



Weenusk First Nation Comments for

Northern Road Link Tailored Impact Statement Guidelines (Draft Version)

#	Section	Details	Comment
1.	2.2 Qualifications of individuals preparing the Impact Statement Page 9	“The Agency also expects proponents to demonstrate scientific integrity in their preparation and delivery of the Impact Statement by...”	<p>The TISG should be revised to ensure ‘scientific integrity’ refers to both western science and western scientific methods, as well as Indigenous knowledge, Indigenous science, and Indigenous scientific methods.</p> <p>Suggested rewording:</p> <p>“The Agency also expects proponents to demonstrate scientific integrity (both western and Indigenous) in their preparation and delivery of Impact Statements by...”</p>
2.	3.5 Project activities Page 14	“This will also include an appendix of all the proposed mitigation and follow-up program measures to address adverse effects and potential impacts on the rights of Indigenous peoples.”	<p>Mitigation and follow-up programs must be developed in partnership with Weenusk First Nation. This can ensure mitigation and follow-up programs do not result in unintended additional impacts to Indigenous rights and interests. If programs or remediation, etc. are required, Weenusk First Nation should be included in these processes and given the opportunity to support.</p> <p>Suggested rewording:</p> <p>This will also include an appendix of all the collaboratively developed proposed mitigation and follow-up program measures to address adverse effects and potential impacts on the rights of Indigenous peoples.</p>



#	Section	Details	Comment
3.	3.5.1 Site preparation and construction Pages 14-15	“Anticipated activities during preparation and construction of the project”	This list should be updated to include: <ul style="list-style-type: none"> Any restricted access, temporary or permanent, to land or territory that is used/accessed by Indigenous peoples for traditional or cultural activities.
4.	6.0 Description of engagement with Indigenous communities Page 25	“The degree of engagement with each Indigenous community will vary and in general, will be proportionate to the evidence provided by Indigenous communities, regarding potential pathways of impact from the Project on Aboriginal or Treaty rights.”	Reliance on evidence related to the pathways of impact in order for the level of engagement to be defined may result in the proponents prematurely reducing the level of engagement prior to the necessary evidence being collected and provided by Weenusk First Nation. Therefore, it is recommended that this passage be amended as follows: “The degree of engagement with each Indigenous community will vary and is flexible . In some instances, where data is available, the degree of engagement can be proportionate to the evidence provided by Indigenous communities regarding potential pathways of impact from the Project on Aboriginal or Treaty rights.”
5.	6.0 Description of engagement with Indigenous communities Page 26	“...in accordance with any existing community protocols and/or guidance provided by the Agency, collect available Indigenous Knowledge and expertise and integrate it into its Impact Statement, just as it integrates scientific knowledge;”	The phrasing (‘collect’) in this excerpt relies on the prevalent research paradigm of extracting Indigenous Knowledge which is contrary to Weenusk First Nation protocols; Indigenous Knowledge is embedded in Weenusk First Nation systems. In order to appropriately use Indigenous Knowledge, Weenusk First Nation must be fully involved in the data collection processes; there must be an understanding that intangible aspects of the environment are important and valuable for the assessment even when not readily quantifiable via western science standards and a



#	Section	Details	Comment
			<p>meaningful relationship must be established and maintained.¹</p> <p>Language throughout this excerpt and throughout the TISG should be amended to reference a collaborative and integrative approach.</p>
6.	<p>6.0 Description of engagement with Indigenous communities</p> <p>Page 26</p>	<p>“...cooperate with Indigenous communities to identify preferred mitigation measures to avoid, minimize, offset, or otherwise accommodate for potential adverse impacts on Indigenous peoples or their rights, as well as to optimize the Project’s benefits for their communities.”</p>	<p>Mitigation measures must be co-developed with Indigenous communities, including Weenusk First Nation following identification of potential impacts to their rights and interests.</p> <p>In order to require this, suggested text includes:</p> <p>“...co-develop mitigation measures to avoid, minimize, offset, or otherwise accommodate for potential adverse impacts on Indigenous peoples or their rights, as well as to optimize the Project’s benefits for their communities.”</p>
7.	<p>6.2 Analysis and response to questions, comments, and issues raised</p> <p>Page 28</p>	<p>“The analysis should include, but not be limited to, the identification of potential effects and impacts on any applicable valued components, including impacts on the exercise of Aboriginal or Treaty rights, and proposed measures to mitigate or accommodate for adverse impacts, and enhance or optimize positive effects.”</p>	<p>In order to adhere to the principles outlined in the United Nations Declaration on the Rights of Indigenous Peoples, Weenusk First Nation must be afforded equal involvement in the identification of potential effects and impacts on any valued components of importance. Further, there must be collaboration on the selection of appropriate mitigation measures and accommodation, where applicable.</p> <p>Suggest text includes:</p> <p>“The analysis should include, but not be limited to, the co-led identification of potential effects and impacts on any applicable valued components, including impacts on the exercise of Aboriginal or Treaty rights, and co-developed</p>

