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Delivered via Email

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RE: Review of the *Draft Version* Tailored Impact Statement Guidelines for the Crawford Nickel Project dated February 6, 2023

To Erin Norton and the IAAC Crawford Nickel Project team,

The MNO has reviewed the *Draft Version* of the Tailored Impact Statement Guidelines (“TISG”) dated February 6, 2023 for sufficiency in outlining the requirements of the Métis Nation of Ontario (“MNO”) Region 3 Consultation Committee (“R3CC”).

It is our understanding that the main objective of the TISG is to provide the proponent with directions and requirements for the preparation of an Impact Statement and are tailored during the Planning Phase. The review focused on any gaps or deficiencies of note which relate to specific factors for consideration in the Impact Statement related to Métis Section 35 rights, however more may be identified going forward. Please see below for an overview of our comments and a subsequent detailed review table.

Overview of Comments on the TISG

Overall, the TISG is comprehensive and includes consideration of the rights of Indigenous Peoples generally. If adhered to, the resultant Impact Statement could contextualize, assess and address impacts to the Métis Nation of Ontario Region 3’s Section 35 rights, should sufficient capacity be provided to allow for MNO Region 3 involvement.

Some key positive indications from the TISG include:

- A requirement for the proponent to describe and consider Self-Government Agreements of which the Métis Nation of Ontario is a signatory.
- An interweaving of rights throughout the TISG including positive references to the United Nations Declaration on the Rights of Indigenous Peoples and specific reference to Free, Prior and Informed Consent.
- Specific requirements for the analysis of potential impacts to Section 35 rights as well as effects under federal jurisdiction (e.g., current use of land and resources for traditional purposes). This includes describing the context, impacts and mitigation.
- A requirement of ongoing collaboration following the submission of the Impact Statement through Impact Assessment, Decision and Post-Approval Phases
- Selection of Valued Components (VCs) must include consideration of Indigenous proposed VCs including those related to Indigenous rights, where proposed.
- Cumulative effects must include VCs of particular concern to Indigenous groups.

However, within the TISG, there are still areas where further clarification is required and/or adjustments to language to make the document more precise. Some items for consideration include:

Funding

The most important issue, which the TISG touches upon but cannot, on its own address, is capacity funding. There is a requirement within the TISG for the capacity needs of Indigenous Nations to be taken into account and this must be demonstrated through the record of engagement.

However, the processes laid out within the TISG represents a more robust and inclusive process than was typically undertaken for federal assessment process in the recent past. Therefore, the capacity needs of the Métis Nation of Ontario Region 3 may not be well understood at this time by either the Métis Nation of Ontario, the Proponent or the Impact Assessment Agency of Canada.

For example, there is an ability to undertake Indigenous-led assessments as well as the ability to co-author sections of the Impact Statement where there is a high level of interest/interaction with Indigenous VCs. As the Métis Nation of Ontario Region 3 explores these options of elevated involvement, capacity funding will be required to both scope and execute this work. As this is a relatively new approach, there may be a lack of understanding and planning on the Proponent's part of what those capacity needs may be and what reasonable funding should be provided. This must be further explored with the Proponent with sufficient oversight by the Impact Assessment Agency of Canada to ensure the Métis Nation of Ontario is adequately funded to allow for reasonable participation.

Critical Mineral Strategy Weighting

Within Section 4, under the 'Need for the Project Section' (Section 4.2, Page 15 and 16) it is noted that this section of the Impact Statement could include a description of "...whether and how the Project would support the objectives of the Canadian Critical Minerals Strategy" contrasting with "any comments or view of Indigenous Peoples, the public and other participants on the proponent's need statement."

In recent regulatory approval processes, it has been observed that the Critical Mineral Strategy is weighted in a public interest justification for mining Projects. It would be helpful to clarify with the Impact Assessment Agency of Canada how this Strategy is considered in the Public Interest Determination and how it is weighted against the interests of Indigenous Peoples. The Métis Nation of Ontario wrote to the Honourable Minister Greg Rickford (former Minister of Energy, Northern Development and Mines and Indigenous Affairs) on 2021 March 30 to begin consultation on the Critical Mineral Strategy. The MNO then submitted draft comments on the Critical Mineral Strategy on 2021 June 24 and a final submission on 2021 June 28. To date there has been no response from Ontario on how consultation will take place concerning the Critical Mineral Strategy, although referenced throughout the document. Similarly, the MNO submitted comments in response to the Crown concerning Canada's Critical Minerals Strategy: Discussion Paper on 2022 October 03, including questions on how consultation will occur. The MNO also collaborated with the Métis Nation of Canada in 2022 in the collaborative response letter and to date no response from any provincial or federal ministry has been received confirming how consultation will be conducted concerning Critical Minerals. As the Crawford Nickel Project is a critical mineral project it is imperative to set a consultation workplan between federal, provincial, and MNO decision makers prior to the end of the IAAC planning phase.

Methodologies

Methodologies, guidelines, regulations, and rubrics used in the IAAC process must be included in every stage. With every subsequent stage increased detail will must be included. The methodologies guidelines, regulations, and rubrics used by both the Proponent and Crown must be accessible, transparent,

understandable, and relevant to the MNO. An example of this would be to ensure that heavy metal toxicity baseline samples would be statistically significant, analyzed using appropriate techniques with sufficient detection limits, and include Métis VCs. Setting expectations of methodologies early in the planning phase ensure that resources are not wasted in the following EIS and Impact Assessment stages.

