

Responses to Questions in Appendix A of O’Chiese (“OCFN”) Letter of November 4, 2022

#	Report/Section	Excerpt	OCFN Comment	Premier Tech’s Response
1	1.0 Introduction (PDF p. 9)	<p>Premier Tech Horticulture (Premier Tech) commissioned Golder Associates Ltd. (Golder) to respond to Premier Tech’s Supplemental Information Requests (SIRs) received from Alberta Environment and Parks (AEP) on May 28, 2019 and September 15, 2021.</p> <p>Ultimately this report will support the Public Lands Act and Water Act Approval required to construct and operation the Project, associated with AEP file numbers SML090026 WA00387959.</p> <p>The original Development Plan and surface material lease (SML) application (Premier Tech 2010) included six harvest sections. The Project has since been updated to be developed in two phases.</p>	<p>This Project is located well within O’Chiese First Nation’s Consultation Area where O’Chiese First Nation has Inherent and Treaty rights, and Natural Resource Transfer Agreement, 1930 (“NRTA”) rights. O’Chiese First Nation has two Indian Reserves (“IRs”) 203 and 203A set aside under the terms of Treaty 6.</p> <p>IR 203 is located approximately 60 km from the Project and IR203A is located approximately 10 km from the Project.</p> <p>It is deeply concerning that O’Chiese First Nation was not made aware of the Project when it was first initiated in 2010, nor was O’Chiese First Nation involved at any stage, including in the development of the Biophysical Report, in 2017.</p> <p>In our meeting with Premier Tech in August 29, 2022 we were given the impression that any work conducted prior to Alberta’s release of its Peat Harvesting Policy in 2016 was not relevant to this application. However, the information contained within this Biophysical Report contradicts this understanding. O’Chiese First Nation has no record of any previous work or reports conducted by Premier Tech including past work of Premier Horticulture Ltd. or AEP supplemental information requests.</p> <p>A. Please provide further rationale for why O’Chiese First Nation was not contacted</p>	<p>We note the concern that OCFN was not made aware of the Project. Premier Tech adhered to Alberta’s consultation policy, guidelines and proponent guide 2019.</p> <p>With regard to question A, the rationale is that Premier Tech adhered to the <i>Government of Alberta’s Guidelines on Consultation with First Nations on Land and Natural Resource Management</i> (2014) and <i>The Government of Alberta’s Guidelines on Consultation with Metis Settlements on Land and Natural Resource Management</i> (2016), as directed by the Aboriginal Consultation Office (“ACO”).</p> <p>Further to the Pre-Consultation Assessment completed by the ACO, Premier Tech began following the guidelines and proponent guide 2019 for a Level 3 consultation with O’Chiese First Nation and other FNs identified by the ACO.</p> <p>With regard to question B, the numbers refer to the current application. The AEP file reference numbers are SML090026 for the Alberta SML process and WA00403446 for the Alberta <i>Water Act</i> process. To obtain the provincial authorization to harvest peat, those two applications need to be completed and approved. It is understood that since the</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
			<p>or engaged on this Project prior to July 5, 2022, including whether directed by the Government of Alberta to do so.</p> <p>B. Please confirm if the AEP file reference numbers refer to Premier Tech's current application or previous lease holdings under Premier Horticulture Ltd.</p>	<p>land use approval and the water licence approval are irrevocably linked, there is no need to have the Water Licence approved prior to making the lease application. Alberta Environment and Protected Areas (AEPA) staff will ensure both applications are reviewed simultaneously and decisions for approval are communicated together (Guide to Surface Materials Lease Information Requirements for Peat Operations, 2017).</p>
2	<p>1.0 Introduction (PDF p. 9)</p> <p>2.1 Site Location and Project Description (PDF p. 10)</p> <p>(PDF p. 14)</p>	<p>Phase 1 of the Project will include the clearing and drainage of approximately 135.9 ha of peatland for horticultural purposes. The total Project footprint of Phase 1, including harvest sections, access roads, harvest roads, sedimentation ponds and drainage ditches is 155.5 ha.</p> <p>The Project footprint for Phase 1 will consist of five harvest sections, six sedimentation ponds, culverts, one yard site, maintenance roads, and access roads.</p> <p>The Project will be developed in five stages over the course of five years, at one stage per year.</p>	<p>The Project proposed by your company will "take up lands" within O'Chiese First Nation's territory. The taking up of lands by this project will convert lands in to lands that are incompatible with the exercise of O'Chiese First Nation's Inherent and Treaty rights and interests.</p> <p>When a Public Lands Act disposition is granted to your company, your company will have priority rights within the boundaries of that disposition. O'Chiese First Nation members will require your permission to access lands within your disposition area and will not have a right of access. This is a negative impact on O'Chiese First Nation's Inherent and Treaty rights and interests, as it reduces the amount of unoccupied Crown land available to O'Chiese First Nation. The Government of Alberta nor Premier Tech has considered whether there is sufficient unoccupied Crown lands compatible with the exercise of O'Chiese rights.</p>	<p>We note the concerns about OCFN access to the Project site.</p> <p>Premier Tech would like to apologize for the lack of clarity but as already mentioned, Premier Tech is committed to working with the AEPA (who administers the Crown land), and existing users of the surrounding Crown land to develop the best approach for managing access to the Project (e.g., Access Management Plan). Premier Tech would prefer to gate the access road to discourage entry by public vehicles but still allow access to the Crown Land for ATVS and snowmobiles, as per the Master Schedule of Standards and Conditions (AEPA and AER 2018).</p> <p>Premier Tech is committed to working together to develop an Access Management Plan that would identify means by which OCFN community</p>

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		<p>The harvest area represents approximately 87% of the Project footprint.</p>	<p>The Biophysical Report does not detail the process for selecting the Project location, or how what criteria was chosen to reflect the consideration of O'Chiese First Nation Inherent and Treaty rights. Nor is there any description of what feedback or input was received from Indigenous Nations including O'Chiese First Nation, or how feedback or input was considered in selecting and refining the Project area.</p> <p>C. Please describe the feedback or input received from Indigenous Nations including O'Chiese First Nation and how this input was considered in selecting and refining the Project area. If none was received, please identify reasons for the absence of comments.</p> <p>D. Please identify how O'Chiese First Nation's Inherent and Treaty rights (including rights to hunt, fish, trap, gather and the associated cultural and ceremonial aspects of these rights) on all unoccupied Crown lands were considered in the determination of the Project area.</p> <p>E. Please confirm if Premier Tech considered minimizing the impacts to the fen ecosystem when it determined the Project location.</p>	<p>members that use the site-specific area could continue to do so in a safe manner at specific times of the year.</p> <p>With regard to questions C and D, the location of the Project was selected as it has desirable peat quality, depth, and volume. It is also, relatively speaking, close to Premier Tech's plant in Olds, AB which reduces transportation travel time and Greenhouse gas emissions.</p> <p>The selection of the Project area was conducted in the early stages prior to any consideration of required approval by the appropriate regulatory bodies. The July 5, 2022, Notification Letter and information Package informed OCFN that a Level 3 extensive consultation with OCFN was required for the Project.</p> <p>The reason for this is that the consultation process started in July 2022.</p> <p>With regard to question E, Premier Tech has considered the impacts to the ecosystem when evaluating its project location. In fact, in Alberta there are several considerations and stringent allocation criteria as described in the "Allocation and Sustainable Management of Peat Resources on Public Land", 2016. One of them, for example, being that a project site must be less than 500 hectares.</p>

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3	2.1 Site Location and Project Description (PDF p. 15)	Premier Tech will use two different methods for peat harvesting: vacuuming and Haku. Vacuums are used to harvest fibrous peat and the Haku method is used to harvest peat that is more humified.	<p>O'Chiese First Nation has historically been, and continues to be, concerned with the lack of protection over the watersheds and wetlands within O'Chiese First Nation territory. Peat harvesting creates deep and permanent scars on the landscape (including biophysical and cultural landscapes) and significantly diminishes the ability for O'Chiese First Nation to live according to the Treaty promises – in accordance with our Natural Laws and with continued ability to exercise our Inherent and Treaty rights.</p> <p>These harvesting practices described in the project proposal require the complete destruction of the wetland, which will take years to re-establish vegetation and thousands of years to re-establish peat, if at all. Peat is an important carbon sink, vital to combat the increased impacts from climate change.</p> <p>If approved, the project would create conditions that do not align with O'Chiese First Nation's Natural Laws pertaining to the exercise of Inherent and Treaty rights. These conditions include:</p> <ul style="list-style-type: none"> ○ Dust ○ Unnatural Noises ○ Unnatural Smells ○ Mechanical/chemical clearing of vegetation ○ Alterations to natural landscapes ○ Pollution or contamination (real and/or perceived) ○ Increased traffic 	<p>We note your concerns regarding the protection of watersheds and wetlands within OCFN territory.</p> <p>The harvesting practices described in the Project do not involve the complete destruction of the wetland. The Surface Materials Lease (SML) application that is managed by AEPA requires a conservation and reclamation plan for progressively reclaiming the site to its original state. Peat projects are also subject to Alberta's <i>Conservation and Reclamation Regulation</i>.</p> <p>While the harvesting of a peat involves creating ditches and using equipment to harvest the peat, the operations are focused on a progressive opening approach of fields over a period of approximately five years and as soon as the harvesting is completed, the given fields are restored and returned to a functional ecosystem. Of note, the peatland is not harvested down to the mineral layer and as such, hydrological functions are not destroyed. The Peat Development and Operations Plan and the Conservation and Reclamation plan, both part of the SML application provide the framework.</p> <p>With regard to questions F and G, it is true that the harvesting of peat releases CO2 as with all activities involving the extraction of minerals. The harvesting of peat enables the creation of</p>

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			<ul style="list-style-type: none"> ○ Increased presence of signs, fences and/or gates ○ Increased access to area for recreational users <p>F. Please confirm if the disturbance of peat releases carbon dioxide back into the atmosphere and if climate change impacts have been assessed and mitigation measures identified to specifically address these impacts.</p> <p>G. Please provide detailed mitigations that are direct and proportionate to the conditions noted above.</p>	<p>substrates that are used to grow food and plants providing food security and well-being to humans. Although no regulatory conditions are required for this type of application, Premier Tech uses science-based best practices developed over the last thirty years and these practices are monitored by a third independent party via the Veriflora® - Responsibly Managed Peatland, Standards. Premier Tech consistently exceeds the minimum regulatory requirements in this regard.</p> <p>That being said, Canada benefits from an inventory of 114 000 000 hectares of peatlands acting as carbon sinks with the whole of the Canadian peat harvesting industry footprint reaching a mere 34 000 hectares or 0,03%, of which more than 7 000 hectares have been restored since the inception of the industry lead restoration initiative.</p> <p>Even more importantly, the Canadian peat harvesting industry is a science-based internationally recognized leader in the development and application of restoration methods to reduce the impacts of harvesting of peatlands.</p> <p>The mitigation measures identified over the years include, but are not limited to, the progressive opening of fields for harvest in small increments to minimize exposed surface areas, the progressive restoration of sections of bogs within the</p>