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



#	Section	Details	Comment
			measures to mitigate or accommodate for adverse impacts, and enhance or optimize positive effects.”
8.	7.1 Baseline methodology Page 33	“There is no need for the Impact Statement to provide detailed descriptions of existing features of environmental, health, social or economic components that would not be impacted by the Project as determined by the Agency through engagements with federal authorities, Indigenous communities, the public and interested parties.”	Weenusk First Nation requires consultation from the Impact Assessment Agency of Canada and engagement by the Project proponents on any relevant feature of environmental, health, social or economic components that is deemed to not be impacted by the project for confirmation that there are no unanticipated impacts to Weenusk Rights through its exclusion.
9.	7.6 Mitigation and enhancement measures Page 45	“The proponent is to work with Indigenous communities to develop mitigation measures and align project goals...”	See comment 2
10.	7.6 Mitigation and enhancement measures Page 46	<p>“...document specific suggestions raised by each Indigenous community for avoiding, mitigating, or otherwise accommodating the Project’s environmental, health, social and economic effects, including potential effects and impacts on the exercise of rights of Indigenous peoples and:</p> <ul style="list-style-type: none"> • for those mitigation measures intended to address effects of changes to the environmental, health, social and economic conditions of Indigenous peoples or impacts on the exercise of rights of Indigenous peoples, provide a description of the consultation with Indigenous communities 	<p>Mitigation must be collaboratively developed with Weenusk First Nation to ensure effective management of potential impacts to Weenusk First Nation rights.</p> <p>Updated language includes:</p> <p>“document collaboratively developed measures for avoiding, mitigating, or otherwise accommodating the Project’s environmental, health, social and economic effects, including potential effects and impacts on the exercise of rights of Indigenous peoples...”</p>



#	Section	Details	Comment
		regarding the residual effects; and <ul style="list-style-type: none"> describe whether and how these measures will be incorporated in the Project design.” 	
11.	7.6 Mitigation and enhancement measures Page 47	"...assess any potentially adverse environmental effects associated with the mitigation method itself;..."	<p>Adverse effects from mitigation measures can occur in relation to Indigenous rights and interests. For example, a sign, which is posted to increase project safety and awareness, can result in increased avoidance behaviors of Indigenous harvesters.</p> <p>While it is implied that these should be considered under the umbrella of environmental effects, explicit reference should be made to Indigenous rights to ensure proponent compliance.</p> <p>Suggested language includes:</p> <p>"assess any potentially adverse environmental effects or effects to Indigenous Peoples associated with the mitigation method itself;"</p>
12.	7.7 Cumulative effects assessment Page 49	"A cumulative effect on an environmental, health, social or economic component of an Indigenous community or the rights of Indigenous peoples, may be important even if the project's effects to these components by themselves is minor."	<p>'Governance' should be included with "environmental, health, social or economic" when describing the possible cumulative effects of the project on Weenusk First Nation.</p> <p>Governance is closely linked to the physical components that could be impacted by the project and are discussed within Weenusk First Nation's Existing Conditions report for this Project (forthcoming).</p>
13.	7.8 Extent to which effects are significant Page 52		<p>Many components of the biophysical environment that could be impacted by the project are interrelated. For Indigenous rights and interests (alongside environmental elements) this means there is a likelihood of compounding</p>



