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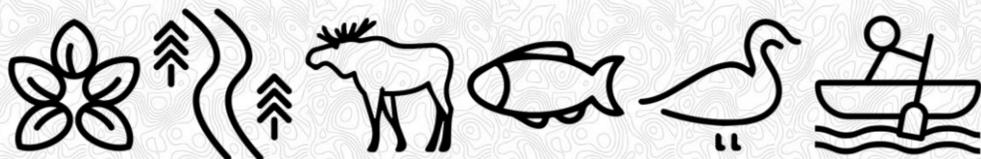
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D1.1 Notices



TERMS OF REFERENCE - NOTICE OF APPROVAL

ENVIRONMENTAL ASSESSMENT ACT

SUBSECTION 6(4)

APPROVAL OF TERMS OF REFERENCE

FOR

THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT

Proponent: Marten Falls First Nation

Undertaking: The construction and operation of the Marten Falls Community Access Road and ancillary facilities.

EAIMS No.: 18047

As provided for by subsection 6(4) of the *Environmental Assessment Act*, R.S.O. 1990, c.E.18 ("the Act"), the proposed Terms of Reference submitted for approval to the Ministry of the Environment, Conservation and Parks on October 23, 2020, with the amendments which I consider necessary, all of which are set out in this notice, is hereby approved ("the approved Terms of Reference").

Pursuant to subsection 6.1(1) of the Act, any environmental assessment for the above-noted undertaking, submitted to the Ministry of the Environment, Conservation and Parks pursuant to subsection 6.2(1) of the Act, must be prepared in accordance with the approved Terms of Reference.

Reasons:

- I am satisfied that an environmental assessment prepared in accordance with the approved Terms of Reference will be consistent with the purpose of the Act and the public interest;
- The amendments in this Notice of Approval contain additional requirements for consultation with Indigenous communities with respect to the cumulative effects assessment to be prepared as part of the environmental assessment; and additional requirements for consultation with Indigenous communities at key milestones during the development of the environmental assessment. These amendments have been informed by concerns with respect to potential adverse impacts to established or credibly asserted Aboriginal or treaty rights that have been shared with the Crown during consultation with Indigenous communities, or that can reasonably be anticipated at this point in the environmental assessment process.

- The approved Terms of Reference includes other consultation requirements that are intended to provide for appropriate input during the environmental assessment by any interested person;
- The approved Terms of Reference provides adequate rationale for focusing the environmental assessment;
- The approved Terms of Reference contains a sufficient level of detail to provide for an accurate assessment of the environmental effects of alternative methods of carrying out the proposed undertaking and the preferred undertaking;
- There are no outstanding issues that have not been incorporated into the approved Terms of Reference, or that cannot be addressed during the preparation of the environmental assessment.

Amendments:

To the extent that there is any conflict between the requirements outlined in the approved Terms of Reference (ToR) and the amendments below, it is the amendments below that will take precedence.

1. Cumulative Effects

To strengthen the commitments in the ToR regarding the cumulative effects assessment and related consultation, Section 7.2-Potential Environmental Effects of the ToR is amended to include the following:

1.1 Cumulative effects consultation:

During the preparation of its environmental assessment (EA), Marten Falls First Nation (MFFN) will consult with Indigenous communities on the cumulative effects assessment work plan, methodology, results and impact management measures. As part of the consultation on these items, MFFN will offer targeted consultation opportunities to each Indigenous community. MFFN will also consider any consultation activities/tools that Indigenous communities request in order to facilitate the consultation required by this section.

1.2 Consideration of other cumulative effects assessments:

As part of the development of its EA, MFFN will consider, where appropriate, any publicly available information that may be generated through the following which MFFN considers relevant:

- Any cumulative effects assessment developed as part of any EA in respect of the proposed Webequie Supply Road; and
- Any cumulative effects assessment developed as part of any EA in respect of the proposed Northern Road Link.

MFFN will determine how to use any information described in this section in its EA including the cumulative effects assessment. If information described in this section is not available at the time MFFN is prepared to submit its final EA to the Ministry of the Environment, Conservation and Parks (MECP), this will not delay the submission of the final EA.

1.3 Consideration of Regional Assessment:

If there is an ongoing or completed Regional Assessment for the Ring of Fire area, as part of the development of its EA MFFN will consider, where appropriate, any publicly available information that may be generated through that process which MFFN considers relevant. MFFN will determine how to use any information described in this section in its EA including the cumulative effects assessment. If information described in this section is not available at the time MFFN is prepared to submit its final EA to MECP, this will not delay the submission of the final EA.

1.4 Cumulative effects consultation report:

As part of the draft EA and final EA, MFFN will prepare a cumulative effects consultation report to accompany the cumulative effects assessment within the EA. The report will include:

- A summary of the consultation completed with Indigenous communities and any other organizations/agencies regarding the development of the cumulative effects assessment; and
- Comment-response tables showing how comments from Indigenous communities and any other organizations/agencies were considered and incorporated, as appropriate, in the development of the cumulative effects assessment.

1.5 Draft and final EA report documentation:

The draft EA and final EA will contain draft and final cumulative effects assessments, respectively.

2. Table 11.7 and Cumulative Effects

Table 11.7: Milestones and Targeted Input is amended by adding the following to the list of targeted input for each milestone: "Input into the cumulative effects assessment impact management measures."

3. Consultation Reporting at Key EA Milestones

To support Indigenous communities to provide meaningful input during the development of the EA at each key milestone, Section 11.7 - Milestones and Targeted Input and Table 11-2 (and accompanying Table 4-2 within Appendix B) are amended to include the following:

3.1. Preparing progress reports:

MFFN will prepare a written progress report on the consultation activities associated with each of the following EA milestones:

- NoC of Provincial EA;
- Effects Assessment Methods; and
- Identification of Preferred Alternatives.

Each progress report will:

- Be organized by each Indigenous community;
- Contain a consultation log and summary that tracks consultation activities, information shared by MFFN with the community, any community input and MFFN's responses to such input for the EA milestone; and

- Contain a discussion of how any input and information provided by the Indigenous communities have informed the development of the EA milestone.

3.2. Distributing progress reports:

As soon as practicable after MFFN has reached each EA milestone set out above and prepared the progress report associated with that milestone, MFFN will:

- Provide the relevant progress report to MECP; and
- Provide each Indigenous community with a copy of the community-specific portion of the progress report that relates to that community.

3.3. Proceeding to the next EA milestone:

Once the requirements in sections 3.1 and 3.2 have been completed for a milestone, MFFN will determine when to move to the next milestone.

3.4. Responding to questions or concerns:

In a timely manner, MFFN will respond to any questions or concerns raised by MECP or an Indigenous community in response to the progress reports distributed under section 3.2, including making any revisions to the progress reports as MFFN considers appropriate.

3.5. Records of consultation:

MFFN will append the final progress reports, with any relevant updates made in response to feedback received under section 3.4, as part of the records of consultation that are submitted with the draft EA and final EA.

Dated the 8 day of October, 2021 at TORONTO.



Minister of the Environment, Conservation and Parks
777 Bay Str. 5th flr. Toronto, ON, M7A 2J3

D1.2 Letters (LTR)



D1.2.1 MECP





October 2, 2020

Sasha McLeod
Ministry of the Environment, Conservation and Parks
Client Services and Permissions Branch
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5

Re: Notice of Intent to Submit a Proposed Terms of Reference

Dear Ms. McLeod:

Marten Falls First Nation (MFFN) has for many years been seeking to build an all-season Community Access Road to connect the community to the provincial highway network. As such, MFFN has initiated a community-led Environmental Assessment (EA) process—in accordance with the Ontario Environmental Assessment Act—to progress plans to enable construction and operation of this critical multi-purpose all-season access to our community.

Please accept this letter as the Notice of Intent to Submit the Proposed Terms of Reference (ToR) for the MFFN Community Access Road Project (the Project). A planned submission date of October 23, 2020 is proposed for submission of the documentation to the Minister of the Environment, Conservation and Parks. The Proposed ToR will also be available for review and comment by Indigenous communities, government agencies and interested persons. MFFN looks forward to receiving comments during the public review period and the Minister's decision.

As part of the community-led process for the Project, MFFN Chief and Council and MFFN community members undertook an advanced review of the ToR. This review was to understand the changes from the Draft ToR and to confirm next steps for the Project, including a decision on whether to proceed with submission of the ToR to the Ministry of the Environment, Conservation and Parks (MECP). MFFN supports submission of the ToR on October 23, 2020 and looks forward to the Minister's decision on whether to approve the ToR and have the Project advance to the next stage of the EA process.

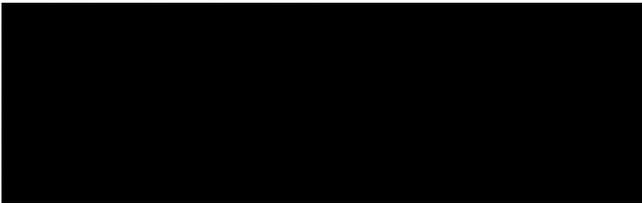




Thank you for your July 28, 2020 email providing detailed instructions on the process to submit a ToR. Given the submission is anticipated to have a relatively large distribution and possible procedural changes and challenges due to COVID-19, an informal notification of the intent to submit the ToR for the Project was made on the September 17, 2020 conference call. During this meeting, early review by the MECP of the materials outlined in the ToR submission instructions was requested to aid MFFN in meeting a planned ToR submission of October 23, 2020. Therefore, the ToR Summary Form, Notice of Submission, Executive Summary, Study Area Map and Project Contact List have been provided separately and are not enclosed with this letter.

We look forward to continued discussions with the MECP on the ToR submission for the Project.

Sincerely,



Ministry of the Environment, Conservation
and Parks

Ministère de l'Environnement, de la
Protection de la nature et des Parcs

Environmental Assessment Branch

Direction des évaluations environnementales

1st Floor
135 St. Clair Avenue W
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Rez-de-chaussée
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Télééc. : 416 314-8452

October 5, 2020

Chief Bruce Achneepineskum
Marten Falls First Nation
Sent via email to 

Dear Chief Achneepineskum:

Thank you for your October 2, 2020 letter to the Ministry of the Environment, Conservation and Parks (MECP) regarding the Marten Falls Community Access Road Project.

I acknowledge Marten Falls First Nation's intent to formally submit its Terms of Reference for the proposed Marten Falls Community Access Road Project to MECP on October 23, 2020.

This letter sets out the requirements, under clauses 6 (3.1) and 6 (3.2) of the *Environmental Assessment Act*, for Marten Falls First Nation's Notice of Submission of Terms of Reference. This letter also provides direction regarding consultation on the proposed Terms of Reference.

Requirements: Notice of Submission of Terms of Reference

Marten Falls First Nation's Notice of Submission of Terms of Reference will need to deviate from the template found on the Ontario.ca website (<https://www.ontario.ca/page/preparing-and-reviewing-terms-reference-environmental-assessments-ontario>) in the following ways:

- The Notice of Submission will note a 60-day comment period for written comments on the Terms of Reference, rather than the usual 30-day period.
- The Notice of Submission will indicate that the Terms of Reference can be inspected in person only at those public viewing locations that are open to the public at the time the Notice of Submission is issued.

Recommendations:

I understand that the Terms of Reference is being provided in hardcopy and USB format while the accompanying Record of Consultation and supporting documentation are being provided on USB only for each public viewing location and Aboriginal community. Therefore, I recommend that Marten Falls First Nation be flexible to requests for hardcopies of the Record of Consultation and supporting documentation for these locations.

I would also ask that Marten Falls First Nation be amenable to any other requests for hard copies or USB copies of the Terms of Reference submission if requests are received during the comment period.

Marten Falls First Nation may also consider the following additional options to facilitate meaningful consultation:

- Radio blasts;
- Offer USB pickup locations;
- Mail USBs upon request;
- Post materials online for virtual open houses; and
- Offer to walk through the materials (by videoconference or similar) with Indigenous communities.

Should you have any questions or require additional information please contact Shannon Gauthier, [REDACTED] and Sasha McLeod, [REDACTED]

Sincerely,

[REDACTED]
Kathleen O'Neill
Director
Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

Marten Falls First Nation's proposed Terms of Reference is now available for a 60-day review and comment period which ends on December 21, 2020. I would invite your community to provide any outstanding comments or concerns during this time.

Thank you for your ongoing participation in the provincial environmental assessment process for the Marten Falls Community Access Road Project. The ministry looks forward to working with the Proponent and with your community to respond to the issues you identify throughout the process.

If you have further questions about the environmental assessment process please contact Sasha McLeod, Special Project Officer, at [REDACTED] or Shannon Gauthier, Project Officer, at [REDACTED]

Sincerely,

[REDACTED]
Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

c: Chief Bruce Achneepineskum, Marten Falls First Nation
Qasim Saddique, Marten Falls Project Team
Lori Churchill, Director, Indigenous Consultation and Partnerships Branch,
Ministry of Energy, Northern Development and Mines
Ariane Heisey, Senior Policy Advisor, Ministry of Energy, Northern Development
and Mines
John O'Nabigon, Long Lake #58 First Nation
Ervin Waboose, Long Lake #58 First Nation
Kimberly Jorgenson, Four Rivers Environmental Services Group

Responses to Comments on Draft Terms of Reference for the Marten Falls Community Access Road Project

| Proponent's ID # | Event Type | Commenter | Comment | Proponent Response (provided June 25, 2020) | Proponent Response (provided in ToR submission, Appendix C, October 23, 2020) | Ontario response |
|-------------------------|--|----------------------|---|--|--|--|
| 540 | Letter from Long Lake #58 First Nation with comments on the Draft Terms of Reference | Chief Judy Desmoulin | <p>The Draft Terms of Reference document (page 67, section 10.2.2) states the following: "The Province of Ontario has provided notice to each of the 22 Indigenous communities that funding will be made available to support review by each community. Where possible, Marten Falls First Nation has informed Indigenous communities of this potential funding and encouraged them to follow-up with the Province of Ontario."</p> <p>While Long Lake #58 First Nation is listed in this section as one of the aforementioned 22 Indigenous communities, the Province of Ontario has not made funding available to our First Nation to support our involvement in this Environmental Assessment (EA). In spite of ongoing correspondence with the Ministry of Energy, Northern Development & Mines asserting our requirement to be appropriately consulted and engaged on this EA, the Province of Ontario refuses to provide capacity funding support to do so.</p> | <p>Funding will be provided to potentially affected Indigenous Communities to complete Project-specific Indigenous Knowledge Studies. Funding will be discussed with each potentially affected Indigenous Community. The Province is also providing Participant Funding specific to the Project to support Indigenous Community involvement in the Project.</p> <p>Funding from the province is outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>Funding will be provided to potentially affected Indigenous Communities to complete Project-specific Indigenous Knowledge Studies. Funding will be discussed with each potentially affected Indigenous Community. The Province is also providing Participant Funding specific to the Project to support Indigenous Community involvement in the Project.</p> <p>Funding from the province is outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>Further to discussions with Long Lake #58 leadership, Ontario agreed to make participant funding available for the Marten Falls Community Access Road project.</p> <p>Ontario and Long Lake #58 First Nation have been working together to finalize a transfer payment agreement to flow funding to support participation in the EA for this proposed road project.</p> |
| 542 | Letter from Long Lake First Nation | Chief Judy Desmoulin | LL58 has experienced ongoing challenges to meet the review | MFFN recognizes the difficulty to meet review timelines, especially without | MFFN recognizes the difficulty to meet review timelines, especially without | Further to discussions with Long Lake #58 leadership, Ontario agreed to make |

| Proponent's ID # | Event Type | Commenter | Comment | Proponent Response (provided June 25, 2020) | Proponent Response (provided in ToR submission, Appendix C, October 23, 2020) | Ontario response |
|------------------|--|----------------------|--|---|---|---|
| | with comments on the Draft Terms of Reference | | timelines associated with this EA process to date, especially in the absence of provincial and proponent funding support. | <p>dedicated funding. The Province of Ontario is providing participant funding specific to this Project to communities whose Aboriginal or Treaty rights may be adversely affected by the proposed Project. MFFN will be providing funding for the Indigenous Knowledge program in support of the EA that will be in addition to the participant funding program provided by the province.</p> <p>Funding from the province is outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>dedicated funding. The Province of Ontario is providing participant funding specific to this Project to communities whose Aboriginal or Treaty rights may be adversely affected by the proposed Project. MFFN will be providing funding for the Indigenous Knowledge program in support of the EA</p> | <p>participant funding available for the Marten Falls Community Access Road project.</p> <p>Ontario and Long Lake #58 First Nation have been working together to finalize a transfer payment agreement to flow funding to support participation in the EA for this proposed road project.</p> |
| 544 | Letter from Long Lake First Nation with comments on the Draft Terms of Reference | Chief Judy Desmoulin | Restrictive Timelines & Capacity LL58 does not currently have the required resources to conduct a thorough technical review of the Draft Terms of Reference (ToR) within the comment deadline. While LL58 has made all efforts to be engaged and informed on this project (including participating in two meetings with the federal government and hosting a community engagement session with the assistance of Four Rivers (our technical services group)), our Lands & Resource department does not have dedicated staff fluent with Environmental Assessment (EA) legislation and processes. | <p>MFFN recognizes the difficulty to meet review timelines, especially without dedicated funding. The Province of Ontario is providing participant funding specific to this Project to communities whose Aboriginal or Treaty rights may be adversely affected by the proposed Project. MFFN will be providing funding for the Indigenous Knowledge program in support of the EA that will be in addition to the participant funding program provided by the province.</p> <p>Funding from the province is outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>MFFN recognizes the difficulty to meet review timelines, especially without dedicated funding. The Province of Ontario is providing participant funding specific to this Project to communities whose Aboriginal or Treaty rights may be adversely affected by the proposed Project. MFFN will be providing funding for the Indigenous Knowledge program in support of the EA that will be in addition to the participant funding program provided by the province.</p> <p>Funding from the province is outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>Ontario is available to meet with you throughout the environmental assessment process to discuss the ways that both Ontario and the proponent may be able to support your participation in the environmental assessment processes. This support may include things like sharing plain-language information or providing access to provincial technical reviewers.</p> <p>Ontario acknowledges the capacity issues that your community is facing to be able to participate in the EA process. Ontario and Long Lake #58 First Nation have been working together to finalize a transfer payment agreement to flow funding to support participation in the EA for this proposed road project.</p> |

| Proponent's ID # | Event Type | Commenter | Comment | Proponent Response (provided June 25, 2020) | Proponent Response (provided in ToR submission, Appendix C, October 23, 2020) | Ontario response |
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| | | | Additional timeline and capacity restrictions have been encountered due to the holiday season (two-week office closure), community elections (in January), lack of in-community engagement to-date from the Proponent and Province, and absent funding to support community capacity in EAs. Furthermore, as detailed in our Engagement & Accommodation Protocol (attached), appropriate community consultation and engagement requires the time and resources to engage all members of our community (from Elders to youth) in this process. | MFFN extended the comment review period for the Draft ToR to provide Indigenous communities with additional time to complete their review and provide comments. MFFN has prepared responses to Long Lake #58's comments on the Draft ToR and is available to meet with Long Lake #58 to discuss the community's comments on the Draft ToR prior to releasing the Proposed ToR. MFFN is open to developing with Long Lake #58 a community-specific consultation program in relation to the EA that takes into account Long Lake #58's Engagement and Accommodation Protocol. | MFFN extended the comment review period for the Draft ToR to provide Indigenous communities with additional time to complete their review and provide comments. MFFN has prepared responses to Long Lake #58's comments on the Draft ToR and is available to meet with Long Lake #58 to discuss the community's comments on the Draft ToR prior to releasing the Proposed ToR. MFFN is open to developing with Long Lake #58 a community-specific consultation program in relation to the EA that takes into account Long Lake #58's Engagement and Accommodation Protocol. | |
| 561 | Letter from Long Lake First Nation with comments on the Draft Terms of Reference | Chief Judy Desmoulin | Engagement by the Province of Ontario: LL58 has not been meaningfully engaged to-date by the Province of Ontario on this EA. LL58 will continue to voice their disappointment with the provincial government in appropriately engaging LL58 on this project EA and expects this situation to be resolved immediately. | Engagement by the province is outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter. | Engagement by the province is outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter. | Ontario, as the Crown, has a constitutional duty to consult, and where appropriate, accommodate Aboriginal communities where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult. Although the legal responsibility to meet the duty to consult lies with Ontario, Ontario may delegate procedural aspects of consultation to third parties. In addition to Ontario's constitutional consultation obligations, project proponents have statutory consultation obligations under the Ontario Environmental |

| Proponent's ID # | Event Type | Commenter | Comment | Proponent Response (provided June 25, 2020) | Proponent Response (provided in ToR submission, Appendix C, October 23, 2020) | Ontario response |
|------------------|------------|-----------|---------|---|---|--|
| | | | | | | <p>Assessment Act. Among other things, this statutory consultation process provides opportunities to share information and for Aboriginal communities to ask questions, bring forward concerns and have meaningful input into the development of a ToR or EA, as the case may be. Where Ontario may have a duty to consult, it relies in part on the proponent's statutory consultation in fulfilling the duty.</p> <p>In the case of the proposed Marten Falls Community Access Road Project, Ontario and the Proponent have decided to share the procedural aspects of consultation. Their respective roles and responsibilities are detailed in a Memorandum of Understanding, which is included as Appendix D to the Proponent's ToR submission. While the Proponent is best placed to share information and discuss potential effects and mitigation measures that relate to its Project, Ontario recognizes that there may be some discussions relating to potential impacts to rights that are best had between Ontario and your First Nation. Where requested or invited by your community, Ontario is available to participate in consultation activities your community has with the Proponent. Ontario also continues to be available to meet with your community separately from the Proponent to discuss any issues one-on-one.</p> <p>The ToR is the proponent's work plan for how the EA will be prepared, including what</p> |

| Proponent's ID # | Event Type | Commenter | Comment | Proponent Response (provided June 25, 2020) | Proponent Response (provided in ToR submission, Appendix C, October 23, 2020) | Ontario response |
|------------------|------------|-----------|---------|---|---|--|
| | | | | | | <p>studies will be done, and how the proponent will consult Indigenous communities, the public and government. Your community is encouraged to provide input and feedback to the proponent about the ToR, including with respect to: how your community wants to be consulted – e.g. share any consultation protocols; what consultation activities work best; how to share Indigenous Knowledge; any questions or concerns with the project; potential adverse impacts to your community's established or asserted Aboriginal or treaty rights; and what studies and consultation should be done during the EA. As part of his decision whether to approve the proposed ToR, the Minister of the Environment, Conservation and Parks will consider how the proponent shared information, included your input, responded to your questions and addressed concerns.</p> |

Thank you for your ongoing participation in the provincial environmental assessment process for the Marten Falls Community Access Road Project. The ministry looks forward to working with the Proponent and with your community to respond to the issues you identify throughout the process.