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				<p>first two to three years following harvest completion on such sections (rather than waiting for the entire harvest site to be harvested), and others designed to address the conditions noted by OCFN. These are all part of the Development and Operations plan.</p>
4	2.1 Site Location and Project Description (PDF p. 15)	All harvesting will stop when wind is blowing over 50 km/h as a dust and air quality control measure.	<p>Potential impacts from dust are of concern to O'Chiese First Nation as high concentrations can potentially impact subsistence vegetation and displace potential harvesters who would otherwise use the area in the exercise of their rights.</p> <p>H. Please confirm what wind measurements have been taken at the proposed Project site during the proposed peat harvesting months?</p> <p>I. From these measurements, how often was the wind above 50 km/hour?</p> <p>J. Please confirm your process for testing wind speed and communicating the shut down process during operations.</p>	<p>We note your concern of the potential impacts from dust.</p> <p>With regard to questions H and I, wind measurements have not been made at the Project location. This is not a standard practice and is not part of a regulatory requirement.</p> <p>Premier Tech has been operating peat harvesting projects across Canada for nearly 100 years including many decades in Alberta and we have not ever found winds to be unmanageable concern. On occasions where we have faced high winds in various parts of the country, we implement site and climate specific measures to safely address the situation.</p> <p>That being said, the safety of Premier Tech's team members is at the highest level of priority, and it comes before anything else. If it's too windy, operations cease.</p> <p>With regard to question J, the wind speed is measured with an anemometer every two hours. The bog lead hand is</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
				<p>in constant communication with the team members through radio channel. Because of this on-site measurement and radio communication, shut down of operations due to wind speed thresholds is immediate.</p>
5	2.1 Site Location and Project Description (PDF p. 15)	<p>The estimated hauling transfer is an estimated 1000 trucks per year. Hauling will occur year-round with the exception of January portion when the facility is shut down for maintenance.</p>	<p>O'Chiese First Nation is concerned about the potential impacts around increased traffic to the area to both O'Chiese First Nation members, as well as wildlife mortality. With increased traffic comes increased safety concerns on the roads and backroads used by members exercising their rights as well as increased dust from travel on gravel roads.</p> <p>K. Please confirm if Premier Tech has done a thorough traffic assessment including mitigating increased risk to O'Chiese First Nation members such as harvesters who may be affected by the increase in trucks in the area, as well as wildlife mortality.</p> <p>L. Please identify how dust from the road will be managed.</p>	<p>We note the concern about the potential impacts around increased traffic.</p> <p>With regard to question K, a high-level traffic assessment was conducted. Traffic volumes along these routes are relatively low and have been generally declining over recent years. Mitigation measures include gating the access road to limit traffic to team members and peat truckers who will be made aware of the risk of collisions, and culverts to allow safe amphibian crossings.</p> <p>With regard to question L, the dust will be managed through watering and speed limits as well as tarping the top of trailers hauling peat from the site. Please refer to Table 3.3-2 of the "21496738_PTH_Clearwater_Bio Report_REV0",</p>
6	Table 2.1-1: Clearwater Project Operational Activities	<p>Stockpiling: Peat will be stockpiled along the harvest roads until processing. Stockpiling and loading will be completed using front-end loaders. Stockpiles are monitored to ensure temperature of the stockpiles</p>	<p>Stockpiled peat is highly combustible. O'Chiese First Nation is deeply concerned about the increased fire risk from the Project, including the potential fueling of forest fires. This region has seen an increasing number of forest fires each summer. With the nearby towns' firefighting services already at capacity</p>	<p>We note your concern about the increased fire risk from the Project.</p> <p>With regard to question M, Premier Tech has several decades of fire protection experience all over Canada and in Alberta. Mitigation measures involve several activities designed to</p>

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		<p>is stable as a result of decomposition from high humidity organic matter coming into contact with oxygen.</p>	<p>to respond to forest fires in the region, the increased risk is significant.</p> <p>M. Please clarify how has this risk been assessed and the mitigation measures proposed to address increased forest fire potential.</p> <p>N. Please confirm if Premier Tech will have fire fighting capabilities on site, including emergency response.</p>	<p>control the risk of and fight potential fires. Mitigation actions include regular maintenance and inspection of equipment and tools, prohibition of smoking on site, and regulations for work generating flame/spark/excessive heat as explained in Appendix F of "21496738_PTH_Clearwater_Bio Report_REV0".</p> <p>Premier Tech will also cooperate with emergency services in the area so they can effectively and efficiently handle emergencies in a timely manner. This is mentioned in Table 3.3-9 on pdf pg 113 of "21496738_PTH_Clearwater_Bio Report_REV0".</p> <p>With regard to question N, though Premier Tech has several decades of fire protection experience and mitigation measures involve a number of activities designed to control the risk of fires fire management always involves bringing all stakeholders (peat harvesting operators, local towns' firefighting departments, etc.) to be prepared and to work together if something happens. Before operations starts, a detailed intervention plan will be developed and implemented.</p> <p>Firefighting supplies on site include a fire water pond, water tanks, pumps, fire extinguishers, shovels, and fireproof cloths/blankets as outlined in Appendix</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
				F of "21496738_PTH_Clearwater_Bio Report_REV0"
7	Table 2.1-1: Clearwater Project Operational Activities	Monitoring: Water quantity and quality monitoring will be conducted throughout the life of the Project.	<p>While monitoring the quantity and quality of water is extremely important, this section does not indicate where water monitoring will take place or how these locations were selected.</p> <p>See Comment #12</p> <p>O. Please describe the feedback or input received from Indigenous Nations including O'Chiese First Nation on water monitoring and how this input was considered in selecting and refining water monitoring locations.</p>	<p>We note the concern about monitoring the quantity and quality of water.</p> <p>While the proposed water monitoring locations are not mentioned in Table 2.1-1, they are provided in Appendix E beginning on pdf pg 182 of "21496738_PTH_Clearwater_Bio Report_REV0". A total of nine spatial points will be monitored. Four will be at the outlet of each sedimentation pond, two will be the reference upstream location, two will be at the receiving point in the creek and a last one downstream location.</p> <p>With regard to question O, the Freedom of Information and Protection of Privacy Act does not allow us to provide feedback regarding other First Nations. Through the Alberta consultation process currently underway, Premier Tech has sought and continues to engage with and seek feedback from Indigenous Nations, including O'Chiese First Nation, to ensure concerns around the development and exercise of rights are addressed. Selection of the locations of these stations is consistent with the requirements of the Guide to Surface Materials Lease Information Requirements for Peat Operations (GOA 2017) and Guide to Water Act Application Requirements for Surface</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
8	2.1.2 Schedule (PDF p. 17)	Table 2.1-2 Project Schedule identifies the Project will span approximately 24 years.	<p>The expected life cycle of the Project will render the site unavailable, unusable and unsuitable for the exercise of rights. This is a generational impact to the area, where reclamation will not be able to account for the loss in use and knowledge transmission.</p> <p>Premier Tech has indicated the application is currently for Phase 1 of the Project, however the lease requested encompasses the area where Phase 2 is expected.</p> <p>If approved, the project will also contribute to the cumulative effects already experienced by O'Chiese First Nation within Treaty 6 and O'Chiese First Nation's territory. The cumulative effects currently experienced by O'Chiese First Nation already significantly diminish Nation members' ability to exercise their Inherent and Treaty rights freely and in accordance with Natural Laws. This has impacted the way-of-life of O'Chiese First Nation members, to which we were promised continuation as part of signing of Treaty 6.</p> <p>P. Please clarify why the lease application is for a larger area than Phase 1 of the Project and why Premier Tech is only applying for Phase 1 at this time.</p> <p>Q. If Phase 2 were to be included, how much longer would the Project persist?</p>	<p>Water Quality Monitoring for Peat Operations in Alberta (GOA 2018a).</p> <p>We note OCFN's concern about cumulative effects.</p> <p>With regard to question P, the area needs to be larger than Phase 1 for buffer purposes, to minimize the potential impacts, and to satisfy the allocation criteria described in the "Allocation and Sustainable Management of Peat Resources on Public Land", 2016 "All peat dispositions must be designed to contain a buffer between the lease boundary and the production fields, including in-situ reclamation material donor sites." Premier Tech is only applying for Phase 1 at this time.</p> <p>Phase 2 will require separate studies, regulatory approvals and will be subject to the completion of another First Nation Consultation process. This work for Phase 2 has not yet been done.</p> <p>With regard to question Q, Premier Tech cannot answer OCFN's question at this time.</p> <p>Phase 2 of the project will require more work and data collection in order to appropriately answer this question. It will be subject to a separate regulatory approval process and a pre-consultation assessment request for consultation.</p>