#	Section	Details	Comment
			<p>effects and implications for Indigenous communities and their rights.</p> <p>This must be considered when evaluating the significance of effects, in partnership with Weenusk First Nation.</p>
14.	<p>7.8 Extent to which effects are significant</p> <p>Page 52</p>	<p>“consider using the following criteria for residual effects, as appropriate:</p> <ul style="list-style-type: none"> • magnitude; • geographic extent; • timing; • duration; • frequency; • reversibility; and • the environmental, health, social and economic context within which potential effects may occur.” 	<p>The criteria used to characterize residual effects must be developed collaboratively with Weenusk First Nation, particularly for valued components of importance to Weenusk First Nation. This will ensure Weenusk’s Indigenous knowledge for the limits of the environment will be adequately considered when evaluating residual effects.</p>
15.	<p>7.8 Extent to which effects are significant</p> <p>Page 53</p>	<p>“...scope, defined spatially as the proportion of the valued component’s occurrence or population within the project, local and regional study areas that can reasonably be expected to be affected by the predicted effect within 10 years. Characterize the scope of each predicted adverse effect on each valued component as follows:...”</p>	<p>The current values listed to characterize the scope of each predicted adverse effect is biophysically focused (e.g., population references) and does not easily adapt to values of importance to Weenusk First Nation.</p> <p>Additional engagement is required for use of ‘Scope’ and potential adjustments to this criteria to better reflect Weenusk First Nation Indigenous knowledge for valued components of importance.</p>
16.	<p>7.8 Extent to which effects are significant</p> <p>Page 53</p>	<p>“...severity, defined as, within the scope, the level of damage to the valued component from the effect that can reasonably be expected; typically measured as the degree of destruction or degradation within the scope or the degree of reduction of the population within the scope. Characterize the</p>	<p>The current values listed to characterize the severity of each predicted adverse effect is biophysically focused (e.g., population references) and does not easily adapt to values of importance to Weenusk First Nation.</p> <p>Additional engagement is required for use of ‘Severity’ and potential adjustments to this criteria to better reflect Weenusk First Nation Indigenous knowledge for valued components of importance.</p>



#	Section	Details	Comment
		severity of each predicted adverse effect on each valued component as follows...	
17.	7.8 Extent to which effects are significant Page 54	“There are tools that can assist with these predictions and analyses, including multi-criteria analysis, risk assessment, modelling, in addition to seeking out expert and stakeholder input. Effects should be characterized using language most appropriate for the effect (e.g., impacts on the exercise of Aboriginal and Treaty rights and social effects may be described differently from biophysical effects).”	Any multi-criteria analysis, risk assessment and/or modelling completed to understand the effects on Indigenous communities must be collaboratively completed. This will ensure indicators of importance can be categorized, adequate controls can be identified, and the effectiveness of controls can be well understood.
18.	8.2 Atmospheric, acoustic, and visual environment 8.2.1 Baseline conditions Page 56	“...provide baseline ambient air concentrations for contaminants in the local study area, in particular near key receptors (e.g., communities, traditional land users, wildlife)...”	Key receptor locations for the atmospheric, acoustic, and visual environment must be confirmed with Weenusk First Nation to ensure consideration of points of interest or key locales for the exercise of Section 35 rights.
19.	8.2 Atmospheric, acoustic, and visual environment All		<p>In addition to the effects to the standard quantitative measures used to assess the atmospheric, acoustic, and visual environment, the Impact Statement must also describe Weenusk First Nation perceptions related to the same.</p> <p>Negative perceptions of the Project’s contributions to air quality, sound levels, as well as changes to the visual environment, can result in increased avoidance behaviors by Weenusk First Nation harvesters who may exercise their rights in proximity to the Project.</p> <p>This must be considered and explored in the Impact Statement.</p>



