend beyond the boundaries of the assessment area, as it is explicitly tied to each assessment priority being studied.</p> <p>“sustainability” means the ability to protect the environment, contribute to the social and economic well-being of the people of Canada and preserve their health in a manner that benefits present and future generations (s.2 IAA).</p> <p>“targeted conditions” means the states of environmental and/or socio-economic conditions of assessment priorities which are deemed socially and environmentally acceptable and against which to assess effects of future projects within the assessment area and future regional conservation and restoration efforts.</p> <p>“targeted physical activities” means existing or future physical activities and their related activities within the assessment area that are likely to be subject to federal impact assessments or environmental effect assessments as per s. 82 of the <i>Impact Assessment Act</i>, as listed in section 4.2 of the present terms of reference.</p>		
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3. GOALS AND OBJECTIVES OF THE REGIONAL ASSESSMENT		
<p>3.1 Goal</p> <p>The main goal of this Regional Assessment is to gain a deeper insight into the state of the St. Lawrence River within the assessment area¹ by assessing the relationships between targeted physical activities, complementary activities, and the ecosystems within which they operate. In this way, a set of baseline and targeted conditions, which take into account both Indigenous knowledge and modern Western science, can be established to better evaluate the effects of activities. This set of conditions will help to identify strategies for these activities and other efforts to achieve environmental and social gains that improve upon present day conditions in an efficient, collaborative manner.</p> <p>¹Some assessment priorities could have a larger study zone than the assessment area.</p>	4	<p>We are supportive of a regional assessment process that seeks to understand the state of the environment and the impact of a range of activities of that environment.</p> <p>As we have elaborated in the narrative portion of our submission, we support a regional assessment whose goal is to produce “strategies” for future impact assessment processes or decision-making processes.</p> <p>We recommend a definition for “environmental and social gains” that connects back to sustainability, or in the alternative, we recommend that the text of the goal be modified to incorporate “sustainability”, as follows:</p> <p>[...] This set of conditions will help to identify strategies for these activities and other efforts to achieve environmental and social gains that improve upon present day conditions in an efficient, collaborative manner <u>and contribute to sustainability.</u></p>
<p>3.2 Objectives...</p> <p>a) Provide regional context for the assessment area.</p> <ul style="list-style-type: none"> - Describe spatial and temporal scope defined in section 4; - Describe assessment priorities defined in section 4; - Identify high ecological and cultural value locations currently supporting / sustaining assessment priorities. 	4-5	<p>One general comment we have on the full set of objectives is that some of the descriptive text goes beyond the <i>objective</i> and into a description of the kinds of processes or activities that will be undertaken to achieve the objective. For example, in objective (a), the last bullet point (“• To take into account their unique context, each community will be solicited to develop</p>

<ul style="list-style-type: none"> - Describe targeted physical activities and complementary activities and their evolution over time. - Provide an understanding of the organization of the marine transportation sector in the assessment area and give a thorough overview of the relationships between the current facilities. - Compile, and review available data, information and knowledge to characterize and establish baseline conditions of assessment priorities in the assessment area or study zones; - For each Indigenous community that may be affected by targeted physical activities and complementary activities, establish targeted conditions / portraits of land-marine uses and rights practiced; <ul style="list-style-type: none"> • To take into account their unique context, each community will be solicited to develop their respective targeted conditions. 		<p>their respective targeted conditions”) deals with how communities will be solicited. This text would be more appropriate in later sections dealing with the work of the Regional Assessment Working Group.</p> <p>We recommend that objective (a) mention cumulative effects, recognising that objective (c) deals with CEA specifically.</p>
<p>3.2 Objectives...</p> <p><i>b) Provide an understanding of current positive and adverse effects of targeted physical activities and complementary activities on environmental, health, social, cultural and economic assessment priorities.</i></p> <ul style="list-style-type: none"> - Compile and describe existing information (current knowledge and scientific literature) related to the effects, both positive and adverse, of targeted physical activities and complementary activities in the assessment area on the assessment priorities described in section 4 and on Indigenous peoples, including on the rights of Indigenous peoples recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> and the <i>United Nations Declaration on the Rights of Indigenous Peoples</i>; - Describe potential effects that may result from malfunctions and accidents related to targeted physical activities. 	<p>5</p>	<p>We recommend that the language of “malfunctions and accidents” be removed from objective (b) and replaced with “adverse effects”, which includes malfunctions and accidents, but also malfeasance, noncompliance, etc.</p>