If you have further questions about the environmental assessment process please contact Sasha McLeod, Special Project Officer, at [REDACTED] or Shannon Gauthier, Project Officer, at [REDACTED]

Sincerely,

[REDACTED]
Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

c: Chief Bruce Achneepineskum, Marten Falls First Nation
Qasim Saddique, Marten Falls Project Team
Lori Churchill, Director, Indigenous Consultation and Partnerships Branch,
Ministry of Energy, Northern Development and Mines
Ariane Heisey, Senior Policy Advisor, Ministry of Energy, Northern Development
and Mines
Wayne Moonias, Neskantaga First Nation
Leroy Moonias, Neskantaga First Nation
David Peerla

Responses to Comments on Draft Terms of Reference for the Marten Falls Community Access Road Project

| Proponent's ID # | Event Type | Commenter | Comment | Proponent Response (provided July 16, 2020 and in ToR submission, Appendix C, October 23, 2020) | Ontario Response |
|------------------|--|---|--|---|--|
| 279 | Email from David Peerla on behalf of Neskantaga First Nation with comments on the ToR and general comments pertaining to the EA as a whole | David Peerla (on behalf of Neskantaga First Nation) | Has Ontario committed funding, specifically the funding to construct the road, beyond the funding for the EA? Is MFFN in discussions with Ontario on potential funding support for the construction of the MFFN CAR? | Funding of the CAR is outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter. | Ontario has provided funding to MFFN to support the EA and preliminary design. No determination has been made at this point on who will fund construction of the MFFN CAR. |
| 282 | Email from David Peerla on behalf of Neskantaga First Nation with comments on the ToR and general comments pertaining to the EA as a whole | David Peerla (on behalf of Neskantaga First Nation) | We understand that Ontario has proposed a cost share with Canada, on both the cost of the EA and the construction of the road. What, if anything, can MFFN share with Neskantaga on the status of the Ontario/Canada cost share discussions? | Funding of the CAR is outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter. | Ontario has provided funding to MFFN to support the EA and preliminary design. Ontario continues to engage with Canada on sharing the costs of this Project. |
| 354 | Letter received from David Peerla, Neskantaga Advisor | David Peerla (on behalf of Neskantaga First Nation) | Neskantaga is concerned that Ontario, as both the funder and regulator of the project, is 'project splitting' — intentionally breaking a project up into its component parts in order to avoid an environmental assessment at the appropriate scale, thereby compromising the discussion of the potential impacts of the development of the region as a whole. Ontario has cut the project into pieces in order to more easily win federal and provincial approvals, obtaining authorization for the less politically contentious parts of the project by artificially creating a First Nation project proponent and making the development of the rest of the project a foregone conclusion. The full scale and impact of Ontario's project has not been presented to either regulators, Neskantaga and the public. | MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. The CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of whether an industrial supply road or development in the Ring of Fire occurs. MFFN is conducting an EA, initiated in March 2019 by the Notice of Commencement of a ToR, for a multi-use road that will provide all-season community access, not an industrial supply road to the Ring of Fire. Section 2 of the ToR describes how through a community-led process, MFFN community membership is the proponent for the Project. For many years, MFFN has expressed a strong desire for | The Ontario EA process is proponent-led and each proponent(s) has determined to pursue the planning and design of their respective road projects by approaching MECP individually to enter into voluntary agreements that would make their respective projects subject to the requirements of the EAA. The three proposed road projects (Marten Falls Community Access Road, Webequie Supply Road and Northern Road Link) are three distinct projects with different proponents and different purposes. They are undergoing or expected to undergo an Individual EA, which is the most comprehensive form of EA. Cumulative effects assessments are expected to be a component of the EAs for these roads. |

Responses to Comments on Draft Terms of Reference for the Marten Falls Community Access Road Project

| Proponent's ID # | Event Type | Commenter | Comment | Proponent Response (provided July 16, 2020 and in ToR submission, Appendix C, October 23, 2020) | Ontario Response |
|------------------|------------|-----------|---|--|------------------|
| | | | <p>Ontario's failure to disclose the full scale of its project plans has resulted in an improper scoping of the assessment.</p> | <p>improved all-season ground access to the provincial highway system.</p> <p>On March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The proposed Northern Road Link would provide reliable, all-season road access to potential mine sites in the Ring of Fire region. The requirement for an environmental assessment (EA) specific to the proposed Northern Road Link will be confirmed by the joint proponent of MFFN and Webequie First Nation in consultation with the provincial and federal government. This is a new proponent and is separate from the proponent of the CAR Project, where only Marten Falls is the proponent.</p> <p>An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project, and would be subject to approvals separate from this Project. MFFN is committed to including the effects of past, present, and reasonably foreseeable projects in the cumulative effects assessment if they are within the study area determined appropriate for the cumulative effects assessment. This commitment is stated in Section 7.2 of the Terms of Reference (ToR).</p> <p>Having the CAR and Northern Road Link as two separate projects is</p> | |

Responses to Comments on Draft Terms of Reference for the Marten Falls Community Access Road Project

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|------------------|---|---|--|--|---|
| | | | | <p>outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | |
| 357 | Letter received from David Peerla, Neskantaga Advisor | David Peerla (on behalf of Neskantaga First Nation) | <p>Neskantaga is concerned that an incremental and piecemeal 'road by road' assessment approach will unreasonably minimize the impacts of 'opening up of the North' and the development of the region until it is too late and decisions are irreversible.</p> | <p>MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. The CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of whether an industrial supply road or development in the Ring of Fire occurs. MFFN is conducting an EA, initiated in March 2019 by the Notice of Commencement of a ToR, for a multi-use road that will provide all-season community access, not an industrial supply road to the Ring of Fire.</p> <p>On March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The proposed Northern Road Link would provide reliable, all-season road access to potential mine sites in the Ring of Fire region. The requirement for an EA specific to the proposed Northern Road Link will be confirmed by the joint proponent of MFFN and Webequie First Nation in consultation with the provincial and federal government. This is a new proponent and is separate from the</p> | <p>Ontario is committed to ensuring that meaningful consultation occurs with respect to potential impacts of the road projects on established or asserted Aboriginal or treaty rights, whether these impacts are considered on a per-project basis or cumulatively.</p> <p>The Ontario EA process is proponent-led and each proponent(s) has determined to pursue the planning and design of their respective road projects by approaching MECP individually to enter into voluntary agreements that would make their respective projects subject to the requirements of the EAA.</p> <p>The three proposed road projects (Marten Falls Community Access Road, Webequie Supply Road and Northern Road Link) are three distinct projects with different proponents and different purposes. They are undergoing or expected to undergo an Individual EA, which is the most comprehensive form of EA.</p> <p>Cumulative effects assessments are expected to be a component of the EAs for these roads.</p> |

Responses to Comments on Draft Terms of Reference for the Marten Falls Community Access Road Project

| Proponent's ID # | Event Type | Commenter | Comment | Proponent Response (provided July 16, 2020 and in ToR submission, Appendix C, October 23, 2020) | Ontario Response |
|------------------|---|---|--|---|---|
| | | | | <p>proponent of the CAR Project, where only Marten Falls is the proponent.</p> <p>An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project, and would be subject to approvals separate from this Project. MFFN is committed to including the effects of past, present, and reasonably foreseeable projects in the cumulative effects assessment if they are within the study area determined appropriate for the cumulative effects assessment. This commitment is stated in Section 7.2 of the Terms of Reference (ToR).</p> <p>Having the CAR and Northern Road Link as two separate projects is outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | |
| 358 | Letter received from David Peerla, Neskantaga Advisor | David Peerla (on behalf of Neskantaga First Nation) | Neskantaga, and other Matawa First Nations, had previously agreed that no road would be initiated until an agreement with Ontario had been reached on joint decision making in the region. | The comment is outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter. | With the termination of the Regional Framework Agreement, efforts have been refocused to working directly with communities that wish to move forward on all-season road development in the Ring of Fire area. |
| 373 | Letter received from David Peerla, Neskantaga Advisor | David Peerla (on behalf of Neskantaga First Nation) | How will Marten Falls ensure adequate funding for Neskantaga to fully and meaningfully participate at all stages throughout the process? | Funding will be provided to potentially affected Indigenous Communities to complete Project-specific Indigenous Knowledge Studies. Funding will be discussed with each potentially affected Indigenous Community. The Province is also providing Participant | In August 2019, Ontario announced a participant funding initiative to support local capacity for consultations with First Nations whose Aboriginal and treaty rights may be adversely affected by the proposed Marten Falls and Webequie First Nations' proposed road projects. |

Responses to Comments on Draft Terms of Reference for the Marten Falls Community Access Road Project

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|------------------|------------|-----------|---------|---|--|
| | | | | <p>Funding specific to the Project to support Indigenous Community involvement in the Project.</p> <p>Funding from the province is outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>Neskantaga entered into a Participant Funding Agreement with Ontario in January 2020 to help ensure that there was adequate funding for Neskantaga First Nation to meaningfully participate in the Marten Falls Community Access Road environmental assessment and received funds in February 2020.</p> |

Thank you for your ongoing participation in the provincial environmental assessment process for the Marten Falls Community Access Road Project. The ministry looks forward to working with the Proponent and with your community to respond to the issues you identify throughout the process.

If you have further questions about the environmental assessment process please contact Sasha McLeod, Special Project Officer, at [REDACTED] or Shannon Gauthier, Project Officer, at [REDACTED]

Sincerely
[REDACTED]

Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

c: Chief Bruce Achneepineskum, Marten Falls First Nation
Qasim Saddique, Marten Falls Project Team
Lori Churchill, Director, Indigenous Consultation and Partnerships Branch,
Ministry of Energy, Northern Development and Mines
Ariane Heisey, Senior Policy Advisor, Ministry of Energy, Northern Development
and Mines
Charles Hookimaw, Director of Lands and Resources, Attawapiskat First Nation

Responses to Comments on Draft Terms of Reference for the Marten Falls Community Access Road Project

| Proponent's ID # | Event Type | Commenter | Comment | Proponent Response (provided June 25, 2020) | Proponent Response (provided in ToR submission, Appendix C, October 23, 2020) | Ontario Response |
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| 237 | Email from Attawapiskat First Nation with comments on the Draft ToR | Chief David Nakogee, Attawapiskat First Nation | <p>1. The draft Terms of Reference (ToR) for this road project makes clear that the primary purpose of the road is to open the region to mineral development via an all-season road to the Ring of Fire. Attawapiskat First Nation questions whether Marten Falls First Nation (MFFN) is in fact the proponent of this project, and whether the planning of the project is truly "community-led," as is claimed in Section 2.1.1 (p. 3). Marten Falls First Nation is named in the ToR as the proponent, yet the rationale for the proposed undertaking is repeatedly framed in terms of Ontario's economic interest and the development of otherwise inaccessible mineral deposits. The draft ToR states that MFFN is not conducting an assessment of alternatives to the undertaking "since the proposed Project has already been identified in the provincial Infrastructure Plan." "It is understood," the draft ToR explains, "that the government would have considered the alternatives to the proposed Project when committing to provide funding for an all-season access road" (Section 6.2, p. 16).</p> <p>The draft ToR cites Ontario's Infrastructure Plan as a rationale for building a road from Nakina to MFFN (Section 5.1, p.11). Building Better</p> | <p>MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of whether an industrial supply road or development in the Ring of Fire occurs. That is, the CAR is proposed to address the problem of unreliable community access to MFFN and not for the purpose of opening the region to mineral development. Section 4 of the Terms of Reference (ToR) emphasizes that reliable access will increase travel safety, reduce the price of food, fuel and supplies, and provide the community with future economic development opportunities.</p> <p>Although the Infrastructure Plan includes a commitment of support from the province to MFFN for technical and environmental studies for an access road from MFFN to the Ring of Fire, that road is not part of this Project. MFFN is conducting an EA for a multi-use road that will provide all-season community access, not an industrial supply road to the Ring of Fire. MFFN</p> | <p>MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of whether an industrial supply road or development in the Ring of Fire occurs. That is, the CAR is proposed to address the problem of unreliable community access to MFFN and not for the purpose of opening the region to mineral development. Section 4 of the Terms of Reference (ToR) emphasizes that reliable access will increase travel safety, reduce the price of food, fuel and supplies, and provide the community with future economic development opportunities.</p> <p>Although the Infrastructure Plan includes a commitment of support from the province to MFFN for technical and environmental studies for an access road from MFFN to the Ring of Fire, that road is not part of this Project. MFFN is conducting an EA for a multi-use road that will provide all-season community access, not an industrial supply road to the Ring of Fire. MFFN</p> | <p>With respect to the comment regarding the role of Ontario and private industry in funding construction of the Marten Falls Community Access Road, Ontario, through the Ministry of Energy, Northern Development and Mines, has provided funding to MFFN to support the EA and preliminary design.</p> <p>With respect to the comment related to the role of Ontario in addressing regulatory requirements, the Ministry of the Environment, Conservation and Parks is the regulator for the EA process set out in the Ontario Environmental Assessment Act.</p> <p>Ontario also recognizes that, as the Crown, it has a constitutional duty to consult, and where appropriate, accommodate Aboriginal communities where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult. Although the legal responsibility to meet the duty to consult lies with Ontario, Ontario may delegate procedural aspects of consultation to third parties, in this case the Proponent.</p> <p>In addition to Ontario's constitutional consultation obligations, project proponents have statutory consultation obligations under the Ontario Environmental Assessment Act. Among other things, this</p> |

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| | | | <p>Lives: Ontario's Long-Term Infrastructure Plan (2017) states that the province is "supporting Marten Falls First Nation to plan and construct an access road connecting the community to the existing provincial highway network at Aroland/Nakina." According to the Infrastructure Plan, "Ontario will continue to support Marten Falls to undertake further technical and environmental studies that could inform planning and development of a north-south access road tied to the business case for, and development of, chromite mining in the Ring of Fire. Building these roads is a critical step in realizing the economic benefits of one of the largest mineral-development opportunities in Ontario in almost a century." The Plan goes on to say that "Ontario is working to support these First Nations as they address all regulatory requirements, so that this unique environment is protected" (p. 93).</p> <p>Our community has been told a very different story about the rationale for this road. In an informal briefing to Charles Hookimaw, the Attawapiskat First Nation Director of Lands and Resources, on August 13, 2019, a consultant for the proponent emphasized that an all-season road would ensure better access to goods and services for a remote First Nations community currently accessible only</p> | <p>is committed to including the effects of past, present, and reasonably foreseeable projects in the cumulative effects assessment if they are within the study area determined appropriate for the cumulative effects assessment. This commitment is stated in Section 7.2 of the ToR.</p> <p>On March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The proposed Northern Road Link would provide reliable, all-season road access to potential mine sites in the Ring of Fire region. The requirement for an environmental assessment (EA) specific to the proposed Northern Road Link will be confirmed by the joint proponent of MFFN and Webequie First Nation in consultation with the provincial and federal government. This is a new proponent and is separate from the proponent of the CAR Project, where only Marten Falls is the proponent. An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project, and would be subject to approvals separate from this Project. Provincial interest, which is supported by MFFN, is for one road to serve both community access and industrial</p> | <p>is committed to including the effects of past, present, and reasonably foreseeable projects in the cumulative effects assessment if they are within the study area determined appropriate for the cumulative effects assessment. This commitment is stated in Section 7.2 of the ToR.</p> <p>On March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The proposed Northern Road Link would provide reliable, all-season road access to potential mine sites in the Ring of Fire region. The requirement for an environmental assessment (EA) specific to the proposed Northern Road Link will be confirmed by the joint proponent of MFFN and Webequie First Nation in consultation with the provincial and federal government. This is a new proponent and is separate from the proponent of the CAR Project, where only Marten Falls is the proponent. An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project, and would be subject to approvals separate from this Project. Provincial interest, which is supported by MFFN, is for one road to serve both community access and industrial</p> | <p>statutory consultation process provides opportunities to share information and for Aboriginal communities to ask questions, bring forward concerns and have meaningful input into the development of a ToR or EA, as the case may be. Where Ontario may have a duty to consult, it relies in part on the proponent's statutory consultation in fulfilling the duty.</p> <p>In the case of the proposed Marten Falls Community Access Road Project, Ontario and the Proponent have decided to share the procedural aspects of consultation. Their respective roles and responsibilities are detailed in a Memorandum of Understanding, which is included as Appendix D to the Proponent's ToR submission. While the Proponent is best placed to share information and discuss potential effects and mitigation measures that relate to its Project, Ontario recognizes that there may be some discussions relating to potential impacts to rights that are best had between Ontario and your First Nation. Where requested or invited by your community, Ontario is available to participate in consultation activities your community has with the Proponent. Ontario also continues to be available to meet with your community separately from the Proponent to discuss any issues one-on-one.</p> <p>The ToR is the proponent's work plan for how the EA will be prepared, including what studies will be done, and how the</p> |

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| | | | <p>by winter road. The briefing gave the strong impression that supporting "future industry in the region, e.g. mining" was not the primary rationale for building the road. The briefing of August 13, 2019 also did not mention that development in the Ring of Fire will be used as one of the screening criteria for selecting the alternative routes studied in the EA. This fact was left out of the presentation to our community, but it was included in the proponent's presentation to Public Stakeholders /Government Agencies (see Record of Consultation Appendices, Section 8.1.1, Presentations to Neighbouring Communities and Section B.2 Presentation to Public Stakeholders /Government Agencies). It is worth emphasizing that the briefing was an informal, "off the record " conversation that occurred between a single officer of the Attawapiskat First Nation, and a consultant for the proponent. The Attawapiskat First Nation is therefore concerned , both by the rationale for the consultation process, and by the apparently differing rationales for the road itself.</p> <p>The Plain Language Summary of the draft ToR, which is meant for distribution in our community, provides further misleading information, stating on p. 2 that the road is needed because "Marten Falls First Nation</p> | <p>supply needs. As such, MFFN has decided the Project will be built to industrial use specifications for multipurpose use. Since the CAR may be used by private, commercial and industry, the ToR acknowledges potential benefits and effects that may occur due to multipurpose use, which includes the possibility of mining industry use of the road.</p> <p>MFFN acknowledges that the messaging around the purpose of the Project and identification of alternatives routes has evolved since the initial PIC in April/May 2019. The purpose of the Project has always first and foremost been to provide year round access to MFFN. One of the benefits of better access would be increased opportunities for local economic development (as stated in the meeting on September 13, 2019). While the presentation material at the PIC specifically referenced Ring of Fire development, access to the Ring of Fire is not part of the scope of this Project.</p> <p>Other mining opportunities in the study area of the Project were reviewed when looking at the potential for economic development opportunities associated with the alternative routes. The information MFFN shared with Attawapiskat on August 13th and September 13th, 2019 regarding the</p> | <p>supply needs. As such, MFFN has decided the Project will be built to industrial use specifications for multipurpose use. Since the CAR may be used by private, commercial and industry, the ToR acknowledges potential benefits and effects that may occur due to multipurpose use, which includes the possibility of mining industry use of the road.</p> <p>MFFN acknowledges that the messaging around the purpose of the Project and identification of alternatives routes has evolved since the initial PIC in April/May 2019. The purpose of the Project has always first and foremost been to provide year round access to MFFN. One of the benefits of better access would be increased opportunities for local economic development (as stated in the meeting on September 13, 2019). While the presentation material at the PIC specifically referenced Ring of Fire development, access to the Ring of Fire is not part of the scope of this Project.</p> <p>Other mining opportunities in the study area of the Project were reviewed when looking at the potential for economic development opportunities associated with the alternative routes. The information MFFN shared with Attawapiskat on August 13th and September 13th, 2019 regarding the</p> | <p>proponent will consult Indigenous communities, the public and government. Your community is encouraged to provide input and feedback to the proponent, including with respect to: how your community wants to be consulted during the EA – e.g. share any consultation protocols; what consultation activities work best; how to share Indigenous Knowledge; any questions or concerns with the project; potential adverse impacts to your community's established or asserted Aboriginal or treaty rights; and what studies and consultation should be done during the EA. As part of this decision whether to approve the proposed ToR, the Minister of the Environment, Conservation and Parks will consider how the proponent shared information, included your input, responded to your questions and addressed concerns.</p> <p>Ontario does not accept your suggestion that there is any apparent (or actual) conflict of interest in this situation.</p> |

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| | | | <p>(MFFN) is a remote First Nation community in northern Ontario, located at the junction of the Albany and Ogoki rivers. MFFN has a winter access road but it isn't reliable and makes transportation of goods and people difficult. All season road access connecting MFFN to the existing provincial highway network is needed to improve the well-being of the community."</p> <p>Attawapiskat First Nation requests information on the role of Ontario and private industry in funding the construction of the Marten Falls Community Access Road. Attawapiskat First Nation also requests information on Ontario's role in addressing regulatory requirements, given the apparent conflict of interest between Ontario's role as environmental regulator and Ontario's role as project facilitator.</p> <p>As such, and for the reasons discussed above, the draft ToR does not meet the standards of the Attawapiskat First Nation for appropriate consultation as affirmed by the Supreme Court of Canada in Haida Nation (2004)." at the end of the final paragraph of section one (I) of the document.</p> | <p>Project was the current information on the Project at that time. MFFN in no way meant to message two different purposes for the Project or the decision-making process followed to identify the alternatives routes for the EA, but rather each were refined over time during development of the ToR. The potential development associated with the Ring of Fire will be considered for inclusion in the cumulative effects assessment for the CAR.</p> <p>The MFFN Project Team sent Attawapiskat First Nation the Notice of Commencement, field study notices, Project fact sheet and newsletters, invitations to two Public Information Centres, and Draft ToR materials. On August 13, 2019 the MFFN Project Team met with Charles Hookimaw, Community Planner, to discuss the Project with a presentation and printed maps. Between September and November, 2019, numerous calls were made about scheduling a follow-up meeting. ENDM planned an in-community meeting for March, 2020 and invited the MFFN Project Team; however, this meeting was postponed by ENDM. On March 31, 2020 Attawapiskat First Nation indicated they are no longer holding face-to-face meetings due to COVID-19 and the MFFN Project Team indicated they would continue to meet via telephone</p> | <p>Project was the current information on the Project at that time. MFFN in no way meant to message two different purposes for the Project or the decision-making process followed to identify the alternatives routes for the EA, but rather each were refined over time during development of the ToR. The potential development associated with the Ring of Fire will be considered for inclusion in the cumulative effects assessment for the CAR.</p> <p>The MFFN Project Team sent Attawapiskat First Nation the Notice of Commencement, field study notices, Project fact sheet and newsletters, invitations to two Public Information Centres, and Draft ToR materials. On August 13, 2019 the MFFN Project Team met with Charles Hookimaw, Community Planner, to discuss the Project with a presentation and printed maps. Between September and November, 2019, numerous calls were made about scheduling a follow-up meeting. ENDM planned an in-community meeting for March, 2020 and invited the MFFN Project Team; however, this meeting was postponed by ENDM. On March 31, 2020 Attawapiskat First Nation indicated they are no longer holding face-to-face meetings due to COVID-19 and the MFFN Project Team indicated they would continue to meet via telephone or online, if Attawapiskat First Nation</p> | |

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| | | | | <p>or online, if Attawapiskat First Nation was interested.</p> <p>The role of the provincial government and appropriate consultation as affirmed by the Supreme Court of Canada in Haida Nation (2004) is outside the scope of what MFFN is responsible for responding to as the proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>was interested. The MFFN Project Team has received Attawapiskat First Nation's feedback on the Draft ToR, and is in the process of addressing the concerns raised in the Proposed ToR. In way of next steps, the Proposed ToR will be submitted to the Ministry of the Environment Conservation and Parks (MECP) for review and a decision. You will be notified when the ToR is submitted to the MECP and will receive a second opportunity to review and comment on this revised ToR.</p> <p>The role of the provincial government and appropriate consultation as affirmed by the Supreme Court of Canada in Haida Nation (2004) is outside the scope of what MFFN is responsible for responding to as the proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | |
| 238 | Email from Attawapiskat First Nation with comments on the Draft ToR | Chief David Nakogee, Attawapiskat First Nation | 2. Attawapiskat First Nation is concerned that the WaWang'Wajing Supply Road will be evaluated in a separate EA when it is clear from the draft ToR that "provincial interest is for one road to be built to serve both community access and industrial supply needs" (Section 6.2, p. 16). It can reasonably be expected that if the MFFN Community Access Road project moves ahead, the WaWang'Wajing Supply Road will also be built. Attawapiskat First Nation | On March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The proposed Northern Road Link would provide reliable, all-season road access to potential mine sites in the Ring of Fire region. The requirement for an environmental assessment (EA) specific to the proposed Northern Road Link will be confirmed by the | On March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The proposed Northern Road Link would provide reliable, all-season road access to potential mine sites in the Ring of Fire region. The requirement for an environmental assessment (EA) specific to the proposed Northern Road Link will be confirmed by the | <p>The Ontario EA process is proponent-led and each proponent(s) has determined to pursue the planning and design of their respective road projects by approaching MECP individually to enter into voluntary agreements that would make their respective projects subject to the requirements of the EAA.</p> <p>The three proposed road projects (Marten Falls Community Access Road, Webequie Supply Road and Northern Road Link) are distinct projects with different proponents</p> |

