

## Appendix A – Kebaowek First Nation Detailed Upper Beaver Tailored Impact Statement Guidelines Review

Draft Tailored Impact Statement Guidelines (Section, Page, Text)		Kebaowek First Nation (KFN) Comment
1	<p><b>Introduction, Page 4</b></p> <p>Section d) “the impact that the Project may have on any Indigenous peoples and any adverse impact that the designated project may have on the rights of the Indigenous peoples 1 of Canada recognized and affirmed by section 35 of the Constitution Act, 1982; “</p> <p>Footnote1 1 These guidelines use the term “Indigenous peoples” to represent the “aboriginal peoples of Canada” which includes “Indian, Inuit and Métis peoples” as defined in subsection 35(2) of the Constitution Act, 1982, and “rights of Indigenous peoples” is used to reflect the full scope of Aboriginal and treaty rights recognized and affirmed by section 35 of the Constitution Act, 1982</p>	<p>The terms "Aboriginal" and "Indigenous” illustrate the complex entanglement of pre and post contact identity distinctions between Aboriginal rights, treaty and title-holders--who are defined as "Aboriginal" under the colonial context of Section 35 in the 1982 Canadian Constitution-- and “Indigenous” as representing various First Nations; such as Mi’kmaq, Wabenaki, Cree, Innu, Anishinaabeg, Haudenosaunee, Assiniboine, Dakota, Ktunaxa, Secwepmec, Carrier-Sekani, Dene, Salish, and Haida etc. who in their own totality are their own Nations embracing deep and powerfully committed connections to the land they occupy. (Van Schie 2022)</p> <p>KFN <b>recommends</b> that the Agency should not unilaterally impose or change the definition of Indigenous Peoples’ to represent “Aboriginal Peoples’ of Canada”. The Agency should maintain use of “Aboriginal” under the context of Section 35 in the 1982 Canadian Constitution and not Indigenous if this is the intended context.</p> <p>Note: Indigenous Peoples’ Aboriginal Peoples’</p>
2	<p><b>Section 1.2. Gender Based Analysis (GBA) Plus, Page.6</b></p>	<p>The TIS Guidelines should (1) specify when and exactly where GBA Plus should be included in the Impact Statement and (2) require the proponent to expressly detail its efforts (or lack thereof) to solicit, consider and integrate GBA Plus.</p>
3	<p><b>Section 2.0 Proponent Information, Page 10</b></p> <p>Section 2 of the TIS Guidelines set out the required information the proponent must provide in the IS, including</p>	<p>KFN <b>recommends</b> the TIS Guidelines require the proponent to also provide:</p>

	<p>a description of their corporate structure and mechanisms which will be used to ensure their corporate policies will be implemented and respected for the project.</p>	<ul style="list-style-type: none"> <li>▪ A description of all their mining operations in Canada including location, the nature and capacity of production and project timelines (i.e. operations and decommissioning);</li> <li>▪ A list of all violations and the nature of the offence under federal or provincial laws. For instance, between 2011 and 2016, Agnico Eagle’s Canadian Malartic mine had more than 4000 violations of laws and regulations in Quebec<sup>1</sup>; and</li> <li>▪ A list and summary of all proceedings brought against Agnico Eagle on matters of environmental concern, including the class action proceeding brought by a concerned citizens group in Quebec in response to the excessive dust, noise, and vibrations due to blasting at Agnico Eagle’s Malartic mine site.<sup>2</sup></li> <li>▪ A list of the various mining and exploration programs in the region related to the project.</li> </ul>
<p>4</p>	<p><b>Section 3.1 Project Overview, Page 11</b></p> <p>Section 3.1 of the TIS Guidelines require the proponent to describe scheduling details and descriptions of timelines, including the total lifespan of the project.</p> <p>Section 3.3 Regulatory Framework and Role of Government</p>	<p>KFN <b>recommends</b> that for the lifecycle of the project the proponent be required to:</p> <ul style="list-style-type: none"> <li>▪ Provide background and summary of the various proponents of this project over the last decade.</li> <li>▪ Provide a description of each phase of mining, from development, production and operations and decommissioning, against ecological timescales, including seasonal variation (ie. water recharge and discharge rates) and climate modelling (ie. changes to land variation, forest cover and impacts posed by extreme weather events)</li> </ul>