<p>3.2 Objectives...</p> <p><i>c) Provide an understanding of cumulative effects in the region.</i></p> <ul style="list-style-type: none"> - Provide an overview of foreseeable and potential future targeted physical activities, including their expected locations in the assessment area. - Provide a description of areas already identified as highly affected by cumulative effects. - Identify and analyze potential effects due to the targeted physical activities in combination with the effects of complementary activities (to be selected by the Regional Assessment Working Group as appropriate) that will or may affect the assessment priorities: <ul style="list-style-type: none"> • Select the spatial and temporal boundaries of study zones appropriate for each assessment priority; • Describe existing and potential cumulative effects on the assessment priorities caused by the interactions of human activities and natural processes that accumulate over time and space; • Describe how climate changes can influence cumulative effects; and • Based on the analysis of cumulative effects, identify any assessment priorities and locations that may be of concern / may be below targeted conditions related to these effects. • Identify high ecological and cultural value locations currently supporting / sustaining assessment priorities. 	<p>5</p>	<p>We strongly support this objective.</p> <p>There is a typo: the “and” at the end of the third bullet point should be at the end of the fourth bullet point.</p>
<p>3.2 Objectives...</p> <p><i>d) Identify information and knowledge gaps and opportunities to address them.</i></p> <ul style="list-style-type: none"> - Identify and analyze information, data and knowledge gaps, focusing on assessment priorities, and any related gaps that may hinder the identification of baseline conditions or the conduct of impact assessments of the targeted physical activities in the assessment area. - Make recommendations on the methods to fill information and knowledge gaps, to improve the effectiveness and efficiency of impact assessments in the assessment area. 	<p>5-6</p>	<p>We support this objective.</p> <p>We recommend that the phrase “impact assessments” be changed to “impact assessment processes” to ensure it includes both impact assessments <i>and</i> assessments of projects on federal lands.</p>

3.2 Objectives...

e) Identify and recommend mitigation measures, follow up measures and other approaches including priority interventions and enhancement measures that would benefit assessment priorities²

- Provide an overview of the different successes and lessons learned from other jurisdictions in the implementation of mitigation measures aimed at preventing or reducing effects of similar physical activities.
- Recommend mitigation measures or approaches that are technically and economically feasible which would address potential adverse effects of future targeted physical activities in the assessment area.
- Recommend other feasible measures such as:
 - priority interventions that could have a strong, positive impact on achieving baseline conditions and/or targeted conditions;
 - enhancement measures to create and maximize potential positive effects of targeted physical activities in the assessment area; and
 - precautionary measures that can be applied to address concerns associated with gaps (e.g. additional studies recommended).

Note that even if the Regional Assessment may highlight how complementary activities contribute to cumulative effects in the assessment area, and how they may hinder the achievement of targeted conditions, it cannot make recommendations regarding complementary activities. This ensures that the Terms of Reference comply with the requirements of the Impact Assessment Act and respect federal-provincial jurisdiction.

² Note that the recommendations made may be applicable outside the assessment area.

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Since regional assessments under the IAA do not result in a decision, we do not see a need for objective (e) to prevent recommendations regarding complementary activities. Recommendations of the Regional Assessment Working Group are not binding and would not interfere with provincial jurisdiction.

The RASLR is an opportunity to better understand the state of the environment and to understand cumulative effects in the St. Lawrence River Area. Many individual and cumulative effects of physical activities regulated by federal authorities will have positive and adverse impacts on areas of provincial jurisdiction, and the provinces would benefit from recommendations that could help to minimize or eliminate adverse effects and maximize positive effects.

We recommend removal of the first note in objective (e).

<p>3.2 Objectives...</p> <p><i>f) Describe how the findings and recommendations of the Regional Assessment could inform future planning and permitting processes for targeted physical activities in a manner that fosters sustainability and restoration and enhances the effectiveness and efficiency of their impact assessments.</i></p> <ul style="list-style-type: none"> - Describe how to consider, implement or otherwise address the Regional Assessment findings and recommendations to enhance the effectiveness and efficiency of future project-based impact assessments in the assessment area as well as other decision-making processes. - Share knowledge and data gathered as well as findings of the regional assessment to support the collection of information for project-level assessments and inform scoping. - Establish approaches for proponents when undertaking project-based impact assessments to contribute to achieving baseline and targeted conditions, with special consideration of priority interventions and enhancement measures identified through the Regional Assessment. - If a follow-up program is recommended by the Regional Assessment Working Group, that program should at a minimum, consider and incorporate any new or updated information that becomes available after submission of the Report, to help ensure that the Regional Assessment remains current. 	<p>6-7</p>	<p>We strongly support objective (f) because of the focus of finding ways to foster sustainability, but we are not clear what the term “restoration” is referring to.</p>
<p>3.2 Objectives</p> <p>g) Gender-based Analysis Plus</p> <ul style="list-style-type: none"> - The Regional Assessment Working Group will assess gender-based analysis plus considerations (i.e., diverse and vulnerable population groups) and make recommendations on the way future impact assessment should account for and address these considerations. 	<p>7</p>	<p>We support this objective.</p>