Indigenous Knowledge

Indigenous Knowledge (“IK”) is acknowledged throughout the TISG as a critical information source. However, the general phrasing around IK within the TISG relies on the predominant research paradigm of “extraction” of Indigenous Knowledge and then use of that Knowledge to supplement specific compartmentalized areas of study.¹

Indigenous Knowledge is embedded in various systems supported by and in support of Indigenous societies. In order to appropriately integrate Indigenous Knowledge, the holders and keepers must be fully involved in the process; the knowledge holders should be positioned as leaders and decision makers to give their perspectives weight; there must be an understanding that intangible aspects of the environment are important and valuable for the assessment even when not readily quantifiable via western science standards and a meaningful relationship must be established and maintained.²

Language throughout the TISG should be adjusted to emphasize a collaborative and integrative approach.

We hope that the information described above and in the below review table can facilitate discussion with the IAAC and Proponent, particularly with regards to funding. It is the expectation that through these discussions a comprehensive Impact Statement can be completed that fully integrates Métis rights and the MNO Region 3’s priorities for involvement on the Crawford Nickel Project.

¹ McGregor, Deborah. 2021. Indigenous Knowledge Systems in Environmental Governance in Canada. KULA: Knowledge Creation, Dissemination, and Preservation Studies 5(1). <https://doi.org/10.18357/kula.148>

² Ibid.

APPENDIX A – DETAILED REVIEW TABLE

| # | Section | Details | Comment |
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| 1. | 1.0 Introduction, Page 1 and 2 (PDF Page 8 and 9) | <p>“The Impact Assessment Agency of Canada (the Agency) or a review panel uses the proponent’s Impact Statement and other information received during the impact assessment process to prepare an Impact Assessment report. At the end of the impact assessment process, the decision made is whether the potential adverse effects within federal jurisdiction, and the adverse direct or incidental effects, are in the public interest. Under section 2 of the Impact Assessment Act (the IAA), the effects within federal jurisdiction are defined as: ...</p> <ul style="list-style-type: none"> c) with respect to the Indigenous Peoples of Canada, an impact — occurring in Canada and resulting from any change to the environment — on; <ul style="list-style-type: none"> (i) physical and cultural heritage; (ii) the current use of lands and resources for traditional purposes; or (iii) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance; <p>...</p> <p>The public interest determination must be based on the Impact Assessment report from the Agency or a review panel and consider the factors set out in section 63 of the IAA:</p> <ul style="list-style-type: none"> a) the extent to which the project contributes to sustainability; b) the extent to which the adverse effects within federal jurisdiction and the adverse direct or incidental effects that are indicated in the impact assessment report in respect of the project are significant; c) the implementation of the mitigation measures that the Minister or the Governor in Council, as the case may be, considers appropriate; 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 of Canada recognized and affirmed by section 35 of the Constitution Act, 1982; and | <p>While it is understood that the <i>Impact Assessment Act, 2019</i> is the current framework under which impact assessments are conducted, there is a discrepancy within that Act which must be acknowledged to ensure impacts to Métis Section 35 rights are adequately understood and assessed within this Impact Statement.</p> <p>Within Section 2 of the Act it lists effects within federal jurisdiction. For Indigenous groups, these effects reference the <i>Canadian Environmental Assessment Act, 2012</i>, including changes to physical and cultural heritage; current use of lands and resources for traditional purposes; any structure, site or thing that is of historical, archaeological, paleontological or architectural significance; and any change to the health, social or economic conditions.</p> <p>This is juxtaposed with the requirement for the public interest determination to be based on factors to be considered, including the impact the project may have on the rights of Indigenous groups which are more expansive than the list of effects outlined in Section 2.</p> <p>For the purposes of the Impact Statement and subsequent Impact Assessment Report, the Impact Assessment Agency of Canada must include impacts to rights as a key consideration as the Impact Assessment Agency of Canada is an agent of the Crown and is responsible for the discharge of the Duty to Consult.</p> <p>This is reflected within Section 12 of the TISG and should be emphasized in all dealings on this Project.</p> |