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|------------------|---|--|---|---|--|---|
| | | | therefore requires that the WaWang'Wajing Supply Road be evaluated as part of the environmental assessment for the MFFN Community Access Road. | joint proponent of MFFN and Webequie First Nation in consultation with the provincial and federal government. This is a new proponent and is separate from the proponent of the CAR Project, where only Marten Falls is the proponent. An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project, and would be subject to approvals separate from this Project. MFFN is committed to including the effects of past, present, and reasonably foreseeable projects in the cumulative effects assessment if they are within the study area determined appropriate for the cumulative effects assessment. This commitment is stated in Section 7.2 of the Terms of Reference (ToR). Evaluating the CAR and Northern Road Link as one project is outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter. | joint proponent of MFFN and Webequie First Nation in consultation with the provincial and federal government. This is a new proponent and is separate from the proponent of the CAR Project, where only Marten Falls is the proponent. An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project, and would be subject to approvals separate from this Project. | and different purposes. They are undergoing or expected to undergo an Individual EA, which is the most comprehensive form of EA. Cumulative effects assessments are expected to be a component of the EAs for these proposed roads. |
| 244 | Email from Attawapiskat First Nation with comments on the Draft ToR | Chief David Nakogee, Attawapiskat First Nation | Section 3.4 (p. 6): The proponent indicates that it does not plan to meet the requirements of the Environmental Assessment Act to consider alternatives to the undertaking, under sections 6.1(2)(c)iii, 6.1(2)(d), and 6.1(2)(b)iii. Attawapiskat First Nation requires that alternatives to the undertaking (different types of | The Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario allows for proponents to limit the discussion of previously examined alternatives in the EA when alternatives have been previously considered through a separate decision-making process such as a | The Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario allows for proponents to limit the discussion of previously examined alternatives in the EA when alternatives have been previously considered through a separate decision-making process such as a | Under the EAA, a proponent can prepare their ToR in accordance with clause 6(2)(c) and subsection 6.1(3) of that Act, thereby "focusing" it to consist of information other than the generic requirements for EAs that are set out in subsection 6.1(2). The proponent's use of these provisions is evaluated as part of the Minister's decision whether to approve the proposed ToR. |

| Proponent's ID # | Event Type | Commenter | Comment | Proponent Response (provided June 25, 2020) | Proponent Response (provided in ToR submission, Appendix C, October 23, 2020) | Ontario Response |
|------------------|------------|-----------|--|---|---|---|
| | | | <p>transportation provision projects) be considered as part of a complete environmental assessment. Attawapiskat First Nation is concerned that Ontario is in a position to exempt the proponent from complying with certain parts of the Environmental Assessment Act, while also funding and facilitating this road project.</p> | <p>provincial government priority initiative. As described in Section 6.2 of the Terms of Reference (ToR), the decision for the Project to be a road has been made through previous planning and decision-making processes. It is the Minister of the Environment, Conservation and Parks who will determine whether MFFN can proceed with an EA that does not consider different types of transportation provision projects as alternatives to the undertaking, as proposed in Section 3.4 of the ToR and in accordance with subsections 6.1(3) and 6(2)(c) of the Environmental Assessment Act.</p> <p>Section 6.2 will be edited to reflect other reasons that support not considering different types of transportation provision projects as alternatives to the undertaking and which likely supported the Provincial decision. Given MFFN's unique circumstances as a remote First Nation community with an airport with non-daily service and high costs per trip, and a winter road system that only provides seasonal service and is increasingly unreliable, or a railroad which does not provide the freedom of movement, it is not reasonable to consider these alternatives as they do not meet the community needs. Therefore, the reasonable range of alternatives that are within MFFN's</p> | <p>provincial government priority initiative. As described in Section 6.2 of the Terms of Reference (ToR), the decision for the Project to be a road has been made through previous planning and decision-making processes. It is the Minister of the Environment, Conservation and Parks who will determine whether MFFN can proceed with an EA that does not consider different types of transportation provision projects as alternatives to the undertaking, as proposed in Section 3.4 of the ToR and in accordance with subsections 6.1(3) and 6(2)(c).</p> | <p>The Ministry of the Environment, Conservation and Parks is the regulator for the EA process set out in the EAA.</p> <p>Ontario, through the Ministry of Energy, Northern Development and Mines, has provided funding to MFFN to support the EA and preliminary design.</p> |

| Proponent's ID # | Event Type | Commenter | Comment | Proponent Response (provided June 25, 2020) | Proponent Response (provided in ToR submission, Appendix C, October 23, 2020) | Ontario Response |
|------------------|------------|-----------|---------|--|---|------------------|
| | | | | <p>ability to implement is limited to an all-season road.</p> <p>Provincial funding for the EA of the Project is provided by the Ministry of Energy, Northern Development and Mines (ENDM). ENDM does not participate in the Minister of the Environment, Conservation and Parks' decision to approve, approve with conditions or reject MFFN's ToR for the Project.</p> <p>The role of the government is outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | | |

**Ministry of the Environment,
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April 29, 2021

Chief David Nakogee
Attawapiskat First Nation
Email: 

**Re: Environmental Assessment Timelines and Caribou Collaring Programs:
Webequie Supply Road and Marten Falls Community Access Road**

Dear Chief Nakogee:

Thank you for your letter of February 18, 2021 regarding the timelines for the Webequie Supply Road (WSR) and Marten Falls Community Access Road (MFCAR) environmental assessments (EA) and the field program to study caribou associated with the MFCAR EA.

In your letter you request a meeting with the Ministry of the Environment, Conservation and Parks (ministry) to discuss the EA processes and related consultation, as well as the MFCAR caribou field program being undertaken for the EA. The ministry would be happy to meet with you to discuss concerns raised in your letter.

In order to provide responses to your questions, we would like to invite representatives from other ministries and federal agencies as well as the MFCAR and WSR proponents themselves to the meeting. Alternatively, we would be happy to connect you with the relevant staff if Attawapiskat wishes to reach out directly to these groups.

My office will reach out to you and Mr. Charles Hookimaw, Director of Lands and Resources for Attawapiskat First Nation, to make arrangements for a meeting. I appreciate your participation in the review of these applications.

Sincerely,



Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

- c: Charles Hookimaw, Director of Lands and Resources, Attawapiskat First Nation
- Qasim Saddique, MFCAR Project Team
- Don Parkinson, WSR Project Team
- Mary Hennessy, Director, Ring of Fire Policy Coordination, Ministry of Energy, Northern Development and Mines
- Lori Churchill, Director, Indigenous Consultation and Partnerships Branch, Ministry of Energy, Northern Development and Mines
- Londa Mortson, Regional Resources Manager, Northwest Region, Ministry of Natural Resources and Forestry
- Susan Ecclestone, Director, Species at Risk Branch, Ministry of the Environment, Conservation and Parks
- Sean Carriere, Director, Ontario Region, Impact Assessment Agency of Canada

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August 30, 2021

Chief Robert Nakogee
Fort Albany First Nation

**RE: Comments Received on Final Terms of Reference for the Marten Falls
Community Access Road Project Environmental Assessment**

Dear Chief Nakogee:

I would like to thank you for your comments on the proposed Terms of Reference (ToR) for the environmental assessment (EA) of Marten Falls First Nation's (Marten Falls) proposed Marten Falls Community Access Road Project (Project).

The Ministry of the Environment, Conservation and Parks (ministry) provided your comments to the Project proponent, Marten Falls First Nation, for a response. On March 10, May 14 and June 23, 2021, the ministry sent you Marten Falls' responses to your community's comments on the proposed ToR. The ministry would be happy to re-send any of the previous responses if requested.

Thank you as well for your July 23, 2021 follow up letter to the ministry that contained Fort Albany's responses to the proponent's responses (sent by the ministry on June 23, 2021) to Fort Albany's earlier comments on the ToR. The ministry is pleased to reply to your July 23, 2021 letter as well as provide you with information about next steps in the ToR process.

Regional Assessment

Regarding your follow up comment about the timing of the MFCAR project and the Regional Assessment (proponent ID #FAFN-54), the Impact Assessment Agency of Canada (IAAC) has advised as follows:

- On February 24, 2020, the Tailored Impact Statement Guidelines (TISG) were issued by IAAC for the MFCAR proposed road project. According to IAAC, this assessment is proceeding in accordance with the legislated time limits.
- If requested by the proponent, time limit extensions in this phase of a project are authorized by the Impact Assessment Act, 2019.
- Alternately, a project design change that would alter potential effects would also generate a potential time limit extension.
- These proponent-driven time limits are managed individually and independently from the Regional Assessment.
- As planning for the Regional Assessment continues, IAAC officials will explore the potential relationships between it and the ongoing project level impact assessment.
- This could include the potential for the Regional Assessment to contribute to the MFCAR and future projects.

The federal TISG for the MFCAR project also includes the following in section 13, “Effects Assessment” methodology, which provides guidance on the use of information from regional assessments to inform the project-level assessment: “If there is an ongoing or completed regional assessment in the proposed project area, the proponent should use the information generated through that process to inform the effects assessment.”

Provincially, the individual EA process is proponent-led and the pace at which the EA process progresses is driven by the proponent. Unlike the federal process described above, there are no legislated timelines for the preparation of the ToR or the EA. As a result, proponents determine their own timelines for the preparation and submission of their EAs including the ToR.

Once submitted, Ontario undertakes a review of the ToR, all comments provided, and the record of consultation to ensure that the Duty to Consult has been met. The Notice of Commencement for the ToR for the MFCAR was issued in early 2019 and the ToR was submitted on October 23, 2020 to the Minister of the Environment, Conservation and Parks for review and a decision.

It is understood that the proponent is planning to continue with its EA process, if its ToR is approved by the Minister. It would continue in parallel with the federal Regional Assessment process. IAAC has indicated that as planning and scheduling for the Regional Assessment continues, IAAC staff will continue to explore and consider the potential relationships between it and the on-going assessment for the proposed MFCAR, including the potential for the Regional Assessment to contribute information

and other inputs for the consideration of the proponent's current road assessment where relevant, and future project assessments, as appropriate.

Consultation on the ToR during COVID-19

Ontario recognizes that it has a constitutional duty to consult, and where appropriate, accommodate Aboriginal communities where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult.

As you may recall, Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. The next major milestone for the Project will be a decision by the Minister on the ToR proposed by Marten Falls. The Project is important to Marten Falls and the community understandably is concerned to see a decision made. The ministry has been turning its mind to bringing the ToR stage of the EA process for the Project to a conclusion. In doing so, it is helpful to take stock of what has transpired to date:

- Marten Falls began consulting with Indigenous communities on the draft ToR in November 2019. Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. Copies of the ToR were made available for a 60-day public comment period from October 23, 2020 to December 21, 2020. In response to concerns expressed by some Indigenous communities about the impact of the COVID-19 pandemic on their ability to effectively engage in consultation, the ministry provided an additional comment period ending March 31, 2021.
- We note that since 2019 Ontario's Participant Funding Initiative has supported eligible Indigenous communities' participation in consultation on the EA process by providing access to capacity funding.
- In addition, throughout this time Marten Falls has continued to provide opportunities for Indigenous communities to learn about the project through regular correspondence, live-streaming and radio call-in shows, fieldwork notifications and offers of virtual meetings.

While the ministry notes that some Indigenous communities may still have concerns about the impact of the COVID-19 pandemic on their ability to effectively participate in consultation, we are also encouraged by the progress that has been made to date in managing the pandemic in communities, including through vaccinations. The ministry understands that it is important to many communities that their members can meet in person as part of consultation about the Project. The ministry is hopeful that this is now or soon will be possible.

Next Steps in the ToR Process

Given these circumstances, the ministry presently is aiming to receive any further comments on the proposed ToR by September 13, 2021. We are hopeful that this time frame will be sufficient.

If Ontario can be of assistance in facilitating further community discussion, please let us know. Ministry staff and members of Marten Falls' Project team remain available to speak with your community about any questions or concerns about the proposed Project and the EA process. Ministry staff and Marten Falls' Project team would also be pleased to participate on or help facilitate community meetings.

We will follow up with you in the coming days.

Should you have any questions, please do not hesitate to contact Ms. Sasha McLeod, Special Project Officer, at [REDACTED] and Ms. Dorothy Moszynski, Special Project Officer (A), at [REDACTED]

Thank you for your ongoing participation in the provincial EA process for the proposed Project.

Sincerely,

[REDACTED]
Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

- c: Deputy Chief Charlotte Nakochee, Fort Albany First Nation
- Jaqueline Sutherland, Fort Albany First Nation
- Alistair MacDonald, The Firelight Group, supporting Fort Albany First Nation
- Justin Page, The Firelight Group, supporting Fort Albany First Nation
- Steve DeRoy, The Firelight Group, supporting Fort Albany First Nation
- Sarah Beamish, Beamish Law, supporting Fort Albany First Nation
- Chief Bruce Achneepineskum, Marten Falls First Nation
- Qasim Saddique, Marten Falls Project Team
- Mary Hennessy, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry
- Lori Churchill, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry

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August 30, 2021

Chief Sheri Taylor
Ginoogaming First Nation


**RE: Comments Received on Final Terms of Reference for the Marten Falls
Community Access Road Project Environmental Assessment**

Dear Chief Taylor:

I would like to thank you for your comments on the proposed Terms of Reference (ToR) for the environmental assessment (EA) of Marten Falls First Nation's (Marten Falls) proposed Marten Falls Community Access Road Project (Project).

The Ministry of the Environment, Conservation and Parks (ministry) provided your comments to the Project proponent, Marten Falls First Nation, for a response. On March 10, 2021, the ministry sent you Marten Falls' responses to your community's comments on the proposed ToR. The ministry would be happy to re-send any of the previous responses if requested.

As you may recall, Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. The next major milestone for the Project will be a decision by the Minister on the ToR proposed by Marten Falls. The Project is important to Marten Falls and the community understandably is concerned to see a decision made. The ministry has been turning its mind to bringing the ToR stage of the EA process for the Project to a conclusion. In doing so, it is helpful to take stock of what has transpired to date:

- Marten Falls began consulting with Indigenous communities on the draft ToR in November 2019. Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. Copies of

the ToR were made available for a 60-day public comment period from October 23, 2020 to December 21, 2020. In response to concerns expressed by some Indigenous communities about the impact of the COVID-19 pandemic on their ability to effectively engage in consultation, the ministry provided an additional comment period ending March 31, 2021.

- We note that since 2019 Ontario's Participant Funding Initiative has supported eligible Indigenous communities' participation in consultation on the EA process by providing access to capacity funding.
- In addition, throughout this time Marten Falls has continued to provide opportunities for Indigenous communities to learn about the project through regular correspondence, live-streaming and radio call-in shows, fieldwork notifications and offers of virtual meetings.

While the ministry notes that some Indigenous communities may still have concerns about the impact of the COVID-19 pandemic on their ability to effectively participate in consultation, we are also encouraged by the progress that has been made to date in managing the pandemic in communities, including through vaccinations. The ministry understands that it is important to many communities that their members can meet in person as part of consultation about the Project. The ministry is hopeful that this is now or soon will be possible.

Given these circumstances, the ministry presently is aiming to receive any further comments on the proposed ToR by September 13, 2021. We are hopeful that this time frame will be sufficient.

If Ontario can be of assistance in facilitating further community discussion, please let us know. Ministry staff and members of Marten Falls' Project team remain available to speak with your community about any questions or concerns about the proposed Project and the EA process. Ministry staff and Marten Falls' Project team would also be pleased to participate on or help facilitate community meetings.

We will follow up with you in the coming days.

Should you have any questions, please do not hesitate to contact Ms. Sasha McLeod, Special Project Officer, at [REDACTED]; and Ms. Dorothy Moszynski, Special Project Officer (A), at [REDACTED].

Thank you for your ongoing participation in the provincial EA process for the proposed Project.

Sincerely,



Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

- c: Calvin Taylor, Ginoogaming First Nation
- Lisa Echum, Ginoogaming First Nation
- Marianne Echum, Ginoogaming First Nation
- Leslie Onabigon, Ginoogaming First Nation
- Jason Chapais, Ginoogaming First Nation
- Kimberly Jorgenson, Environmental Services Coordinator, Four Rivers
Environmental Services Group, supporting Ginoogaming First Nation
- Chief Bruce Achneepineskum, Marten Falls First Nation
- Qasim Saddique, Marten Falls Project Team
- Mary Hennessy, Director, Ministry of Northern Development, Mines, Natural
Resources and Forestry
- Lori Churchill, Director, Ministry of Northern Development, Mines, Natural
Resources and Forestry

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August 30, 2021

Chief Donald Morris
Kitchenuhmaykoosib Inninuwug First Nation


**RE: Comments Received on Final Terms of Reference for the Marten Falls
Community Access Road Project Environmental Assessment**

Dear Chief Morris:

I would like to thank you for your comments on the proposed Terms of Reference (ToR) for the environmental assessment (EA) of Marten Falls First Nation's (Marten Falls) proposed Marten Falls Community Access Road Project (Project).

The Ministry of the Environment, Conservation and Parks (ministry) provided your comments to the Project proponent, Marten Falls First Nation, for a response. On March 10, 2021, the ministry sent you Marten Falls' responses to your community's comments on the proposed ToR. The ministry would be happy to re-send any of the previous responses if requested.

As you may recall, Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. The next major milestone for the Project will be a decision by the Minister on the ToR proposed by Marten Falls. The Project is important to Marten Falls and the community understandably is concerned to see a decision made. The ministry has been turning its mind to bringing the ToR stage of the EA process for the Project to a conclusion. In doing so, it is helpful to take stock of what has transpired to date:

- Marten Falls began consulting with Indigenous communities on the draft ToR in November 2019. Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. Copies of

the ToR were made available for a 60-day public comment period from October 23, 2020 to December 21, 2020. In response to concerns expressed by some Indigenous communities about the impact of the COVID-19 pandemic on their ability to effectively engage in consultation, the ministry provided an additional comment period ending March 31, 2021.

- We note that since 2019 Ontario's Participant Funding Initiative has supported eligible Indigenous communities' participation in consultation on the EA process by providing access to capacity funding.
- In addition, throughout this time Marten Falls has continued to provide opportunities for Indigenous communities to learn about the project through regular correspondence, live-streaming and radio call-in shows, fieldwork notifications and offers of virtual meetings.

While the ministry notes that some Indigenous communities may still have concerns about the impact of the COVID-19 pandemic on their ability to effectively participate in consultation, we are also encouraged by the progress that has been made to date in managing the pandemic in communities, including through vaccinations. The ministry understands that it is important to many communities that their members can meet in person as part of consultation about the Project. The ministry is hopeful that this is now or soon will be possible.

Given these circumstances, the ministry presently is aiming to receive any further comments on the proposed ToR by September 13, 2021. We are hopeful that this time frame will be sufficient.

If Ontario can be of assistance in facilitating further community discussion, please let us know. Ministry staff and members of Marten Falls' Project team remain available to speak with your community about any questions or concerns about the proposed Project and the EA process. Ministry staff and Marten Falls' Project team would also be pleased to participate on or help facilitate community meetings.

We will follow up with you in the coming days.

Should you have any questions, please do not hesitate to contact Ms. Sasha McLeod, Special Project Officer, at [REDACTED] and Ms. Dorothy Moszynski, Special Project Officer (A), at [REDACTED]
[REDACTED]

Thank you for your ongoing participation in the provincial EA process for the proposed Project.

Sincerely,



Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

- c: Chief Bruce Achneepineskum, Marten Falls First Nation
- Qasim Saddique, Marten Falls Project Team
- Mary Hennessy, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry
- Lori Churchill, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry

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August 30, 2021

Chief Judy Desmoulin
Long Lake #58 First Nation


**RE: Comments Received on Final Terms of Reference for the Marten Falls
Community Access Road Project Environmental Assessment**

Dear Chief Desmoulin:

I would like to thank you for your comments on the proposed Terms of Reference (ToR) for the environmental assessment (EA) of Marten Falls First Nation's (Marten Falls) proposed Marten Falls Community Access Road Project (Project).

The Ministry of the Environment, Conservation and Parks (ministry) provided your comments to the Project proponent, Marten Falls First Nation, for a response. On March 10, 2021, the ministry sent you Marten Falls' responses to your community's comments on the proposed ToR. The ministry would be happy to re-send any of the previous responses if requested.

As you may recall, Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. The next major milestone for the Project will be a decision by the Minister on the ToR proposed by Marten Falls. The Project is important to Marten Falls and the community understandably is concerned to see a decision made. The ministry has been turning its mind to bringing the ToR stage of the EA process for the Project to a conclusion. In doing so, it is helpful to take stock of what has transpired to date:

- Marten Falls began consulting with Indigenous communities on the draft ToR in November 2019. Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. Copies of

the ToR were made available for a 60-day public comment period from October 23, 2020 to December 21, 2020. In response to concerns expressed by some Indigenous communities about the impact of the COVID-19 pandemic on their ability to effectively engage in consultation, the ministry provided an additional comment period ending March 31, 2021.

- We note that since 2019 Ontario's Participant Funding Initiative has supported eligible Indigenous communities' participation in consultation on the EA process by providing access to capacity funding.
- In addition, throughout this time Marten Falls has continued to provide opportunities for Indigenous communities to learn about the project through regular correspondence, live-streaming and radio call-in shows, fieldwork notifications and offers of virtual meetings.

While the ministry notes that some Indigenous communities may still have concerns about the impact of the COVID-19 pandemic on their ability to effectively participate in consultation, we are also encouraged by the progress that has been made to date in managing the pandemic in communities, including through vaccinations. The ministry understands that it is important to many communities that their members can meet in person as part of consultation about the Project. The ministry is hopeful that this is now or soon will be possible.

Given these circumstances, the ministry presently is aiming to receive any further comments on the proposed ToR by September 13, 2021. We are hopeful that this time frame will be sufficient.

If Ontario can be of assistance in facilitating further community discussion, please let us know. Ministry staff and members of Marten Falls' Project team remain available to speak with your community about any questions or concerns about the proposed Project and the EA process. Ministry staff and Marten Falls' Project team would also be pleased to participate on or help facilitate community meetings.

We will follow up with you in the coming days.

Should you have any questions, please do not hesitate to contact Ms. Sasha McLeod, Special Project Officer, at [REDACTED] and Ms. Dorothy Moszynski, Special Project Officer (A), at [REDACTED].

Thank you for your ongoing participation in the provincial EA process for the proposed Project.

