

Attachment 1: Guiding Questions for this Comment Period

Please respond by December 15, 2021

Tent Mountain Mine Redevelopment Project

Canadian Impact Assessment Registry File No.: 81436

The Agency encourages you to use the "Submit a Comment" feature on the Agency's Registry website using reference number: 81436

Potential Effects and Impacts

1. Please identify any effects of the Project that are of concern to your community. Also please identify any effects that you are aware of that are not listed in the initial project description. *Note: Information on effects and direct and incidental effects as well as effects within federal jurisdiction are defined in section 2 of IAA¹.*

Samson Cree Nation (SCN) would like to communicate to the Impact Assessment Agency of Canada (IAAC) that the Project will cause significant adverse effects to the environment, significant adverse effects to water quality and quantity, result in significant carbon emissions, and impacts to Samson Cree's Treaty Rights.

Samson Cree would like to communicate to the IAAC that their Territory has been the subject of substantial historical development and alteration that have resulted in adverse environmental effects and impacts on Samson Cree's Rights.

Samson Cree would also like to communicate to the IAAC that its Rights are highly constrained and in a sensitive current state. The eastern slopes and foothills encompass critical areas for SCN citizen's practice of Treaty rights and traditional purposes and continue to be used by SCN citizens today. The Project would be located in the southwestern portion of SCN Territory, should the IAAC decide to provide Montem Resources with the necessary approvals to construct and operate the Project. The proposed project would be in an area that is already subject to relatively high levels of industrial forestry, land privatization, and landscape fragmentation.

Many of the comments in this document are a result of a desktop and the initial project description review. These comments may contribute to, but in no way should be treated as a replacement for, further community-based studies and assessments that should be undertaken. Additional work with SCN is required to assess effects and to develop recommendations for appropriate mitigation or redress for impacts.

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2. Please describe how the potential effects of the Project could result in changes to your community's:

(a) physical and cultural heritage (e.g. ceremonial sites, burial sites, cultural landscapes)

SCN has not had the opportunity or the capacity to conduct a Traditional Land Use Study to identify any physical or cultural heritage sites.

(b) current use of lands and resources for traditional purposes (e.g. hunting, fishing, trapping)

Given capacity constraints and lack of engagement from the Proponent, there was no Project-specific SCN-focused TLU or Indigenous knowledge (IK) study conducted for consideration in the initial project description. Due to this there has been no effort in specifically assessing IK or Treaty and Aboriginal Rights for SCN. The Proponent also does not provide a cumulative effects assessment specific to Samson Cree Nation Current Use of Lands and Resources or impacts to Aboriginal Rights or Title.

(c) structures, sites or things of historical, archaeological, paleontological or architectural significance (e.g. artifacts, important historic buildings or symbols)

¹ A link to IAA text can be found here: <https://www.canada.ca/en/impact-assessment-agency/corporate/acts-regulations/legislation-regulations.html>

No historical information pertaining to SCN has been incorporated into the initial project description due to capacity constraints.

3. Please describe how the Project may result in changes (both positive and negative) to your community's :

- (a) health, social or economic conditions (e.g. employment opportunities, easier access to goods and services, economic development, accessibility to health-care services);

SCN has concerns about the long-term economic impacts of this project, especially as it pertains to reclamation, remediation, and water treatment costs. The leaching of selenium and other pollutants into waterways is a common and unavoidable consequence of coal mining. This pollution is difficult to prevent and manage and to date has never been successfully mitigated. The clean-up and reclamation costs of such projects are immense and cannot fully restore an area to its original state.

- (b) Indigenous knowledge, indigenous language or indigenous culture.

The initial project description provides no evidence of integration of Samson Indigenous Traditional Knowledge, and key SCN values are not represented. The Proponent also did not engage with SCN on, or adequately represent, the Nation's history and worldview therefore the initial project description is missing key narratives.

4. Please describe how the Project may result in any change (positive or negative) to :

- (a) the intersection of sex and gender with other identity factors (would there be effects to different sub-groups within your community, identified based on factors such as gender, age, race, religion etc.. For example, to women, youth, elders);

The Project may result in reductions in opportunities and the ability of SCN members and Elders to transmit knowledge and skills to younger generations.