<sup>1</sup> Online: <https://tjl.quebec/recours-collectifs/nuisances-a-malartic/>

<sup>2</sup> *Ibid*; also online: <https://miningwatch.ca/news/2019/10/15/largest-gold-mine-canada-settles-affected-citizens-out-court>

		<p>Section 3.1 also requires that if the project is part of a larger sequence of projects, the IS must set out the larger context. <b>KFN submits</b> it is critical that IA take into account the impacts of the proposed project as a whole and ensure the proponent does not divide the project into separate entities, wherein individual elements would escape IA review for virtue of being below an IA threshold.</p> <ul style="list-style-type: none"> <li>▪ The Agency must ensure the TIS Guidelines prevent the potential for project splitting to occur. Project splitting should also be expressly listed and prohibited within section 3.1 of the TIS Guidelines. Project splitting can result when a project is split up into homogenous or heterogeneous parts.<sup>3</sup> Homogenous splitting is when a project is divided into similar but smaller parts (i.e. dividing one mining project into multiple, smaller mining projects) while heterogeneous splitting is when one project is separated on the basis of activity (i.e. production operations at a mine site and a reprocessing facility).</li> </ul> <p>Section 3.3 Regulatory Framework and Role of Government should not be limited to Municipal, Provincial and Federal directions to the proponent. Indigenous governments must equally be engaged in the regulatory framework when discussing environmental, health and socio-economic impacts or effects of the project.</p>
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<sup>3</sup> Álvaro Enríquez-de-Salamanca (2016) Project splitting in environmental impact assessment, *Impact Assessment and Project Appraisal*, 34:2, 152-159, DOI: 10.1080/14615517.2016.1159425

5	<p><b>Section 3.2. Project Location</b>, Page 11: Section 3.2 of the TIS Guidelines require the IS set out the geographical setting and socio-ecological context in which the project is located.</p>	<p>KFN <b>recommends</b> the proponent recognizes and denotes treaty and or asserted title and rights lands reflecting historical and contemporary land use and occupancy.</p> <p>KFN <b>recommends</b> adding the following to this section of the TIS Guidelines:</p> <ul style="list-style-type: none"> <li>• Archaeological features</li> <li>• Culturally important features of the landscape to Indigenous communities</li> </ul> <p>KFN <b>submits</b> that as framed, the draft TIS Guidelines must more heavily reflect the full spectrum of Indigenous land occupations and potential attributes.</p>
6	<p><b>Section 3.4. Project Components and Activities</b>, Page 13</p>	<p>KFN <b>recommends</b> the proponent highlights activities that involve periods of increased disturbance to environmental, health, social and economic conditions or impacts on Indigenous peoples, and the rights of Indigenous Peoples as articulated by UNDRIP<sup>4</sup></p>

<sup>4</sup> (<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-ofindigenous-peoples.html>)

**KFN recommends** that Indigenous consent for activities such as the dewatering of York Lake, diversion of Misema River and project tailing storage be required.

**KFN recommends** that the proponent describes:

- The timing of operations, their frequency and volume. For instance, during the operations phase, what is the frequency of blasting, the duration and capacity? Similarly, during site decommissioning, what volume of material will be transferred offsite and what is the proposed frequency of traffic, volume of trucks, transportation corridors and times of day they will be in use?

**KFN submits** it is critical that scheduling details span the full lifecycle of the project and also provide detailed descriptions regarding disturbances to air, night sky and land, and nuisances caused by lights, dust and noise, as these impacts are very much linked to the frequency, size and duration of the activity.

Section 3.4 of the TIS Guidelines require the IS include information about the project components and activities, including a description of the project activities to be carried out during each project phase, with a focus on activities with the greatest potential to have environmental, health, social and economic effects, or impacts on Indigenous people and their rights.

**KFN recommends** that the TIS Guidelines should stipulate that impacts on Indigenous Peoples' and their rights be provided by affected First Nations, and the proponent must disclose all potential impacts. Remove superlative adjective "greatest".