Sincerely



Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

- c: John O'Nabigon, Long Lake #58 First Nation
Ervin Waboose, Long Lake #58 First Nation
Darcy Waboose, Long Lake #58 First Nation
Kimberly Jorgenson, Environmental Services Coordinator, Four Rivers
Environmental Services Group, supporting Long Lake #58 First Nation
Chief Bruce Achneepineskum, Marten Falls First Nation
Qasim Saddique, Marten Falls Project Team
Mary Hennessy, Director, Ministry of Northern Development, Mines, Natural
Resources and Forestry
Lori Churchill, Director, Ministry of Northern Development, Mines, Natural
Resources and Forestry

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August 30, 2021

Chief Dorothy Towedo
Aroland First Nation


**RE: Comments Received on Final Terms of Reference for the Marten Falls
Community Access Road Project Environmental Assessment**

Dear Chief Towedo:

I would like to thank you for your comments on the proposed Terms of Reference (ToR) for the environmental assessment (EA) of Marten Falls First Nation's (Marten Falls) proposed Marten Falls Community Access Road Project (Project).

The Ministry of the Environment, Conservation and Parks (ministry) provided your comments to the Project proponent, Marten Falls First Nation, for a response. On March 10 and April 14, 2021, the ministry sent you Marten Falls' responses to your community's comments on the proposed ToR.

Marten Falls referred ten of your comments in the March 10, 2021 set of responses to Ontario because Marten Falls considered the comments to be outside of the scope for the proponent to respond to (for example, comments made about the environmental assessment process). This also gives Ontario an opportunity to provide a response from our perspective. The attached table provides Ontario's responses to your comments. For ease of reference, I have also included Marten Falls' responses associated with these comments, which you have already received. The ministry would be happy to re-send any of the previous responses if requested.

As you may recall, Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. The next major milestone for the Project will be a decision by the Minister on the ToR proposed by

Marten Falls. The Project is important to Marten Falls and the community understandably is concerned to see a decision made. The ministry has been turning its mind to bringing the ToR stage of the EA process for the Project to a conclusion. In doing so, it is helpful to take stock of what has transpired to date:

- Marten Falls began consulting with Indigenous communities on the draft ToR in November 2019. Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. Copies of the ToR were made available for a 60-day public comment period from October 23, 2020 to December 21, 2020. In response to concerns expressed by some Indigenous communities about the impact of the COVID-19 pandemic on their ability to effectively engage in consultation, the ministry provided an additional comment period ending March 31, 2021.
- We note that since 2019 Ontario's Participant Funding Initiative has supported eligible Indigenous communities' participation in consultation on the EA process by providing access to capacity funding.
- In addition, throughout this time Marten Falls has continued to provide opportunities for Indigenous communities to learn about the project through regular correspondence, live-streaming and radio call-in shows, fieldwork notifications and offers of virtual meetings.

While the ministry notes that some Indigenous communities may still have concerns about the impact of the COVID-19 pandemic on their ability to effectively participate in consultation, we are also encouraged by the progress that has been made to date in managing the pandemic in communities, including through vaccinations. The ministry understands that it is important to many communities that their members can meet in person as part of consultation about the Project. The ministry is hopeful that this is now or soon will be possible.

Given these circumstances, the ministry presently is aiming to receive any further comments on the proposed ToR by September 13, 2021. We are hopeful that this time frame will be sufficient.

If Ontario can be of assistance in facilitating further community discussion, please let us know. Ministry staff and members of Marten Falls' Project team remain available to speak with your community about any questions or concerns about the proposed Project and the EA process. Ministry staff and Marten Falls' Project team would also be pleased to participate on or help facilitate community meetings.

We will follow up with you in the coming days.

Should you have any questions, please do not hesitate to contact Ms. Sasha McLeod, Special Project Officer, at [REDACTED] and Ms. Dorothy

Moszynski, Special Project Officer (A), at [REDACTED]
[REDACTED]

Thank you for your ongoing participation in the provincial EA process for the proposed Project.

Sincerely,
[REDACTED]

Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

- c: Sheldon Atlookan, Aroland First Nation
Aroland First Nation Executive Secretary
Aroland First Nation Lands and Resources
Andrew Peach, Shared Value Solutions, supporting Aroland First Nation
Chief Bruce Achneepineskum, Marten Falls First Nation
Qasim Saddique, Marten Falls Project Team
Mary Hennessy, Director, Ministry of Northern Development, Mines, Natural
Resources and Forestry
Lori Churchill, Director, Ministry of Northern Development, Mines, Natural
Resources and Forestry

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| Comments Deferred to Ontario | | | |
| AroFN-1 | <p>Scope of the Environmental Assessment does not capture access to the Ring of Fire</p> <p>Of critical concern to AFN are glaring omissions regarding assessment and consideration of access to the Ring of Fire and portions of the MFNCAR being used as a heavy industrial supply road. Broadening the scope of the Environmental Assessment is even more important now with the announcement of the Northern Road Link which would connect the MFNCAR to the Ring of Fire.</p> <p>The impacts of the MFNCAR are drastically deepened as a result the proposed Northern Road Link Project. Instead, the MFNCAR Project Team has removed important contextual information and consideration of access to the Ring of Fire in the Final ToR to intentionally narrow the assessment scope and undermine a thorough assessment process. Given the potential for the MFNCAR to provide industrial supply road access to and from the Ring of Fire, the Project Team must re-consult and seek AFN's consent on alternative route options within our territory.</p> | <p>Marten Fall First Nation (MFFN) acknowledges that future development opportunities may arise if the Community Access Road (CAR) is constructed. As mentioned in Section 7.2.10 of the Terms of Reference (ToR), the Environmental Assessment (EA) will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for</p> | <p>The Ministry of the Environment, Conservation and Parks (MECP) acknowledges Aroland First Nation's interest in the proposed Marten Falls Community Access Road (MFCAR) project. The proposed Terms of Reference (ToR) notes that a principle of Marten Falls First Nation's (MFFN) consultation approach is to work with neighbouring Indigenous communities to respect protocols and policies for Anishinabek Knowledge and Indigenous Knowledge, customize consultation plans to meet neighbouring Indigenous community needs, and provide opportunities for Indigenous communities, including Aroland First Nation, to provide input into the environmental assessment (EA). Ontario understands that MFFN is working together with Aroland First Nation toward a custom consultation plan for the EA process and encourages Aroland First Nation and MFFN to continue those discussions.</p> <p>Ontario recognizes that, as the Crown, it has a constitutional duty to consult, and where appropriate, accommodate Aboriginal communities where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult.</p> <p>The MFCAR is proposed to be a community access road that will also serve industrial supply needs. The proposal did not change with the announcement of the Northern Road Link (NRL) in March 2020. The draft ToR for the MFCAR, issued in November 2019, stated that the project would be a multi-purpose road to serve both community access and industrial supply needs. It is anticipated that the proponent for the MFCAR will consider the impact of industrial traffic on the MFCAR in its EA, if the ToR is approved.</p> <p>Regarding your comment about considering other options to connect the MFCAR to the provincial highway, the voluntary agreement signed under the Environmental Assessment Act in 2018 for the MFCAR defines the proponent's proposed project as the construction of an all-weather multi-use road and all associated infrastructure between the current northern terminus of the Painter Lake forestry road and the community of Marten Falls First Nation. According to the ToR, the proponent has been studying a community access road for a number of years; these earlier studies are presented in the ToR to provide a rationale for the current scope of the project. The proposed project connection to the highway via the Anaconda/Painter Lake roads would use existing infrastructure to reduce the potential for environmental effects. However, the ToR states that as</p> |

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| | | <p>inclusion in the assessment of cumulative effects in the EA.</p> <p>In April 2018, MFFN signed an agreement with the Ministry of Environment, Conservation and Parks (MECP) to prepare an EA pursuant to the Ontario <i>Environmental Assessment Act</i>. As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested Indigenous communities on the Project. Ontario (MECP and the Ministry of Northern Development and Mines) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process.</p> <p>MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN agrees to continued community-to-community discussions throughout the Project and will continue to discuss the Project with Aroland First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR. MFFN will consult with Indigenous communities, including Aroland First Nation, agencies and interested person to obtain feedback and input on the alternatives. MFFN will contact Aroland First Nation during the EA to understand concerns about alternative methods being considered for the Project in more detail and to share information to allow both parties to better understand potential effects and impact management measures.</p> <p>Issues of consent and concerns related to alternatives for connecting the CAR to the provincial highway network now</p> | <p>the EA process progresses the alternative routes may change, for example in order to address and mitigate impacts, and in such cases the ToR commits to adjusting the study area and consulting on any changes with Indigenous communities. MECP encourages Aroland First Nation to participate in the consultation opportunities regarding the alternatives assessment and raise any concerns with the proposed terminus point for the MFCAR with the proponent to ensure the proponent considers your concerns when assessing alternatives in the EA.</p> <p>The existing Anaconda Road and the first 7.6 km of the Painter Lake Road are being upgraded to a standard consistent with Ministry of Transportation (MTO) standards for a 2-lane gravel road of this nature to improve road safety. Any upgrades to the remaining segment of the Painter Lake Road between the existing winter road and the proposed terminus of the Marten Falls Community Access Road will be addressed once the location of the terminus of the Marten Falls Community Access Road is determined through the ongoing EA process.</p> <p>MTO as the proponent has indicated that it is committed to finding ways to involve Indigenous communities in highway work to provide economic opportunities and build skills capacity. MTO has also indicated that it will continue to work with Aroland First Nation to explore ways to enable Aroland First Nation to participate in various aspects of the Anaconda Road and Painter Lake Road upgrades project. As the project proponent, MTO will engage and consult with all Indigenous communities that have the potential to be impacted by the project activities and ensure that the Duty to Consult is met.</p> <p>Aroland First Nation has indicated that they want to be actively involved in the Anaconda and Painter Lake Road upgrades project and has conducted an engineering assessment of the existing roads. The Ministry of Northern Development, Mines, Natural Resources and Forestry will continue to support Aroland First Nation's participation including in the base-line environmental studies, aggregate sourcing, permitting projects, alternatives assessment, and consultation/engagement activities related to the proposed upgrades for the Anaconda Road and Painter Lake Road.</p> |

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| | | <p>that the Northern Road Link has been announced are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | |
| AroFN-5 | <p>Drat ToR Section: 3.3 Canada- Ontario Agreement on Environmental Assessment Co-operation</p> <p>AFN's Comment from January 20, 2020 Submission: AFN prefers that both Canada and Ontario conduct separate impact assessments under respective Environmental Assessment and Impact Assessment legislation. As MFFN notes in the draft ToR, Aboriginal and Treaty Rights are guaranteed under section 35 of the Constitution Act, which includes recognition of existing Aboriginal and Treaty Rights to hunt, trap, fish, gather and manage the lands for all First Nation, Inuit and Metis people of Canada. As part of these rights, the Government of Canada has the Duty to Consult Indigenous communities for this Project. The Government of Ontario has sub-national, and different, relationship with AFN. The Government of Canada's Impact Assessment Act contains specific provisions with respect to section 35 of the Constitution Act for the Impact Assessments it conducts. The Government of Ontario's Environmental Assessment Act does not contain such specific provisions. MFFN should proceed with a federal Impact Assessment and a parallel Ontario Environmental Assessment. Where practical, MFFN should consider opportunities to coordinate EA and IA documentation as noted in comments below</p> <p>Project Team Response: MFFN will be proceeding with a federal Impact Assessment and an Ontario Environmental Assessment. However, as outlined in the Cooperation Plan for the Marten Falls Community Access Road Project Impact Assessment , dated February 24, 2020 and prepared by the Impact Assessment Agency of Canada (IAAC) with input from the Ontario Ministry of the Environment, Conservation and Parks (MECP) "A coordinated federal and provincial assessment process should result in one body of proponent documentation</p> | <p>MFFN understands Aroland First Nations concerns about capacity to be able to participate in each of the federal and provincial EA processes for the various road projects noted in this comment. MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether other road proposals are approved and / or constructed.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that the Webequie Supply Road will also be considered for inclusion in the cumulative effects assessment in the EA.</p> <p>EAs for the proposed Webequie Supply Road and Northern Road Link will be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>The Ontario EA process is proponent-led. The proponents for each of the three proposed road projects (Marten Falls Community Access Road, Webequie Supply Road (WSR) and Northern Road Link) separately requested to enter into agreements with the Minister of the Environment, Conservation and Parks under the Environmental Assessment Act (EAA) to make their respective projects subject to the requirements of the EAA.</p> <p>As a result of those agreements, each of the three proposed road projects are undergoing individual EAs, which is the most comprehensive form of EA in Ontario. Under the individual EA process, it is up to each proponent to plan and design the EA for their respective project. The proposed projects are distinct and unique, with different purposes designed to meet the specific community objectives of their respective proponents.</p> <p>MECP is reviewing the proposed MFCAR ToR to ensure that the proponent has met the requirements of the Environmental Assessment Act and the expectations in MECP's Codes of Practice. MECP is also reviewing how the proponent has responded to concerns raised, the overall record of consultation, and whether an EA prepared in accordance with the proposed ToR would be consistent with the purpose of the EAA and the public interest.</p> <p>Regarding concerns around cumulative effects, MECP has requested, and the proponent has committed to preparing, a technical work plan for the cumulative effects assessment. The proponent has committed in its ToR to consult with Indigenous communities on the proposed cumulative effects assessment methodology. The proponent will also be required to meet federal requirements for the cumulative effects assessment, which must include consideration of the proposed MFCAR, NRL and WSR, among other past, present and reasonably foreseeable physical activities.</p> <p>As part of the EA processes, the proponents will identify and assess potential effects to Aboriginal and treaty rights, and identify mitigation measures, for their proposed projects. MECP encourages Aroland First Nation to continue to participate in the consultation processes for these EAs.</p> |

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| | <p>related to the assessment, which is known as the Impact Statement for the Agency, and as the Environmental Assessment report for MECP...This Cooperation Plan recognizes that the alignment of respective timelines does not supersede the legislative obligations prescribed in the Impact Assessment Act and Ontario's Environmental Assessment Act, as well as the completeness of any information submitted by the proponent." The Cooperation Plan for the Marten Falls Community Access Road Project Impact Assessment is available on the Impact Assessment Agency of Canada's website.</p> <p>AFN Response and Comments on Final ToR: AFN appreciates the Project Team's clarification and confirmation that the Cooperation Plan between MECP and IAAC will not supersede the legislative obligations prescribed in the IAA. AFN agrees in principle that a coordinated federal and provincial assessment should have a single body of documentation that is inclusive of all requirements under the EAA and IAA. The value and importance of a comprehensive account of impacts based on provincial and federal requirements will support AFN to identify, understand, and assess the project in a holistic way. What is challenging from AFN's perspective is the proposed MFNCAR Project is not the only assessment process occurring in the region for a set of interconnected road projects that represent a single undertaking to connect the Ontario highway system to the Ring of Fire and to two First Nation communities. Currently, AFN is participating, or plans to participate, in the following roads environment and impact assessment processes that have the shared objective of connecting the Ontario highway system to the Ring of Fire:</p> <ul style="list-style-type: none"> • Provincial EA process for Webequie Supply Road (WSR) (In Progress) • Provincial EA process for MFCAR (In Progress) • Federal IA process for WSR (In Progress) • Federal IA process for MFCAR (In Progress) • Federal Regional Assessment (Forthcoming) • Provincial EA process for Northern Road Link (Forthcoming) • Federal IA process for Northern Road Link (Forthcoming) | | <p>Where possible, MECP will coordinate EA activities with the Impact Assessment Agency of Canada, including consultation, for the separate EA/Impact Assessment processes for each road project.</p> |

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| | <p>AFN's participation in the above projects involve:</p> <ul style="list-style-type: none"> • Engagement and consultation with numerous proponents and provincial and federal staff; • Participation in several projects that are at different stages of the assessment process; • Handling multiple and competing timelines across the various projects; and • Managing engagement fatigue of our staff and community members. <p>All of the above projects are interrelated and in some way support exploration, development and access to the Ring of Fire. Given the interconnectedness of these projects, AFN recommends that the WSR, the Northern Road Link, and the portion of the MFCAR that connects the WSR and Northern Road Link be considered in a single assessment. This approach is reasonable from an administrative and operational perspective but is also mindful and supportive of community engagement needs.</p> <p>The AFN community does not view the WSR, MFCAR and Northern Road Link as separate projects. Rather, the AFN community sees the proposed development of a single road that starts in AFN's territory and the Ontario provincial road network, and ends at the Webequie Airport via McFaulds Lake. With the AFN community perspective in mind, it is critical that AFN is engaged, and the project is assessed through this holistic and cultural lens that considers the full suite of road project impacts in the region.</p> | | |
| AroFN-11 | <p>Drat ToR Section: 4. Purpose of the Study</p> <p>AFN's Comment from January 20, 2020 Submission: The Project is proposed to provide reliable all- season multi-purpose ground access between MFFN and the provincial highway network. However, the proposed Project with a 100 metre (m) wide ROW cleared to a width of 60 m will also create a new corridor right-of-way which can enable future parallel linear infrastructure such as telecommunication services, electrical transmission line services, and energy transportation pipelines. Potential future parallel linear infrastructure will provide substantial</p> | <p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of</p> | <p>Regarding your comment about considering other options to connect the MFCAR to the provincial highway, the voluntary agreement signed under the Environmental Assessment Act in 2018 for the MFCAR defines the proponent's proposed project as the construction of an all-weather multi-use road and all associated infrastructure between the current northern terminus of the Painter Lake forestry road and the community of Marten Falls First Nation. According to the ToR, the proponent has been studying a community access road for a number of years; these earlier studies are presented in the ToR to provide a rationale for the current scope of the project. The proposed project connection to the highway via the Anaconda/Painter Lake roads would use existing infrastructure to reduce the potential for environmental effects. However, the ToR states that as</p> |

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| | <p>opportunities enhance social and economic well- being (see above comment on principles).</p> <p>AFN submits that the Purpose of the Project be amended: “The Project is proposed to provide reliable all-season multi-purpose ground access between MFFN and the provincial highway network, and establish a corridor right-of-way that will enable future parallel linear infrastructure.”</p> <p>Project Team Response: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. Although a 100 m wide right-of-way is proposed, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". Therefore, the Project is not being planned or designed to accommodate for other infrastructure.</p> <p>With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment.</p> <p>AFN Response and Comments on Final ToR: AFN's comments on the draft ToR were advanced prior to the announcement of the Northern Road Link project by Webequie First Nation (WFN), MFFN, and the Government of Ontario. With segments of the MFCAR posed to enable access to the Ring of Fire via the Northern Road Link, AFN asserts that the purpose of the project be amended to include this development.</p> <p>We have heard from the Project Team that “the CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of</p> | <p>whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged.</p> <p>Regarding the Anaconda / Painter Lake Road network that passes by Aroland First Nation, MFFN would be happy to look at the options and alternatives for upgrades / realignment that Aroland First Nation is considering. The EA / IS Consultation and Engagement Plan provided as Appendix B of the ToR identifies the consultation and engagement activities planned during the EA. MFFN will consult with Indigenous communities, including Aroland First Nation, agencies and interested person to obtain feedback and input on the alternatives. MFFN will contact Aroland First Nation during the EA to understand concerns about alternative methods being considered for the Project in more detail and to share information to allow both parties to better understand potential effects and impact management measures. Concerns related to alternatives for connecting the CAR to the provincial highway network now that the Northern Road Link has been announced is outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is,</p> | <p>the EA process progresses the alternative routes may change, for example in order to address and mitigate impacts, and in such cases the ToR commits to adjusting the study area and consulting on any changes with Indigenous communities. MECP encourages Aroland First Nation to participate in the consultation opportunities regarding alternatives assessment and raise any concerns with the proposed terminus point for the community road with the proponent to ensure consideration of your concerns when assessing options.</p> <p>Proposed upgrades to the Anaconda Road and Painter Lake Road to address current road uses are undergoing a separate Class Environmental Assessment process led by MTO.</p> <p>MTO as the proponent has indicated that it is committed to finding ways to involve Indigenous communities in highway work to provide economic opportunities and build skills capacity. MTO has also indicated that it will continue to work with Aroland First Nation to explore ways to enable Aroland First Nation to participate in various aspects of the Anaconda Road and Painter Lake Road upgrades project. As the project proponent, MTO will engage and consult with all Indigenous communities that have the potential to be impacted by the project activities and ensure that the Duty to Consult is met.</p> <p>Aroland First Nation has indicated that they want to be actively involved in the Anaconda and Painter Lake Road upgrades project and has conducted an engineering assessment of the existing roads. NDMNRF will continue to support Aroland First Nation's participation including in the base-line environmental studies, aggregate sourcing, permitting projects, alternatives assessment, and consultation/engagement activities related to the proposed upgrades for the Anaconda Road and Painter Lake Road.</p> |

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| | <p>whether an industrial supply road or development in the Ring of Fire occurs.” AFN understands the importance of all-season road connectivity for MFFN, but with the introduction of the Northern Road Link project, the proposed scope of impacts becomes more significant. The MFNCAR becomes a multi-purpose road that could potentially enable heavy industrial use and access related with the Ring of Fire. Both proposed MFCAR routes connect in with the Painter Lake and Anaconda road network that pass directly through AFN and area of high use by members. As a result, AFN recommends that other alternatives for connecting the MFNCAR to the provincial highway network must be considered with deep consultation with AFN. More comments on this matter are captured in the Alternative Methods and Alternative To sections below.</p> <p>With respect to reasonably foreseeable projects, AFN maintains that there should be a dedicated section in the ToR for the cumulative effects assessment. With the project enabling both future parallel liner infrastructure (e.g., telecommunication services, electrical transmission line services, and energy transportation pipelines) and access to the Ring of Fire, more detail and methodology regarding the cumulative effects assessment must be included. Under the new IAA, cumulative effects assessment must include and consider cumulative effects on the rights of Indigenous Peoples. AFN recommends that any cumulative effects assessment include cumulative effects on the rights of Indigenous Peoples as well as the environment.</p> | <p>sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency’s Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. MFFN is also interested in understanding other activities and opportunities Aroland First Nation may also be considering independent of or in relation to development in the Far North (e.g., Aroland First Nation’s community vision of rail siding) so it may be considered in the cumulative effects assessment where appropriate.</p> <p>The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the TISG developed by the Impact Assessment Agency of Canada (the Agency). In accordance with the TISGs, the EA will include the consideration of cumulative effects to the rights of Indigenous peoples and cultures.</p> | |
| AroFN-15 | <p>Drat ToR Section: 5.2 Description of the Undertaking</p> <p>AFN’s Comment from January 20, 2020 Submission: "MFFN states that options for road ownership, maintenance activities and liability are being considered in discussion</p> | <p>The Proponent for the CAR, MFFN, is identified in Section 2 of the ToR. Since MFFN is the Proponent for the Project, discussions related to road ownership, maintenance, and liability are between MFFN and the province only. Discussions related to road ownership, maintenance, and</p> | <p>The EAA provides a framework for conceptual level planning and decision-making and is not impacted by the question of ultimate ownership of a future facility. The ToR is the work plan for the EA and sets out what will be studied in the EA and the consultation.</p> |