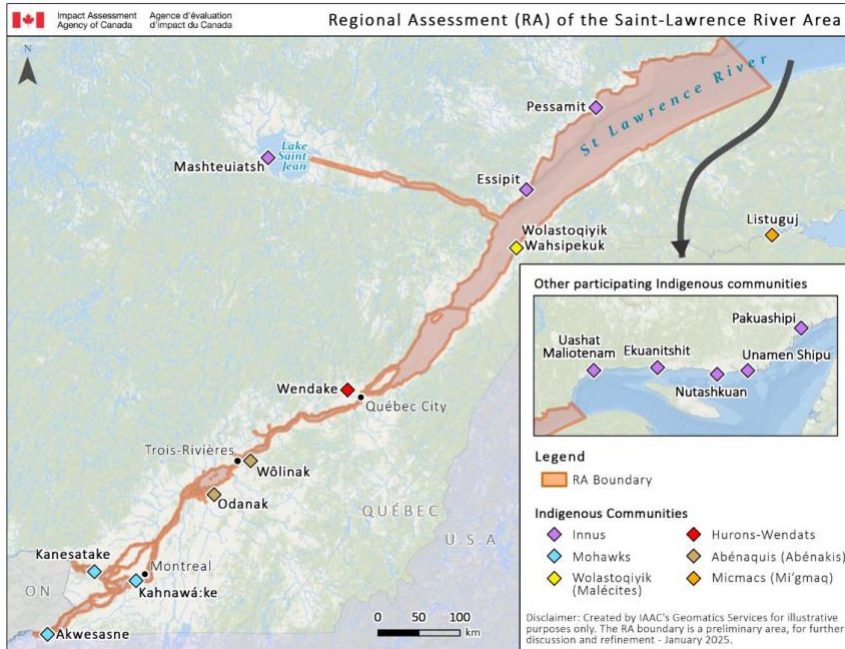
4. SCOPE OF THE REGIONAL ASSESSMENT		
<p>4.1 Assessment priorities</p> <p>Regional assessments assess changes to the environment or to health, social, cultural and economic conditions, and the positive and negative consequences of these changes. They are not limited to adverse effects within federal jurisdiction that may be caused by physical activities. The Regional Assessment Working Group will consider the following assessment priorities that may be affected by targeted physical activities and complementary activities in the assessment area, including changes to:</p> <p>(a) environment:</p> <ul style="list-style-type: none"> - Water quality and quantity; - Air quality and Greenhouse gas emissions; - Soil and sediment quality; - Wetlands; - Wildlife and wildlife habitat, including species at risk, migratory birds, and fish and fish habitat; - Flora, including species at risk; - Shoreline integrity - Sensitive and protected areas (existing and proposed) <p>(b) health, social, cultural and economic conditions:</p> <ul style="list-style-type: none"> - Community well-being (health, psycho-social conditions, attachment to the territory, cultural and spiritual aspects, visual landscape); - River and shoreline uses (occupation, accessibility, security, non-commercial activities); and - Activities (commercial and recreational fishing, hunting, recreational and tourism activities, transportation). <p>(c) In addition to the elements listed above, changes specific to Indigenous peoples:</p> <ul style="list-style-type: none"> - The rights and interests of Indigenous peoples, including the usage of lands for the exercise of rights and traditional activities, within the assessment area and study zone(s). - Important components that support the exercise of rights and traditional activities including stewardship rights and responsibilities, such as: <ul style="list-style-type: none"> • Access and connection to lands and resources; • Experience of the Territory; 	7-8	We support the assessment priorities.