	<p><b>Section 3.5 Workforce Requirements, Page 14</b></p>	<p>The proponents workforce plan/information must be presented in sufficient detail to analyze how vulnerable or underrepresented groups will be taken into account, including Indigenous groups and other relevant community subgroups (e.g., women, youth, two-spirited peoples and Elders).</p> <p>Section should be revised for proponent to clearly highlight training programs, employment opportunities and youth incentives for Indigenous peoples.</p>
<p>7</p>	<p><b>Section 4.0 Project Purpose and Alternatives, Page 15:</b>  Section 4 of the TIS Guidelines requires the proponent identify project’s purpose, need and alternatives considered. Under the IAA, purpose, need, and alternatives, like other factors, must be assessed through “a sustainability and public interest lens.”<sup>5</sup></p>	<p>For each of these items (sections 4.1, 4.2, 4.3 and 4.4), KFN <b>submits</b> it is critical they incorporate Indigenous seven generational law perspectives. Further, the proponent’s inclusion of Indigenous perspectives must not be limited to passive forms of engagement, such as the sharing of information and inviting comments. These one-way forms of dialogue do not reflect the concept of meaningful Indigenous participation and it is critical the IA shift to perspectives beyond the proponent.</p> <p>Where both environmental effects and potential adverse impacts on potential or established Aboriginal and Treaty rights and related interests are identified by the proposed project the TIS Guidelines will support and facilitate discussion of alternative means of carrying out the project between the proponent and all First Nations involved.</p> <p>KFN <b>recommends</b> that there be Indigenous co-drafting of these sections so that they are reflective of Indigenous</p>

<sup>5</sup> M. Doelle & J. Sinclair (2021) “The Next Generation of Impact Assessment: A Critical Review of the Canadian *Impact Assessment Act*, Toronto: Irwin Law, p 223 [*Doelle & Sinclair*].

		<p>perspectives, worldview and engagement. This is necessary so that the IS does not only reflect the proponent’s perspective of need and alternatives, but those of the affected Indigenous communities.</p> <p>In Section 4.2 the TIS Guidelines provide instructions to the proponent that “[i]n many cases, the need for the Project can be described in terms of the demand for a resource.”</p> <p>As drafted, the existing TIS Guidelines will not render the kind of information needed for the Agency to adequately assess the project’s purpose, need and alternatives from a sustainability and public interest lens, as is required by the IAA.<sup>6</sup></p> <p>Considering the sustainability and public interest lens required by the IAA, KFN <b>submits</b> that the following criteria must also be required in the TIS Guidelines:<sup>7</sup></p> <ul style="list-style-type: none"> <li>• a description of the societal or public interest need served by the project;</li> <li>• supporting information about how the project is needed by Indigenous communities; and</li> <li>• a justification for the project in light of the IAA’s objective to foster sustainability.</li> </ul> <p>Section 4.3 states that the IS must provide a description of the alternatives to the Project that are technically and economically feasible and present a rationale for how the proposed project includes sustainability principles.</p>
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<sup>6</sup> *Impact Assessment Act*, s 6(1)(a), 63]

<sup>7</sup> *Doelle & Sinclair*, p 233

		<p>KFN <b>submits</b> in setting out the alternatives to the project, the following criteria must be required in the TIS Guidelines:<sup>8</sup></p> <ul style="list-style-type: none"> <li>▪ Preferred alternative to the project must be those which maximize overall positive benefits and minimize adverse ones</li> <li>▪ Preferred alternative must be viewed from broader perspectives including a sustainability and a public interest lens</li> <li>▪ Preferred alternatives should not be restricted to technically and economically feasible to options of the proponent, which have historically been the practice</li> <li>▪ Consider the interconnectedness and interdependence of human-ecological systems, necessary for fostering sustainability</li> <li>▪ Consider the well-being of present and future generations, necessary for fostering sustainability</li> <li>▪ Consider overall positive benefits and minimize adverse effects of a designated project; and</li> <li>▪ Apply the precautionary principle and consider uncertainty and risk of irreversible harm.</li> </ul> <p>KFN <b>recommends</b> Section 4.4 Alternatives to the Project must address Indigenous continued access to the project site; including access to traditional lands for ceremonial purposes, hunting, harvesting, or fishing.</p>
8	<p><b>Section 6.0 Indigenous Engagement and Knowledge Sharing</b>, Page 21: Section 6 requires the proponent to engage with Indigenous communities and sets out requirements to document</p>	<p>KFN <b>submits</b> the TIS Guidelines should advise the proponent to enter into a process framework agreement to structure engagement, timelines and resources with First Nations to inform the IS.</p>