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9	2.2 Assessment Approach (PDF p. 17-18)	<p>This section describes the approach and methods used to carry out the assessment of environmental effects for the Project. The purpose of this assessment is to determine whether the Project will have a residual effect on the biophysical and socio-economic elements after the application of mitigation measures. Key elements of the assessment approach include:</p> <ul style="list-style-type: none"> - Identifying Valued Components (VCs) - Identifying the range of spatial scope for each VC and temporal boundaries - Identifying Project interactions, mitigations, and plan(s) to mitigate potential environmental effects from the Project due to construction, operation and reclamation - Outlining monitoring programs that may be required 	<p>This Project is located well within O'Chiese First Nation's Consultation Area where O'Chiese First Nation has Inherent and Treaty rights, and Natural Resource Transfer Agreement, 1930 ("NRTA") rights. O'Chiese First Nation has two Indian Reserves ("IRs") 203 and 203A set aside under the terms of Treaty 6.</p> <p>R. Please confirm how Premier Tech sought to engage O'Chiese First Nation in the following:</p> <ul style="list-style-type: none"> o Identification of VCs, including VCs appropriate for assessing impacts to rights. o Identification of the spatial scope appropriate to assess impacts to rights. o Identification of Project interactions, mitigations and plans to mitigate and/or accommodate impacts to rights. o Development of monitoring programs that involve O'Chiese First Nation. 	<p>We acknowledge that OCFN has Treaty rights and reserve lands 203 and 203A.</p> <p>With regard to question R, Premier Tech, through the implementation of the Alberta consultation process currently underway, has sought and continues to engage with and seek feedback from Indigenous Nations, including OCFN, to ensure that concerns around procedures, development, and the exercise of rights are addressed.</p> <p>More specifically, Premier Tech's expectations are that OCFN will provide feedback through the consultation process on the identification of VCs, of the spatial scope and on the Project interactions that are key to consider in the evaluation of the site-specific impacts of the Project on the exercise of Treaty rights.</p> <p>Premier Tech reiterates its request for information on OCFN's exercise of Treaty rights and traditional uses in the proposed peat harvesting area.</p>
10	2.2.1 Spatial Boundaries Table 2.2-1 Study Areas	<p>Social, Cultural and Land Use</p> <p>The Social and Cultural communities are those</p>	<p>The total lease area of 323 ha is equivalent to 603 football fields.</p>	<p>We note the concern about the identification of the LSA or RSA boundaries.</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
	Used in the Environmental Setting and Effects Assessment (PDF p. 18)	<p>communities identified along the transportation corridor likely used for the Project. The land use LSA boundary was defined based on the Terrestrial LSA, which is a contiguous 100 m buffer surrounding the footprint.</p> <p>The RSA boundary was defined based on wildlife considerations and extends 5 km from the footprint.</p>	<p>O'Chiese First Nation was not consulted on the identification of the LSA or RSA boundaries for the Social, Cultural and Land Use VC assessments, which appears to be Premier Tech's closest attempt at a VC to identify any possible impact or Project interaction with Indigenous peoples and their rights.</p> <p>The Inherent and Treaty rights of O'Chiese First Nation are recognized by Treaty No. 6, protected by Section 35 of the Constitution Act, 1982, and guided by Kaa-Ke-Chi-Ko-Moo-Nan or O'Chiese First Nation's Great Binding Law. These protected rights require specific assessment and cannot be considered covered underneath a generic VC of "social, cultural and land use".</p> <p>S. Please provide detailed rationale for how the LSA and RSA spatial parameters were chosen and please confirm how this boundary was influenced by engagement with potentially affected Indigenous Nations; specifically O'Chiese First Nation.</p>	<p>With regard to question S, and part of the SML regulatory application conditions, LSA and RSA bounds were selected to be reasonable to accomplish data collection while still providing the desired information which is "...to capture the potential direct and indirect effects..." in order to develop appropriate mitigation actions in the SML application approval.</p> <p>To meet SML application regulations, LSAs were established to assess direct effects from the operation to local environments and as such the area focuses on and in the immediate vicinity of the Project (e.g., Mud Creek and tributary because drainage into mud creek occurs).</p> <p>To meet SML application regulations, RSA's were established to assess the potential indirect effects of the Project in the broader, regional context. (e.g., where Mud Creek joins Clearwater River since Clearwater receives eventual water from the creek we drain into).</p>
11	2.22 Temporal Boundaries (PDF p. 19)	The temporal boundaries for the assessment encompass the construction, operation, decommissioning and reclamation phases of the Project. The Project will be	See Comment # 8	See Response to Comment # 8

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		constructed in a phased approach...		
12	2.2.3 Valued Components (PDF p. 19)	<p>Aquatic Resources</p> <ul style="list-style-type: none"> - Fish and Fish Habitat <ul style="list-style-type: none"> o Change in habitat quality or quantity o Change in abundance and distribution of fish populations 	<p>The rationale for assessing Aquatic Resources must also include its importance to Indigenous Nations including the treaty right to fish.</p> <p>Fish and fish habitat are integral in supporting O'Chiese First Nation's treaty right to fish and the exercise of this right. Therefore, this should be connected and assessed.</p> <p>Additionally, it has linkages to Indigenous rights through preferred conditions of use and ability to impact Indigenous Nations through perception or avoidance behaviours.</p> <p>O'Chiese First Nation was not consulted to identify important waterbodies and waterways and important fish species or to discuss indicators to appropriately identify impacts to O'Chiese First Nation's right to fish.</p> <p>T. Please identify how these linkages to Indigenous rights, specifically rights held by O'Chiese First Nation were considered</p>	<p>We note the concern about the importance for assessing Aquatic Resources including the Treaty right to fish.</p> <p>With regard to question T, Premier Tech, through the implementation of the Alberta consultation process currently underway, has sought and continues to consult with and seek feedback from Indigenous Nations, including OCFN, to explore and to ensure concerns around the exercise of the right to fish are addressed, and more specifically on the linkages to OCFN Treaty rights.</p>
13	2.2.3 Valued Components (PDF p. 19)	<p>Wildlife</p> <ul style="list-style-type: none"> - Ungulates, Mammals, Raptors, Amphibians, Breeding Birds <ul style="list-style-type: none"> o Change in habitat availability o Change in wildlife movement patterns 	<p>The rationale for assessing Wildlife should have also included its importance to Indigenous Nations including the right to hunt, harvest and trap. Wildlife are integral in supporting O'Chiese First Nation's treaty right to hunt and the exercise of this right. Therefore, it should be connected and assessed.</p>	<p>We note the concern about the importance for assessing Wildlife including the Treaty right to hunt, harvest and trap.</p> <p>With regard to question U, Premier Tech, through the implementation of the Alberta consultation process currently underway, has sought and continues to</p>

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		<ul style="list-style-type: none"> ○ Change in wildlife abundance due to increased mortality risk 	<p>Additionally, it has linkages to Indigenous rights through preferred conditions of use and ability to impact Indigenous Nations through perception or avoidance behaviours.</p> <p>O'Chiese First Nation was not consulted to identify important wildlife species or habitat, or to discuss indicators to appropriately identify impacts to O'Chiese First Nation's right to hunt.</p> <p>U. Please identify how these linkages to Indigenous rights, specifically rights held by O'Chiese First Nation were considered.</p>	<p>consult with and seek feedback from Indigenous Nations, including OCFN, to ensure concerns around the exercise of the right to hunt, harvest and trap are addressed, and more specifically on the linkages to OCFN rights and traditional uses. First Nation consultation adequacy, part of the regulatory approval will require the identification of mitigation measures to address adverse impacts to the exercise of traditional uses.</p>
14	2.2.3 Valued Components (PDF p. 19)	<p>Vegetation and Wetlands - Vegetation Communities and Composition</p> <ul style="list-style-type: none"> ○ Change in area of vegetation (e.g. treed cover, wetlands) important to wildlife ○ Loss or alteration of wetland area and functions ○ Change in area of habitat with potential to support listed plant species ○ Introduction and spread of regulated weed species 	<p>The rationale for assessing Vegetation and Wetlands should have also included its importance to Indigenous Nations as an important cultural landscape that supports O'Chiese First Nation Inherent and Treaty Rights.</p> <p>Wetlands are integral in supporting O'Chiese First Nations way of life and the exercise of their rights. Therefore, it should be connected and assessed.</p> <p>Additionally, it has linkages to Indigenous rights through preferred conditions of use and ability to impact Indigenous Nations through perception or avoidance behaviours.</p> <p>O'Chiese First Nation was not consulted to identify the importance of wetlands or to discuss indicators to appropriately identify impacts to O'Chiese First Nation.</p>	<p>We note the concern about assessing Vegetation and Wetlands including its importance to Indigenous Nations as an important cultural landscape that supports O'Chiese First Nation Treaty rights.</p> <p>With regard to question V, Premier Tech, through the implementation of the Alberta consultation process currently underway, has sought and continues to consult with and seek feedback from Indigenous Nations, including OCFN, to ensure concerns around the exercise of OCFN Treaty rights in reference to the landscape, and more specifically on the linkages to such rights. First Nation consultation adequacy, part of the regulatory approval will require the identification of mitigation measures to address adverse impacts to the exercise of traditional uses.</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
			V. Please identify how these linkages to Indigenous rights specifically rights held by O'Chiese First Nation were considered.	
15	2.2.3 Valued Components (PDF p. 20)	Hydrology - Flow in the receiving Creek <ul style="list-style-type: none"> o Change in flow regimes in the downstream creek (Mud Creek) o Change in channel morphology 	See Comment #12	See Response to Comment # 12 Premier Tech, through the SML application regulations, must evaluate the impact of the proposed peat operation on the hydrological/hydraulic regime of the watershed.
16	2.2.3 Valued Components (PDF p. 20)	Water Quality - Physical, chemical and microbiological characteristics of the water	See Comment #12	See Response to Comment # 12 Premier Tech, through the SML application regulations, must collect sufficient data during the exploration phase to characterize the local hydrology and water quality for the proposed peat operations area and the surrounding areas of impact.
17	2.2.3 Valued Components (PDF p. 20)	Social, Cultural and Land and Resource Use <ul style="list-style-type: none"> - Agriculture - Other Land Use - Hunting, trapping and fishing activities - Visual aesthetics - Water use 	Prior to European contact, and up until the signing of treaties, Indigenous peoples in Canada were part of self-governing nations. Section 35(1) is not limited to Treaty rights and recognizes and affirms "...the existing aboriginal and treaty rights of the aboriginal peoples of Canada..." These existing rights included elements of their society (practices, traditions, and customs) that made them self-governing nations such as their own laws and justice, language rights, governance rights, rights to control membership, education rights, wealth, and health care distribution rights as well as lands and resource rights.	We note OCFN's concern about the identification of VCs. Premier Tech, through the implementation of the Alberta consultation process currently underway, has sought and continues to engage with and seek feedback from Indigenous Nations, including OCFN, to ensure concerns around the identification of the proper VCs and the assessment of the Project impacts to OCFN Treaty rights and traditional uses are addressed.