#	Section	Details	Comment
20.	8.5 Riparian and wetland environments 8.5.1 Baseline conditions Page 63	"...ensure that wetlands assessed for impacts are considered in the context of:..."	This list should be expanded to include: <ul style="list-style-type: none"> • Indigenous rights and interests, and • Wildlife and species present that interact with the Project and are of importance to Indigenous communities
21.	8.6 Vegetation 8.6.1 Baseline conditions Pages 67-68	"The Impact Statement must..." [with regards to baseline conditions of vegetation]	This list should be expanded to include: <ul style="list-style-type: none"> • The overall health and quality country foods or traditional foods in the project area <p>Quality if an important indicator for assessment of rights and interests and can allow for evaluation of changes in key vegetation species in the project area over time.</p>
22.	8.6 Vegetation 8.6.2 Effects to vegetation Page 68-69	"The Impact statement must describe..."	This list should be expanded to include: <ul style="list-style-type: none"> • Any changes to soil quality (compaction, morphology, etc.) from all stages of the project that could impact the growth of vegetation <p>There is an existing comment in this list that refers to "...project effects on areas of soil or ground instability". This is insufficient to represent the potential changes to soil that may impact vegetation growth. Please update this listing to include the above noted specific language.</p>
23.	8.6 Vegetation 8.6.3 Mitigation and enhancement measures Page 69	"...seed mixes to use, the spreading rates and the location of the spreading. Native and indigenous species adapted to the local conditions should be used when the purpose of revegetation is to naturalize or regenerate the area..."	Native and Indigenous species that are adapted to local conditions should be used whenever possible to ensure all revegetation naturalizes and regenerates Project areas. Suggested text: "...seed mixes to use, the spreading rates and the location of the spreading. Native and indigenous species adapted to the local conditions should be used when the purpose of revegetation is to naturalize or regenerate the area;"
24.	8.7 Groundwater and surface water 8.7.1 Baseline conditions	"...explain how baseline data was gathered, and modelling developed, at a scale and resolution that allows for	Weenusk First Nation's rights may have interrelated valued components which require baseline data related to groundwater and surface water for consideration. For



#	Section	Details	Comment
	Page 71	the application of results about groundwater and surface water to the assessment of interrelated valued components, notably for fish, birds and other wildlife, their habitat and their health, as well as human health.”	<p>example, harvesting rights such as the right to fish, water travel, and stewardship of the environment.</p> <p>Suggested text:</p> <p>“...explain how baseline data was gathered, and modelling developed, at a scale and resolution that allows for the application of results about groundwater and surface water to the assessment of interrelated valued components (VC), notably for Indigenous rights, fish, birds and other wildlife, their habitat and their health, as well as human health.”</p>
25.	8.8 Fish and fish habitat 8.8.1 Baseline conditions Page 75	“Identify and describe the data sources used, including information on data collection...”	This data collection should include any information provided by Indigenous communities that provide data and information on the long-term trends of fish and fish habitat. This is of particular relevance in areas where pre-existing data is unavailable.
26.	8.8 Fish and fish habitat 8.8.1 Baseline conditions Page 76	“Provide baseline measurements of contaminants in fish and aquatic species”	<p>Please include explicit reference to ‘fish and aquatic species health’ to fully represent a baseline measurement of fish and fish habitat.</p> <p>Fish or other aquatic species may have no contaminants present but may have other detriments to health resulting in a reduction in subsistence harvesting.</p>
27.	8.8 Fish and fish habitat 8.8.1 Baseline conditions Page 76	“...for each potentially affected waterbody or watercourse, provide a detailed description of potentially affected fish species and populations (as defined in subsection 2(1) of the Fisheries Act) within the freshwater environment;”	<p>Specific fish species are of critical importance to Weenusk First Nation. Where present, these fish should be identified and described to convey that importance.</p> <p>Suggested text:</p> <p>“...for each potentially affected waterbody or watercourse, provide a detailed description of potentially affected fish species and populations, identifying those of importance to Indigenous groups, and as defined in subsection 2(1) of the Fisheries Act, within the freshwater environment;”</p>