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| | | e) e) the extent to which the effects of the project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change." | |
| 2. | 3.2 Project Location, Page 9 and 9 (PDF Page 15 and 16) | <p>"The following information must be included and, where appropriate, located on map(s): ...</p> <ul style="list-style-type: none"> • description of local communities and Indigenous communities; • Indigenous traditional territories and/or consultation areas, Treaty and/or Title lands, First Nation Reserve lands, Indigenous harvesting regions (with permission of Indigenous communities); and • culturally important features of the landscape." | <p>The Métis Nation of Ontario Region 3 has a provincial, regional and a local community structure which must be described in the Project Location section in order to give proper geographical context. This includes description and mapping of traditional harvesting territories (publicly available), description of the Regional Consultation Committee (publicly available) and identification, description and mapping of MNO Charter Community Councils (publicly available).</p> <p>Please update this section to include the follow:</p> <ul style="list-style-type: none"> • description of local communities and Indigenous communities, including provincial, municipal, regional and local context; • Indigenous traditional territories and/or consultation areas, Treaty and/or Title lands, First Nation Reserve lands, Indigenous harvesting regions (with permission of Indigenous communities), traditional harvesting territories; and • culturally important features of the landscape. |
| 3. | 3.3 Regulatory Framework and the Role of the Government, Page 10 (PDF Page 17) | <p>"The Impact Statement must identify:</p> <p>...</p> <p>any treaty, self-government, land claims or other agreements between federal or provincial governments and Indigenous communities that are pertinent to the Project and/or the impact assessment;"</p> | <p>The Métis Nation of Ontario has signed the MNO-Canada Métis Government Recognition and Self-Government Agreement which recognizes that the Métis communities represented by the Métis Nation of Ontario hold the inherent right to self-government and self-determination.</p> <p>This must be considered by the proponent within the Impact Statement as it is pertinent to both the Project and the impact assessment.</p> |
| 4. | 4.1 Purpose of the Project, Page 15 (PDF Page 22) | <p>"The proponent is encouraged to consider the perspectives of participants (i.e., public, Indigenous communities, governments) in establishing objectives that relate to the intended effect of the Project on society."</p> | <p>Permissive language within this section will likely result in the exclusion of Métis Nation of Ontario Region 3 perspectives related to the Project's impacts on the broader society. Please amend this language to be more prescriptive.</p> <p>"The proponent is required to consider the perspectives of participants (i.e., public, Indigenous communities, governments) in establishing objectives that relate to the intended effect of the Project on society."</p> |

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| 5. | 4.2 Need for the Project, Page 16 (PDF Page 23) | <p>“For the selection of the alternative means of carrying out the Project, the Impact Statement must describe:</p> <p>...</p> <p>description of whether and how the Project would support the objectives of the Canadian Critical Minerals Strategy and Ontario's Critical Mineral Strategy”</p> | <p>The Métis Nation of Ontario has had limited involvement in the development and implementation of Canada's Critical Minerals Strategy and Ontario's Critical Mineral Strategy. The Métis Nation of Ontario Region 3 requires additional detail from the IAAC on how this criteria is weighted in comparison with comments or views of Indigenous groups on the need statement.</p> <p>Further, the Métis Nation of Ontario Region 3 requires confirmation that the need statement will be available for review prior to issuance of the Environmental Impact Statement to ensure the Métis Nation of Ontario's comments and views can be considered.</p> |
| 6. | 6.0 Description of Engagement with Indigenous Communities, Page 21 (PDF Page 28) | <p>“The degree of engagement with each Indigenous community will vary and in general, will be proportionate to the evidence provided by Indigenous communities regarding potential pathways of impact from the Project on Aboriginal or Treaty rights.”</p> | <p>The ability to provide evidence regarding pathways of impact from the Project on the Métis Nation of Ontario Region 3's Section 35 rights is directly related to the provision of sufficient capacity from the Project proponent. Without sufficient capacity, the Métis Nation of Ontario's ability to collect, analyze and provide this information will be impaired.</p> <p>The IAAC must require capacity discussions and reporting from the proponent on capacity provision to ensure fair and equitable treatment of involved Indigenous groups.</p> <p>Additionally, reliance on data related to the pathways of impact in order for the level of engagement to be defined may result in the proponent prematurely reducing the level of engagement prior to the necessary data being collected and provided by the MNO. Therefore, it is recommended that this passage be amended as follows:</p> <p>“The degree of engagement with each Indigenous community will vary and is flexible. In some instances, where data is available, the degree of engagement can be proportionate to the evidence provided by Indigenous communities regarding potential pathways of impact from the Project on Aboriginal or Treaty rights.”</p> |
| 7. | 6.0 Description of Engagement with Indigenous | <p>“...in accordance with any existing community protocols and/or guidance provided by the Agency, collect available Indigenous Knowledge and expertise and integrate it into its Impact Statement, just as it integrates scientific knowledge;”</p> | <p>The phrasing in this excerpt relies on the predominant research paradigm of extraction of Indigenous Knowledge; Indigenous Knowledge is embedded in systems supported by and in support of Indigenous societies.³ In order to</p> |

³ McGregor, Deborah. 2021. Indigenous Knowledge Systems in Environmental Governance in Canada. KULA: Knowledge Creation, Dissemination, and Preservation Studies 5(1). <https://doi.org/10.18357/kula.148>

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| | Communities, Page 21 (PDF Page 28) | | <p>appropriately use Indigenous Knowledge, the holders and keeps must be fully involved in the process; the knowledge holders should be positioned as leaders and decision makers to give their perspectives weight; there must be an understanding that intangible aspects of the environment are important and valuable for the assessment even when not readily quantifiable via western science standards and a meaningful relationship must be established and maintained.⁴</p> <p>Language throughout this excerpt and throughout the TISG should be amended to outline a collaborative and integrative approach.</p> |
| 8. | 6.0 Description of Engagement with Indigenous Communities, Page 21 (PDF Page 28) | “The results of any engagement with each Indigenous community must be presented in the Impact Statement, and, as best as possible, convey the perspective of the Indigenous communities being engaged.” | <p>In earlier Sections of the TISG (Section 1.2 Gender-Based Analysis Plus) it is noted that the information within the Environmental Impact Statement must be “...sufficiently disaggregated to support the analysis...”.</p> <p>Similarly, the results of engagement, including the results of any funded studies and information related to potential adverse Project impacts on Indigenous rights and interests must also be disaggregated by Indigenous group to allow for nuanced consideration of those impacts.</p> <p>Suggested text:</p> <p>“The results of any engagement with each Indigenous community must be presented in the Impact Statement, sufficiently disaggregated to support analysis, and, as best as possible, convey the perspective of the Indigenous communities being engaged.”</p> |
| 9. | 6.1 Indigenous Knowledge Considerations, Page 22 and 23 (PDF Page 29 and 30) | “It is important that Indigenous Knowledge, where available to the proponent, be included for all of these aspects in the impact assessment, not only to look at potential impacts of the Project on Indigenous communities.” | <p>It is positive that the Impact Assessment Agency acknowledges that Indigenous Knowledge must be applied throughout the assessment (e.g., when assessing air quality, noise, etc.). Please slightly adjust the wording in this section to be more precise.</p> <p>Suggested text:</p> <p>“It is important that Indigenous Knowledge, where available to the proponent, be included for all of these aspects in the</p> |