<ul style="list-style-type: none"> • Resource quantity, quality, sufficiency and food sovereignty; • Elements and sites of archaeological, cultural or ceremonial significance; • Intergenerational transmission, including knowledge, language and culture. 		
<p>4.1.1</p> <p>The list of assessment priorities may be modified, if necessary, by the Working Group, following engagement with Indigenous peoples and organizations, the public, and governmental and non-governmental organizations.</p>	8	<p>We support this provision. The flexibility given to the RAWG to adjust or modify the assessment priorities will help it respond to input, information, and knowledge as the RA progresses. We are supportive that these changes will only occur after engagement with Indigenous peoples and organizations, the public, and government and non-governmental organizations. We recommend that any modification of the assessment priorities only be an <i>addition</i> to the list, with any removal of the assessment priorities requiring formal amendment to the TOR following agreement by the signatories.</p> <p>We suggest that the term “Regional Assessment Working Group” be used in section 4.1.1 for consistency.</p>
<p>4.2 Activities</p> <p>The Regional Assessment Working Group will focus on activities in the assessment area, and the potential effects of these activities. The cumulative effects analysis will consider the relationship of, and potential interactions between, the effects of targeted physical activities and those of complementary activities.</p> <p><u>Non exhaustive list of targeted physical activities</u> (i.e. designated projects or activities on federal lands)</p> <ul style="list-style-type: none"> - Port facilities - Navigational aid structures - Bridges - Construction and real estate development 	8	<p>We support the focus on activities in the assessment area as listed in section 4.2.</p>

<ul style="list-style-type: none"> - Dams and reservoirs - Dredging and sediment management - Backfilling - Erosion control infrastructures (e.g. riprap, low walls) - Wildlife management (compensation projects) <p><u>Non exhaustive list of complementary activities:</u></p> <ul style="list-style-type: none"> - Agricultural runoff - Dams and reservoirs - Dredging and sediment management - Backfilling - Navigation activities³ - Recreational activities - Water intakes and municipal and industrial discharges, including sewage overflows and treatment plant effluents - Power generation - Urban runoff (e.g. road salts) - Resource harvesting (commercial and recreational fishing, hunting, seaweed harvesting, aquaculture, hatcheries...) - Erosion control infrastructures - Shoreline hardening - Land/riverbank privatization <p>³ Navigation activities include commercial vessels, cruise ships, ferries, fishing boats, and pleasure craft; the location, intensity, noise and/or movement of these various activities can be sources of environmental stress.</p>		
<p>4.2.1</p> <p>The list of activities may be modified, if necessary, by the Working Group, following mobilization with Indigenous peoples and organizations, the public, and governmental and non-governmental organizations.</p>	9	We support this provision.

4.3 Assessment area

The assessment area covers the fluvial portion of the St. Lawrence River and the St. Lawrence Estuary between the Ontario-Québec border and Pointe-des-Monts on the north shore and Cap-Chat on the south shore, and the Saguenay River.



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We have no comment on this provision, but are glad to know that the work of the RAWG may include consideration of activities or impacts outside the assessment area.

5. STRUCTURE OF THE REGIONAL ASSESSMENT

Regional Assessment Working Group

5.1 A working group will be established to conduct the Regional Assessment in accordance with the IAA and these terms of reference and will be supported by various groups, organizations and experts. See graphic of the structure in Appendix 1.

9

We support this provision.

<p>5.2 The Regional Assessment Working Group will consist of members, delegated by each First Nation Partner and officials from the IAAC, who have diverse expertise or which may be relevant to conducting regional assessments or knowledge of First Nations context. The First Nations currently involved are:</p> <ul style="list-style-type: none"> - Mohawk Council of Kahnawà:ke - Mohawk Council of Kanesatake - Conseil tribal W8banaki - Nation huronne-wendat - Première Nation des Pekuakamiulnuatsh - Première Nation des Innus Essipit - Première Nation des Innus de Pessamit - Première Nation des Innus de Nutashkuan - Première Nation Wolastoqiyik Wahsipekuk 	<p>9-10</p>	<p>We support this provision and are encouraged to see the regional assessment is co-led by First Nations.</p>
<p>5.3 To streamline the work of the Regional Assessment Working Group, sub-working groups may be identified.</p>	<p>10</p>	<p>We support the use of sub-working groups in principle, but we recommend that any process set up and used to establish sub-working groups only proceed after public engagement, and that all the work of the sub-working groups be posted on IAAC's registry.</p>
<p>5.4 The Regional Assessment Working Group may conduct additional studies if they deem necessary, considering suggestions received, applicable timelines, and available resources for the Regional Assessment.</p>	<p>10</p>	<p>We support this provision.</p>
<p>5.5 The IAAC will be responsible for providing the administrative support required for work carried out by the Regional Assessment Working Group for the conduct of the Regional Assessment.</p>	<p>10</p>	<p>We support this provision.</p>
<p><i>Advisory groups and subject-matter experts</i></p>		
<p>5.6 The Regional Assessment Working Group will seek information and advice from federal authorities, industry, non-governmental organizations, academics, and individuals (both Indigenous and non-Indigenous) on matters relevant to the conduct of the Regional Assessment.</p>	<p>10</p>	<p>We support this provision.</p>