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
			<p>It is an impoverished view to assume that impacts to rights will be properly captured within a Social, Cultural and Land and Resource Use VC as it presumes the only potential impact would be on hunting, trapping, or fishing "activities".</p> <p>Additional work with O'Chiese First Nation must be undertaken to assess potential impacts to their rights, pathways of impact must be identified at that time which align with the valued components to be assessed based on their interconnectivity with rights. This may include rights not expressed by the exercise of harvesting rights.</p> <p>Indicators listed currently within this VC focus on biophysical effects only. There is no acknowledgement or mention of Indigenous Nations or Indigenous Rights within this VC. Hunting and land use activities are generalized and fail to consider the potential impacts to constitutionally protected Section 35 rights.</p> <p>It is further inappropriate to use biophysical components as a proxy for rights. This approach was struck down in <i>Clyde River (Hamlet) v Petroleum Geo-Services Inc.</i> 2017 SCC 40 at para 45 which states "...the consultative inquiry is not properly into environmental effects per se. Rather, it inquires into the impact on the right. No consideration was given in the NEB's environmental assessment to the source – in a treaty – of the appellants' rights to harvest</p>	<p>Consultation with OCFN is as per Alberta's consultation policy, guidelines and proponent guide.</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
			<p>marine mammals, nor to the impact of the proposed testing on those rights.”</p> <p>Therefore, assessment of rights specifically must be undertaken for this IA.</p> <p>O’Chiese First Nation was not consulted to identify a VC suitable for assessing Project impacts to O’Chiese First Nation Inherent and Treaty rights. This remains outstanding within Premier Tech’s IA.</p>	
18	2.2.3 Valued Components (PDF p. 21)	<p>Infrastructure and Services - Transportation and Traffic - Emergency and Protective Services</p>	<p>O’Chiese First Nation was not consulted to identify potential impacts or concerns relating to increased traffic from the Project, which may also pose additional safety risks on roads frequented by community members.</p>	<p>We note the concern about increased traffic.</p> <p>See Response to Comment #5</p>
19	2.3.2.2 Methods (PDF p. 25)	<p>Prior to the vegetation survey, a preliminary desktop review of plant communities within the LSA was completed using recent aerial imagery and available spatial data...</p> <p>It was not feasible to ground truth the full extent of the wetland because of its large size (i.e., it covers parts of 14 quarter sections) ...</p> <p>Vegetation surveys focused on collecting key information for site classification and mapping. Wetland surveys were also completed on June 9 and 10, 2017.</p>	<p>O’Chiese First Nation is concerned with the position taken by Premier Tech that due to the large size of the project area, a ground assessment was not feasible. This is an important wetland, home to many diverse wildlife and vegetation species. If Premier Tech is not going to conduct a thorough ground truthing exercise, reclamation processes will be deficient as it will not be feasible to reclaim lands to a similar landscape post construction and operation.</p> <p>O’Chiese First Nation is concerned for the use of outdated vegetation assessments conducted in 2017. It is likely that vegetation types and/or locations have changes that should be documented from 2017-2022.</p> <p>W. Please identify the specific date of the “recent the aerial imagery” used.</p>	<p>A ground assessment was carried using plots to verify the digital results. Verification of these digital results means Premier Tech has information on the whole of the wetland without assessing the entire area on the ground.</p> <p>O’Chiese First Nation also raises a concern for the use of vegetation assessments conducted in 2017 saying it is likely that vegetation types and/or locations have changes that should be documented from 2017-2022.</p> <p>There were vegetation assessments done in 2017. However, as mentioned in Section 2.3.2.2 (pdf pg 25) of the Bio-Physical report, the survey was completed on May 28, 2020. As for the</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
				<p>claim of possible change from 2017-2022, Section 2.3.2.3.1 (pdf pg 27) states that the species found in the 2020 survey were consistent with those documented in surveys completed by Stantec (2005, 2006). This consistency between results from 2005/2006 and 2020 provides confidence in the validity of the data.</p> <p>With regard to question W, the photographs were accessed through the Government of Alberta. The most recent aerial photograph was from 2001.</p>
20	2.3.2.3.1 Wetland Plant Communities (PDF p. 27)	Details provided in this section describe land cover and plant types.	X. Please confirm how input from O'Chiese First Nation was sought during plant and land cover surveys. If O'Chiese First Nation was not engaged, please provide rationale.	With regard to question X, Premier Tech initiated the consultation process in early July 2022. Through the implementation of the Alberta consultation process currently underway, Premier Tech sought and continues to consult with and seek feedback from Indigenous Nations, including OCFN, to ensure concerns are noted and reasonably addressed as applicable for topics such as these are addressed.
21	2.3. Fish and Fish Habitat (PDF p. 34)	Mud Creek and an unnamed tributary to Mud Creek flow eastward along the northern boundary of the Project footprint approximately 10 km upstream from where Mud Creek enters the Clearwater River. This location has been identified as within the range	<p>O'Chiese First Nation was not provided capacity to document current use of land and resources in the Project area.</p> <p>Y. Please confirm how input from O'Chiese First Nation was sought during fish and fish habitat assessments. If O'Chiese First Nation was not engaged, please provide rationale.</p>	<p>We note OCFN's concern about capacity funding.</p> <p>Premier Tech does not agree with the statement. Our understanding has been that the Alberta Indigenous Relations Consultation Capacity Program provided necessary funds to support Indigenous participation in consultation</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
		of Bull Trout, which is a species at risk in Alberta.		<p>activities related to resource development and land management activities. Also, that OCFN is at liberty to allocate such funds to cover the costs of project-specific consultations, such as map review or completion of site visits. Nevertheless, Premier Tech is prepared to offer OCFN capacity funding for up to \$35,000 to support OCFN's participation in activities to assess potential site-specific impacts and related mitigation measures.</p> <p>As per Alberta's consultation policy and guidelines, an adequacy of consultation assessment is based on the questions stated in section 3 of the Proponent Guide. With regard to question Y, Premier Tech initiated the consultation process in early July 2022. Fish and fish habitat assessments were conducted prior to 2022. Through the implementation of the Alberta consultation process currently underway, Premier Tech sought and continues to consultation with and seek feedback from Indigenous Nations, including OCFN, to ensure topics such as the fish and fish habitat assessment findings are discussed and concerns explored and consider options to avoid, minimize or mitigate those impacts.</p>
22	Figure 2.3-6 (PDF p. 36)	Map of spring and winter survey sites along the Mud Creek.	Additional fish assessments should be conducted along the Clearwater River to establish a baseline which can then be assessed if the Project is approved and the wetland is destroyed. It is important to	<p>We note the concern about fish assessments.</p> <p>The wetland will not be destroyed but will only be temporarily and partially</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
	2.3.4.2.1 Desktop Review	Bull Trout have been captured in the Clearwater River in close proximity to Mud Creek but have not been documented in Mud Creek.	<p>understand the true scope of impact including if the draining of the wetland has long term impacts on nearby rivers, creeks, and streams in terms of supporting fish or alterations in neighboring fish habitat.</p> <p>Z. As Bull Trout have been identified as a species at risk, please confirm DFO involvement in understanding potential impacts to Bull Trout in the Clearwater River resulting from the draining of the wetland. If DFO is not involved, please provide additional rationale.</p>	<p>impacted. See Premier Tech response #3.</p> <p>With regard to question Z, the federal authority DFO (Department of Fisheries and Oceans Canada) was contacted for a review of the Project in application to the <i>Fisheries Act</i> and the <i>Species at Risk Act</i>. DFO determined that no authorization under the Act was required as compliance with standard procedures will protect fish populations from serious harm.</p> <p>The proponent will follow, and in some cases exceed, all provincial regulatory requirements for the project.</p>
23	2.3.4.2.4 Fish Inventory (PDF p. 41)	Backpack electrofishing was the most successful fishing method.	The use of electrofishing as a tool to capture fish is against O'Chiese Natural Laws, as it may cause unacceptable harm to living fish.	<p>We note your comment about the use of electrofishing.</p> <p>To our knowledge, this method is a best practice used by regulated professionals in Alberta.</p>
24	2.3.5 Wildlife (PDF p. 42)	Land uses in the Lower Foothills Natural Subregion include timber harvesting, open-pit coal mining and oil and gas exploration and development.	<p>There is no mention or acknowledgement of land use, access, or the exercise of Inherent and Treaty rights, which a significant gap in understanding potential impacts to Indigenous Nations, including O'Chiese First Nation.</p> <p>The cumulative effects of resource development within this region leaves remaining undisturbed lands vulnerable. Viable wildlife habitat continues to diminish as does lands available for the exercise of rights.</p>	<p>We note the concern about cumulative effects.</p> <p>With regard to question AA, surveys did not reveal moose licks. Premier Tech, through the implementation of the Alberta consultation process currently underway, has sought and continues to consult with and seek feedback from Indigenous Nations, including OCFN, to ensure OCFN can provide more information in that regard. We invite OCFN to provide location specific information on the presence of any</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
			AA. Community members have identified the potential for moose licks to be present in the project area. Please confirm if surveys revealed moose licks.	moose licks in the proposed peat harvesting area.
25	2.3.5 Wildlife (PDF p. 43)	The majority of information for the desktop review was gathered as follows: <ul style="list-style-type: none"> - A review of the Fish and Wildlife Internet Mapping Tool to identify species of management concern and wildlife management areas in the RSA. 	The Northern Saskatchewan Regional Land Use Plan is incomplete and there are no announced plans by the GOA to complete it. As such, regional land management and appropriate consideration for land use planning and cumulative effects remains outstanding.	We note your comment about land use planning and cumulative effects. This comment seeks information which is best responded to by the Government of Alberta. Premier Tech, as a private proponent, is unable to respond to matters concerning general government policy or operations.
26	2.3.5.1.1 Winter Track (PDF p. 43)	Description of winter track surveys.	Community members have identified this area as currently suitable moose habitat. It is important to note this area will not be suitable for moose, post approval. BB. What is Premier Tech's assessment of wildlife migration patterns that intersect the Project footprint, LSA, and RSA and how these migration patterns will be impacted by the Project?	We note the concern about suitable moose habitat. With regard to question BB, moose have been observed on all our leases including in the buffer zones around the bogs where food is available and on harvesting areas. Based on our experience, the moose population and migration or movements are not affected by peat harvesting operations and they continue to move freely in open sites. The Project involves similar operational activities as in other project sites and hence we can conclude that moose migration and movements will not be affected.
27	2.3.5.1.2 Autonomous Recording Unit Survey (PDF p. 46)	However due to the time being set incorrectly on the ARU at site PTCBA04, these time periods were not recorded.	Faulty surveys results should require additional surveys to be conducted to ensure proper baseline data collection.	We note the comment concerning the surveys. Alberta Government application requirements require that consultants

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
		Amphibian and breeding bird surveys were conducted at the closest available times given the faulty recording schedule; amphibian surveys were conducted between 0200h and 0300h and breeding bird surveys between 0400h and 0500 at this site as a result. Additionally, one ARU failed to record during the nocturnal survey period.	This lack of data should not be considered acceptable within the Biophysical Report.	undertaking these studies must be experts in the field under study. Our consultants have determined that despite some unavailable data, conclusions were nevertheless acceptable. Likewise, initial comments provided by government experts suggest that the survey results are acceptable. Based on the above noted regulatory requirements, no additional surveys have been required at this stage.
28	2.3.5.2.1 (Winter Track) (PDF p. 47)	Human use was noted on transect 8, which intersects both Phase 1 and Phase 2.	CC. Please provide additional details on the human use detected.	With regard to question CC, the information Premier Tech received from its consultants, is that human use would likely have been associated with snowmobile tracks.
29	2.3.7 Hydrology (PDF p. 52) 2.3.7.2 Hydrology of the Peatland and Water Balance (PDF p. 53)	Premier Tech previous submitted a Water Act application to AEP in 2010. The documents provided with the application include the surface water runoff charts and a hydrological assessment of effects of the Project Drainage. Climate The Lower Foothills Subregion, where the Project is located, is characterized by a cooler and moist growing	In O'Chiese First Nation's discussion with Premier Tech – Premier Tech had noted the Project assessment was re-started following the Government of Alberta's Peat Harvesting policy in 2016. It is unclear how or why Premier Tech is able to rely on a study conducted in 2010 and studies conducted in 2013. Updated hydrology assessments should be required for these studies. <u>This comment stands for all outdated sources and studies.</u> Outdated sources such as this should not be relied upon for climate descriptions as we have seen changes to the regional climate and weather systems due to impacts from climate change that must be assessed.	We note the comment about sources and studies. With regard to comment #29, Premier Tech followed the <i>Water Act</i> (WA) approval process, managed by Alberta Environment and Parks. Comprehensive hydrology data was collected in the 2010 and 2013 studies. The underlying parameters that provided the conclusions in the IA have remained unchanged for the purpose of the studies. With regard to question DD, data was collected during the development of the Biophysical Report in 2022. Proponent