⁴ McGregor, Deborah. 2021. Indigenous Knowledge Systems in Environmental Governance in Canada. KULA: Knowledge Creation, Dissemination, and Preservation Studies 5(1). <https://doi.org/10.18357/kula.148>

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| | | | impact assessment, not only to look at potential impacts of the Project on Indigenous communities and their rights. ” |
| 10. | 6.2 Record of Engagement, Page 23 to 25 (PDF Page 30 to 32) | | The record of engagement must be provided to the Métis Nation of Ontario Region 3 for review prior to submission of the impact statement to ensure an accurate representation of documented engagement activities. |
| 11. | 6.4 Collaboration with Indigenous Peoples following the submission of the Impact Statement, Page 27 (PDF Page 34) | | The provision of sufficient capacity funding to allow for Métis Nation of Ontario Region 3 involvement in impact assessment, decision, and post-approval phases is required in order to allow for continued collaboration. While the impact statement may detail these commitments, there must also be a condition of approval for reporting by the proponent on continued funding in these subsequent phases in order to ensure Métis Nation of Ontario Region 3 involvement. |
| 12. | 7.1 Baseline Methodology, Page 27 (PDF Page 34) | “The Impact Statement must provide a description of the baseline for the environmental, health, social, and economic conditions related to the Project. This should include the existing environmental, health, social and economic conditions, interrelations and interactions among them, and the variability in these conditions over time scales and spatial boundaries appropriate to the Project. Meaningful, two-way dialogue with communities and Indigenous groups provides input that may describe how environmental, health, social and economic conditions are interrelated.” | <p>The Impact Statement must also include baseline conditions of identified rights of Indigenous peoples and/or Valued Components identified for assessment by Indigenous peoples.</p> <p>This information should be included in addition to Indigenous Knowledge which may supplement biophysical baseline conditions.</p> |
| 13. | 7.1 Baseline Methodology, Page 27 (PDF Page 34) | “The proponent will be responsible for collecting the data, establishing appropriate data governance, and performing reliable analysis, extrapolation, and predictions.” | <p>As Indigenous groups such as the Métis Nation of Ontario Region 3 are best placed to contextualize, understand and analyze their Section 35 rights, in some cases, the Métis Nation of Ontario may be responsible for collecting the data, establishing appropriate data governance in collaboration with the proponent and performing the best analysis.</p> <p>As the regulatory landscape moves towards more Indigenous-led assessments, this language should be adapted to be more inclusive of that option, where it is appropriate and there is sufficient capacity for the Indigenous group to do so.</p> <p>Suggested Text:</p> <p>“The proponent, or in the case of an Indigenous-led assessment, the indigenous group, will be responsible for collecting the data, establishing appropriate data governance, and performing reliable analysis, extrapolation, and predictions.”</p> |

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| 14. | 7.1 Baseline Methodology, Page 28 (PDF Page 35) | “...describe where and how community knowledge or Indigenous Knowledge, input, and Indigenous participation were considered in determining baseline conditions, including but not limited to archaeological studies, and baseline monitoring of fish, water quality and quantity, and air quality.” | <p>Indigenous Knowledge, as noted in Comment #7, is not a data point for extraction and must be collaboratively integrated. Please amend the language within this section to reflect this.</p> <p>Additionally, baseline conditions with regards to Section 35 rights must also be described.</p> <p>Suggested text:</p> <p>“...describe where and how community knowledge or Indigenous Knowledge, input, and Indigenous participation were collaboratively collected and integrated in determining baseline conditions, including but not limited to Section 35 rights, archaeological studies, and baseline monitoring of fish, water quality and quantity, and air quality.”</p> |
| 15. | 7.2 Selection of Valued Components, Page 29 and 30 (PDF Page 36 and 37) | | As per the direction within the TISG, the Metis Nation of Ontario Region 3 requires fulsome engagement by the proponent prior to the Impact Assessment Phase commencement on potential Valued Components of interest. |
| 16. | 7.3 Spatial and Temporal Boundaries, Page 31 (PDF Page 38) | | As per direction within the TISG, the Métis Nation of Ontario Region 3 requires engagement by the proponent on the identification of spatial and temporal boundaries for Valued Components which relate to the MNO Region 3’s Section 35 rights. |
| 17. | 7.4 Effects Assessment Methodology, Page 34 (PDF Page 41) | <p>“The Impact Statement must:</p> <p>...</p> <p>consider and describe the perspectives, concerns and tolerance levels of Indigenous communities and other participants;”</p> | <p>The Métis Nation of Ontario Region 3 has not contemplated or compiled tolerance thresholds for any potential adverse impacts to their Section 35 rights; or considered thresholds for Valued Components of importance.</p> <p>As thresholds cannot be quantified or defined in the context of a single project Impact Statement, this will likely not be completed or contemplated by the Métis Nation of Ontario Region 3 in relation to this Impact Statement.</p> |
| 18. | 7.4 Effects Assessment Methodology, Page 34 (PDF Page 41) | <p>“The Impact Statement must:</p> <p>...</p> <p>describe where and how Indigenous Knowledge and community knowledge and input were considered and incorporated into effects assessment;”</p> | <p>Indigenous Knowledge, as noted in Comment #7, is not a data point for extraction and must be collaboratively integrated. Please amend the language within this section to reflect this.</p> <p>Suggested text:</p> <p>“describe where and how Indigenous Knowledge and community knowledge and input were collaborative collected and integrated into effects assessment;”</p> |