<sup>8</sup> *Ibid*



	<p>engagement and Indigenous Knowledge Considerations (6.1) with First Nations.</p>	<p>KFN requests that the TIS Guidelines more clearly set out the proponent’s obligations with respect to soliciting and integrating Indigenous knowledge into the Impact Statement. We further request that the Agency impose or recommend <u>agreed upon</u> timelines with First Nations for the completion of the Impact Statement.</p> <p>The Impact Statement should also identify the particular sort of Indigenous engagement sought by the proponent – for instance, an assessment of impact on rights but not Indigenous knowledge – as well as detail the resources and supports offered. Our concern, here, is that the proponent will overstate its efforts to engage with affected Indigenous communities and then shift the blame over to us for any failure to reach a process agreement.</p> <p><b>KFN submits</b> the TIS Guidelines require the proponent to assess impacts on Aboriginal, Treaty and Indigenous (inherent) rights.</p> <p>The TIS guidelines recognize the value of Indigenous knowledge in establishing baseline conditions. Yet the unique ecological and environmental knowledge of the Algonquin Anishinaabeg, cultivated over generations, should also inform the determination of anticipated environmental changes and effects. We have community members, for instance, with intimate knowledge of the interactions between waterways and ecosystems on our traditional lands. That knowledge should be solicited and integrated into the proponent’s Impact Statement.</p> <p>We are concerned that the TIS guidelines, as drafted, do not fully mobilize the importance and complementarity of both scientific and Indigenous knowledge in the impact assessment process.</p>
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		<p><input type="checkbox"/> Require proponent information on how fish passage will be maintained by the proponent for sites where rivers and lakes are proposed to be modified.</p> <p><b>Hydrology</b></p> <p>For all watercourses or water bodies on which the project is likely to have effects, the community will describe their Anishinaabeg uses and characteristics, including:</p> <ul style="list-style-type: none"> <li>- The Anishinaabeg name of the watercourse and provide a description of the habitat for fish and terrestrial species.</li> </ul> <p><input type="checkbox"/> For each lake or water body affected, indicate the Anishinaabeg name of the water body and provide a description. The parameters that must be determined are total surface area, bathymetry, maximum and mean depths, water level fluctuations, type of substrate (sediments), and location of submerged, floating and emergent aquatic vegetation, and water quality parameters (e.g. water temperature, turbidity, pH, dissolved oxygen profiles);</p> <p><input type="checkbox"/> Monthly/seasonal/annual water flow (discharge) data, including minimum and maximum flows;</p> <p><input type="checkbox"/> Natural obstacles (e.g. falls, beaver dams) or potential project related structures (e.g. dams, diversions, pipelines) that would disturb or hinder the free passage of fish;</p> <p><input type="checkbox"/> Preparation of habitat maps at a suitable scale indicating the surface area of habitat for spawning, nursery, feeding, migration routes etc. This information should be linked to water depths (bathymetry) and pipeline crossings.</p> <p>Section 6.2 Record of Engagement</p>
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9	<p><b>Section 7.0 Assessment Methodology, Page 28</b></p> <p>Section 7.2 must identify the valued components (VCs) that will serve as the focal points for the impact assessment. VCs consists of components that are of particular concern or value to participants and that may be affected by the Project.</p> <p>Section 7.3 requires the IS establish the spatial and temporal boundaries that will be used to describe the baseline conditions, and guide the assessment of Value Components, as detailed in sections 7.1 and 7.2.</p>	<p>KFN agrees with Section 7.2 (p. 30) prescription of a holistic approach to VC and the watershed in question. <b>KFN recommends</b> identification of a number of key valued components, both environmental and cultural, that ought to be expressly and comprehensively addressed collectively in the final TIS Guidelines for example:</p> <ul style="list-style-type: none"> <li>• the impact on aquifers and waterways, including the inevitable risk of diversion, drainage, contamination from construction activities or materials; maintenance; leaks; and, as a worst-case scenario, catastrophic failures due to climate change.</li> <li>• the resultant impacts on aquatic and terrestrial ecosystems and environments, including water</li> </ul>