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
		season when compared to the boreal forest (Natural Regions Committee 2006).	DD. Please confirm how data was collected for Table 2.3-15 Summary of Climate Information for the Project Site as well as the date the data was collected.	is following the regulatory requirements determined by the regulators.
30	2.3.8.2 Proposed Water Quality Monitoring (PDF p. 60)	Water quality monitoring is proposed to be completed during spring freshet, mid summer, and fall during seasonal low flow conditions at two reference stations and three receiving water stations in Mud Creek, and three sedimentation pod stations. Annual reports will also be prepared that include relevant annual statistical summaries of water quality data.	See Comment # 7 At a minimum, O'Chiese First Nation requires involvement in water quality monitoring activities and requires access to all monitoring reports.	See Response to Comment # 7 The suggestions from OCFN relative to its involvement are noted and shall be part of the discussions in the Alberta consultation process currently underway aimed at engaging with Indigenous Nations, including OCFN.
31	2.3.9 Social, Cultural and Land Use (PDF p. 61)	A desktop review was conducted to collect baseline information for the Social and Cultural Study Area.	See Comment # 1 EE. Please explain why a desktop review of potentially impacted Indigenous Nations was not conducted as part of Premier Tech's assessment.	With regard to the reference to Comment #1 and to question EE, see Response to Comment # 1 and more specifically to question A.
32	2.3.9.2 Results Social and Cultural Setting (PDF p. 61)	Table 2.3-17: Population Data for the Socio-Economic Study Area Communities	See Comment # 1 and # 31 O'Chiese First Nation is deeply concerned that it is not listed as a community within Table 2.3-17, however "Sunchild Cree Indian Reserve #202" is mentioned within the table. O'Chiese First Nation IR 203A is approximately 10 km from the Project. Premier Tech has essentially erased O'Chiese First Nation from their own territory. FF. Please explain why O'Chiese First Nation, a conjoined Indian Reserve with	We note the concern about the exclusion of OCFN from Table 2.3-17 and apologize for our mistake. With regard to Comments #1 and 31, see Response to Comment # 1 more specifically to question A. With regard to question FF, this was an oversight and a mistake on our part and we thank OCFN for bringing it our attention. Consultation with OCFN is

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
			Sunchild First Nation, is not listed within the Table.	underway and will continue despite this omission from Table 2.3-17.
33	Land Use, Non-Renewable Resource Use and Agriculture (PDF p. 61-62)	<p>The Project is located entirely within Crown Land and within the White Area of Alberta.</p> <p>The LSA overlaps with one discontinued High Press Pipeline and a few oil and gas facilities.</p> <p>A review of satellite imagery indicated that the southern portion of the project (the access road), overlaps with agricultural land.</p>	<p>The Project proposed by your company will take up lands within O'Chiese First Nation's territory. The taking up of lands by this project will convert lands in to lands that are incompatible with the exercise of O'Chiese First Nation's Inherent and Treaty rights and interests.</p> <p>When a <i>Public Lands Act</i> disposition is granted to your company, your company will have priority rights within the boundaries of that disposition. O'Chiese First Nation members will require your permission to access lands within your disposition area. This is an impact on O'Chiese First Nation's Inherent and Treaty rights and interests.</p> <p>GG. Please confirm the percent of land that overlaps with the High Press Pipeline and oil and gas facilities.</p> <p>HH. Please confirm the percent of land that overlaps with agricultural land.</p>	<p>We note the concern about land access and its impact on OCFN Inherent and Treaty rights.</p> <p>With regard to question GG, there is no overlap since the reference is to discontinued operations.</p> <p>With regard to question HH, there is no agricultural land within the lease, but the lands subject to the proposed lease are 100% zoned as Agriculture¹.</p>
34	Hunting, Trapping and Fishing (PDF p. 62)	Details of hunting and trapping seasons.	II. Please confirm how engagement with Indigenous Nations, including O'Chiese First Nation supported Premier Tech's baseline data collection for hunting, trapping, and fishing.	With regard to question II, Premier Tech, through the implementation of the Alberta consultation process currently underway, has sought and continues to engage with and seek feedback from Indigenous Nations, including OCFN, to ensure baseline data collection for

¹ <https://www.clearwatercounty.ca/Home/DownloadDocument?docId=18c6887c-ca89-4e91-a3a4-422de10c8ccd>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
				hunting, trapping, and fishing are addressed.
35	Consultation (PDF p. 64)	Consultation for the Project has been ongoing since November 2010.	<p>O'Chiese First Nation disagrees with this statement, as it is incorrect. There is no mention of O'Chiese First Nation in the Biophysical Report. O'Chiese First Nation was only contacted about this project on July 5, 2022.</p> <p>Due to the significant amount of time that has past since Premier Tech's initial application it is unacceptable that public notices submitted in 2010 would have any merit in the Project application process today.</p>	<p>We note OCFN's comment about consultation.</p> <p>As part of the consultation requirements of the SML application process, Premier was first directed by the ACO to consult with First nations, including OCFN, in early 2022.</p> <p>Comments received pursuant to the 2010 public notices and then and those received during the more recent 2018 Public notices have been addressed and have satisfied the appropriate authorities to have Premier Tech pursue the First Nation consultation process and to follow Project application guidelines.</p>
36	Consultation (PDF p. 65)	Premier Tech is committed to engaging with First Nations and Indigenous consultation is in the early planning stages.	<p>See Comment #35</p> <p>Premier Tech has refused to provide capacity to support any form of meaningful consultation or engagement and has not sought to involve Indigenous Nations including O'Chiese First Nation early in the Project. If this were true, O'Chiese First Nation would have been involved when Premier Tech first expressed interest in the Project in 2010.</p> <p>Premier Tech has imposed unreasonable deadlines on O'Chiese First Nation to identify impacts from the Project since first notifying</p>	<p>See Response to Comment # 35 Premier Tech has never refused to provide capacity funding.</p> <p>Our understanding has been that the Alberta Indigenous Consultation Capacity Program provided necessary funds to support Indigenous participation in consultation activities related to resource development and land management activities. Also, that OCFN is at liberty to allocate such funds to cover the costs of project-specific consultations, such as map review or completion of site visits. Nevertheless,</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
			<p>O'Chiese First Nation about the Project in July 5, 2022 at their own expense. This is not procedural fairness, and if not addressed, will not support upholding the Honour of the Crown.</p>	<p>Premier Tech is prepared to offer OCFN capacity funding for up to \$35,000 to support OCFN's participation in activities to assess potential site-specific impacts and related mitigation measures.</p> <p>Premier again requests that OCFN identify site-specific concerns about how the Project may adversely impact OCFN's exercise of its Treaty Rights and traditional uses and provide the location of where these Treaty Rights are exercised with reference to the Project footprint. The Government of Alberta's Policy on Consultation, 2013, invites First Nations to identify the geographic areas on which they have historically exercised Treaty Rights and continue to do so in order to determine the probability of impacts that may arise from Project i.</p> <p>Premier Tech agrees with the recommendation initially made by OCFN in August 2022 conduct community consultation interviews and, potentially, a field visit in order to identify potential impacts.</p> <p>Premier Tech has been and will remain flexible with respect to the deadlines set out in the Government of Alberta's Guidelines on Consultation with First Nations on Land and Natural Resource Management (2014). The Proponent</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
				<p>Guide notes that timelines for completing the consultation process will be driven by the circumstances arising within each case. While consultation should be completed within the timelines noted, there may be cases where more time is required to complete a reasonable consultation process. (Figure 4: Level 3: Extensive Consultation Timelines), as directed by Aboriginal Consultation Office ("ACO").</p>
37	3.0 Peat Development and Operations Plan (PDF p. 65)	<p>Premier Tech completed initial peat exploration work in 2008.</p> <p>Premier Tech completed supplemental exploratory work in 2017.</p> <p>Golder completed additional soil surveys in 2020 and 2021.</p>	See Comment #1, #35, #36	See Response to Comments # 1, # 35, # 36.
38	Detailed Description of the Peatland Profile (PDF p. 65)	<p>The Clearwater Project fen is approximately 7.5 km in length and 2.5 km in width... The entire fen is approximately 1,100 ha based on visual boundaries using satellite imagery.</p>	<p>O'Chiese First Nation is not only concerned by the impacts to O'Chiese First Nation's Inherent and Treaty rights resulting from the land that will be both taken up and disturbed, but O'Chiese First Nation is equally concerned for the generational impacts that will persist from the extraction of harvestable peat below the surface. This peat will be forever destroyed. The harvestable peat volumes list 3,899,560m³ of peat that will be removed, which will be unreclaimable. A loss to O'Chiese First Nation as well as a loss to combatting climate change impacts.</p>	<p>We note the comment about peat removal.</p> <p>With regard to comment # 38, Premier Tech agrees that harvesting a natural resource such as peat will have a direct effect on the harvest area. These effects (removal of vegetation, lowering of the surface water table) will last during the peat harvest operations, but will be remediated once the operation ceases, through the reintroduction of peatland vegetation and restoration of the water levels. Research focused on</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
				<p>the neighboring effects of the peat operations on hydrology have shown that the impacts were limited to a few meters from the perimeter ditches (4-15 meters). We will mitigate our impacts through progressive opening and restoration of the harvest fields, including pristine buffer areas around the operations to preserve equivalent land capability. These operations will follow our conservation and reclamation plans providing for environmental conditions that will resume peat accumulation and a functional peatland ecosystem within 15 years following restoration. Peat projects are also subject to Alberta's <i>Conservation and Reclamation Regulation</i>.</p>
39	Assessment of the Extractable Peat Resource (PDF p. 66)	<p>Table 3.1-1 Peat Volume Estimate</p> <p>Total Volume of peat (initial) m³: 3,899,560 Total Volume of (Harvestable) m³: 1,797,856</p>	See Comment # 38	<p>See Response # 38</p> <p>The Project operations will follow our conservation and reclamation plans, under SML, providing for environmental conditions that will resume peat accumulation and a functional peatland ecosystem within 15 years following restoration. Peat projects are also subject to Alberta's <i>Conservation and Reclamation Regulation</i>.</p>
40	3.2.3 Water Management Systems and Monitoring Plan (PDF p. 67)	Specific requirements for the sedimentation pond design are not provided in both Guide to Surface Materials Lease Information Requirements for Peat	Given the variation between Alberta's and New Brunswick's landscape and climate, it is inappropriate that sedimentation ponds and other project design components are not being developed specific to the Alberta	<p>We note the comment about the use of guidelines applicable to New-Brunswick operations.</p> <p>Premier Tech has been operating peat harvesting projects across Canada for</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
		Operations (GOA 2017) and Requirements for Conservation and Reclamation Plans for Peat Operations (GOA 2016). Hence, the sedimentation pond design specifications are based on the Guidelines for Peat Mining Operations in New Brunswick...	context, including landscape, climate, and Historic Treaties, including Treaty #6. New Brunswick is presumably wetter than Alberta, so overall its peatlands would be less vulnerable to climate change tipping points than Alberta's. As we know, the past is not an indication for future climate and water conditions it would be important to ensure the specific project designs are taking the local context into consideration.	nearly 100 years including many decades in Alberta and, while climate and water conditions are not exactly the same the New-Brunswick guidelines are suitable in this instance. Notwithstanding, Premier Tech must also follow the Alberta regulators' requirements as per the <i>Water Act</i> . For example, water quality data will be compared to relevant Alberta guidelines for the protection of aquatic life from the most recently published Environmental Quality Guidelines for Alberta Surface Waters.
41	3.2.3 Water Management Systems and Monitoring Plan (PDF p. 67)	Depending on local conditions, two methods are available to minimize the risk of discharging excessive quantities of peat particles in the environment.	<p>II. What is the risk of discharging excessive quantities of peat particles in the environment?</p> <p>JJ. Please describe the term "excessive".</p> <p>KK. How would success of the sedimentation ponds be determined/monitored/ reported?</p> <p>LL. What considerations are given to selecting the location of the sedimentation pond?</p> <p>MM. What is the risk of a sedimentation pond overflow in a heavy rainfall?</p>	<p>With regard to questions II (the second one) to MM, responses are as follows:</p> <p>II. The risk of discharging excessive quantities of peat is minimal as the Project will use the overland flow method with a 100 m buffer, as part of the Development and Operations Plan under the SML.</p> <p>JJ. Appendix E outlines the Proposed Surface Water Monitoring Plan. The threshold of 50 mg/L is not a regulatory requirements bus is based on Alberta Environmental Quality Guidelines for Alberta Surface Waters, 2018. "Excessive" means more than 10% of background levels during high flow.</p> <p>KK. TSS or turbidity will be continuously monitored and used as an indicator of sedimentation performance as</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
				<p>explained in paragraph 3 of Section 2.3.8.2 of "21496738_PTH_Clearwater_Bio Report_REV0" (pdf pg 60).</p> <p>LL. Sedimentation ponds need to be at the end of the drainage system along the direction of flow. They also are placed outside the 100m buffer from Mud Creek (i.e., further from the creek). The ponds should also be reasonably accessible to the machinery used to maintain them for proper functioning as well as to water testing personnel. This accessibility includes a shorter distance from the footprint which in turn also reduces the overall land taken up. The water quality monitoring plan under the <i>Water Act</i> will confirm meeting discharge water quality standards.</p> <p>MM. With the overland flow method used for the project, the risk is minimal. If the overflow of a sedimentation pond occurs, the result would be overland flow. If there is enough precipitation to cause the overland flow to reach outflow locations, the act of overland flow itself would perform the removal of TSS before reaching the receiving water body.</p>
42	Rates of Discharge (PDF p. 70)	Discharge of water will be required during construction and operations.	NN. Please confirm what type of barrier is placed between the project and the remainder of the wetland to ensure no unnecessary drainage of wetlands outside the Project footprint?	With regard to question NN, no barrier is used. The water table rebalances itself within some distance from the ditches. However, the distance varies greatly in the research (PERG's <i>The Drainage of Peatlands</i> , 2012 study cites