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| 19. | 7.5 Mitigation and Enhancement Measures, Page 36 (PDF Page 43) | "...document specific suggestions raised by Indigenous groups for avoiding, mitigating or otherwise accommodating the Project's environmental, health, social and economic effects, including potential effects and impacts on Indigenous peoples and describe whether and how these measures will be incorporated in the project design;" | Additional language is required for precision. Suggested text includes: "...document specific suggestions raised by Indigenous groups for avoiding, mitigating or otherwise accommodating the Project's environmental, health, social and economic effects, including potential effects and impacts on Indigenous peoples and their rights and describe whether and how these measures will be incorporated in the project design;" |
| 20. | 7.7 Extent to which Effects are Significant, Page 40 (PDF Page 47) | "identify and explain relevant sources of information that were used to characterize the extent to which those effects are significant, including how the perspectives, concerns and tolerance levels of Indigenous groups and other participants were considered; and" | See Comment #17 |
| 21. | 8.0 Biophysical Environment, Page 41 (PDF Page 48) | "In describing effects to the biophysical environment, the Impact Statement must take an ecosystem approach that considers how the Project may affect the structure and functioning of biotic and abiotic components within the ecosystem using scientific, community knowledge and Indigenous Knowledge." | Indigenous Knowledge, as noted in Comment #7, is not a data point for extraction and must be collaboratively integrated. Please amend the language within this section to reflect this. Suggested text: "In describing effects to the biophysical environment, the Impact Statement must take an ecosystem approach that considers how the Project may affect the structure and functioning of biotic and abiotic components within the ecosystem collaboratively understanding and integrating scientific, community knowledge and Indigenous Knowledge." |
| 22. | 8.5.2 Effects to the Atmospheric, Acoustic, and Visual Environment, Page 47 to 49 (PDF Page 54 to 56) | | In addition to the effects to air quality, sound levels, ambient vibration and visual environment, the Impact Statement must also describe Métis Nation of Ontario Region 3 perceptions related to the same. Negative perceptions of the Project's contributions to air quality, sound levels, potential increases to ambient vibration or overpressure noise from blasting, as well as changes to the visual environment can result in increased avoidance behaviors by Métis harvesters who may exercise their rights in proximity to the Project. This must be considered and explored in the Effects assessment. |
| 23. | 8.5.2 Effects to the Atmospheric, Acoustic, and Visual | | Key receptor locations for air quality, noise and vibration as well as key locales assessed for the visual environment must be confirmed with the Métis Nation of Ontario Region 3 to |

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| | Environment, Page 47 to 49 (PDF Page 54 to 56) | | ensure consideration of points of interest or key locales for the exercise of Section 35 rights. |
| 24. | 8.5.2 Effects to the Atmospheric, Acoustic, and Visual Environment, Page 48 (PDF Page 55) | “where there is public or Indigenous community concern associated with an increase in sound levels during construction and operations, provide a vibration and sound impact assessment, including an overview of the concerns;” | <p>There is concern from the Métis Nation of Ontario Region 3 in relation to an increase in sound levels during construction and operations. Construction vehicles and changes from baseline sound levels can result in increased avoidance behaviors by Métis harvesters exercising their rights in proximity to the Project.</p> <p>Based on this concern, the proponent must include a vibration and sound impact assessment with specific overview of the Métis Nation of Ontario Region 3’s concern which can be articulated through robust engagement.</p> |
| 25. | 8.6 Groundwater and Surface Water 8.6.1 Baseline Conditions, Page 54 (PDF Page 61) | “...explain how baseline data was gathered, and modelling developed, at a scale and resolution that allows for the application of results about groundwater and surface water to the assessment of interrelated valued components (VC), notably for fish, birds and other wildlife, their habitat and their health, as well as human health.” | <p>Region 3’s Métis rights may have interrelated valued components which require baseline data related to groundwater and surface water for consideration. For example, harvesting rights such as the right to fish, water travel, and stewardship of the environment.</p> <p>Suggested text:</p> <p>“...explain how baseline data was gathered, and modelling developed, at a scale and resolution that allows for the application of results about groundwater and surface water to the assessment of interrelated valued components (VC), notably for Indigenous rights, fish, birds and other wildlife, their habitat and their health, as well as human health.”</p> |
| 26. | 8.6.2 Effects to Groundwater and Surface Water, Page 57 (PDF Page 64) | “...analyze and describe changes to surface and groundwater at a scale and resolution that allows for the application of results to the assessment of interrelated VCs, notably for fish and fish habitat and human health. Carry forward the assessment of potential changes in water quality, as required in the following sections of the Guidelines.” | <p>Region 3’s Métis rights may have interrelated valued components which require effects assessment data related to groundwater and surface water for consideration. For example, harvesting rights such as the right to fish, water travel, and stewardship of the environment.</p> <p>Suggested text:</p> <p>“...analyze and describe changes to surface and groundwater at a scale and resolution that allows for the application of results to the assessment of interrelated VCs, notably for Indigenous rights, fish and fish habitat and human health. Carry forward the assessment of potential changes in water quality, as required in the following sections of the Guidelines.”</p> |
| 27. | 8.6 Groundwater and Surface Water | “...the parameters that will be measured, the duration and frequency of monitoring, the sampling protocol and analysis | Reporting on groundwater and surface water monitoring programs during the operations and post-closure periods is |