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| | <p>with the Province. The existing Painter Lake Road that connects to the proposed undertaking, together with a substantial portion of the southern portions of the proposed undertaking, are within AFN's traditional territory. As such, MFFN should also be discussing options for road ownership maintenance activities and liability in discussion with AFN. MFFN should also be discussing, with AFN, options for accessing crushed rock and granular materials through rock quarries and borrow areas within AFN's traditional territory. As well, MFFN should also" be discussing options, with AFN, for ancillary infrastructure including but not limited to temporary access roads and temporary construction camps within AFN's traditional territory. AFN submits that MFFN should consider options for road ownership, maintenance activities and liability in discussion with AFN, as well as with the Province – and consider tripartite discussions for the same. Similarly, AFN should be discussing, with AFN, options for accessing crushed rock and granular materials through rock quarries and borrow areas within AFN's traditional territory, and options for ancillary infrastructure including but not limited to temporary access roads, temporary construction camps, and staging areas within AFN's traditional territory.</p> <p>Project Team Response: Decisions regarding road ownership, maintenance and liability have not yet been determined. Conversations with the Province are ongoing and updates will be provided as they are available.</p> <p>The Terms of Reference sections 6 and 8 have been updated to clarify that ancillary infrastructure components of the Project, such as aggregate sites will be described and assessed in the EA. As such there will be opportunities to provide input on them at key milestones per Table 4-2 of the Consultation Plan.</p> <p>The design and location of ancillary infrastructure (i.e., temporary infrastructure required for construction) will be informed by consultation with Indigenous communities and Indigenous Knowledge shared.</p> <p>AFN Response and Comments on Final ToR: The Project Team's response does not adequately address</p> | <p>liability are outside of the scope of is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>In April 2018, MFFN signed an agreement with the MECP to prepare an EA pursuant to the Ontario <i>Environmental Assessment Act</i>. As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested Indigenous communities on the Project. Ontario (MECP and the Ministry of Energy, Northern Development and Mines [ENDM]) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process.</p> <p>MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN agrees to continued community-to-community discussions throughout the Project and will continue to discuss the Project with Aroland First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR. MFFN will consult with Aroland First Nation during the EA to understand the community's concerns regarding the Project and the potential impact on their Aboriginal and Treaty Rights in more detail and to share information to allow both parties to better understand potential effects and impact management measures.</p> <p>MFFN has committed to engaging with Aroland First Nation to develop a custom consultation process in lieu of an MOU</p> | <p>Should the proposed project be approved to proceed under the EAA, any future owner would be required to implement the project in accordance with, and as defined by, the Notice of Approval for the undertaking. The ToR indicates that the identification and assessment of ancillary infrastructure, such as quarries, borrow areas and aggregate source areas, are all components of the project. If the proposed ToR is approved, during the EA the proponents will be assessing alternative methods for ancillary infrastructure and making this information available in the EA.</p> <p>Ontario recognizes that, as the Crown, it has a constitutional duty to consult, and where appropriate, accommodate Aboriginal communities where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult.</p> |

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| | <p>AFN's comments and recommendation. Since a significant portion of the proposed road is with AFN territory, AFN must be a part of the ongoing discussions related to road ownership, maintenance, and liability. This depth of engagement is commensurate with the deep level of impact this project will have on AFN's rights and interests.</p> <p>Given the scope and depth of impacts anticipated, AFN expects that our consent will be sought for aspects of the project that fall within our territory. This includes consent on the route, design and location of ancillary infrastructure and appropriate avoidance, mitigation, and accommodation measures. More information related to this matter can be found in our comments related to the proposed consultation plan for the EA.</p> | <p>between the Nations. MFFN and the Project Team looks forward to initiating this process shortly to begin the development of a custom consultation process with Aroland First Nation.</p> <p>Issues of consent are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | |
| AroFN-19 | <p>Draft ToR Section: 6.2 Approach to Considering "Alternatives To"</p> <p>AFN's Comment from January 20, 2020 Submission: MFFN notes that it "is possible that a supply road would be constructed from a point along the CAR to the mining claims north of MFFN, including the Ring of Fire. Provincial interest is for one road to be built to serve both community access and industrial supply needs (i.e., multi-functional use); therefore, the proposed CAR may be used by private, commercial and industrial interests."</p> <p>AFN has significant concerns about a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire. AFN agrees that not proceeding with the Project does not address the problem of unreliable community access to MFFN.</p> <p>AFN does not agree with the statement that the "Do Nothing" alternative eliminates or reduces industrial opportunities and resulting benefits to MFFN and others in the region with respect to access to mining claims north of MFFN and the Ring of Fire. Mineral exploration entities and mining companies are currently accessing claims north of MFFN and the Ring of Fire. Further, AFN would be significantly impacted by a supply road being constructed from a point along the CAR to the mining claims north of</p> | <p>See response to AroFN-11.</p> <p>To address Aroland First Nation's comment of January 20, 2020 to confine the Do Nothing alternative to unreliable community access, language related to a supply road being constructed from a point along the CAR to the mineral claims north of MFFN and the Ring of Fire was removed from this section in order to provide a more clear and accurate description of the Project purpose and problem this Project is being proposed to address. The intent was not to exclude a thorough assessment of impacts. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged.</p> <p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for</p> | <p>Regarding your comment about considering other options to connect the MFCAR to the provincial highway, please see Ontario's response to AroFN-11.</p> <p>Regarding the comment about project splitting, please see Ontario's response to AroFN-5.</p> |

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| | <p>MFFN and the Ring of Fire. AFN submits that any consideration of an undertaking for a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire be subject to an Provincial environmental assessment and a federal Impact Assessment that includes AFN as a proponent so that AFN can meaningfully assess impacts and benefits, and determine if it is able to provide its consent for such an undertaking.</p> <p>AFN submits that the Do Nothing alternative should be confined to unreliable community access to MFFN: how not proceeding with the Project does not address the problem of unreliable community access to MFFN." Any discussion of a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire must note for the record AFN's concern that its rights and interests would be significantly, permanently and irreversibly impacted by such a supply road, and that consideration by any party, including MFFN or the Province, of an undertaking for such a supply road be subject to a Provincial environmental assessment and a federal Impact Assessment that includes AFN as a proponent so that AFN can meaningfully assess impacts and benefits, and determine if it is able to provide its consent for such an undertaking.</p> <p>Project Team Response: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. The CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of whether an industrial supply road or development in the Ring of Fire occurs.</p> <p>On March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The proposed Northern Road Link would provide reliable, all-season road access to potential mine sites in the Ring of Fire region. The requirement for an environmental assessment (EA) specific to the proposed Northern Road Link will be confirmed by</p> | <p>cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. MFFN is also interested in understanding other activities and opportunities Aroland First Nation may also be considering independent of or in relation to development in the Far North (e.g., Aroland First Nation's community vision of rail siding) so it may be considered in the cumulative effects assessment where appropriate.</p> <p>Regarding the Anaconda / Painter Lake Road network that passes by Aroland First Nation, MFFN would be happy to look at the options and alternatives for upgrades / realignment that Aroland First Nation is considering. The EA / IS Consultation and Engagement Plan provided as Appendix B of the ToR identifies the consultation and engagement activities planned during the EA. MFFN will consult with Indigenous</p> | |

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| | <p>the joint proponent of MFFN and Webequie First Nation in consultation with the provincial and federal government. This is a new proponent and is separate from the proponent of the CAR Project, where only Marten Falls is the proponent.</p> <p>An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. The discussion around "a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire" will be removed from Section 6.2.</p> <p>AFN Response and Comments on Final ToR: Please see AFN's comments regarding Section 4 Purpose of the Study. In addition, AFN disagrees with the Project Team's response and proposed action to remove reference to "a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire." The removal of specific language in the ToR related to a supply road and access to the Ring of Fire via the MFNCAR is intentional to exclude a thorough assessment of impacts.</p> <p>From a regional perspective, the WSR, Northern Road Link, and MFCAR collectively advance both community and Ring of Fire access to the provincial highway system and AFN contends that any road network that is contemplated in the region considers both objectives. The importance of this point is further demonstrated by the announcement of the Northern Road Link. The MFNCAR is now an important piece of a possible road network up to the Ring of Fire. As a result, the appropriate scope and purpose of the undertaking for the Project must be amended to include supply road access to the McFauld's Lake areas to the provincial highway network.</p> <p>AFN sees the distinction between the roads projects as project splitting, which comes with significant risk of inadequately assessing, understanding, and addressing impacts to AFN's rights and interests. These projects should not be assessed or considered separately. The</p> | <p>communities, including Aroland First Nation, agencies and interested person to obtain feedback and input on the alternatives . MFFN will contact Aroland First Nation during the EA to understand concerns about alternative methods being considered for the Project in more detail and to share information to allow both parties to better understand potential effects and impact management measures. Concerns related to alternatives for connecting the CAR to the provincial highway network now that the Northern Road Link has been announced is outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | |

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| | <p>advancement of the Northern Road Link fundamentally changes the impacts the MFNCAR project may have on AFN's rights and interests. As a result, understanding alternatives to and alternatives methods for connecting MFFN to the provincial highway network and the Ring of Fire must be considered by the EA. This is especially important for the consideration of alternatives to connecting into the existing provincial highway network around AFN. AFN has substantial concerns regarding a potential supply road that passes through our community and connects into the Painter Lake and Anaconda road network.</p> | | |
| AroFN-29 | <p>Drat ToR Section: 7.2.8 Fish and Fish Habitat</p> <p>AFN's Comment from January 20, 2020 Submission: MFFN has not consulted with AFN regarding the location of access road watercourse crossings. In conjunction with assessing alternative methods, MFFN should ensure that AFN is consulted on all watercourse locations for either alternative to make sure culturally sensitive or important locations are not impacted by bridge or culvert construction.</p> <p>Project Team Response: The Project is in the early phases of Project planning and detailed design has not commenced. The MFFN Project Team will consult with potentially affected Indigenous communities on watercourse crossings. The MFFN Project Team has initiated an Indigenous Knowledge Program to assist with collecting and utilizing important Indigenous Knowledge in Project planning, routing and design. It is anticipated that information brought forward through the Indigenous Knowledge Program will help to inform the planning and design of watercourse crossings.</p> <p>AFN Response and Comments on Final ToR: Given the scope and depth of impacts anticipated, AFN expects that our consent will be sought for aspects of the project that fall within our territory. This includes consent on the route, design, and location of ancillary infrastructure and appropriate avoidance, mitigation, and accommodation measures. Given that AFN's ICLUS for the MFCAR Project has not been completed, AFN requests that no decisions</p> | <p>In April 2018, MFFN signed an agreement with the MECP to prepare an EA pursuant to the Ontario <i>Environmental Assessment Act</i>. As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested Indigenous communities on the Project. Ontario (MECP and ENDM) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a MOU to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process.</p> <p>MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN agrees to continued community-to-community discussions throughout the Project and will continue to discuss the Project with Aroland First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR. MFFN has committed to engaging with Aroland First Nation to develop a custom consultation process in lieu of an MOU between the Nations. MFFN and the Project Team looks</p> | <p>Ontario recognizes that, as the Crown, it has a constitutional duty to consult, and where appropriate, accommodate Aboriginal communities where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult.</p> <p>While we have differing views about the requirement for consent in connection with this project, we encourage Aroland First Nation to actively participate in the MFCAR EA process.</p> |

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| | <p>are made on the water crossings until the IKLUS is finalized.</p> | <p>forward to initiating this process shortly to begin the development of a custom consultation process with Aroland First Nation. Issues of consent are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>The MFFN Project Team will consult with potentially affected Indigenous communities on watercourse crossings. In addition, MFFN provided Indigenous communities, including Aroland First Nation, with the Indigenous Knowledge Program Guidance Document in November 2020 to support communities in collecting and sharing Indigenous Knowledge and information on Indigenous land and resource use and cultural values relevant to the Project (including completing Project-specific studies). An Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities was also shared in January 2021; the Fact Sheet is also available on the Project website. MFFN looks forward to Aroland First Nation's forthcoming Indigenous Knowledge and Land Use Study and input through the Consultation and Engagement Program.</p> | |
| AroFN-38 | <p>Drat ToR Section: 9.1 Environmental Commitments</p> <p>AFN's Comment from January 20, 2020 Submission: For the Project to proceed through AFN's traditional territory, AFN will need to provide its consent.</p> <p>Section 9.1 should include reference to environmental commitments and accommodations developed between MFFN and AFN should AFN provide its consent for the Project to proceed.</p> <p>Project Team Response: MFFN is the proponent for this Project and is directing the EA decision-making process but commits to full engagement and consultation with all interested communities, including Aroland First Nation, to support the environmental, social and economic sustainability of the Project.</p> <p>Where appropriate, questions, comments and concerns</p> | <p>In April 2018, MFFN signed an agreement with the MECP to prepare an EA pursuant to the Ontario <i>Environmental Assessment Act</i>. As part of this process the Crown has a Duty to Consult potentially impacted and potentially interested Indigenous communities on the Project. Ontario (MECP and ENDM) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a MOU to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process.</p> <p>MFFN is committed to creating and sustaining constructive</p> | <p>The federal government has the lead role in working with Indigenous peoples on how to address the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) within Canada, including the principles enshrined in free, prior and informed consent (FPIC).</p> <p>On December 3, 2020, Canada introduced Bill C-15, United Nations Declaration on the Rights of Indigenous Peoples Act. The Bill, which received Royal Assent on June 21, 2021, provides a framework for the Government of Canada's implementation of UNDRIP within areas of federal jurisdiction.</p> <p>Ontario continues to be willing to work with the federal government to bring clarity to Canada's approach to FPIC.</p> <p>Ontario recognizes that, as the Crown, it has a constitutional duty to consult, and where appropriate, accommodate Aboriginal communities where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult.</p> |

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| | <p>received on the Project have been incorporated into the applicable sections of the ToR. All comments received and responses to each are included in the Record of Consultation (Appendix C). Appendix C also identifies where within the ToR each comment has been addressed. Where questions, comments or concerns could not be addressed within the ToR, a commitment for the EA has been made. These commitments are listed in Section 9.1.1 of the ToR.</p> <p>AFN Response and Comments on Final ToR: AFN has reviewed Section 9.1.1 and does not see a commitment related to AFN's comments related to consent as well as accommodations developed between MFFN and AFN. AFN requests a rationale as to why the principles of the United Declaration on the Rights of Indigenous Peoples (UNDRIP) and consent are not being promoted in this Project and within the ToR.</p> | <p>dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN agrees to continued community-to-community discussions throughout the Project and will continue to discuss the Project with Aroland First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR. MFFN has committed to engaging with Aroland First Nation to develop a custom consultation process in lieu of an MOU between the Nations. MFFN and the Project Team looks forward to initiating this process shortly to begin the development of a custom consultation process with Aroland First Nation.</p> <p>Issues of consent and United Declaration on the Rights of Indigenous Peoples (UNDRIP) are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>Ontario is working across government to ensure ministries uphold their constitutional duty to consult in respect of the MFCAR EA process by undertaking meaningful consultation with Aboriginal communities using a consistent and coordinated approach.</p> |
| AroFN-39 | <p>Draft ToR Section: 9.2 Environmental Monitoring</p> <p>AFN's Comment from January 20, 2020 Submission: For the Project to proceed through AFN's traditional territory, AFN will need to provide its consent. Section 9.2 should include reference to environmental monitoring commitments and accommodations developed between MFFN and AFN should AFN provide its consent for the Project to proceed.</p> <p>Project Team Response: MFFN agrees it is important to work collaboratively with Indigenous peoples and Indigenous communities to identify environmental monitoring commitments, and foresees this as part of the consultation undertaken for the EA. Section 9.2 of the Draft ToR outlines the Project's environmental monitoring commitments and Table 4-2 of the Consultation Plan includes consultation activities aimed at receiving input on impact management measures and monitoring measures. The ToR also identifies MFFN's plan that Indigenous</p> | <p>See response to AroFN-38.</p> <p>Issues of consent are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>Ontario recognizes that, as the Crown, it has a constitutional duty to consult, and where appropriate, accommodate Aboriginal communities where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult.</p> |

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| | <p>knowledge will help determine appropriate impact management measures and monitoring methods (Section 8.4). No change is proposed to the ToR as the commitment to identify environmental monitoring commitments with Indigenous communities is captured in the documentation.</p> <p>AFN Response and Comments on Final ToR: MFFN's commitment for identifying environmental monitoring commitments with Indigenous communities is captured but matters of consent and accommodation are not. Please see AFN's response to 9.1 for more detail.</p> | | |
| AroFN-47 | <p>Final Terms of Reference Section: Section 3.1 Provincial Environmental Assessment Requirements</p> <p>Terms of Reference Excerpt: The final ToR highlights that that in July 2020, "amendments to the EAA included changes to the provincial EA process that may result in requirements for the Project that are different than what is outlined above. MFFN will consult with government agencies throughout the EA process to confirm applicable requirements from the EAA amendment."</p> <p>Comment: AFN is proceeding with the understanding that the MFNCAR ToR and EA will proceed under the Ontario Environmental Assessment Act, 1990, prior to amendments made in 2020, given that the EA process commenced prior to the 2020 amendments. AFN has not received any communication from the Provincial Crown that would indicate otherwise, nor has AFN been consulted by the Provincial Crown on the 2020 amendments or associated regulations.</p> | <p>Whether the <i>Ontario Environmental Assessment Act</i> 1990 or 2020 amendment applies to the Project is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter. MFFN is not aware of any changes to the <i>Environmental Assessment Act</i> that would change how an EA is conducted; the EA is to be completed according to the approved ToR. Although upon commencement of the ToR, MFFN was planning to follow the 1990 Act, MFFN has to consult with government agencies to confirm applicable requirements from the Ontario <i>Environmental Assessment Act</i> 2020 amendment.</p> | <p>The amendments and proposed project list will not change the environmental assessment process for the Marten Falls Community Access Road project.</p> <p>The amendments to the EAA enabled a move to a project list approach; this included amendments to replace Part II of the EAA, which sets out the process for an individual EA with Part II.3 (Comprehensive Environmental Assessment). Note that this amendment is not yet in force and will not come into force until a regulation is developed and made identifying the types of projects that will be subject to comprehensive EA.</p> <p>Part II.3 does not change the substance of the process associated with carrying out an environmental assessment. There remain two key phases, the preparation of the ToR and the EA, and the requirements to assess impacts, mitigate negative effects, and undertake consultation were not changed by the amendments.</p> <p>The MFCAR project was made subject to the EAA by a voluntary agreement dated May 3, 2018. Assuming that the EA is not complete (i.e. a decision on whether to give approval to proceed with the project has not yet been made) when the amendments come into force, the project will be deemed to be a Part II.3 project and will be subject to Part II.3 of the EAA. The EA requirements under Part II.3 of the EAA carry forward the current requirements. The amendments to the legislation and the proposal for the comprehensive EA project list do not affect the material aspects of the planning process associated with the MFCAR.</p> <p>MECP has been consulting on EA modernization since 2019, beginning with the discussion paper on April 25, 2019. Aroland First Nation received notification for the discussion paper in spring 2019, the legislative amendments on July 8, 2020 which included information on the webinars, the proposed changes to the class EAs, and proposed exemption regulations as well as notification on September 5 and 11, 2020 regarding the comprehensive EA project list. MECP will also be consulting further on the proposed Comprehensive Environmental Assessment Project List and will inform Aroland First Nation of all consultation opportunities. If there is an additional or updated contact that you would like MECP to be aware of, please let us know.</p> |

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| AroFN-51 | <p>Final Terms of Reference Section: 5.1 Rationale for the Proposed Undertaking</p> <p>Terms of Reference Excerpt: Between the draft and final versions of the ToR, reference to the Ring of Fire has been removed from Section 5.1.</p> <p>Comment: From AFN’s perspective, reference to and acknowledgement of MFNCAR providing linkage and access to the Ring of Fire, and linkage from the Ring of Fire to the provincial highway system adjacent to AFN’s reserve community, is critical to properly scoping the assessment of this Project. AFN continues to see concerted efforts by the Project Team to distance the MFNCAR from contemplated access to the Ring of Fire. However, the proponent for the MFNCAR is also advancing a proponenty for an industrial supply road that connects the MFNCAR to the Ring of Fire. The Minister should consider this attempt at project splitting to be counter to the intent of the Environmental Assessment Act. A “project” means one or more enterprises or activities or a proposal, plan, or program in respect of an enterprise or activity. MFNCAR is part of a combination of enterprises or activities that includes the Northern Road Link, MFNCAR and WSR, and MFFN, WFN and Ontario are on the public record with unequivocal statements such as: “Today’s signing marks a new partnership between the government, Marten Falls First Nation and Webequie First Nation to advance planning of critical road infrastructure that would provide reliable, all-season road access to potential mine sites and connect First Nation communities to Ontario’s provincial highway network.” – Government of Ontario News Release, March 2, 2020 - https://news.ontario.ca/en/release/56039/moving-forward-with-road-access-to-the-ring-of-fire</p> | <p>To address Aroland First Nation’s comment of January 20, 2020 to confine the Do Nothing alternative to unreliable community access (see AroFN-19), language related to a supply road being constructed from a point along the CAR to the mineral claims north of MFFN and the Ring of Fire was removed from this section in order to provide a more clear and accurate description of the Project purpose and problem this Project is being proposed to address. The intent was not to exclude a thorough assessment of impacts. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged.</p> <p>Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>In the ToR, Section 4: purpose of the Project and the Study states that the purpose of the project is to “provide reliable all-season multi-purpose ground access between MFFN and the provincial highway network.” The ToR also states that the road will serve community access and industrial supply needs for both the MFFN community ... and industrial proponents (e.g., mining, forestry).” Therefore, the project is proposed as a multi-purpose road built to meet industrial use specifications. It is anticipated that the proponent for the MFCAR will consider the impact of industrial traffic on the MFCAR in its EA. The draft ToR for the MFCAR, issued in November 2019, stated that the project will be for a multi-purpose road to serve both community access and industrial supply needs. Ontario respectfully disagrees that the proponent is undertaking concerted efforts to distance the MFCAR from contemplated access to the Ring of Fire/McFaulds Lake area, as the proponent has been consistent in the draft ToR and final ToR that the road may also serve mining proponents.</p> <p>Regarding the comment about project splitting, please see Ontario’s response to AroFN-5.</p> |

**Ministry of the Environment,
Conservation and Parks**

**Ministère de l'Environnement,
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August 30, 2021

Chief David Nakogee
Attawapiskat First Nation


**RE: Comments Received on Final Terms of Reference for the Marten Falls
Community Access Road Project Environmental Assessment**

Dear Chief Nakogee:

I would like to thank you for your comments on the proposed Terms of Reference (ToR) for the environmental assessment (EA) of Marten Falls First Nation's (Marten Falls) proposed Marten Falls Community Access Road Project (Project).

The Ministry of the Environment, Conservation and Parks (ministry) provided your comments to the Project proponent, Marten Falls First Nation, for a response. On March 10, 2021, the ministry sent you Marten Falls' responses to your community's comments on the proposed ToR.

Marten Falls referred three of your comments to Ontario because Marten Falls considered the comments to be outside of the scope for the proponent to respond to (for example, comments made about the environmental assessment process). This also gives Ontario an opportunity to provide a response from our perspective. The attached table provides Ontario's responses to your comments. For ease of reference, I have also included Marten Falls' responses associated with these comments, which you have already received. The ministry would be happy to re-send any of the previous responses if requested.

As you may recall, Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. The next major milestone for the Project will be a decision by the Minister on the ToR proposed by

Marten Falls. The Project is important to Marten Falls and the community understandably is concerned to see a decision made. The ministry has been turning its mind to bringing the ToR stage of the EA process for the Project to a conclusion. In doing so, it is helpful to take stock of what has transpired to date:

- Marten Falls began consulting with Indigenous communities on the draft ToR in November 2019. Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. Copies of the ToR were made available for a 60-day public comment period from October 23, 2020 to December 21, 2020. In response to concerns expressed by some Indigenous communities about the impact of the COVID-19 pandemic on their ability to effectively engage in consultation, the ministry provided an additional comment period ending March 31, 2021.
- We note that since 2019 Ontario's Participant Funding Initiative has supported eligible Indigenous communities' participation in consultation on the EA process by providing access to capacity funding.
- In addition, throughout this time Marten Falls has continued to provide opportunities for Indigenous communities to learn about the project through regular correspondence, live-streaming and radio call-in shows, fieldwork notifications and offers of virtual meetings.