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
				studies that claim ranges from 30-200m for the upper sections of peat and 10-60m for the deeper sections of peat). For the Project, it is important to remember that a buffer of 100 m from the creek will be untouched for the duration of the Project and will be a condition of approval.
43	Water Quality Changes (PDF p. 71)	If annual reporting of temperature data indicates that the Project may be causing temperature changes in Mud Creek at the proposed monitored stations downstream of the Project, Premier Tech will develop and include the following in an updated surface monitoring program.	<p>It is concerning to see a water temperature reporting structure based on an annual cycle. If impacts are detected within the annual report, the impacts could be substantial by the time any action is taken to mitigate the impact. Wording such as "Project may be causing temperature change" in this section is additionally of concern. Premier Tech appears to be taking a very noncommittal approach to real time monitoring and reporting, and additionally has not provided us with confidence that appropriate action will be taken in a timely manner to eliminate, reduce or control temperature changes.</p> <p>OO. Please confirm the monitoring and mitigation plans Premier Tech has in place for ensuring in-stream temperature thresholds are not reached, and/or what actions will be put in place if thresholds are exceeded.</p>	<p>We note the concern about water temperature.</p> <p>With regard to question OO, temperature measurements in Mud Creek both upstream and downstream of outlet will be taken hourly. As described in Appendix E of "21496738_PTH_Clearwater_Bio Report_REV0" (pdf pg 188), if continuous temperature data indicate that the Project may be causing temperature changes in Mud Creek, Premier Tech will develop in-stream temperature thresholds to protect aquatic biota in Mud Creek and potential responses to mitigate thermal effects from the Project if thresholds are exceeded.</p>
44	Closure and Drainage Plan (PDF p. 72)	<p>The proposed closure plan is to reclaim the Project site to a state where it will look and function like a natural peatland.</p> <p>The site will be reclaimed using techniques stated in the</p>	<p>See Comment # 38</p> <p>The use of an outdated study on reclamation techniques from 2003 is unacceptable. New research must be utilized in reclamation and wetland reconstruction. This is deficient.</p>	<p>See Response to Comment # 38</p> <p>With regard to the comment on the 2003 study and restoration success, this part of the guide has been updated since 2003 and that the authors regularly confirm with the users of the guide that it is up to date. The methods</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
		Peatland Restoration Guide (2 nd Edition by Quilty and Rochefort 2003)		in this guide have resulted in significant success. The restoration techniques in the guide have been showcased internationally. This guide is a reference guide in the "Requirements for Conservation and Reclamation Plans for Peat Operations in Alberta", 2016.
45	Closure and Drainage Plan (PDF p. 73)	The main target plan community after donor material reintroduction is a wooded coniferous fen.	<p>PP. How does Premier Tech ensure similar diversity to the fen types to the original landscape that has been destroyed?</p> <p>QQ. Where does the donor material come from?</p>	<p>With regard to questions PP and QQ, Premier Tech has identified 16 ha to meet the 15.2 ha requirement for donor material (pdf pg 73 in "21496738_PTH_Clearwater_Bio Report_REV0")</p> <p>For the Project, donor material would come from the North and West side of the Project footprint within the lease boundary. Refer to Figure 3.2-4 in "21496738_PTH_Clearwater_Bio Report_REV0" (pdf pg 77) for the proposed collection areas.</p>
46	3.2.4 Fire Protection and Suppression during Operations (PDF p. 78)	Peat dust suspended in the air represents a risk of fire at the Project site.	See Comment #6	See response to Comment # 6).
47	3.2.5 Dust and Air Quality Management (PDF p. 78)	A treed buffer zone of 40 m around the lease will help provide a natural wind break.	<p>RR. Please confirm if this treed buffer zone already exists or if it will need to be constructed?</p> <p>SS. Please identify if this buffer is within the requested lease/disposition area.</p>	<p>With regard to question RR, natural tree buffer zones already exist.</p> <p>With regard to question SS, the buffer zone is within the SML.</p>
48	3.2.5 3.2.5 Dust and Air Quality	Harvest fields and ditches will be oriented at right angle to prevailing winds.	TT. Please confirm the direction of prevailing winds and how far dust /	With regard to question TT, the prevailing winds are from the south-west. These are the "Westerlies" and

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
	Management (PDF p. 78)		particulate matter can travel outside of the Project footprint.	range from 30-60 degrees of latitude (i.e., from within the US to the Arctic circle).
49	Hazardous Waste Management and Spill Treatment	Accidental spills or leaks of hydrocarbons (e.g., gasoline, diesel fuel, oil, and lubricants) could occur during equipment operation, maintenance, fuelling, or fuel storage during construction and operation.	UU. Given the porous nature of peat compared to compacted soil, what is the risk for further contamination into the water table from a spill or leak?	With regard to question UU, the risk is minimal as peat is an absorbent. In the event of a spill, the dispersion will be very slow and as described in Table 3.3-1, an appropriate soil remediation program will be implemented that addresses site-specific conditions (e.g., soil type, chemical properties of the spill material).
50	3.2.7 Additional Operation Items Weed Management (PDF p. 78)	Weed monitoring will be carried out, and weeds within 200m of the peat fields will be managed manually, mechanically, and with herbicide application if needed.	The application of herbicides within 200 m of the peat fields is unacceptable as it has the potential to contaminate the ground and nearby plants including medicines and berries that are important to O'Chiese First Nation. VV. Please identify alternatives to chemical application methods.	We note the concern about the use of herbicides. With regard to question VV, Premier Tech agrees with the comment. For the Project, manual or mechanical means to remove/control weeds are the methods used. Herbicide will only be used if the regulations in place forces us to do so.
51	3.3.1 Fish and Fish Habitat (PDF p. 79)	Effects to fish and fish habitat were assessed for the duration of construction and operation of the Project. Overall, residual effects to fish and fish habitat are predicted to be negligible due to the implementation of mitigation measures. Therefore, taking into account the limited habitat for Bull Trout in Mud Creek and the unmade tributary, the mitigation measures, and the	O'Chiese First Nation is not confident that Premier Tech properly assessed the potential for the drainage in the wetland as well as reduced flow from Mud Creek to impact the Clearwater River, which is home to Bull Trout. Downstream effects need to be properly understood before such a conclusion can be made about the Projects' potential to impact Bull Trout. All fish and fish habitat are important to O'Chiese First Nation and a requirement to offset impacts from the project to fish and fish habitat as well as the wetland should be required prior to approval to ensure no net	We note the concern about consultation and further studies. The underlying conditions measured in the study clearly indicate that the habitat conditions in Mud Creek are not likely to support Bull Trout spawning and incubation. Further study and habitat compensation plans are therefore unnecessary. Nevertheless, Premier Tech, through the implementation of the Alberta consultation process currently underway, has sought and continues to engage with and seek feedback from