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| | 8.6.3 Mitigation and Enhancement Measures, Page 58 (PDF Page 65) | protocol and the quality assurance and quality control measures. Include the description of the measures that will be implemented if the criteria are exceeded;” | critical to adequate engagement with the Métis Nation of Ontario Region 3. This must be emphasized in the mitigation and enhancement measures. Suggested text: “...the parameters that will be measured, the duration and frequency of monitoring and reporting , the sampling protocol and analysis protocol and the quality assurance and quality control measures. Include the description of the measures that will be implemented if the criteria are exceeded;” |
| 28. | 8.7 Vegetation, Riparian and Wetland Environments, Page 59 (PDF Page 66) | “moose habitat, fur-bearing mammal habitat, trees supporting bald eagles nests (refer to section 8.10 Terrestrial wildlife and wildlife habitat and section 8.9 Birds, migratory birds, and their habitat);” | There may be additional wildlife habitat of importance to Métis Nation of Ontario Region 3 citizens which must be considered, therefore the language within this section must be expanded. Suggested text: “moose habitat, fur-bearing mammal habitat, trees supporting bald eagles nests, or other wildlife habitat as identified by Indigenous groups (refer to section 8.10 Terrestrial wildlife and wildlife habitat and section 8.9 Birds, migratory birds, and their habitat);” |
| 29. | 8.2.7 Effects to Vegetation, Riparian and Wetland Environments, Page 60 (PDF Page 67) | | The Impact Statement must describe the effects of the Project on vegetation and the riparian and wetland environments including the potential effects of the Project on vegetation of importance to Indigenous Peoples. This must be added to the bulleted list within this Section similar to the bullet within Terrestrial Wildlife and Wildlife Habitat. |
| 30. | 8.7 Vegetation and Riparian and Wetland Environments 8.7.3 Mitigation and Enhancement Measures, Page 62 (PDF Page 69) | “...seed mixes to use, the spreading rates and the location of the spreading. Native and indigenous species adapted to the local conditions should be used when the purpose of revegetation is to naturalize or regenerate the area;” | Native and Indigenous species that are adapted to local conditions should be used whenever possible to ensure all revegetation naturalizes and regenerates Project areas. Suggested text: “...seed mixes to use, the spreading rates and the location of the spreading. Native and indigenous species adapted to the local conditions should be used when the purpose of revegetation is to naturalize or regenerate the area;” |
| 31. | 8.8 Fish and Fish Habitat | “...for each potentially affected waterbody or watercourse, provide a detailed description of potentially affected fish species and populations (as defined in subsection 2(1) of the Fisheries Act) within the freshwater environment;” | Specific fish species are of critical importance to the Métis Nation of Ontario Region 3. Where present, these fish should be identified and described to convey that importance. |

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| | 8.8.1 Baseline Conditions, Page 64 (PDF Page 71) | | Suggested text: “...for each potentially affected waterbody or watercourse, provide a detailed description of potentially affected fish species and populations, identifying those of importance to Indigenous groups (as defined in subsection 2(1) of the Fisheries Act) within the freshwater environment;” |
| 32. | 8.8.2 Effects to Fish and Fish Habitat, Page 65 (PDF Page 72) | | The Impact Statement must describe the effects of the Project on fish and fish habitat including the potential effects of the Project on fish of importance to Indigenous Peoples. This must be added to the bulleted list within this Section similar to the bullet within Terrestrial Wildlife and Wildlife Habitat. |
| 33. | 8.8.2 Effects to Fish and Fish Habitat, Page 67 (PDF Page 74) | “...describe tolerance thresholds for potential adverse effects that the Indigenous Peoples have identified for species of cultural significance, and how they were considered in the assessment;” | See Comment #17 |
| 34. | 8.9 Birds, Migratory Birds and their Habitat, Page 69 (PDF Page 76) | “...the following groupings should be considered as unique VCs with rationale provided where groups are not included as unique VCs: <ul style="list-style-type: none"> • waterfowl such as ducks and geese; • land birds, including songbirds; • raptors, such as bald eagles and osprey; • marsh birds including rails; • water birds; • shorebirds; • other land birds; • each bird species of conservation concern as an individual VC, including Canada warbler, common nighthawk, eastern whip-poor-will; olive-sided flycatcher, bobolink, barn swallow, bank swallow, evening grosbeak, rusty blackbird, yellow rail (see also Section 8.11 Species at Risk); • important habitats associated with avian species at risk;” | Specific bird species are of critical importance to the Métis Nation of Ontario Region 3. Where present, these birds should be identified and described to convey that importance. Suggested text: the following groupings should be considered as unique VCs with rationale provided where groups are not included as unique VCs: <ul style="list-style-type: none"> • waterfowl such as ducks and geese; • land birds, including songbirds; • raptors, such as bald eagles and osprey; • marsh birds including rails; • water birds; • shorebirds; • other land birds; • each bird species of conservation concern as an individual VC, including Canada warbler, common nighthawk, eastern whip-poor-will; olive-sided flycatcher, bobolink, barn swallow, bank swallow, evening grosbeak, rusty blackbird, yellow rail (see also Section 8.11 Species at Risk); • each bird species of importance to Indigenous groups as an individual VC; • important habitats associated with avian species at risk; |