	<p>Section 7.6 of the TIS Guidelines states that the proponent “must assess the cumulative effects using the approach described in the Agency’s guidance document.”</p>	<p>systems and boreal forests within our traditional territory; and</p> <ul style="list-style-type: none"> <li>• the resultant impacts on our activities, rights and cultural practices, including our inherent rights to hunt, fish, gather and travel freely within our traditional territory.<sup>9</sup></li> </ul> <p>Regarding the delineation of spatial boundaries in section 7.3.1, <b>KFN submits</b> that the “Local” and “Regional Study Areas” must not be set by legal boundaries (i.e. at the property line) but be based at the watershed and related ecosystem level. It is critical that the spatial framing be defined at the watershed-scale if the project’s impacts are to be prevented, remediated or controlled.</p> <p><b>KFN submits</b> the following must be added to section 7.3.1 of the TIS Guidelines. The assessment methodology must:</p> <ul style="list-style-type: none"> <li>▪ Adopt an ecosystem approach which takes into account landscape and watershed features, including ecological variables like species composition, habitat requirements, historical environmental conditions, and pending changes due to climate change</li> <li>▪ Transcend colonial socio-political boundaries (i.e. the fence line, the township or existing governance regimes).<sup>10</sup></li> </ul> <p>Regarding the description of temporal boundaries in section 7.3.2, <b>KFN submits</b> it is critical that timescales be based</p>
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<sup>9</sup> These rights, long recognized under Algonquin law, have since been affirmed by section 35 of the *Constitution Act, 1982*.

<sup>10</sup> B Richardson (2017), “Time and Environmental Law: Telling Nature’s Time” New York: Cambridge University Press, p 232, 235 [**Richardson**]

		<p>not on the clock, but nature. That is, the description of time must be rooted in ecological timescales. This means that it in addition to the industrial timescales that are described (i.e. the timing of activities, stages of development, production and decommissioning), the IS must also describe:</p> <ul style="list-style-type: none"> <li>• Ecological succession and the time needed, for instance, for regeneration or mitigation measures to be effective</li> <li>• Environmental response rates, for instance, dewatering York Lake, Misema River diversion and or adding additional pollutants or discharges to the air, land and water</li> <li>• Diurnal light/dark rhythms upon which many species' behaviours are based</li> <li>• Seasonal cycles, for instance, the timing of animal migrations or when certain trees or bushes bear fruit<sup>11</sup></li> </ul> <p>Conceptualizing time around ecological systems and their inherent change is essential for the success of the IA and the adverse environmental effects it seeks to identify, prevent and remedy.</p> <p>Related to cumulative effects this project will directly cause or encourage other projects and activities to occur that will have impacts on the environment.</p> <p>The TIS Guidelines state that the Impact Statement must provide a description of “current baseline for the</p>
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<sup>11</sup> *Ibid*, p 36 - 39

		<p>environmental, health, social and economic conditions related to the Project.”<sup>12</sup> However, in applying this methodology, KFN further <b>recommends</b> the projects’ assessment of cumulative effects take account of historical changes within the watershed that have been caused by prior human activity and regional mining developments.</p> <p>Specific to the watershed a full assessment must be done specifically related to the impacts of this project – and others in the area, on a cumulative basis to the Misema River and the Blanche River into which the Misema River flows. Four points of note:</p> <ul style="list-style-type: none"> <li>• the Misema River has also been the subject of hydroelectric development, which must be considered in the cumulative assessment</li> <li>• the Misema River is a tributary of the Blanche River; the Blanche River is an important source of water for the agricultural community to the south of the proposed project</li> <li>• the Blanche River flows via Lake Temiskaming to the Ottawa River to the Saint Lawrence River</li> </ul> <p>KFN <b>recommends</b> it is necessary to expand the project study area regionally for hydrology, surface water quality and aquatic resources.</p>
10	<p><b>Section 8.0 Biophysical Environment</b>, Page 42 Section 8 delineates the biophysical considerations such as impacts to fish, birds and terrestrial wildlife and their</p>	<p>KFN <b>submits</b> that while the setting of baseline conditions is helpful in the setting of benchmarks, it limits the extent to which we can understand and document ecosystem or</p>