#	Section	Details	Comment
28.	8.8 Fish and fish habitat 8.8.2 Effects to fish and fish habitat Page 78	“...describe the anticipated changes in the composition and characteristics of the populations of fish, especially those species of cultural significance to Indigenous communities and provincially or federally listed aquatic species at risk, following modifications to the aquatic environment, including but not limited to:...”	This list should be expanded to include: <ul style="list-style-type: none"> • Fish and aquatic species health for species of importance to Indigenous communities. See comment 27.
29.	8.9 Birds, migratory birds and their habitats 8.9.1 Baseline conditions Pages 80-88	“The Impact Statement must...” [with relation to baseline conditions to birds, migratory birds and their habitats]	This list should be expanded to include: <ul style="list-style-type: none"> • The health of birds, migratory birds, and avian species of importance to Indigenous Peoples. Weenusk First Nation has concerns related to the health of birds and migratory birds in the Weenusk traditional territory. Migratory birds are vulnerable to negative effects along their migratory routes and can suffer poor health; meaning they may become undesirable for harvest once they arrive in Weenusk First Nation territory. The health of birds, migratory birds and avian species of importance to Indigenous Peoples must be described for baseline conditions.
30.	8.10 Terrestrial wildlife and their habitat 8.10.1 Baseline conditions Pages 91-92	“Identify wildlife species, other than avian species, of ecological or Indigenous importance...that are likely to be directly or indirectly affected, and describe each species:...”	This sub-list should be expanded to include: <ul style="list-style-type: none"> • Wildlife health and conditions See comment 27.
31.	9.2.2 Effects to navigation Page 114	“The Impact Statement must...” [with regards to navigation]	This list should be expanded to include: <ul style="list-style-type: none"> • A description of any effects to travel or access to important Indigenous sites including heritage or cultural sites, locations for harvesting, fishing, trapping, etc.



#	Section	Details	Comment
32.	9.2.3 Effects to employment and overall economy Page 114	“The Impact Statement must:...”	This list should be expanded to include: <ul style="list-style-type: none"> Detailed descriptions on how the proponent intends to include and engage local Indigenous Peoples in employment during each stage of the project
33.	10 Indigenous peoples Page 115	“The Impact Statement must provide information on how the Project may affect Indigenous peoples, as informed by the Indigenous communities involved in the assessment.”	There is a Duty to Consult Indigenous communities on how the potential decision related to this Project may adversely impact their rights. The language within this section must be strengthened to reflect this Duty. Suggested text: “The Impact Statement must provide information on how the Project may impact the rights of Indigenous Peoples, as informed by the Indigenous communities involved in the assessment.”
34.	10.4 Rights of Indigenous peoples 10.4.1 Baseline Conditions Page 137-138	“...consider and describe how the information requirements related to physical and cultural heritage, current use, Indigenous health, social, and economic conditions are applicable to the nature and extent of the exercise of rights, including but not limited to:...”	While it is noted that the listing in this section ‘includes, but is not limited to’ the information displayed, the items listed here are predominately related to harvesting rights rather than other Indigenous rights. Weenusk First Nation reserves the right to identify other Indigenous rights as Indigenous VCs or otherwise as the impact assessment progresses.
35.	10.4.2 Impacts on rights of Indigenous peoples Page 139	“The proponent is therefore encouraged to share studies with Indigenous communities prior to assessing the impact of the Project on their rights.”	The proponent must share studies with Weenusk First Nation prior to assessing the impact of the project on their rights. It is also recommended that an adequate time period for comment and discussion be defined. Additionally, the sharing of information should occur at the earliest possible time to allow Weenusk First Nation to collaboratively assess impacts to their rights in partnership with the proponents.
36.	10.4 Rights of Indigenous peoples	“...the severity of the impacts on the exercise of rights of Indigenous	The Impact Assessment Agency of Canada must work with Weenusk First Nation to properly contextualize the criteria for severity of impact, including governance, health, and



#	Section	Details	Comment
	10.4.2 Impacts on rights of Indigenous peoples Page 140	peoples, as identified by the Indigenous communities.”	impact inequity as these criteria are not standardized and require Weenusk First Nation input.
37.	10.5 Mitigation and enhancement measures Page 142	“The proponent is encouraged to share results with Indigenous communities and to monitor the effectiveness of mitigation measures in cooperation with Indigenous communities.”	With relation to sharing results and information, see comment 36
38.	15.2 Follow-up program monitoring Pages 153-154		Weenusk First Nation requires inclusion in the planning and execution of follow-up program monitoring. Weenusk First Nation has interest in the project area and participating in follow-up monitoring aligns Weenusk First Nation governance practices.