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
		fish and fish assessment results, no short or long term residual effects on Bull Trout and Bull Trout habitat in the vicinity of the Project are predicted as a result of the Project works.	<p>loss of fish or fish habitat occurs within this region.</p> <p>OCFN requires in depth consultation on any conditions of approval related to Fish and Fish Habitat compensation plans that may be required as O'Chiese First Nation has established rights to fish in the Project area under Treaty No. 6</p>	Indigenous Nations, including OCFN, to ensure concerns around the exercise of the right to fish are addressed. A Level 3 extensive consultation process is underway with OCFN for this project.
52	Table 3.3-1 Potential Effects, Mitigation and Predicted Residual Effects for Fish and Fish Habitat (PDF p. 80-83)	<p>Predicted Residual Effects</p> <ul style="list-style-type: none"> - Effects to flow regimes, channel morphology, and water quality are anticipated to be negligible if the proposed mitigation are implemented; as a result, effects on fish and fish habitat are also anticipated to be negligible. - Effects on fish health and populations are expected to be negligible if proper decontamination procedure is implemented. 	<p>Mitigation measures identified within Table 3.3-1 are problematic.</p> <p>If approved, the project will contribute to the cumulative effects already experienced by O'Chiese First Nation within Treaty 6 and O'Chiese First Nation's territory. The cumulative effects currently experienced by O'Chiese First Nation already significantly diminish Nation members' ability to exercise their Inherent and Treaty rights freely and in accordance with Natural Laws. This has impacted the way-of-life of O'Chiese First Nation members, to which we were promised continuation as part of signing of Treaty 6.</p> <p>Mitigation measures contemplated by Premier Tech focus on biophysical effects and rather fail to consider impacts to O'Chiese First Nation Inherent and Treaty rights.</p> <p>If the Project were approved the amount of human footprint within with Project area would increase. This increase in disturbance will result in a decrease in the required conditions that will support the exercise of</p>	<p>We note the comment about cumulative effects.</p> <p>Premier Tech through the implementation of the Alberta consultation process currently underway, has sought and continues to engage with and seek feedback from Indigenous Nations, including OCFN, to ensure concerns around cumulative effects are addressed to the extent reasonably possible within a single project application. As a private proponent we are not able to answer questions about cumulative effects management on the broader landscape and leave that to provincial officials to address with OCFN.</p> <p>Premier Tech will comply with all applicable regulatory requirements, guidelines and standards, as well as any conditions in the approvals. Findings from Alberta Culture pursuant to the Historical <i>Resources Act</i> or other sources will also be considered by Premier Tech and regulators. Presently,</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
			<p>O'Chiese First Nation Inherent and Treaty rights.</p> <p>O'Chiese First Nation Proposed Mitigation/Accommodation:</p> <ul style="list-style-type: none"> • Compensate for the taking up of unoccupied Crown land and new disturbance caused by the Project. • Compensate for the area of avoidance as a result of the Project. • Identification and avoidance of all culturally sensitive sites, including gravesites. • O'Chiese First Nation requests Premier Tech's support in ensuring a field visit and appropriate Elder and member communication occurs to identify and verify culturally sensitive sites including gravesites prior to approval of the Project. • Offset hectares of disturbance and lands taken up from the Project to ensure no net loss of land use and access by a ratio of 3:1. Lands must be equivalent unoccupied Crown land suitable for the exercise of rights by O'Chiese First Nation. 	<p>the applicable regulations do not contemplate compensation or off-sets be provided by private sector proponents in these circumstances.</p> <p>Premier is open to supporting a field visit and appropriate Elder and member communication to identify and verify culturally sensitive sites including gravesites prior to approval of the Project.</p>
53	3.3.2 Wildlife (PDF p. 84)	Effects to wildlife were assessed for the duration of construction and operation of the Project. Western toads appear to be common breeders in the LSA based on ARU data collected in 2020. The Project is predicted to remove 155.5 ha of potentially suitable habitat for	The assessment of adaptability and resilience limits for the western toad appear to be well understood by Premier Tech. A similar assessment for the adaptability and resilience limits to the exercise of rights could be undertaken to discuss the effects of removing 155.5 ha of land suitable for the exercise of rights.	<p>We note the concern about resilience.</p> <p>The understanding of the adaptability and resilience of the Western toad is based on the understanding of the biology of this amphibian. The combination of the Project's creation of additional breeding habitats and the amphibian's high mobility will limit any negative effects.</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
		western toads (i.e., wetland plant communities). The effect of removal of this habitat is expected to within the adaptability and resilience limits of western toad population in the RSA. Suitable habitat will remain for adjacent to the Project and other areas in the RSA.	WW. Please provide additional detail for Premier Tech's methodologies for understanding adaptability and resilience standards.	With regard to question WW and more specifically an assessment for the adaptability and resilience limits to the exercise of OCFN Treaty rights, Premier Tech, through the Alberta consultation process currently underway, is seeking to gain such an understanding from Indigenous Nations, including OCFN, to ensure there is mitigation over potential impacts on traditional uses and Treaty rights.
54	3.3.2 Wildlife (PDF p. 84)	To limit effects to grizzly bears, Premier Tech would prefer to gate the access road to discourage entry by vehicles but still allow access to the Crown Land for ATVS and snowmobiles, as per the Master Schedule of Standards and Conditions.	O'Chiese First Nation is confused about how this measure will limit effects to grizzly bears. Rather the gating of the access road, but still allowing access for ATVs and snowmobiles appears to be a measure to limit effects to recreational users of the area. This statement further dismisses the fact that the Project itself will be an impact to grizzly bear and rather blames effects on grizzly bear to recreational use of the area.	We note your comment about grizzly bears and we understand the confusion it has created. The Project site is on Crown land and access cannot be legally prohibited. The proposed gate (location yet to be determined) and notices will deter access, discourage entry to some, and prevent public vehicles from entry. Limited disturbance will limit effects to grizzly bears. Of note, Project site does not appear to be a high quality/effective grizzly habitat.
55	Table 3.3-2 Potential Effects, Mitigation and Predicted Residual Effects for	Predicted Residual Effects - The Project is predicted to remove 155 ha of wetland and <1 ha of upland plant communities; the area to be drained varies from about 44 ha in phase one of harvest to 11 ha in phase five.	See Comment # 52 and # 53 Mitigation measures identified within Table 3.3-2 are problematic. However, these comments seem to corroborate O'Chiese First Nation's characterization that current cumulative impacts are already at alarming levels.	See Responses to Comments # 52 and # 53. We note the concern about the current level of cumulative effects. OCFN's characterization supporting current cumulative impacts is unknown to Premier Tech. Premier Tech is

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
	Wildlife (PDF p. 85-88)	<ul style="list-style-type: none"> - Residual effects from the Project are expected to fall within the resilience and adaptability limits of all wildlife VCs because connectivity with the larger wetland complex and adjacent plant communities will be maintained within the RSA. - Changes to local surface water hydrology and water quality are anticipated to be negligible once mitigations are implemented. - Air and dust emissions and deposition are expected to increase with construction and operation of the Project. - Sensory disturbance will increase during Project construction and operations. - While chemical spills may occur, application of preventative measures and effective mitigation is expected to keep effects within the resilience and adaptability limits of wildlife VCs. - Application of effective mitigation is expected to keep effects within the resilience and adaptability limits of wildlife VCs because of the large amount of human disturbance in the RSA. That is, wildlife in the RSA are 	<p>Premier Tech appears to rationalize in many of its mitigation measures that the effects to wildlife from surrounding development including agriculture and oil and gas activity have already impacted wildlife enough that additional impacts will be negligible. The current level of cumulative effects from development within this region are significant. This makes any remaining available land for wildlife as well as for the exercise of rights all the more vital to preserve and protect. Premier Tech is failing to take responsibility for its Project-specific impacts.</p> <p>The Project will further exacerbate habitat fragmentation. "The Project does not appear to be located in high quality / effective grizzly bear habitat" is not an appropriate mitigation measure, nor is it a correct characterization of this area.</p> <p>XX. Please provide details on Premier Tech's assessment of viable, high quality grizzly bear habitat exists within the Project Footprint, LSA, and RSA including the percentages of high quality, middle quality and low quality habitat.</p> <p>YY. Please provide Premier Tech's understanding of how much undisturbed habitat is required for wildlife such as grizzly bear to maintain stable populations?</p> <p>ZZ. Please provide additional assessment details for moose habitat.</p>	<p>committed to cooperating with O'Chiese First Nation through the consultation process to ensure an understanding of such characterization.</p> <p>Quality habitats for grizzly and moose have been assessed by expert biologists and Premier Tech has relied on such expertise to develop its application materials</p> <p>The proponent will comply with the regulatory requirements as determined by the regulators for this application.</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
		<p>expected to have adapted to relatively high levels of sensory disturbance associated with agricultural and oil and gas activities in the RSA.</p> <ul style="list-style-type: none"> - The effects of a wildlife could be quite large? - Implementation of preventative measures is expected to minimize risks, and implementation of fire suppression measures in the even of a fire is expected to limit the extent and effects of wildlife on Wildlife VCs. 		
56	Table 3.3-3 Potential Effects, Mitigation and Predicted Residual Effects for Vegetation and Wetlands (PDF p. 90-93)	<p>Predicted Residual Effects</p> <ul style="list-style-type: none"> - Phase 1 would affect 153.4 ha of wetland and <1 ha of upland plant communities, residual effects from the Project are expected to fall within resilience and adaptability limits of the vegetation and wetlands VC because connectivity with the larger wetland complex and adjacent plant communities will be maintained within the RSA. - While changes to local surface water hydrology and water quality may occur, application of effective mitigation is expected to keep effects within the resilience 	<p>See Comment # 52</p> <p>The total lease area of 323 ha is equivalent to approximately 603 football fields.</p>	See Response to Comment # 52

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
		<p>and adaptability limits of the vegetation and wetlands VC.</p> <ul style="list-style-type: none"> - While air and dust emissions and deposition are expected to increase with construction and operation of the Project, application of effective mitigation is expected to keep effects within the resilience and adaptability limits of the vegetation and wetlands VC. - While introduction and spread of weed species may occur, application of effective mitigation is expected to keep effects within the resilience and adaptability limits of the vegetation and wetlands VC. - While changes to local availability and quality of listed plant habitat may occur, application of effective mitigation is expected to keep effects within the resilience and adaptability limits of the vegetation and wetlands VC. - There is uncertainty regarding the population of western toad in the RSA and a more in depth baseline program and monitoring program is recommended to be implemented to limit effects on this species. 		
57	Table 3.3-4 Potential	Predicted Residual Effects	See Comment #52	See Response to Comment # 52