<sup>12</sup> TIS Guidelines at p 29.

	<p>accompanying baseline conditions and suitable mitigation and enhancement measures.</p>	<p>watershed-scale disturbances in the future. Similar to our comments in section 7 regarding spatial and temporal boundaries, the delineation of biophysical attributes separate from the land or waterscape in which they function, lessens the IS's ability to predict system wide changes and levels of disturbance.</p> <p>Therefore, it is critical that not only species-specific baselines be set, but baselines which allow us to understand and respond to system wide change and disturbance.<sup>13</sup> This is particularly necessary in the context of endangered species as their survival not only depends on the removal of threats, but the ability of their habitat to recover.</p> <p><b>KFN submits</b> eskers/moraines and related groundwater resources be protected and studies are provided on potential lowering of the ground water table.</p> <p><b>KFN recommends</b> specific compensation measure for the quantitative impacts of the mining industry on the drinking water supply of users already present in the territory; that the proponent identify and budget, if not already done, possible corrective measures in the event that there is deterioration in the quality or quantity of water affected by mine activities.</p> <p><b>KFN recommends</b> the proponent documents all proposed changes to relevant parameters and ecological processes that may affect fish and fish habitat, including: migratory patterns, food webs and trophic levels, structural and functional linkages (e.g. predator-prey interactions), life history and population dynamics, sensitive habitats and periods, behavior or other relevant ecological processes that fish depend on to carry out their life history.</p>
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<sup>13</sup> Doelle & Sinclair, p 252



		<p><i>Section 8.10.2 Species at Risk and Their Habitat</i></p> <p>In addition to the above general comment for Section 8, KFN <b>submits</b> that section 8.10 of the TIS Guidelines be amended to require the IS to:</p> <ul style="list-style-type: none"> <li>• Provide up-to-date information on the listing of endangered species and their status on the International Union of Conservation of Nature’s (IUCN) Red List<sup>14</sup></li> </ul> <p>Also the IS must indicate whether the proponent will seek exemptions under federal or provincial endangered species law from prohibitions to harm, harass, kill or destroy a species at risk or their habitat.</p>
11	<p><b>Section 9 Health and Social Economic Conditions, Page 86</b></p>	<p>KFN <b>recommends</b> proponent provides baseline concentrations of contaminants in ambient air, drinking water, soil and tissues of country foods (traditional foods) consumed by Indigenous Peoples’ and local communities. For collection of samples, including but not limited to game and plants, the proponent should work with local Indigenous Peoples’ where appropriate.</p> <p>Section 9.2 Social Conditions, The TIS guidelines must include: Consideration of how economic boom and bust cycles in mining communities impact the local economic wellbeing, as well as social and cultural wellbeing.</p> <p>Section 9.2.1.2 Land and Resource Use, KFN <b>submits</b> the proponent describe changes in terms of access, availability, use, consumption and quality of country foods (traditional</p>

<sup>14</sup> Online: <https://www.iucnredlist.org/>

		<p>foods), and the potential effects related to these changes on physical and mental health of Indigenous Peoples’.</p> <p>Section 9.3 Economic Conditions, KFN <b>recommends</b> the proponent ensure that the statistics and indicators provided to form the baseline do not omit the known baselines for Indigenous communities that may be impacted by the project.</p> <p>Request the proponent provide an overview of the existing employment rates and economic well-being in the study area and impacted communities including average income and wage inequality, including these indicators for Indigenous communities.</p>
12	Section 10 Indigenous Peoples’, Page 105	<p>Section 10.2.2 Effects on current use of lands and resources for traditional purposes, KFN <b>recommends</b> adding food sovereignty and food security, access to country foods (traditional foods) and baseline perceived quality.</p> <p>Section 10.3 Rights of Indigenous Peoples’ KFN <b>recommends</b> the description should include maps, when available and authorized, to illustrate the location of treaties, traditional lands and harvesting zones;</p> <p>Section 10.3.2 Impacts on Rights of Indigenous Peoples’ KFN <b>recommends</b> that the proponent describe any food safety concerns from indigenous communities resulting from potential exposure to contaminants.</p>