<p>5.7 To achieve its purpose and objectives, the Regional Assessment Working Group can establish a number of advisory groups, from which it will seek information and advice.</p>	<p>10</p>	<p>We support this provision, but we recommend that the number of advisory groups be limited to maximize collective learning throughout the RA.</p>
<p>5.8 The Regional Assessment Working Group will request experts and knowledge holders, as appropriate, to collaborate and share relevant knowledge and experience and make recommendations to the Regional Assessment Working Group. The role of these advisory groups and subject-matter experts may vary depending on the specific needs, work or expertise required and requested by the Regional Assessment Working Group. This may include:</p> <ul style="list-style-type: none"> - Assisting the Regional Assessment Working Group in identifying, accessing, and analyzing information and knowledge that is relevant to the Regional Assessment; - Identifying and evaluating information and knowledge gaps, and recommending approaches to address them; - Providing and supporting the consideration of Indigenous and scientific knowledges as equivalent; - Identifying and analyzing scientific, technical, cultural and socio-economic information as part of the conduct of the Regional Assessment; and - Supporting the Regional Assessment Working Group in developing its findings and recommendations. 	<p>10</p>	<p>We support this provision.</p>
<p>5.9 An individual or organization may participate in one or more advisory groups. Subject-matter experts will be identified by the Regional Assessment Working Group. This may be by way of a public call for interest through which interested individuals or organizations will provide information on their relevant expertise, qualifications and affiliations.</p>	<p>11</p>	<p>We support this provision but we recommend that the public call for interest for the advisory groups be open-ended.</p>
<p>5.10 Involvement in advisory groups will not restrict any individual's or organization's participation in engagement activities as part of the Regional Assessment.</p>	<p>11</p>	<p>We strongly support this provision.</p>

<p>5.11 The composition and activities of these advisory groups may vary depending on the needs, work or expertise required and requested by the Regional Assessment Working Group.</p>	<p>11</p>	<p>We recommend the removal of this provision, as it is redundant with section 5.8.</p>
<p>6. INDIGENOUS AND PUBLIC PARTICIPATION</p>		
<p>6.1. The Regional Assessment Working Group will ensure opportunities are provided to Indigenous peoples and the public to participate meaningfully in the Regional Assessment which includes the sharing of information, knowledge and perspectives which may be relevant to the Regional Assessment, and to bring forward and share Indigenous knowledge, information and perspectives in a collaborative manner.</p>	<p>11</p>	<p>We note that the draft TOR do not require or provide for public participation funding. Without public participation funding, it is difficult for communities, the public, experts, and organizations to meaningfully participate.</p> <p>We recognize that IAAC provided an opportunity for groups and individuals to apply for public participation funding (between October 27, 2021 and November 26, 2021) but given the significant length of time that has passed, we believe it is highly likely that new groups or individuals may be interested in participating.</p> <p>We recommend that the final TOR include a provision, like all other RA TOR before it, that IAAC will provide public participation funding.</p> <p>We recommend that IAAC provide an open-ended call for applications for participation funding during the full duration of the RASLR.</p>
<p>6.2. The Regional Assessment Working Group will engage parties from diverse backgrounds who may have information, knowledge or interests relevant to the Regional Assessment. These parties include Indigenous peoples, the public, industry associations and businesses, environmental and community organizations, research and academic institutions, and any other individuals or groups with information and interests relevant to the Regional Assessment who wish to participate.</p>	<p>11</p>	<p>We strongly support this provision.</p>