While the ministry notes that some Indigenous communities may still have concerns about the impact of the COVID-19 pandemic on their ability to effectively participate in consultation, we are also encouraged by the progress that has been made to date in managing the pandemic in communities, including through vaccinations. The ministry understands that it is important to many communities that their members can meet in person as part of consultation about the Project. The ministry is hopeful that this is now or soon will be possible.

Given these circumstances, the ministry presently is aiming to receive any further comments on the proposed ToR by September 13, 2021. We are hopeful that this time frame will be sufficient.

If Ontario can be of assistance in facilitating further community discussion, please let us know. Ministry staff and members of Marten Falls' Project team remain available to speak with your community about any questions or concerns about the proposed Project and the EA process. Ministry staff and Marten Falls' Project team would also be pleased to participate on or help facilitate community meetings.

We will follow up with you in the coming days.

Should you have any questions, please do not hesitate to contact Ms. Sasha McLeod, Special Project Officer, at [REDACTED] and Ms. Dorothy

Moszynski, Special Project Officer (A), at [REDACTED]
[REDACTED]

Thank you for your ongoing participation in the provincial EA process for the proposed Project.

Sincerely,

[REDACTED]
Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

- c: Charles Hookimaw, Director of Lands and Resources, Attawapiskat First Nation
- Louis Edwards, Deputy Chief, Attawapiskat First Nation
- Lands and Resources Administrative Assistant, Attawapiskat First Nation
- Dorothee Schreiber, Environmental Consultant supporting Attawapiskat First Nation
- Chief Bruce Achneepineskum, Marten Falls First Nation
- Qasim Saddique, Marten Falls Project Team
- Mary Hennessy, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry
- Lori Churchill, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry

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| AttaFN-7 | <p>Concerns about Ontario's role as project facilitator and proponent.</p> <p>Marten Falls First Nation is named as the proponent, yet Ontario's Long-Term Infrastructure Plan clearly states that the province is supporting Marten Falls First Nation to plan and construct an access road connecting the community to the existing provincial highway network at Aroland/Nakina. According to Building Better Lives: Ontario's Long-Term Infrastructure Plan (2017) , "Ontario will continue to support Marten Falls to undertake further technical and environmental studies that could inform planning and development of a north-south access road tied to the business case for, and development of, chromite mining in the Ring of Fire. Building these roads is a critical step in realizing the economic benefits of one of the largest mineral-development opportunities in Ontario in almost a century" [emphasis added]. The Plan goes on to say that "Ontario is working to support these First Nations as they address all regulatory requirements, so that this unique environment is protected" (p. 93).</p> <p>The ToR strongly suggests that the road originally contemplated by Marten Falls First Nation was not</p> | <p>For decades, interests and concerns of the MFFN community have identified a strong desire for improved all-season community access. The Marten Falls First Nation Community Access Road Supporting Document – Alternatives Development that accompanies the ToR submission provides a detailed account of the evolution of the alternative methods, which occurred over more than ten years. As described in this document, initial efforts were focused on researching and exploring options to connect the community to the existing provincial transportation network year-round for community access only. These early studies were focused on winter road realignment and potential upgrade to an all-season road.</p> <p>In 2017, the Province entered into discussions with MFFN about funding an EA process. The provincial government would provide funding to plan all-season road access to MFFN. The all-season road access to MFFN would create an opportunity to extend an all-season road to the Ring of Fire. The community of MFFN was not initially receptive to changing the intended use of the Project to a multi-purpose road; however, over time the community accepted the change in direction and recognized the potential economic benefits a multi-purpose</p> | <p>Marten Falls First Nation (MFFN) is the proponent for its Marten Falls Community Access Road (MFCAR) environmental assessment (EA) and is accountable for decisions about the project planning and design during the preparation of the EA (concept, location, alternatives, studies, mitigation, etc.).</p> <p>The Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) is providing funding to the proponent of the proposed MFCAR for its EA as well as to First Nation communities to help them participate in the EA process. The funding provided does not commit or direct the proponent or participating communities to any specific project elements or outcomes.</p> |

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| | <p>multi- purpose, and that there was a "change of the road use to multi- purpose" after 2017 (p. 24). The ToR explains that the reason for this change was that "the provincial government would provide funding to plan all-season road access to the Ring of Fire and that as part of this plan they would work with Indigenous communities, including MFFN, to build all-season access roads to communities" (p. 23). This indicates that Ontario' s primary rationale for promoting the road is to open the Ring of Fire to mineral development.</p> | <p>road could provide while also minimizing infrastructure corridors in the Far North.</p> <p>Ontario's decision to fund the community access road is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | |
| AttaFN-10 | <p>Section 3.4 (p. 8): As noted above in our general comments, the review period for this project is too short for Attawapiskat First Nation to be meaningfully consulted on this project. Attawapiskat First Nation requires an explanation for why the comment period for "Indigenous communities" is the same as the time (seven weeks for comment on the Individual EA and five weeks for comment on the ministry review) allowed for comments from "interested persons," who do not hold constitutionally-protected rights.</p> | <p>The period of time allotted for interested parties (including the general public, Indigenous communities and government agencies) to review a ToR submitted to the MECP for Minister decision is set by the MECP. The review period for interested parties is set at a minimum of 30 days following submission of the ToR by the proponent to the Minister. Given the current circumstances surrounding the COVID-19 pandemic, MFFN has voluntarily extended the review period for interested parties (including the general public, Indigenous communities and government agencies) from the minimum required 30 days to 60 days. An additional opportunity for Attawapiskat First Nation to comment on the ToR has been provided until March 31, 2021. This brings the total number of days allotted for review to 126 days.</p> | <p>Due to the COVID-19 pandemic, the Ministry of the Environment, Conservation and Parks (MECP) initially provided 60 days, rather than the standard 30 days, for the Indigenous, public and agency Terms of Reference (ToR) review period for this proposed ToR. Following this review period and in response to concerns from Indigenous communities about this timeframe, MECP indicated that it would continue to accept comments from Indigenous communities about the ToR until March 31, 2021 and that MECP would remain flexible in its approach to consultation.</p> <p>With respect to the concern about the comment periods that are part of the EA phase of an individual EA, the seven week comment period for the EA and five week comment period for the ministry review are set out in the Deadlines</p> |

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| | | <p>Why the length of the comment period for Indigenous communities is the same as the time allowed for comments from 'interested persons' is outside the scope of what MFFN is responsible for responding to as the proponent of the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>Regulation, O. Reg. 616/98, made under the Environmental Assessment Act. This regulation does not set out separate comment periods for Indigenous communities. Ontario recognizes that, as the Crown, it has a constitutional duty to consult where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult, and provides additional time to Indigenous communities to meaningfully participate in the EA process where warranted. This is why MECP provided additional time for Indigenous communities to comment on the MFCAR ToR.</p> |
| AttFN-30 | <p>Section 9 (p. 77): The ToR indicates that "MFFN will continue to share information on caribou and migration as it relates to the Project as it becomes available on an ongoing basis to neighbouring Indigenous communities and interested persons." Will the proponent request that general habitat mapping for caribou be done by the MECP, as the MECP has offered (Appendix D, p. 18)? Attawapiskat requests that MECP be involved in this mapping, and that MECP maps of anthropogenic and natural disturbances and caribou habitat (refuge habitat, winter habitat, etc.) be shared with Attawapiskat.</p> | <p>MFFN has requested general habitat mapping from the MECP and will be incorporating information informed by the mapping into the baseline reporting and effects assessment of the EA, as applicable. This information is subject to a sensitive data license between the MECP and MFFN. Attawapiskat First Nation is encouraged to engage with MECP directly regarding this request. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>In 2013, Ontario released the General Habitat Description for the Forest-dwelling Woodland Caribou (GHD) which provides greater clarity on the area of habitat protected for Caribou based on the general habitat definition found in the Endangered Species Act, 2007. To support the application of the GHD, Ontario has developed a draft standard methodology for mapping sub-range habitat features for Caribou (including Category 1, 2 and 3 habitat), as described in the GHD; and mapped Caribou habitat accordingly. MECP's Species at Risk Branch (SARB) continues to provide oversight on the mapping of general habitat for Caribou in Ontario to ensure consistency in application across the province. The mapped Caribou habitat data is available upon request.</p> |

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| | | | <p>Ontario has also estimated the amount of cumulative disturbance at the range-level consistent with Ontario's Woodland Caribou Conservation Plan and the Range Management Policy in Support of Woodland Caribou Conservation and Recovery. The methods for this are outlined in the <i>Integrated Range Assessment Protocol for Caribou Conservation in Ontario</i> ('Protocol'). These data and the Protocol are available upon request.</p> <p>Additionally, the Protocol outlines the habitat assessment which compares the current amount and arrangement of habitat (i.e., refuge habitat, winter habitat, suitable habitat, mature conifer) against that projected by the Simulated Range of Natural Variation (SRNV). Both the amount and arrangement SRNV was compared against current amounts and arrangement as inferred from the Forest Resource Inventory (FRI). The relative difference is a measure of how close or how far away the range condition is to the estimated natural levels of habitat. This comparison informs the interpretation of the probability of Caribou persistence. In the Far North of Ontario, where FRI information is not available, neither reliable estimates of current amount of habitat nor the projected SRNV are achievable with existing information. As such, an alternate approach using</p> |

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| | | | <p>the Provincial Landcover (2010) as a surrogate was used to assess caribou habitat and reflects the relative availability of land cover classes identified as being significant within the Boreal and Clay-belt habitat models with no implication that the stated relationship holds true in the Far North of Ontario. The results are available in the <u>Integrated Range Assessment for Woodland Caribou and their Habitat – The Far North of Ontario</u> (2014).</p> <p>Should Attawapiskat First Nation require any of the above information to assist with their participation in the EA process for MFFN's proposed MFCAR, please contact Sasha McLeod, Special Project Officer, at [REDACTED] or Dorothy Moszynski, Special Project Officer, at [REDACTED]</p> |

**Ministry of the Environment,
Conservation and Parks**

**Ministère de l'Environnement,
de la Protection de la nature
et des Parcs**

Environmental Assessment
Branch

Direction des évaluations
environnementales

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August 30, 2021

Chief Ramona Sutherland
Constance Lake First Nation


**RE: Comments Received on Final Terms of Reference for the Marten Falls
Community Access Road Project Environmental Assessment**

Dear Chief Sutherland:

I would like to thank you for your comments on the proposed Terms of Reference (ToR) for the environmental assessment (EA) of Marten Falls First Nation's (Marten Falls) proposed Marten Falls Community Access Road Project (Project).

The Ministry of the Environment, Conservation and Parks (ministry) provided your comments to the Project proponent, Marten Falls First Nation, for a response. On March 10 and July 28, 2021, the ministry sent you Marten Falls' responses to your community's comments on the proposed ToR.

Marten Falls referred two of your comments in the March 10, 2021 set of responses to Ontario because Marten Falls considered the comments to be outside of the scope for the proponent to respond to (for example, comments made about the environmental assessment process). This also gives Ontario an opportunity to provide a response from our perspective. The attached table provides Ontario's responses to your comments. For ease of reference, I have also included Marten Falls' responses associated with these comments, which you have already received. The ministry would be happy to re-send any of the previous responses if requested.

As you may recall, Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. The next major milestone for the Project will be a decision by the Minister on the ToR proposed by

Marten Falls. The Project is important to Marten Falls and the community understandably is concerned to see a decision made. The ministry has been turning its mind to bringing the ToR stage of the EA process for the Project to a conclusion. In doing so, it is helpful to take stock of what has transpired to date:

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If Ontario can be of assistance in facilitating further community discussion, please let us know. Ministry staff and members of Marten Falls' Project team remain available to speak with your community about any questions or concerns about the proposed Project and the EA process. Ministry staff and Marten Falls' Project team would also be pleased to participate on or help facilitate community meetings.

We will follow up with you in the coming days.

Should you have any questions, please do not hesitate to contact Ms. Sasha McLeod, Special Project Officer, at [REDACTED] and Ms. Dorothy

Moszynski, Special Project Officer (A), at [REDACTED]
[REDACTED]

Thank you for your ongoing participation in the provincial EA process for the proposed Project.

Sincerely,
[REDACTED]

Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

- c: Bertha Sutherland, Constance Lake First Nation
- Wayne Neegan, Constance Lake First Nation
- Monica John-George, Constance Lake First Nation
- Kimberly Jorgenson, Environmental Services Coordinator, Four Rivers
Environmental Services Group, supporting Constance Lake First Nation
- Chief Bruce Achneepineskum, Marten Falls First Nation
- Qasim Saddique, Marten Falls Project Team
- Mary Hennessy, Director, Ministry of Northern Development, Mines, Natural
Resources and Forestry
- Lori Churchill, Director, Ministry of Northern Development, Mines, Natural
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| CLFN-10 | <p>Community Priorities</p> <p>Transparency in relationships and discussions: CLFN has been involved in discussions surrounding the future development in the Ring of Fire for over a decade, and many community members are keen to understand the agreements, relationships and motivations behind all involved parties (proponent, provincial government, federal government, neighbouring First Nations and industry) in this project. There is a need for all involved groups to come together and communicate about the project in a holistic manner, so that all concerns and apprehensions might be addressed. Clarification is also required on Aroland First Nation's involvement, since the road crosses their immediate homelands and it is understood that they are undertaking road improvements on the current forestry roads which connect to this project.</p> | <p>Future development to the Ring of Fire, as well as Aroland First Nation's involvement in road improvements is outside the scope of what MFFN is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment</p> | <p>Ontario is supporting First Nations through individual agreements that address specific community priorities such as economic development, community readiness, and cultural and environmental studies to inform decision-making.</p> <p>The proponent's proposal to connect to the highway is to use existing road infrastructure via the Anaconda Road and Painter Lake road, which would use existing infrastructure to reduce the potential for environmental effects.</p> <p>Proposed upgrades to the Anaconda Road and Painter Lake Road are being considered for existing users, including (forestry, outfitters, mineral exploration and development, public use, and First Nations use both seasonally for winter road connections and other uses) and undergoing a separate class environmental assessment (EA) process led by the Ministry of Transportation (MTO). This assessment will consider possible future uses.</p> <p>MTO, as the proponent, has indicated that it continues to work with Aroland First Nation on various aspects of the Anaconda Road and Painter Lake Road upgrades project. As the project</p> |

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| | | <p>Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the Community Access Road (CAR) as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that the upgrades to Painter Lake Road and Anaconda Road will also be considered for inclusion in the cumulative effects assessment in the EA.</p> | <p>proponent, MTO will engage and consult with all Indigenous communities that have the potential to be impacted by the project activities and ensure that the Duty to Consult is met.</p> <p>We encourage Constance Lake First Nation to contact Aroland First Nation for further information on their involvement.</p> |
| CLFN-15 | <p>Community Priorities</p> <p>Protections for Species at Risk: CLFN is concerned that provincial legislation intended to protect species at risk in Ontario (including caribou and bats) is not being upheld in practice. These concerns are further emphasized through Ontario's recent changes weakening provincial environmental legislation, including changes related to trapping and the Far</p> | <p>MFFN acknowledges Constance Lake First Nation's concerns about the potential effects to Species at Risk (SAR). Recognizing the importance of SAR, Appendix A of the ToR includes SAR as criteria for the Vegetation, Wildlife, and Fish and Fish Habitat disciplines.</p> <p>As stated in Section 8 and 9 of the ToR, the EA will recommend impact management measures and</p> | <p>The proposed project is undergoing an individual EA, which is the most comprehensive form of EA in Ontario. The requirements for the proponent's EA, as set out in the proposed Terms of Reference (ToR), include identifying the potential environmental effects of the project, such as effects to wildlife, and appropriate mitigation measures and a monitoring framework for all phases of the proposed project.</p> |

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| | <p>North Act. CLFN expects to see the highest level of environmental protections and monitoring in-place throughout the life of this project and all projects in northern Ontario.</p> | <p>follow-up monitoring programs and MFFN will conduct consultation and engagement on these issues during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on these aspects during the consultation milestones “Effects Assessment Methods”, “Identification of Preferred Alternatives” and “Review of Draft EA / IS”. MFFN will engage with Constance Lake First Nation during the EA to understand their concerns in more detail and to share information to allow both parties to better understand potential effects and impact management measures and follow-up monitoring programs.</p> <p>Changes to provincial legislation is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>Endangered Species Act Ontario is committed to protecting species at risk and improving environmental outcomes by making the Endangered Species Act, 2007 (ESA), more effective and efficient, as outlined in the Made-in-Ontario Environment Plan. In 2019, Ontario consulted on how to best update the ESA to improve the effectiveness of our environmental protections and ensure a balanced approach between a healthy environment and a healthy economy. Through these consultations, we heard what works well and what could work better for species at risk, conservation groups, the public, Indigenous peoples and economic development.</p> <p>The changes to the ESA that occurred in 2019 included:</p> <ul style="list-style-type: none"> • enhanced government oversight and enforcement powers to ensure compliance with the ESA; • improved transparent notification of new species' listings while maintaining the science-based independent listing process; • enabling appropriate consultation with academics, communities, organizations and Indigenous peoples across Ontario on species at risk recovery planning; and • new tools to streamline processes, reduce |

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| | | | <p data-bbox="1929 337 2548 477">duplication and ensure costs incurred by clients are directed towards actions that will improve outcomes for the species or its habitat.</p> <p data-bbox="1833 521 2569 841">These changes better enable the Ministry of the Environment, Conservation and Parks (MECP) to apply the right tool and approach for protecting species and their habitat, and it allows for the protection of a species in a unique and focused way where it makes sense to do so. MECP's goal is to find the best way to protect and recover species, while taking into consideration the social and economic realities of Ontarians and businesses.</p> <p data-bbox="1833 886 2045 914">Far North Act</p> <p data-bbox="1833 922 2564 1170">Should the proposed amendments to the Far North Act be implemented, joint planning teams, including representatives from communities in the Far North, will continue to determine the appropriate balance between areas designated for protection or development and the appropriate spatial layout of those areas.</p> <p data-bbox="1833 1216 2564 1356">The Crown's duty to consult obligations regarding any proposed developments in the Far North would still apply, as would any requirements under other pieces of legislation.</p> |

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| | | | Also, upon the approval of Constance Lake First Nation's Community Based Land Use Plan, all development proposals within the planning area will be required to be consistent with the designations and permitted uses laid out in the plan. |

**Ministry of the Environment,
Conservation and Parks**

**Ministère de l'Environnement,
de la Protection de la nature
et des Parcs**

Environmental Assessment
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August 30, 2021

David Paul Achneepineskum, CEO
Matawa First Nations Management


**RE: Comments Received on Final Terms of Reference for the Marten Falls
Community Access Road Project Environmental Assessment**

Dear David Paul Achneepineskum:

I would like to thank you for your comments on the proposed Terms of Reference (ToR) for the environmental assessment (EA) of Marten Falls First Nation's (Marten Falls) proposed Marten Falls Community Access Road Project (Project).

The Ministry of the Environment, Conservation and Parks (ministry) provided your comments to the Project proponent, Marten Falls First Nation, for a response. On March 10, 2021, the ministry sent you Marten Falls' responses to your community's comments on the proposed ToR.

Marten Falls referred three of your comments to Ontario because Marten Falls considered the comments to be outside of the scope for the proponent to respond to (for example, comments made about the environmental assessment process). This also gives Ontario an opportunity to provide a response from our perspective. The attached table provides Ontario's responses to your comments. For ease of reference, I have also included Marten Falls' responses associated with these comments, which you have already received.

Your organization's comments, as well as Marten Falls' and Ontario's responses, will be considered by the Minister of the Environment, Conservation and Parks prior to making a decision on the proposed ToR.

Should you have any questions, please do not hesitate to contact Ms. Sasha McLeod, Special Project Officer, at [REDACTED] and Ms. Dorothy Moszynski, Special Project Officer (A), at [REDACTED]
[REDACTED]

Thank you for your ongoing participation in the provincial EA process for the proposed Project.