- (b) sustainability, considering, for example, the interconnectedness and interdependence of human-ecological systems and the well-being of present and future generations.

The ability to practice rights relies on sufficient quantity and quality of resources including fish, culturally important plants, water and game and intangible resources such as language, spiritual sites, cultural landscapes and the transmission of knowledge.

5. If you expect the Project may impact your community's rights as protected under section 35 of the *Constitution Act, 1982*, please describe how.

SCN citizens have constitutionally protected Aboriginal and Treaty Rights to hunt, fish, trap, governance rights and environmental stewardship rights incidental to Samson Cree's ability to meaningfully exercise their established Treaty No. 6 Rights. SCN practice of rights is inextricably tied to the health of the land. The ability to practice rights relies on sufficient quantity and quality of "enabling factors", tangible resources including fish, culturally important plants, water and game and intangible resources such as language, spiritual sites, cultural landscapes and the transmission of knowledge. Enabling factors for SCN's Treaty and Aboriginal rights practice were not considered within the initial project description and SCN.

SCN members are concerned about loss of access/removal of Crown lands for the practice of Culture and Rights. The western portion of SCN territory is critical to the practice of rights partly due to the high proportion of the area that is Crown land and because it supports continued intergenerational practice of cultural and harvesting activities including, but not limited to:

- Medicinal Plants and Berry Picking
 - Camping
 - Fishing/Fish Trap
 - Hunting / Hunting Areas
 - Gathering / Ceremonials Areas
 - Trails and Water Routes
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SCN has yet to conduct a throughout review of this Project and intends to fully participate in the IAAC's process on the basis of Treaty and Inherent Rights Protection.

Approach to Consultation and Engagement

6. If a federal impact assessment is required for the Project, the Agency will be developing a draft Indigenous Engagement and Partnership Plan and, if applicable, will contact you to seek your comments. Please provide information on how you would like to be consulted by the Agency (for example, does your community have specific cultural practices, traditions or protocols, etc.).

SCN recommends that through collaborative two-way dialogue, and effective and mutually agreeable consultation protocols, parties can improve the efficiency and meaningfulness of consultations. SCN further recommends that the IAAC:

1. consult in a way that is fully consistent with meeting obligations under section 35 of the *Constitution Act, 1982*,
 2. engage in substantive, meaningful two-way dialogue in order to fully understand concerns raised and the nature and seriousness of Samson Cree's Project Concerns on Samson Cree's Rights, and to work collaboratively to identify and provide accommodations, where appropriate,
 3. be flexible in tailoring consultations in a way that is responsive to the Samson Cree's Project Concerns and capacities of Samson Cree, and to the known concerns with the Project from the IAAC hearing and to any other concerns that may be identified during consultations,
 4. incorporate Samson Cree's Indigenous knowledge and findings throughout the process, identify any residual impacts to Samson Cree's Rights arising from the Project that may exist following the issuance of the IAAC's proposed conditions on the Project, and identify potential mitigations and accommodations of those impacts, including through recommending changes to the IAAC's proposed conditions, where appropriate.
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7. Please also provide your views on how you would like the proponent to engage your community during all phases of the Project.

Samson Cree Nation will seek to jointly engage Montem Resources, the Project applicant, in relation to the development of conditions, plans, or programs and, where appropriate, other accommodation measures.

8. If a federal impact assessment is required for the Project, the Agency will act as the Crown Consultation Coordinator and will be responsible for implementing the Duty to Consult. Do you have any views on how the Agency should work with your community in relation to the assessment of impacts on the rights of your community, as protected under section 35 of the *Constitution Act, 1982*?

Canada and the Agency must acknowledge and respect the Nation-to-Nation relationship with Samson Cree Nation. Samson Cree Nation should be supported to develop its own guidelines based other specific needs on how they wish to be approached and engaged in the assessment process.

Tent Mountain Mine Redevelopment Project
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