<p>6.3. The Regional Assessment Working Group will develop and implement engagement plans, by taking into account feedback received from Indigenous peoples and the public. Once completed, these engagement plans will be posted on the Registry and updated regularly by the Regional Assessment Working Group to ensure that participants are aware of planned and upcoming engagement activities.</p>	11	<p>We support this provision but we recommend that the engagement plans be completed within 60 days of the signing of the final TOR.</p>
<p>6.4. The Regional Assessment Working Group will take into account Indigenous peoples' preferences to facilitate the inclusion of Indigenous knowledge, such as meetings, community visits and sharing circles. Any Indigenous knowledge that is shared in confidence is considered confidential and will not knowingly be, or be permitted to be, disclosed without written consent in accordance with section 119 of the IAA.</p>	11	<p>We strongly support this provision.</p>
<p>6.5. The Regional Assessment Working Group will respect the Indigenous knowledge's original formats and sharing processes, such as songs, stories, and ceremonies, and plan to incorporate Indigenous symbology and toponymy relevant to the assessment area and study zones.</p>	11	<p>We strong support this provision.</p>
<p>6.6. Communication materials posted to the Registry will be provided in both French and English. If needed, all other communication and outreach materials, as well as simultaneous translation services, will be provided in Indigenous languages upon request.</p>	11	<p>We support this provision.</p>
7. PROCESS AND REPORT		
<p>7.1 The Regional Assessment Working Group will communicate and provide the draft and the final version (digital and hard copies) of its report in French and in English.</p>	12	<p>We support this provision.</p>
<p>7.2 The Regional Assessment Working Group will provide summaries of its report in Indigenous languages upon request.</p>	12	<p>We support this provision.</p>
<p>7.3 The Regional Assessment Working Group will submit quarterly status reports to the Chief(s) and the Minister.</p>	12	<p>We support this provision but we recommend that the quarterly status reports, or summaries</p>

		thereof, be made available to the public on IAAC's registry.
7.4 The Regional Assessment Working Group will hold a public comment period on the draft Regional Assessment report prior to finalization.	12	We support this provision. We recommend that the public comment period be a minimum of 60 days, and that it should end at least 90 days before the completion of the RA to provide the working group time to review and respond to comments.
7.5 The Regional Assessment Working Group will complete the Regional Assessment, including the submission of its Final Report concurrently to Chief(s) and the Minister, within 24 to 30 months (TBC by the Working Group) of the establishment of these Terms of Reference.	12	We support the RAWG having sufficient time to complete its work and support a 24–30-month period. However, we recommend that the final TOR have a provision that allows the RAWG to request more time as needed.
7.6 The Agency will post a copy of the final report on the Registry and notify Indigenous peoples and the public when it is made available.	12	We recommend that the final report be immediately posted onto the Registry when the report is received by the Minister because there is no reason to withhold it.
7.7 The Regional Assessment Working Group may include a digital component as part of its report, such as a Geographic Information System application, to present the information in a way that is best accessible to the public. The Regional Assessment Working Group will clearly identify this information in the report, list its sources, and indicate how it may be obtained.	12	We recommend that any work done to create a digital component be secondary to the work of the RAWG, and that the RAWG contract with a third party to complete any such digital component. If the RAWG determines a digital component (like a geographical information system) is necessary, it must provide recommendations about its ongoing use.
7.8 Subject to provisions of section 7.12, the Regional Assessment Working Group will ensure that the information used to conduct the Regional Assessment is made available to the public.	12	We strongly support this provision.

7.9 The Regional Assessment Working Group will take into account and include scientific information, Indigenous knowledge and community knowledge.	12	We support this provision.
7.10 Existing information and knowledge include, but is not limited to, that contained in any past or ongoing impact assessments, any information or knowledge provided by government, Indigenous peoples and organizations, non-government organizations, industry, academia and research entities, or the public.	12	We support this provision.
7.11 Any Indigenous knowledge that is shared in confidence is considered confidential and will not knowingly be, or be permitted to be, disclosed without written consent in accordance with section 119 of the IAA. Analyses, recommendations and findings based on confidential Indigenous knowledge should be justified and explained in general terms in the final report, so that the public should be able to understand the Regional Assessment Working Group's reasoning.	12	We support this provision.
7.12 In its final report, the Regional Assessment Working Group will: <ul style="list-style-type: none"> - describe the process by which the goals and objectives of the Regional Assessment were achieved and identify any outstanding items or shortcomings and recommended follow-up actions; - set out how shared Indigenous knowledge was taken into account with respect to the Regional Assessment; - include a summary of public and community engagement activities, their outcomes, and how feedback was integrated in the report; and - present recommendations, results and findings as required to meet the goal and objectives of the Regional Assessment. 	12-13	We support this provision.
8. AMENDMENTS		
8.1 Other than the changes to the list of assessment priorities and activities, provided for at sections 4.1.1 and 4.2.1, these terms of reference may be amended by way of a written memorandum, executed by and in agreement with the Minister and the Chief(s).	13	We support this provision.