Sincerely,

[REDACTED]
Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

- c: Chief Bruce Achneepineskum, Marten Falls First Nation
- Qasim Saddique, Marten Falls Project Team
- Mary Hennessy, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry
- Lori Churchill, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry

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| Comments Deferred to Ontario | | | |
| MFNM-2 | <p>MATAWA FIRST NATIONS MANAGEMENT (MFNM) EXCLUDED FROM APPENDIX D – SCHEDULE A</p> <p>Matawa First Nations Management (MFNM) has been excluded from Appendix D – Schedule A of the <i>Marten Falls – Ontario Memorandum of Understanding on Shared Consultation Responsibilities</i>. <u>The collective rights and interests of the Matawa member First Nations must be considered in the scope of the assessments to be completed (federal and provincial processes inclusive). The exclusion of the Matawa Chiefs Council or MFNM (tribal council) is inconsistent with Ontario’s decision to include the Metis Nation of Ontario – Region 2 and the Red Sky Metis Independent Nation. The Matawa member First Nations are the primary Indigenous group within the potentially impacted territory.</u></p> <p>a) While not an Indigenous rights holder, the Matawa First Nations Management provides collective services, supports and expertise to assist our member First Nations and advance the legitimate concerns of the 10,728 registered members of the communities. The representative interest of MFNM invested in the Matawa Chiefs</p> | <p>We have referred your comment about the Marten Falls-Ontario Memorandum of Understanding (MOU) on Shared Consultation to Ontario so they can respond to you directly on this matter.</p> <p>Thank you for sharing your concerns regarding the sharing of Project information during meetings for Matawa First Nations. MFNM will meet with Matawa First Nation Management to provide clarification on the consultation records for activities with Matawa First Nations Management and to confirm what Project information sharing / consultation activities are considered appropriate for future meetings.</p> <p>It has been brought to our attention that mapping within the Terms of Reference (ToR) was unclear in terms of displaying Métis organizations within the James Bay Treaty No. 9 boundaries. The clarified information has been noted so that, moving forward, it will be mapped accurately in Project documentation (e.g., the Environmental Assessment [EA] Report). The depiction on Figure 7-2 of the ToR was not provided with proper context and Métis will be shown on their own map in the EA to avoid any misunderstanding.</p> | <p>Under section 5.1 of the Environmental Assessment Act (EAA), proponents are required to consult with such persons as may be interested when preparing a proposed Terms of Reference (ToR). Ontario understands Matawa First Nations Management (MFNM) advocates for the collective interests of member communities and provides other supports, including technical expertise, which is why the proponent ensured information was shared in an ongoing manner with MFNM, as was done with other interested persons. MFNM member communities were invited to participate in the ToR consultation process on a rights basis.</p> <p>Ontario recognizes that, as the Crown, it has a constitutional duty to consult, and where appropriate, accommodate Aboriginal communities where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult.</p> |

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| | <p>Council (MCC) and our service organizations greatly outweighs other stakeholders such as the Metis organizations, municipalities, and other interested persons. A formal written response from the Province of Ontario will be required. This issue may be discussed and considered by the MCC for a formal position and direction on this item.</p> <p>b) Clarification will be required from the Proponent going forward in terms of the consultation records and activities being collected, retained and reported in the <i>Appendix C – Record of Consultation</i>. In order to protect the interests and maintain the fairness of procedures for all Matawa member First Nations, the issue of consultation activities being conducted within MCC meetings, or the Matawa Annual General Meetings forums, conferences and events hosted by MFNM and Matawa organizations will have to be addressed. [A copy of the Record of Consultation that includes Matawa First Nations references is attached to this letter for quick reference.]</p> <p>c) In addition, MFNM raises a concern also regarding the precedent being set by the Proponent in the recognition of the two (2) Metis organizations within the James Bay Treaty No. 9 boundaries. While Ontario may have delegated procedural aspects of the duty to consult and accommodate to</p> | | |

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| | <p>the Proponent, the recognition of Metis rights within the Treaty No. 9 boundaries impacts all Treaty No. 9 members and beneficiaries. Ontario must articulate and clarify a distinctions-based approach within this EA process and proposed consultation process. First Nations treaty rights and Metis 'rights' are not equal.</p> | | |
| MFNM-3 | <p>SPECIFIC CONCERNS RELATED TO ONTARIO'S DRAFT GUIDELINES FOR MINISTRIES ON CONSULTATION WITH ABORIGINAL PEOPLES RELATED TO ABORIGINAL RIGHTS AND TREATY RIGHTS, 2006</p> <p>MFNM also is noting for the record that the Province of Ontario is proceeding with the delegation of procedural aspects of the Crown duty to consult and accommodate with the Proponent based upon <i>'Draft guidelines for Ministries'</i> that have remained stagnant since 2006. MFNM is concerned about the application of these draft guidelines and the liability that may be posed directly to the Proponent, Chief and Council and membership.</p> <p>a) In addition to noting this general concern for fair and public consideration including the membership-at-large of Marten Falls First Nation, MFNM requests that the Marten Falls First Nation <i>Proposed Terms of Reference for the Marten Falls</i></p> | <p>The approach for consultation and engagement throughout the EA is guided by the EA / Impact Statement (IS) Consultation and Engagement Plan provided as Appendix B of the ToR. The EA / IS Consultation and Engagement Plan outlines the option to develop community-specific consultation protocols during the EA. This plan, which was reviewed by Ontario, has been designed to meet consultation requirements outlined in section 5.1 of the Ontario <i>Environmental Assessment Act</i>, the Code of Practice for Consultation in Ontario's Environmental Assessment Process (MECP 2014a) and Code of Practice on Preparing and Reviewing Environmental Assessments in Ontario (MECP 2014b). It is also designed to meet the Agency's requirements as outlined in the Tailored Impact Statement Guidelines (IAAC 2020) issued for this Project. The Draft Guidelines for Consultation with Indigenous Peoples related to Aboriginal Rights and Treaty Rights (Government of Ontario 2019) and the Nishnawbe Aski Nation Handbook on Consultation in Natural Resource Development</p> | <p>Ontario is committed to meeting its duty to consult with Aboriginal communities.</p> <p>In 2006, Ontario released the Draft Guidelines for Ministries on Consultation with Aboriginal Peoples Related to Aboriginal Rights and Treaty Rights (the "2006 Draft Guidelines"). The 2006 Draft Guidelines provided information to assist ministries as they developed ways to meet the duty to consult. In the years since the development of the 2006 Draft Guidelines, there have been changes in law and practice surrounding the duty to consult.</p> <p>The Crown is responsible for ensuring the duty to consult Aboriginal communities is fulfilled when the province contemplates a decision or action that could adversely impact Aboriginal or treaty rights. Operationally, Ontario ministries determine how best to address their duty to consult responsibilities within their mandates and legislative and regulatory frameworks.</p> |

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| | <p><i>Community Access Road</i> include the copy of Ontario's duty to consult and accommodate policy it is implementing and accepting for the purpose of the Project and that a copy of the policy also be publicly displayed when 'consultation' activities are being hosted and conducted by the Proponent.</p> <p>b) Written statement is also requested from the Province of Ontario related to the impacts of the new <i>Crown Liability and Proceedings Act, 2019 on the Draft guidelines for Ontario ministries for consultations with Aboriginal peoples related to Aboriginal rights and treaty rights.</i></p> <p>c) Written statement is also requested from the Province of Ontario as to the specific set of Ministry consultation policies that are being enforced within the <i>Marten Falls – Ontario Memorandum of Understanding on Shared Consultation Activities.</i> There are the '<i>Draft guidelines</i>' for general ministry application – but Ontario ministries may prepare their own ministry guidelines or policies. MFNM is requesting the specific guidelines and policies to be stated.</p> <p>d) To note, Ontario's refusal to update the <i>Draft guidelines</i> and ensure that the First Nations of Ontario are being consulted in the most fair and forthright manner to the honour of the Crown may</p> | <p>(Nishnawbe Aski Nation 2007) were also used for guidance where appropriate. Furthermore, MFFN and Ontario have entered into an MOU on Shared Consultation Responsibilities that defines the responsibilities of MFFN and Ontario with respect to the consultation activities for the Project.</p> <p>Both the EA / IS Consultation and Engagement Plan and the MFFN-Ontario MOU on Shared Consultation Responsibilities are available on the Project website (www.martenfallsaccessroad.ca), and will also be made available at in-person consultation and engagement events throughout the EA.</p> <p>Portions b) to e) of this comment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>While the Crown may delegate to a proponent certain aspects of consultation, the ultimate responsibility to meet the duty to consult lies with the Crown. Responsibilities of the third party will vary depending on a variety of factors including the nature of the consultation, the extent of consultation required in the circumstance and the procedural aspects of consultation the Crown has delegated to the third party. The Ministry of Indigenous Affairs provides policy and operational advice and tools to support ministries in making consistent decisions on consultation matters.</p> <p>For the environmental assessment (EA) process for the proposed Marten Falls Community Access Road (MFCAR), the proponent is required to fulfill the consultation requirements of the EAA as well as the delegated procedural aspects of the duty to consult as outlined in the Marten Falls First Nation – Ontario Memorandum of Understanding on Shared Consultation Activities. The Ministry of the Environment, Conservation and Parks (MECP) directs proponents including Marten Falls First Nation to follow its published Codes of Practice for the EA process: Consultation in Ontario's EA Process, Preparing and Reviewing ToRs, and Preparing and Reviewing EAs.</p> |

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| | <p>result in investor and economic instability. It has been a consistent message of the MCC that First Nations are the 'investors of certainty' and require an equitable and partnership-based approach.</p> <p>e) MFNM is also requesting the formal appointment of an Ontario Crown representative to whom First Nations may direct their concerns related to the 'duty to consult' and establish and maintain public oversight of the provincial government's consultation record and decisions (including negative decisions where the duty of consult is determined to not apply) in order to bring clarity to the process for all First Nations impacted. The Crown of Ontario and Ministers of the Crown (Indigenous Affairs, Energy, Northern Development and Mines, Natural Resources and Forestry, Environment Parks and Conservation) cannot hide behind the Proponent.</p> | | <p>MECP is the regulator for the provincial EA process. As such, concerns about the proposed MFCAR can be submitted to MECP during formal comment periods for the EA, assuming the ToR is approved. Matawa First Nations Management is encouraged to continue participating in the EA process and the proponent's consultation opportunities during the preparation of its EA, if the ToR is approved.</p> |
| MFNM-5 | <p>CLARIFICATION ON THE ROLES AND AGREEMENTS BETWEEN CANADA AND ONTARIO IN ASSESSING THE CONSTITUTIONALLY PROTECTED RIGHTS OF THE PEOPLE OF JAMES BAY TREATY NO. 9 (1905-1906) AND (1929-1930)</p> <p>MFNM is requesting a written statement from the Province of Ontario with respect to the role of the federal Crown of Canada with respect to the</p> | <p>This comment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>Ontario recognizes that, as the Crown, it has a constitutional duty to consult, and where appropriate, accommodate Aboriginal communities where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult. Ontario also recognizes that the duty to consult attaches to relevant federal Crown decisions.</p> |

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| | <p>assessing the duty to consult and accommodate and the protection of the Inherent Aboriginal and Treaty Rights under Section 35 of the <i>Constitution Act, 1982</i> on this Project. Canada and Ontario are the signatories to James Bay Treaty No. 9 which is a very unique situation across this province and distinguishes Treaty No. 9 from all other Ontario treaties.</p> <p>A clear outline and process for updating the impacted First Nations on the roles, current and future negotiations and agreements between the Crowns of Canada and Ontario for this Project seem in order. This concern is in addition to the scope of the interactions between Canada and Ontario outlined in Section 3.3 Canada-Ontario Agreement on Environmental Assessment.</p> | | <p>Where possible, MECP will coordinate EA activities with the Impact Assessment Agency of Canada (IAAC), including consultation, for the separate EA/Impact Assessment (IA) processes for the MFCAR. A Cooperation Plan for the MFCAR Project IA, dated February 24, 2020, was prepared by IAAC with input from MECP. This Cooperation Plan recognizes that the alignment of respective timelines does not supersede the legislative obligations prescribed in the Impact Assessment Act and Ontario's Environmental Assessment Act, as well as the completeness of any information submitted by the proponent. The Cooperation Plan for the MFCAR Project IA is available on IAAC's website.</p> |

**Ministry of the Environment,
Conservation and Parks**

**Ministère de l'Environnement,
de la Protection de la nature
et des Parcs**

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August 30, 2021

Vern Cheechoo, Director Lands & Resources
Mushkegowuk Council


**RE: Comments Received on Final Terms of Reference for the Webequie Supply
Road Project Environmental Assessment**

Dear Vern Cheechoo:

I would like to thank you for your comments on the proposed Terms of Reference (ToR) for the environmental assessment (EA) of Marten Falls First Nation's (Marten Falls) proposed Marten Falls Community Access Road Project (Project).

The Ministry of the Environment, Conservation and Parks (ministry) provided your comments to the Project proponent, Marten Falls First Nation, for a response. On March 10, 2021, the ministry sent you Marten Falls' responses to your community's comments on the proposed ToR.

Marten Falls referred one of your comments to Ontario because Marten Falls considered the comment to be outside of the scope for the proponent to respond to (for example, comments made about the environmental assessment process). This also gives Ontario an opportunity to provide a response from our perspective. The attached table provides Ontario's responses to your comment. For ease of reference, I have also included Marten Falls' responses associated with this comment, which you have already received.

Your organization's comments, as well as Marten Falls' and Ontario's responses, will be considered by the Minister of the Environment, Conservation and Parks prior to making a decision on the proposed ToR.

Should you have any questions, please do not hesitate to contact Ms. Sasha McLeod, Special Project Officer, at [REDACTED] and Ms. Dorothy Moszynski, Special Project Officer (A), at [REDACTED]
[REDACTED]

Thank you for your ongoing participation in the provincial EA process for the proposed Project.

Sincerely,

[REDACTED]
Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

- c: Chief Bruce Achneepineskum, Marten Falls First Nation
- Qasim Saddique, Marten Falls Project Team
- Mary Hennessy, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry
- Lori Churchill, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry

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| Comments Deferred to Ontario | | | |
| MkgwC-3 | <p>In short, the Mushkegowuk Council believes the order of the two assessments needs to be reversed. It makes little sense to conduct a project-level EA immediately prior to a planned regional assessment and we feel strongly that a moratorium should be placed on any development activities in the region before the RA has been completed.</p> | <p>MFFN appreciates your time in reviewing the information and your continued interest in the Project.</p> <p>A moratorium on development activities is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>The Impact Assessment Agency of Canada (IAAC) has advised as follows: On February 24, 2020, the Tailored Impact Statement Guidelines (TISG) were issued by IAAC for both proposed road projects. According to IAAC, these assessments are proceeding in accordance with the legislated time limits. If requested by the proponent, time limit extensions in this phase of a project are authorized by the Impact Assessment Act, 2019. Alternately, a project design change that would alter potential effects would also generate a potential time limit extension. These proponent-driven time limits are managed individually and independently from the Regional Assessment. As planning for the Regional Assessment continues, IAAC officials will explore the potential relationships between it and the ongoing project level impact assessments. This could include the potential for the Regional Assessment to contribute to these and future projects.</p> <p>The federal TISG for the Marten Falls Community Access Road (MFCAR) project also includes the following in section 13 “Effects Assessment” methodology, which provides guidance on the use of information from regional assessments to inform the project-level assessment: “If there is an ongoing or completed regional assessment in the proposed project area, the proponent should use the information generated through that process to inform the effects assessment.”</p> <p>Provincially, the individual environmental assessment (EA) process is proponent-led and the pace at which the EA process progresses is driven by the proponent. Unlike the federal process described above, there are no legislated timelines for the preparation of the Terms of Reference (ToR) or the EA. As a result, proponents determine their own timelines for the preparation and submission of their EAs including the ToR.</p> |

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| | | | <p>Once submitted, Ontario undertakes a review of the ToR, all comments provided, and the record of consultation to ensure that the Duty to Consult has been met. The Notice of Commencement for the ToR for the Marten Falls Community Access Road project was issued in early 2019 and the ToR was submitted on October 23, 2020 to the Ministry of the Environment, Conservation and Parks for review and a decision.</p> <p>It is understood that Marten Falls First Nation is planning to continue with its EA process, if its ToR is approved by the Ontario Minister of the Environment, Conservation and Parks. It would continue in parallel with the federal Regional Assessment process. IAAC has indicated that as planning and scheduling for the Regional Assessment continues, IAAC staff will continue to explore and consider the potential relationships between it and the on-going assessment for the proposed road project, including the potential for the Regional Assessment to contribute information and other inputs for the consideration of the proponent's current road assessment where relevant, and future project assessments, as appropriate.</p> |

**Ministry of the Environment,
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August 30, 2021

Chief Wayne Moonias
Neskantaga First Nation


**RE: Comments Received on Final Terms of Reference for the Marten Falls
Community Access Road Project Environmental Assessment**

Dear Chief Moonias:

I would like to thank you for your comments on the proposed Terms of Reference (ToR) for the environmental assessment (EA) of Marten Falls First Nation's (Marten Falls) proposed Marten Falls Community Access Road Project (Project).

The Ministry of the Environment, Conservation and Parks (ministry) provided your comments to the Project proponent, Marten Falls First Nation, for a response. On March 18, May 26 and July 28, 2021, the ministry sent you Marten Falls' responses to your community's comments on the proposed ToR.

Marten Falls referred ten of your comments in the March 18 and May 26, 2021 set of responses to Ontario because Marten Falls considered the comments to be outside of the scope for the proponent to respond to (for example, comments made about the environmental assessment process). This also gives Ontario an opportunity to provide a response from our perspective. The attached table provides Ontario's responses to your comments. For ease of reference, I have also included Marten Falls' responses associated with these comments, which you have already received. The ministry would be happy to re-send any of the previous responses if requested.

On July 8, 2021, David Peerla, on behalf of Neskantaga First Nation, also provided a set of comments and questions directed to Ontario. Please find Ontario's and the proponent's responses to that email in the attached tables as well.

As you may recall, Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. The next major milestone for the Project will be a decision by the Minister on the ToR proposed by Marten Falls. The Project is important to Marten Falls and the community understandably is concerned to see a decision made. The ministry has been turning its mind to bringing the ToR stage of the EA process for the Project to a conclusion. In doing so, it is helpful to take stock of what has transpired to date:

- Marten Falls began consulting with Indigenous communities on the draft ToR in November 2019. Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. Copies of the ToR were made available for a 60-day public comment period from October 23, 2020 to December 21, 2020. In response to concerns expressed by some Indigenous communities about the impact of the COVID-19 pandemic on their ability to effectively engage in consultation, the ministry provided an additional comment period ending March 31, 2021.
- We note that since 2019 Ontario's Participant Funding Initiative has supported eligible Indigenous communities' participation in consultation on the EA process by providing access to capacity funding.
- In addition, throughout this time Marten Falls has continued to provide opportunities for Indigenous communities to learn about the project through regular correspondence, live-streaming and radio call-in shows, fieldwork notifications and offers of virtual meetings.

While the ministry notes that some Indigenous communities may still have concerns about the impact of the COVID-19 pandemic on their ability to effectively participate in consultation, we are also encouraged by the progress that has been made to date in managing the pandemic in communities, including through vaccinations. The ministry understands that it is important to many communities that their members can meet in person as part of consultation about the Project. The ministry is hopeful that this is now or soon will be possible.

Given these circumstances, the ministry presently is aiming to receive any further comments on the proposed ToR by September 13, 2021. We are hopeful that this time frame will be sufficient.

If Ontario can be of assistance in facilitating further community discussion, please let us know. Ministry staff and members of Marten Falls' Project team remain available to speak with your community about any questions or concerns about the proposed Project and the EA process. Ministry staff and Marten Falls' Project team would also be pleased to participate on or help facilitate community meetings.

We will follow up with you in the coming days.

Should you have any questions, please do not hesitate to contact Ms. Sasha McLeod, Special Project Officer, at [REDACTED]; and Ms. Dorothy Moszynski, Special Project Officer (A), at [REDACTED]
[REDACTED]

Thank you for your ongoing participation in the provincial EA process for the proposed Project.

Sincerely,

[REDACTED]
Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

c: Leroy Moonias, Neskantaga First Nation
David Peerla, supporting Neskantaga First Nation
Chief Bruce Achneepineskum, Marten Falls First Nation
Qasim Saddique, Marten Falls Project Team
Mary Hennessy, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry
Lori Churchill, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry

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| NeskFN-3 | <p>We submit that the approval of the Terms of Reference (TOR) for the “Marten Falls Community Access Road Project” (“MFCARP”) is unlawful for several reasons.</p> <p>First, the TOR adopts too narrow a scope which amounts to “project-splitting”. The road sections are proceeding through environmental assessment (EA) according to an improper incremental approach. At a minimum, all sections of the proposed North-South road to the Ring of Fire should be assessed as one project. Ideally, the project would be subject to environmental assessment as originally scoped, which included the proposed mine, its transportation corridor and any associated infrastructure. Second, once appropriately scoped, the project would have multiple proponents. The TOR has not adequately explained the relationships between the various proponents. Finally, in encouraging or allowing these parts of the same North-South project to be brought forward as separate projects, the Crown has not established a transparent and fair process.</p> | <p>MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an Environmental Assessment (EA) for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged. The Proponent for the CAR, MFFN, is identified in Section 2 of the ToR.</p> <p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development. In addition to assessing the potential effects of the Project, the EA will identify and assess the Project’s potential for cumulative effects. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA.</p> <p>“Project splitting” is outside the scope of what MFFN is responsible for responding to as the proponent for the</p> | <p>The Ontario environmental assessment (EA) process is proponent-led. The proponents for each of the three proposed road projects (Marten Falls Community Access Road, Webequie Supply Road (WSR) and Northern Road Link (NRL)) separately requested to enter into agreements with the Minister of the Environment, Conservation and Parks (MECP) under the Environmental Assessment Act (EAA) to make their respective projects subject to the requirements of the EAA.</p> <p>As a result of those agreements, each of the three proposed road projects are undergoing individual EAs, which is the most comprehensive form of EA in Ontario. Under the individual EA process, it is up to each proponent to plan and design the EA for their respective project. The proposed projects are distinct and unique, with different purposes designed to meet the specific community objectives of their respective proponents.</p> <p>The Ministry of the Environment, Conservation and Parks (MECP) is reviewing the proposed MFCAR ToR to ensure that the proponent has met the requirements of the EAA and the expectations in MECP’s Codes of Practice. MECP is also reviewing how the proponent has responded to concerns raised, the overall record of consultation, and whether an EA prepared in accordance with the proposed Terms of Reference (ToR) would be consistent with the purpose of the EAA and the public interest.</p> <p>Regarding concerns around cumulative effects, MECP has requested, and the proponent has committed to preparing, a technical work plan for the cumulative effects assessment. The proponent has committed in its ToR to consult with Indigenous communities on the proposed cumulative effects assessment methodology. The proponent will also be required to meet federal requirements for the cumulative effects assessment, which must include consideration of the proposed MFCAR, NRL and WSR, among other past, present and reasonably foreseeable physical activities.</p> <p>As part of the EA processes, the proponents will identify and assess potential effects to Aboriginal and treaty rights, and identify mitigation measures, for their proposed projects. MECP encourages Neskantaga First Nation to continue to participate in the consultation processes for these EAs.</p> |

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| | | Project. We have referred your comment to Ontario so they can respond to you directly on this matter. | |
| NeskFN-5 | <p>The TOR is inappropriately scoped and amounts to “Project-Splitting”</p> <p>Neskantaga is concerned that Ontario, as both the funder and regulator of the projects, is encouraging or allowing 'project-splitting' — intentionally breaking a project up into its component parts in order to avoid an EA at the appropriate scale. Project-splitting compromises the discussion about alternative routes, road impacts and the potential cumulative impacts of the development on the region as a whole. It also compromises the effective consideration of impacts on Aboriginal and Treaty rights.</p> <p>Instead, the entire North-South road should be assessed as one project. The roads are connected interdependent parts of a larger undertaking, namely the construction of a North-South road to the Ring of Fire. The North-South road depends on the development of the Ring of Fire to make the project economically viable. There is no indication Ontario would be funding the EA of the MFCAR if it was not also upgrading the Painter Forestry Road and initiating the Northern Road link EA, all to support and facilitate the development of mining in the Ring of Fire. The construction of each segment of the North-South road and the eventual mine[s] would clearly result in significant cumulative impacts on the environment if all are approved.</p> <p>The road segments have similarities that provide a basis for evaluating their environmental consequences together, including common timing, common geography and all being proposed for the common goal of supporting the development of the Ring of Fire. Similarly, no section of the road project can be effectively assessed in isolation, without considering the cumulative effects of the full North-South road.</p> | <p>“Project splitting” is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>Although the EA for the proposed Northern Road Link will be undertaken separately and independently from this Project, Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that upgrades to Anaconda / Painter Lake Road will also be considered for inclusion in the cumulative effects assessment in the EA.</p> <p>The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, the cumulative effects assessment will also be assessed per the requirements set out in Section 22 of the Tailored Impact Statement Guidelines (TISG) developed by the Impact Assessment Agency of Canada (the Agency). In accordance with the TISGs, the EA will include the consideration of cumulative effects to the rights of Indigenous peoples and cultures.</p> <p>The Proponent for the CAR, MFFN, is identified in Section 2 of the ToR.</p> | <p>Regarding the comment about project splitting, please see Ontario’s response to NeskFN-3.</p> <p>Regarding the comment about cumulative effects, as noted in Ontario’s response to NeskFN-3, the proponent has committed in its ToR to preparing a technical work plan for the cumulative effects assessment and to consulting with Indigenous communities on the proposed cumulative effects assessment methodology.</p> <p>Ontario’s Code of Practice for Preparing and Reviewing EAs encourages proponents to include information about potential cumulative effects of the project in combination with past, present and reasonably foreseeable future activities where possible, and refers to federal government guidance to proponents on cumulative effects assessments.</p> <p>Specific requirements for a cumulative effects assessment for the MFCAR project are set out in the Tailored Impact Statement Guidelines issued by the Impact Assessment Agency of Canada. These requirements include a list of past, present and reasonably foreseeable physical activities that must be considered including the WSR, NRL and existing and potential mineral developments, among others. Where there is federal-provincial cooperation on a project-level EA/IA, which is the case for the Marten Falls Community Access Road, there will be one set of documentation which will include a cumulative effects assessment to meet federal Impact Assessment Act requirements and the related commitments in the ToR, if approved. MECP will review the cumulative effects assessment to help ensure that cumulative effects are appropriately addressed for the MFCAR EA.</p> <p>Regarding the comment about proponentcy for the EA and Ontario’s role, Marten Falls First Nation is the proponent for its Marten Falls Community Access Road EA and is accountable for decisions about the project planning and design during the preparation of the EA (concept, location, alternatives, studies, mitigation, etc.).</p> <p>For EA in Ontario, MECP is the regulatory decision-maker on the EA process. Government ministries and agencies (federal, provincial and municipal), including MECP, the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) and others, contribute to the review of EA documentation (ToRs and EAs) by providing comments from their mandated areas of responsibility.</p> |