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| 35. | 8.9.2 Effects to Birds, Migratory Birds and their Habitats, Page 71 (PDF Page 78) | “...changes to the atmospheric, acoustic, and visual environment (e.g., noise, vibration, lighting, air emissions and dust);” | Birds can be susceptible to sudden noise such as blasting. This Section should be updated to include blasting specifically. Suggested text: “...changes to the atmospheric, acoustic, and visual environment (e.g., noise and vibration [blasting], lighting, air emissions and dust);” |
| 36. | 8.10 Terrestrial Wildlife and Wildlife Habitat 8.10.1 Baseline Conditions, Page 72 (PDF Page 79) | “...describe and map the general biodiversity of terrestrial wildlife species (amphibians, reptiles, mammals) and wildlife habitats that are found or are likely to be found in the study area, based on available information from a desktop analysis supplemented by field data if necessary to build confidence in general conclusions;” | The Metis Nation of Ontario Region 3 can contribute valuable information about biodiversity and wildlife habitats and can be listed as a potential information source. Suggested text: “...describe and map the general biodiversity of terrestrial wildlife species (amphibians, reptiles, mammals) and wildlife habitats that are found or are likely to be found in the study area, based on available information from a desktop analysis supplemented by information from Indigenous groups , field data if necessary to build confidence in general conclusions;” |
| 37. | 8.10.2 Effects to Terrestrial Wildlife and their Habitat, Page 74 (PDF Page 81) | “...describe and take into account the tolerance thresholds for potential adverse effects that Indigenous communities have identified;” | See Comment #17 |
| 38. | 8.10.2 Effects to Terrestrial Wildlife and their Habitat, Page 75 (PDF Page 82) | “...describe how Indigenous groups were consulted to contribute Indigenous Knowledge regarding valued wildlife. Include how concerns were addressed including studies needed to assess potential impacts and develop mitigation strategies as needed.” | Indigenous Knowledge, as noted in Comment #7, is not a data point for extraction and must be collaboratively integrated. Please amend the language within this section to reflect this. Suggested text: “...describe collaboration efforts with Indigenous groups to integrate Indigenous Knowledge regarding valued wildlife. Include how concerns were addressed including studies needed to assess potential impacts and develop mitigation strategies as needed.” |
| 39. | 9.0 Health Conditions 9.1 Baseline Conditions, Page 84 (PDF Page 91) | “...describe how Indigenous Knowledge from relevant communities was used in establishing baseline conditions, including input from diverse subgroups; and” | Indigenous Knowledge, as noted in Comment #7, is not a data point for extraction and must be collaboratively integrated. Please amend the language within this section to reflect this. Suggested text: |

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| | | | “...describe how Indigenous Knowledge from relevant Indigenous groups collaboratively integrated in baseline conditions, including input from diverse subgroups; and” |
| 40. | 9.2 Effects to Human Health, Page 87 (PDF Page 94) | “...describe any potential project effects on the health profile of each Indigenous community and of the urban Indigenous population in general;” | In addition to health profiles of the Métis community as a whole, the proponent should also select representative health receptors who are conservatively estimated to have a higher consumption of country foods to ensure a conservative assessment. |
| 41. | 9.2 Effects to Human Health, Page 87 (PDF Page 94) | “...consider and describe how community knowledge and Indigenous Knowledge was used in assessing human health effects; and” | Indigenous Knowledge, as noted in Comment #7, is not a data point for extraction and must be collaboratively integrated. Please amend the language within this section to reflect this. Suggested text: “... consider and describe how community knowledge and Indigenous Knowledge was collaboratively integrated to assessing human health effects; and” |
| 42. | 9.2.1 Biophysical Determinants of Health, Page 89 (PDF Page 96) | “...document and take into account tolerance thresholds for potential adverse effects on health identified by Indigenous Peoples;” | See Comment #17 |
| 43. | 9.2.1 Biophysical Determinants of Health, Page 89 (PDF Page 96) | “...identify possibilities of avoidance of certain country food sources or drinking or recreational water sources by the Indigenous Peoples due to the perception of contamination; and” | Please note that the consideration of perception of contamination and how this may contribute to increased avoidance behaviors by Indigenous Peoples is considered within this section. This methodology and requirement should be applied to relevant biophysical components to identify where negative perceptions may contribute to increased avoidance of the Project Area itself and surrounding locales. |
| 44. | 9.2.2 Determinants of Health, Page 90 (PDF Page 97) | “...describe how potential avoidance of land near project components by Indigenous Peoples due to perceived changes in environmental quality and tranquillity was considered in assessing potential effects on the diet and health of Indigenous Peoples;” | See Comment #43 |
| 45. | 9.2.2 Determinants of Health, Page 90 (PDF Page 97) | “...document and take into account tolerance thresholds for potential adverse effects identified by Indigenous Peoples; and” | See Comment #17 |
| 46. | 10. Social Conditions 10.1 Baseline Conditions, Page 92 (PDF Page 99) | “...describe how Indigenous Knowledge was used in establishing baseline conditions, including input from diverse subgroups within Indigenous communities; and” | Indigenous Knowledge, as noted in Comment #7, is not a data point for extraction and must be collaboratively integrated. Please amend the language within this section to reflect this. Suggested text: |