<p>13</p>	<p><b>Section 13 Canada’s Ability to Meet its Environmental Obligations and its Climate Change Commitments, Page 123</b></p>	<p>Section 13 of the TIS Guidelines states that the IS should describe the effects of the Project in the context of Canada’s environmental obligations and climate change commitments. As described herein, this project will directly cause or encourage other projects and activities to occur that will have impacts on the environment, such as advanced exploration activities.</p> <p>KFN <b>recommends</b> that the TIS Guidelines require the proponent to include these activities in its climate change analysis:</p> <ul style="list-style-type: none"> <li>• the project’s direct lifecycle GHG emissions, including emissions embedded in the goods and services used for the project, along with any emissions due to impairment of sinks;</li> <li>• information to assess the credibility and impact of any proposed efforts to permanently sequester emissions or to offset emissions;</li> <li>• the project’s indirect emissions in Canada;</li> <li>• the project’s broader impact on emissions in Canada and beyond;</li> <li>• the emissions of a range of alternatives (including “best” climate/sustainability options and the “no project” option) estimated in a manner that makes them comparable to the predicted project emissions.</li> </ul> <p>KFN further <b>submits</b> it is critical that the proponent demonstrate how considerations of climate change have been incorporated throughout the development of the IS and not identified as a single component or as a standalone valued component (“VC”). This approach and integration of climate considerations within the development of the IA aligns with the IAA’s commitment to meeting climate</p>
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		targets, and whether a project hinders or contributes to these goals. <sup>15</sup>
14	<b>Section 14: Extent to which the Project contributes to Sustainability</b> , Page 124	<p>An adequate consideration of sustainability in EA should focus on identifying the best option, achieved in part by comparative analysis of alternatives and their relative contributions to sustainability.<sup>16</sup> The proponent must clearly demonstrate that the preferred option would contribute the greatest net social, economic, and environmental benefits to society while avoiding significant losses.</p> <p>In order to clearly demonstrate that the project is the best option, <b>KFN submits</b> that the TIS Guidelines must also require consideration of the following basic requirements for progress towards sustainability:<sup>17</sup></p> <ul style="list-style-type: none"> <li>• long-term socio-ecological system integrity</li> <li>• livelihood sufficiency and opportunity for everyone</li> <li>• intra-generational equity</li> <li>• resource maintenance and efficiency</li> <li>• socio-ecological civility and democratic governance</li> <li>• precaution and adaptation</li> <li>• immediate and long-term integration</li> </ul>

<sup>15</sup> IAA, Preamble, s 22(1)(i), 63

<sup>16</sup> Robert B. Gibson, “Sustainability-based Assessment Criteria and Associated Frameworks for Evaluations and Decisions: Theory, Practice and Implications for the Mackenzie Gas Project Review” (2006) at 4.

<sup>17</sup> Robert B. Gibson, “Avoiding Sustainability Trade-Offs in Environmental Assessment” (2013) 31 Impact Assessment and Project Appraisal 1.

		<p>The TIS Guidelines should also direct the proponent to consider sustainability trade-offs, with the basic rule being that any trade-offs that entail a backward steps or block enhancement in any category of basic requirements listed above must be avoided.<sup>18</sup>.</p> <p>In the context of a sustainability analysis, substantive trade-offs “involve choices about what purposes to serve, what alternatives to favour, what design features to incorporate, what enhancements and mitigations to consider adequate and what undertakings to approve with what conditions and implementation controls, etc. Most significantly, substantive trade-offs are about the anticipated effects resulting from these choices.”<sup>19</sup></p>
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<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*