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
	Effects, Mitigation and Predicted Residual Effects for Soils (PDF p. 95-98)	<p>While changes to terrain and elevations will occur after closure and reclamation, the application of effective mitigation is expected to keep the function of terrain and soils in maintaining the resilience and adaptability limits of groundwater, vegetation and wildlife.</p> <ul style="list-style-type: none"> - The Project will affect approximately 155.5 ha of soils. While changes to soil distribution and quality may occur through erosion and sedimentation throughout the life of the Project, the application of effective mitigation is expected to keep the function of terrain and soils in maintaining the resilience and adaptability limits of groundwater, vegetation, and wildlife. - While there will be a loss and change to area of soil map units after Project closure and reclamation the application of effective mitigation is expected to keep the function of terrain and soils in maintaining the resilience and adaptability limits of groundwater, vegetation and wildlife. - While changes to terrain and soil will occur after 	<p>Closure and reclamation activities cannot be seen as an appropriate mitigation to impacts caused by the Project.</p> <p>The total lease area of 323 ha is equivalent to approximately 603 football fields.</p>	<p>We note the comment about closure and reclamation activities.</p> <p>Premier Tech and the Canadian peat harvesting industry have demonstrated that the reclamation process identified an important and appropriate mitigation measure.</p> <p>The proponent will comply with the regulatory requirements as determined by the regulators for this application, including Alberta's <i>Conservation and Reclamation Regulation</i> and the "Requirements for Conservation and Reclamation Plans for Peat Operations In Alberta", 2016.</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
		<p>reclamation, the application of effective mitigation is expected to keep the function of terrain and soils in maintaining the resilience and adaptability limits of groundwater, vegetation and wildlife.</p> <p>- While chemical spills may occur, the application of effective mitigation is expected to keep the function of terrain and soils in maintaining the resilience and adaptability limits of groundwater, vegetation and wildlife.</p> <p>- While the effects of a wildfire could be significant, implementation of preventative measures is expected to minimize risk, and implementation of fire suppression measures in the event of a fire is expected to limit the extent and effects of wildfire on the function and terrain and soils to maintain the resilience and adaptability limits of groundwater, vegetation and wildlife.</p>		
58	3.3.5 Hydrology and Water Quality (PDF p. 100)	The effect of dewatering and peat harvesting will have limited effects on the remaining fen area located between the Project area and	<p>There is no listed linkage between surface water and the assessment of potential impacts to Indigenous peoples.</p> <p>Changes in the assessment should include identifying how surface water quality and or</p>	<p>We note the concern about potential impacts to Indigenous peoples.</p> <p>Premier Tech, through the implementation of the Alberta consultation process currently</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
		<p>Mud Creek and its tributaries...</p> <p>Once harvesting operations are complete within a peat field, restoration activities will begin, and the natural water table will be restored to near the restored peat surface. Therefore, the change in water balance of the Project area post closure will be negligible.</p>	<p>quantity can affect the exercise of Indigenous rights and O'Chiese First Nation's ability or desire to exercise those rights in the Project vicinity.</p> <p>Changes to mean annual flows is not explored in relation to potential impacts to Indigenous rights such as changes to preferred conditions of use and perceptive effectiveness resulting from changes in mean annual flow. Changes in perception related to water flows and quality can result in increased avoidance behaviour, particularly if the changes are linked to the Project and outside of natural variation.</p> <p>While the residual effects to are noted to be localized to the Project area, there still must be consideration of how this residual effect can affect Indigenous rights and their exercise in the area. Significant changes to water quantity (streamflow) has the potential to effect Indigenous rights through changes to preferred conditions of use and perceptive effects. Perceptive effects in particular can result in increased avoidance behavior of the area should changes be linked with the Project.</p>	<p>underway, has sought and continues to engage with and seek feedback from Indigenous Nations, including OCFN, to ensure topics such including surface water are discussed.</p>
59	Table 3.3-8 Potential Effects, Mitigation and Predicted Residual Effects for Hydrology and Water Quality	<p>Predicted Residual Effects</p> <ul style="list-style-type: none"> - Effects to flow regimes, channel morphology and water quality are anticipated to be negligible if the proposed mitigation are implemented. 	See Comment # 52	See Response to Comment # 52

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
	(PDF p. 109-111)	<ul style="list-style-type: none"> - Effects to water quality are anticipated to be negligible if the proposed mitigations are implemented. 		
60	Table 3.3-9 Potential Effects, Mitigation and Predicted Residual Effects for Social, Cultural and Land Use Issues (PDF p. 113-118)	<p>Mitigation Measures</p> <ul style="list-style-type: none"> - Premier Tech will work with local emergency service providers so that they are aware of the Project and able to respond to work-related emergencies if necessary. - Premier Tech will respect the rights of disposition holders in the Land Use LSA and will reach agreements with non-renewable resource users in the Land Use LSA, as applicable. - Notify registered trappers at least 10 days prior to construction. - Premier Tech will work with the AEP (who administers the Crown Resource Land), and existing users of the surrounding Crown resource Land to develop the best 	<p>See Comment # 52</p> <p>Premier Tech's mitigation measures are problematic and assume that trappers and disposition holders are the only parties that require notification of Project activities. This again erases O'Chiese First Nation from this Project.</p> <p>Premier Tech further fails to recognize that the Project will impact O'Chiese First Nation's ability to access the area to exercise rights.</p> <p>Signs and fences and gates are problematic for the exercise of rights. If approved, the Project will also contribute to the cumulative effects already experienced by O'Chiese First Nation within Treaty 6 and O'Chiese First Nation's territory. The cumulative effects currently experienced by O'Chiese First Nation already significantly diminish Nation members' ability to exercise their Inherent and Treaty rights freely and in accordance with Natural Laws. This has impacted the way-of-life of O'Chiese First Nation members, to which we were promised continuation as part of signing of Treaty 6.</p> <p>If approved, the project would create conditions that do not align with O'Chiese First Nation's Natural Laws pertaining to the</p>	<p>See Response to Comment # 52</p> <p>We note the concern about cumulative effects.</p> <p>In reference to the conditions not aligned with OCFN Natural Laws, Premier Tech reiterates its commitment to work with OCFN in specifically addressing the impact of such conditions on the exercise of Treaty rights.</p> <p>Regarding OCFN's concerns about outstanding mitigation and accommodation measures, Premier Tech is committed to working with OCFN on these as part of the consultation process.</p> <p>In regard to question AAA. Premier Tech will cooperate with emergency services in the area so they can effectively and efficiently handle emergencies in a timely manner. This is briefly mentioned in Table 3.3-9 on pdf pg 113 of "21496738_PTH_Clearwater_Bio Report_REV0. Premier Tech has several decades of fire protection experience and mitigation measures involve a number of activities</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
		<p>approach to managing access to the Project (e.g., Access Management Plan. Premier Tech's preference would be for the access road to be gated to discourage public vehicle access.</p> <ul style="list-style-type: none"> - Signs will be placed at the access road and potential access locations surrounding the Project site to identify industrial activity and warn of the dangers of discharging firearms along the access corridor and on the Project site. - Site closure activities ...will be completed as soon as possible following the end of operations. <p>Predicted Residual Effects</p> <ul style="list-style-type: none"> - Negligible once mitigation is implemented 	<p>exercise of Inherent and Treaty rights. These conditions include, but are limited to:</p> <ul style="list-style-type: none"> o Dust o Unnatural noises o Unnatural smells o Mechanical/chemical clearing of vegetation o Alterations to natural landscapes o Pollution or Contamination (real and/or perceived) o Increased traffic o Increased presence of signs, fences, and/or gates o Increased access to area for recreational <p>Further, closure and reclamation activities cannot be seen as an appropriate mitigation to impacts caused by the Project.</p> <p>Assessment of the impacts to rights and appropriate mitigation and accommodation measures remain outstanding.</p> <p>AAA. Please confirm how Premier Tech will ensure local communities including Indigenous Nations have input and access to emergency response plans.</p> <p>BBB. How has Premier Tech considered ensuring the safety and ensuring proper communication with O'Chiese First Nation members exercising rights within the vicinity of the Project in the Emergency Response Plan?</p>	<p>designed to control the risk of and fight potential fires, fire management always involves bringing all stakeholders (peat harvesting operators, local towns firefighting departments, etc.) to be prepared and to work together if something happens. Before operations start, a detailed intervention plan will be developed and implemented.</p> <p>In regard to question BBB. Premier Tech, through the implementation of the Alberta consultation process currently underway, has sought and continues to engage with and seek feedback from Indigenous Nations, including OCFN, to ensure topics such as the safety of OCFN members within the vicinity of the Project are addressed.</p> <p>In regard to question CCC. This validation will be initiated shortly. Premier Tech will answer this question following the results of the survey.</p> <p>Question DDD. The exact location of the proposed gate has not been determined. Premier Tech will provide this information when available and will seek specific comments from OCFN, in this regard.</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
			<p>CCC. Please confirm if there are any registered trappers within the LSA and RSA.</p> <p>DDD. Please provide a map which identifies the location Premier Tech is proposing to gate the access road.</p>	
61	4.0 Conclusion (PDF p. 119)	The potential environmental effects of the Project are considered negligible and can be readily mitigated by standard and specific environmental protection measures.	<p>Assessment of the impacts to rights and appropriate mitigation and accommodation measures remain outstanding.</p> <p>If standard mitigation measures were successful for mitigating impacts to rights then O'Chiese First Nation would not be experiencing the cumulative effects of development and human footprint on O'Chiese First Nation's Inherent and Treaty rights that we are today.</p>	<p>In response to concerns about assessing impacts to OCFN Treaty rights, we again reiterate our request that OCFN provide information on how its member use the Project area so we can formally engage regarding site-specific impacts to OCFN's Treaty rights.</p> <p>Through the Alberta consultation process currently underway, Premier Tech is committed to consult with OCFN to understand and mitigate potential impacts on the exercise of Treaty rights.</p>
62	5.0 Closure (PDF p. 119)	Golder has relied upon the representations or opinions of persons contacted during the preparation of this report.	O'Chiese First Nation was not consulted on or contacted during the development of this Biophysical Report.	<p>Although we understand your concern, consultation in the development of the terms of reference for the Biophysical Report is not a provincial requirement.</p> <p>Premier was first directed by the ACO to consult with First nations, including OCFN, early 2022 and after the development of the Biophysical Report. Nevertheless, through the Alberta consultation process currently underway, Premier Tech is committed to consult with OCFN in order to understand and mitigate potential impacts on the exercise of Treaty rights.</p>

#	Report/Section	Excerpt	OCFN Comment	Premier Tech's Response
63	7.0 References	Stantec Reports (2005, 2006) Reports completed for "Premier Horticulture Ltd."	<p>It appears from the reference list that Premier Tech is using reports completed for Premier Horticulture Ltd.</p> <p>In O'Chiese First Nation's opinion it is inappropriate to use these reports within the current application process under different company name.</p> <p>We require clarification on the use of information for work done for a previous company including rationale for why this data is being utilized within this assessment.</p>	Premier Tech and Premier Horticulture Ltd. are all and the same entity within a group of closely held companies.
64	Appendices	NA	Note- Due to a lack of capacity O'Chiese First Nation was unable to conduct further review on appendices as well as the Conservation and Reclamation Plan – 2022 Update and the Wetland Assessment and Impact Report – 2022 Update. O'Chiese First Nation requires capacity funding to retain technical experts to review the technical components within these reports.	<p>We note the comment on capacity funding. It is in the specific use of such funding where differences may exist.</p> <p>OCFN's desire to have the technical components reviewed by its own technical experts was a decision made by OCFN. However, it is not a requirement of Alberta's consultation process.</p> <p>It is Premier Tech's understanding that capacity funding is specifically designed to assist in building the capacity to participate in the consultation process. Premier Tech reiterates its commitment to consult with OCFN to understand and mitigate site-specific concerns. Our attached cover letter provides more on this commitment.</p>