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| | | | <p>“...describe how Indigenous Knowledge collaboratively integrated in establishing baseline conditions, including input from diverse subgroups within Indigenous communities; and”</p> |
| 47. | 10.2.1 Effects to Community Well-Being, Page 94 (PDF Page 101) | “...document and take into account tolerance thresholds for potential adverse effects identified by Indigenous Peoples;” | See Comment #17 |
| 48. | 10.2.1 Effects to Community Well-Being, Page 94 (PDF Page 101) | “...describe how Indigenous Knowledge was used in assessing community well-being;” | <p>Indigenous Knowledge, as noted in Comment #7, is not a data point for extraction and must be collaboratively integrated. Please amend the language within this section to reflect this.</p> <p>Suggested text:</p> <p>“...describe how Indigenous Knowledge was collaboratively integrated to assessing community well-being;”</p> |
| 49. | 12.0 Indigenous Peoples, Page 101 (PDF Page 108) | “The Impact Statement must provide information on how the Project may affect Indigenous Peoples, as informed by the Indigenous communities involved in the assessment.” | <p>There is a Duty to Consult Indigenous groups on how the potential decision related to this Project may adversely impact their rights. The language within this section must be strengthened to reflect this Duty.</p> <p>Suggested text:</p> <p>“The Impact Statement must provide information on how the Project may impact the rights of Indigenous Peoples, as informed by the Indigenous communities involved in the assessment.”</p> |
| 50. | 12.0 Indigenous Peoples, All | All | Indigenous Knowledge, as noted in Comment #7, is not a data point for extraction and must be collaboratively integrated. Please amend the language within this section to reflect this using examples throughout this table. |
| 51. | 12.0 Indigenous Peoples, Page 101 (PDF Page 108) | “Indigenous VCs may be holistic in nature and may encompass the effects on a number of individual environmental, health, social or economic value components. Where holistic VCs are identified, the proponent must combine the analysis of individual VCs into an assessment of the holistic VCs identified by Indigenous communities.” | In addition to the Indigenous VC’s being holistic and covering off various aspects of effects under federal jurisdiction, Indigenous VC’s proposed by the Métis Nation of Ontario Region 3 may also cover aspects of their Section 35 rights. In this case, the proponent must work with the MNO Region 3 to discuss the baseline requirements, effects assessment requirements and mitigation requirements for those proposed VCs. |
| 52. | 12.0 Indigenous Peoples, Page 101 (PDF Page 108) | “In order to facilitate the participation of each Indigenous community in the development of the Impact Statement, the proponent is required to work with each Indigenous community | The referenced “mutually agreeable approach” with the Métis Nation of Ontario Region 3 must also include sufficient capacity to facilitate MNO Region 3 involvement. This is |

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| | | identified ³¹ in section 4 of the Indigenous Engagement and Partnership Plan to establish a mutually agreeable approach to their participation, should they wish to participate. Section 6 of the Guidelines provides direction to the proponent on the engagement requirements for the Indigenous communities identified in section 4.1 and section 4.2 of the Indigenous Engagement and Partnership Plan.” | particularly relevant in relation to the requirement for ongoing review of information related to the Métis Nation of Ontario Region 3 prior to submission as well as in the drafting of Impact Statement sections relevant to the MNO. |
| 53. | 12.4 Rights of Indigenous Peoples 12.4.1 Baseline Conditions, Page 109 (PDF Page 116) | “The information related to the rights of Indigenous Peoples may include, but is not limited to:...” | While it is noted that the listing in this section “includes, but is not limited to...” the information displayed, the items listed here are predominately related to harvesting rights rather than other Indigenous rights. The Métis Nation of Ontario Region 3 reserves the right to identify other Indigenous rights as Indigenous VCs or otherwise. |
| 54. | 12.4.2 Impacts on Rights of Indigenous Peoples, Page 111 (PDF Page 117) | “document the views of potentially affected Indigenous Peoples regarding the severity of impact that the Project could have on their rights and interests; and” | The Impact Assessment Agency of Canada must work with the Métis Nation of Ontario Region 3 to properly contextualize the criteria for severity of impact, including governance, health, and impact inequity as these criteria are not standardized and require MNO Region 3 input. |