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| | <p>The Act makes allowance for multiple proponents for a project. The definition of proponent includes “A person, agency, group or organization that carries out or proposes to carry out an undertaking or is the owner or person having charge, management or control of an undertaking.” Further, Ontario’s guidance indicates (in 5.2.1) that:</p> <p>The terms of reference is to include a brief, clear statement identifying the proponent. <i>If there is more than one proponent</i>, the relationship between them and how they plan to work together, including their responsibilities, throughout the environmental assessment process must be explained. It will be the responsibility of the proponent(s) to prepare the environmental assessment in accordance with the terms of reference if it is approved.</p> | | <p>NDMNRF is providing funding to the proponents of the proposed road projects for their respective EAs as well as to First Nation communities to help them participate in the EA processes. The funding provided does not commit or direct the proponents or participating communities to any specific project elements or outcomes.</p> |
| NeskFN-6 | <p>Ontario is a Shadow Proponent</p> <p>Ontario is funding the Marten Falls and Webequie First Nations to undertake EAs for these projects as the Nations do not have the financial resources to fund this work. Typically for an individual EA, the procedural aspects of Crown consultation are delegated to the proponent. The Crown also relies on the statutory consultation required under the Act to assist in meeting its duty to consult. Proponents are expected to bear reasonable costs of consultation and often provide participant funding to Aboriginal communities when required. In this circumstance, Marten Falls and Webequie First Nations as proponents do not have resources to provide participant funding. To help support the development of the roads, Ontario created a time-limited (up to three years), project-specific Participant Funding Initiative for the EAs. We understand that Ontario is currently seeking a 50-50 cost share with the federal government for the planning and construction costs of new all-season roads to the Ring of Fire area. In other words, Ontario is clearly also one of the proponents of the North-South road.</p> <p>As such, Neskantaga requests that the multiple</p> | <p>The Proponent for the CAR, MFFN, is identified in Section 2 of the ToR. Considering the MFFN CAR and the Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>The proponent of the MFCAR is Marten Falls First Nation and the proponents of the NRL are Marten Falls and Webequie First Nations, as indicated in the respective voluntary agreements for the MFCAR and NRL that were entered into with the Minister of the Environment, Conservation and Parks under the EAA. Ontario is not a proponent of these proposed roads.</p> <p>The individual EA process is proponent-led and the pace at which the EA process progresses is driven by the proponent, including timelines for the preparation and submission of each proponent’s proposed ToRs and EAs.</p> <p>As noted in Ontario’s response to NeskFN-3, each project has its own distinct purpose and, should the ToRs be approved, will follow a robust assessment process.</p> |

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| | <p>proponents of the MFCAR and the NRL (MFFN, WFN and Ontario) coordinate on one EA that includes and integrates the various sections of the North-South road route. Further, a proper TOR includes an adequate explanation of how the various proponents are going to work together.</p> | | |
| NeskFN-7 | <p>The Adverse Impacts on Neskantaga of the Improper Incremental Approach</p> <p>The full scale and impact of Ontario's project has not been presented to either Neskantaga, Canada or the public. Ontario's failure to disclose the full scale of its project plans has resulted in an improper scoping of the assessment, and thus an unlawful TOR.</p> <p>Neskantaga has broad strategic level concerns about the proposed North-South road and the development of the Ring of Fire. The road is intended to promote and facilitate future roads, mines and mining exploration, airstrips, winter road widening, a trans-load facility at the rail line, transmission lines and possibly a railway line and refinery in the region. These are major changes with widespread potential impacts on our way of life and our Aboriginal and Treaty rights.</p> <p>Neskantaga is concerned that an incremental 'piece-by-piece' approach to the assessment will minimize the consideration of project impacts on our Aboriginal and Treaty rights, foreclose development options and alternatives, and unreasonably minimize the impacts of 'opening up of the North' until it is too late and decisions are irreversible.</p> <p>Neskantaga, and other Matawa First Nations, had previously agreed that no roads would be initiated until an agreement with Ontario had been reached on joint decision making in the region.</p> <p>The Minister's decision on the MFCAR TOR represents a strategic higher-level decision for the North-South road, after which the road and mine[s] will inevitably gain momentum. In fact, that is the publicly</p> | <p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the Northern Road Link is approved / constructed. For this reason, the purpose of the Project remains unchanged.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. The EA will include the consideration of cumulative effects to the rights of Indigenous peoples and cultures.</p> <p>The concerns noted in this comment are outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>Please see Ontario's responses to NeskFN-3 and NeskFN-5.</p> |

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| | <p>stated goal of the road project. In the March 2020 announcement of the NRL, the Premier's office stated that they were "moving forward with road access to the Ring of Fire."</p> | | |
| NeskFN-10 | <p>The Crown did not Establish a Transparent Process</p> <p>In order to be meaningful, consultation must occur early, at the planning stages of the north-south road, before the project is defined, and before any scoping decisions have been made: The duty of consultation, if it is to be meaningful, cannot be postponed to the last and final point in a series of decisions. Once [sic] important preliminary decisions have been made and relied upon by the proponent and others, there is a clear momentum to allow a project. This case illustrates the importance of early consultations being an essential part of meaningful consultation. (Squamish Nation at para. 74; see also Kwikwetlem at para. 70; Rio Tinto at para. 44; Haida at para.76).</p> <p>Effective consultation, at least for major projects affecting a First Nation, must include an opportunity to provide macro-level input on the EA process itself. We have not been afforded this. We were not part of the discussions through which the decision to split the North-South road into discrete sections for the purpose of EA was taken. This is the first formal opportunity we have to object to this approach, and we wish to have our view recorded. Because of these deficiencies, Neskantaga was not provided with complete information on the true project (the North-South road). There is no explicit mention of other expected regional developments that will be made more likely by the approval of this section of road, including the Webequie Supply Road or the specific eventual mining plans. All of these are likely cumulative impacts of Phase 1 of the North-South road. By allowing the Project-Splitting, the risks and impacts of the road section are underrepresented.</p> | <p>"Project splitting" is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>MFFN acknowledges that future development opportunities may arise if the CAR is constructed. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects. New access may allow industry opportunities to become more feasible thereby allowing for an increase in existing and new development.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity</p> | <p>Neskantaga's objection to the carrying out of separate EA processes for the MFCAR and NRL is noted. Please see Ontario's responses to NeskFN-3.</p> |

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| | | <p>proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. Section 7.2 of the ToR identifies that the Northern Road Link is anticipated to be considered for inclusion in the assessment of cumulative effects in the EA. It is anticipated that the Webequie Supply Road will also be considered for inclusion in the cumulative effects assessment in the EA.</p> | |
| NeskFN-11 | <p>For these reasons, we submit that the approval of the Terms of Reference (TOR) for the “Marten Falls Community Access Road Project” (“MFCARP”) is unlawful under both Canadian law and Neskantaga’s indigenous legal orders and Consultation Protocol which require our free, prior and informed consent.</p> | <p>MFFN appreciates your time in reviewing the information and your continued interest in the Project. Responses to the concerns raised on the ToR are provided in NeskFN-1 to NeskFN-39.</p> <p>Issues of consent are outside the scope of what Marten Falls First Nation is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>Ontario recognizes that, as the Crown, it has a constitutional duty to consult, and where appropriate, accommodate Aboriginal communities where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult.</p> <p>Ontario understands that Neskantaga First Nation has developed its own consultation protocol. Ontario encourages proponents to review existing community consultation protocols so that they are aware of the priorities, principles and expectations of First Nation communities. Recognition and implementation of elements outlined in community-specific consultation protocols can be an important aspect of reconciliation and relationship building.</p> <p>While we have differing views about the requirement for consent in connection with this project, we encourage Neskantaga First Nation to actively participate in the MFCAR EA process.</p> |
| NeskFN-16 | <p>In the alternative, is Ontario planning to fund and build an uneconomic road in the hopes that a later EA of the Northern Road Link, and Noront mine EA would allow the construction of an economically viable MFCAR segment?</p> | <p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. Although the road is proposed to be built to meet industrial use specifications, the primary use of the CAR will be to service MFFN. The industrial use specifications are required to accommodate the delivery of supplies to the MFFN community and also allow for potential future use of the road by other commercial vehicles including larger trucks up to the legal road limits on weight and size. MFFN is conducting an EA for a multi-use road that will provide all-season community access. The CAR is being proposed with the expectation that, should approvals be granted, it would be built</p> | <p>Marten Falls First Nation has been very clear in its long time desire to have all-season road access to its community.</p> <p>Funding support is being provided to Marten Falls First Nation, as the proponent, to undertake the EA process to determine, amongst other things, where potential construction of a road could take place. Before future decisions can be made, the appropriate studies and approvals will need to be in place. An individual EA is the most comprehensive form of EA in Ontario. Funding with respect to the construction of the road is yet to be determined.</p> <p>Ontario is supporting First Nations through individual agreements that address specific community priorities such as economic development, community readiness, and cultural and environmental studies to inform decision-making.</p> |

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| | | <p>regardless of whether other road proposals are approved and / or constructed.</p> <p>The concern of this comment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | |
| NeskFN-17 | <p>Comment. The construction of a mine in the Ring of Fire development area is dependent on the entire north south road transportation corridor. In other words, the MFCAR, the Northern Road Link, and the Anaconda/Painter Lake Forestry Road Upgrades are not separate projects that happen to coexist. The development of the Noront mine depends on the building of the entire north south road and entire north south road depends on the mine for tolls and other revenues In our view, the stages of the north south road project should not be treated as separate projects for EA purposes.</p> | <p>Considering the CAR, Northern Road Link and Anaconda / Painter Lake Road upgrades as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>Please see Ontario's response to NeskFN-3.</p> |

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| Comments Deferred to Ontario | | | |
| NeskFN-45 | <p>We question whether the Crown's duty to consult and accommodate for a proposal that will impact Neskantaga and other Nations-for generations-can be met in the circumstances. Meaningful consultation cannot be met with a one-way transfer of information; it must be reciprocal, the Crown must be open to changing course as a result of the exchange.</p> <p>Our position remains that the Terms of Reference consultation should be paused until the conditions for meaningful consultation exist.</p> <p>Despite the limitations imposed on us, find below our further questions and comments.</p> | <p>In April 2018, MFFN signed an agreement with the MECP to prepare an EA pursuant to the Ontario <i>Environmental Assessment Act</i>. As part of this process the Crown has a Duty to Consult potentially impacted Indigenous communities on the Project. Ontario (MECP and the Ministry of Energy, Northern Development and Mines [ENDM]) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore,</p> | <p>We would like to acknowledge the difficult circumstances that Neskantaga First Nation faces with its water crisis and challenges facing the community regarding the COVID-19 pandemic. MECP appreciates Neskantaga First Nation's input into the draft ToR and final ToR review processes for the proposed MFCAR, and acknowledges your concern that the comments you have provided on the final ToR may not cover the full extent of your community's views.</p> <p>Due to the COVID-19 pandemic, MECP initially provided 60 days, rather than the standard 30 days, for the Indigenous, public and agency ToR review period for this proposed ToR. Following this review period and in response to concerns from Indigenous communities about this timeframe, MECP indicated that it would continue to accept comments from Indigenous communities about the ToR until March 31, 2021 and that MECP would remain flexible in its approach to consultation.</p> |

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| | | <p>the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process.</p> <p>MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. Throughout this process, MFFN have endeavoured to be respectful and considerate of the needs and challenges that our neighbouring communities have in engaging with our Project. The Project is an essential and critical piece of community infrastructure to support MFFN's growth and development. We will continue to advocate for additional capacity and resources for our neighbouring communities in order for them to engage with us on our Project. We will also continue to work with communities to find respectful and meaningful ways to engage and consult on the Project as we move forward with the EA process. The ToR is the first step in the EA process that sets the framework for preparation of the EA. A decision by the MECP on the Project (i.e., approval to be built or not) won't be made until the EA Report has been completed and reviewed by Indigenous communities, agencies and interested persons. Throughout the EA, there will be many opportunities for consultation and engagement between Neskantaga First Nation and MFFN. The Consultation and Engagement Program provided as Appendix B of the ToR outlines the milestones, planned activities, targeted input and anticipated timing for consultation and engagement throughout the EA.</p> <p>This comment has also been referred to Ontario so they can respond to you directly on this matter as well.</p> <p>Reference ToR Section and Page #: Appendix B, Section 2.1, pg. 8, and 22 to 24</p> | <p>As the proposed ToR for the MFCAR is the proponent's work plan for the EA, approval of the ToR, if granted, would allow Marten Falls First Nation to study its proposed project and the potential effects to Aboriginal and treaty rights of Indigenous communities, including Neskantaga First Nation.</p> <p>The ToR commits to a transparent and flexible approach to consulting with potentially affected Indigenous communities, including inviting communities to share Indigenous Knowledge and information about potential impacts to traditional land use, and to discuss potential mitigation measures and changes to the project design to address concerns. The ToR commits the proponent to consider community-specific engagement processes in consultation with each community. The ToR includes a consultation plan that outlines consultation activities that will take place during the preparation of the EA. Marten Falls First Nation has committed to making appropriate adjustments to its consultation approach according to feedback received from Indigenous communities.</p> <p>In addition, even though Ontario and the proponent share the procedural aspects of consultation as set out in a Memorandum of Understanding, Ontario recognizes that, as the Crown, it has a constitutional duty to consult where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult. Accordingly, Ontario continues to be available to meet with your community either together with or separately from the proponent to discuss issues throughout the EA process.</p> <p>MECP notes that, during the preparation of the ToR and after submission of the final ToR, Marten Falls First Nation has considered and responded to a number of comments and questions from Neskantaga about engagement as well as technical aspects of studies to be conducted during the EA phase, if the ToR is approved. As part of his decision whether to approve the proposed ToR, the Minister of the Environment, Conservation and Parks will consider Neskantaga First Nation's comments and how the proponent has responded to your questions and addressed concerns.</p> |

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| NeskFN-48 | <p>Issue: Improper Scoping</p> <p>Reference. Marten Falls First Nation Supporting Document–Alternatives Development Community Access Road</p> <p>The community of MFFN was not initially receptive to changing the intended use of the Project to a multi-purpose road; however, overtime the community accepted the change in direction as a necessity to access provincial funding and recognized the potential economic benefits a multi-purpose road could provide. p.9</p> <p>MFFN’s position is that no chromite should travel east to west, but instead should travel north to south to support MFFN’s economic interest in Ring of Fire development.p.10</p> <p>a) Neskantaga has consistently raised strategic level concerns about the proposed MFCAR because it is intended to promote and facilitate future road and mining projects and open up the entire region to transformational industrial development that will have permanent impacts on the way of life of Neskantaga, and other First Nations, for generations.</p> <p>The full, integrated Ring of Fire development project, with all of its cumulative and interactive impacts, has never been publicly presented for Neskantaga consultation and participation. In fact appropriate consultations have not really begun because no Crown actors have acknowledged the full nature and purpose of the project.</p> <p>We are concerned that privately, in government to government cost sharing negotiations between Ontario and Canada, there is a different development project in the Ring of Fire being discussed. The Ontario business case for federal cost sharing contains critical information of direct relevance for a fair assessment of the actual and potential impacts of the MFCAR project and that information has not been disclosed to Neskantaga, other First Nations and the public. In short, Ontario has failed to disclose the full scale of its development plans, thereby leading to an improper</p> | <p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether other developments, including the Northern Road Link, Webequie Supply Road or mines are constructed. Although the EA is for a multi-use road, the purpose is to provide all-season community access.</p> <p>The EAs for the proposed Webequie Supply Road and Northern Road Link will be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. However, the MFFN CAR EA will consider other development from a cumulative effects perspective. Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>The comment about government to government cost sharing negotiations between Ontario and Canada and an Ontario business case is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>Reference ToR Section and Page #: Commitment for EA</p> | <p>Ontario is supporting First Nations through individual agreements that address specific community priorities such as economic development, community readiness, and cultural and environmental studies to inform decision-making.</p> <p>Ontario is committed to working with First Nation communities, supporting them to reach their goals.</p> <p>Ontario and Canada are continuing to work together on common priorities in the region, including providing supports for consultation and engagement in all assessment processes, and supporting the Matawa broadband initiative to provide broadband internet access to the five remote Matawa-member First Nations.</p> |
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| | scoping of the proposed Marten Falls road project that is currently under review. | | |

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| N/A | <p>Marten Falls Community Access Road</p> <p>At the outset we want be on the record as saying that Neskantaga’s participation in complex multiple EA processes has been manifestly unfair during the water crisis, pandemic and other social emergencies that we previously outlined in our crisis table.</p> <p>The water crisis in Neskantaga remains unresolved and the social emergency is ongoing.</p> <p>Neskantaga may have a right to make submissions, but a right to make submissions is not a meaningful opportunity, especially when such important issues about the development of an entire region are being made.</p> <p>In October 2020, Canada made the suggestion that we identify any information or knowledge that can be considered across multiple assessment processes.</p> <p>We are concerned that the Ontario Terms of Reference for the Marten Falls Community Access road <u>will be approved without the resolution of some fundamental deficiencies in the proposed alternatives analysis and with confusion in the coordination of the federal and provincial regulatory processes.</u></p> <p>Preamble</p> <p>B. Marten Falls Community Access Road Terms of Reference</p> <p>Description of and Rationale for Alternatives</p> <p>6.1 Overview</p> | <p>The Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario allows for proponents to limit the discussion of previously examined alternatives in the EA when alternatives have been previously considered through a separate decision-making process such as a provincial government priority initiative. As described in Section 6.2 of the ToR, the decision for the Project to be a road has been made through previous planning and decision-making processes. A CAR would be the only viable option that could provide all-season access to the provincial highway network since no alternative to a road can provide the same level of freedom of movement for community members to travel outside the community. Given MFFN's unique circumstances as a remote First Nation community with an airport with non-daily service and high costs per trip, and a winter road system that only provides seasonal service and is increasingly unreliable, or a railroad which does not provide the freedom of movement, it is not reasonable to consider these alternatives as they do not meet the community needs. The EA Report will include a high-level discussion outlining the previous decisions made for the Project to be a road and identify why other alternatives to are not considered appropriate / viable options for reliable, all-season access to MFFN.</p> <p>It is the Minister of the Environment, Conservation and Parks who will determine whether MFFN can proceed with an EA that does not consider different types of transportation provision projects as alternatives to the undertaking, as proposed in Section 3.4 of the ToR and in accordance with subsections 6.1(3) and 6(2)(c).</p> <p>Section 8 of the ToR indicates that the EA will include a comparative analysis of the advantages and disadvantages of the preferred alternative against the “do nothing” alternative. MFFN is conducting an EA for a</p> | <p>Alternatives considered in the Marten Falls Community Access Road (MFCAR) ToR</p> <p><i>Focused ToR</i></p> <p>The consideration of a reasonable range of alternatives is an important component of the Ontario environmental assessment (EA) process. The range of alternatives that is to be considered should address the problem or opportunity that prompted the EA process and be within the scope of a proponent’s ability to implement.</p> <p>Marten Falls First Nation seeks to prepare an EA in accordance with clause 6(2)(c) and subsection 6.1(3) of the Environmental Assessment Act (EAA), which is commonly known as ‘focusing’.</p> <p>The Code of Practice for Preparing and Reviewing ToRs, 2014, states that the elements of the EA that are prepared under subsection 6.1(3) should not differ drastically from the generic elements outlined in subsection 6.1(2), and the proponent must be clear in the ToR about what will be different.</p> <p>Marten Falls First Nation proposes in its ToR that the EA would include all but one of the generic elements outlined in subsection 6.1(2) of the EAA: consideration of multiple ‘alternatives to’ the proposed MFCAR. Marten Falls First Nation provides a description and rationale for this proposed approach in the ToR. If the ToR is approved, the EA would be focused on the consideration of alternative methods to develop a new all-season road from Marten Falls First Nation to Painter Lake Road. The MFCAR EA will consist of the remainder of the generic requirements, including a description of the undertaking and alternative methods, potential environmental effects, mitigation measures, and the results of consultation.</p> <p><i>Past consideration of “alternatives to”</i></p> <p>The ToR Code of Practice states that a proponent may begin the EA process with a well-defined undertaking that has been identified through previous planning studies or provincial government priority initiatives. The Code of Practice also states that the decision about what constitutes a reasonable range of alternatives remains the proponent’s responsibility, subject to the Minister’s approval.</p> <p>Marten Falls First Nation provided an analysis of its preliminary screening work for</p> |

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| | <p>Alternatives to are the functionally different ways of approaching and dealing with a problem or opportunity. For example, “alternatives to” for this Project may include options such as construction and operation of a new all-season road, construction and operation of new rail infrastructure, modifications to existing winter access road alignment, improvements to existing air and / or water transportation infrastructure, and not proceeding with the Project (i.e., do nothing).p.21</p> <p>6.2 However, the Code of Practice does require proponents of an undertaking to consider the “do nothing” alternative. The “do nothing” alternative is the option of not proceeding with the Project, which would require MFFN to continue to rely on air and winter road system for travel and delivery of supplies.p.22</p> <p>8.Assessment and Evaluation</p> <p>Complete a comparative analysis of the advantages and disadvantages of the preferred alternative against the “do nothing” alternative p.72</p> <p>8.4 Advantages and Disadvantages</p> <p>The EA must include an evaluation of the advantages and disadvantages to the environment of the undertaking and alternatives. The evaluation will include the alternative methods and the do nothing alternative. The advantages and disadvantages will be based on a comparison of the predicted net effects, and technical consideration of cost and constructability, such as capital cost, maintenance cost, route length, borrow availability, safety and construction implementation. The results of the comparative analysis of the advantages and disadvantages will be the identification of the preferred alternative. The preferred alternative will be compared against the “do nothing” alternative and used to predict cumulative effects p.74</p> | <p>multi-use road that will provide all-season community access and the “do nothing” alternative would be not proceeding with the Project, which would require MFFN to continue to rely on air and winter road system for travel and delivery of supplies. MFFN has become more reliant on air for the shipment of supplies and goods needed to sustain community life. Not proceeding with a CAR is likely to increase MFFN’s dependence on air transportation, which is relatively expensive. Further constraints to opportunities for employment, business, and related economic and social development (e.g., Ogoki and Kenogami forests, mining initiatives and tourism) as a result of dependence on air transportation have been identified by the MFFN community.</p> <p>Not proceeding with the Project does not address the problem of unreliable community access to MFFN and limits opportunities and resulting benefits to MFFN and others in the region. The “do nothing” alternative highlights the benefits of proceeding with the Project, which include addressing the problem, expected improvement to travel safety, providing socio-economic benefits within the region, and is in keeping with the <i>Building Better Lives: Ontario’s Long-term Infrastructure Plan</i> (Ministry of Infrastructure 2017), the Growth Plan (Ministry of Infrastructure and Ministry of Northern Development, Mines and Forestry 2011) and the MFFN voluntary agreement with MECP.</p> | <p>the potential ‘alternatives to’ the undertaking in the ToR. According to the “Supporting Document- Alternatives Development” (AECOM, Sept 2020) submitted as a part of the ToR, MFFN has considered a number of previous studies from 2007 onward that looked at different ways of connecting the community to the highway, including winter road realignment, rail and all-season roads. Based on the previous studies and pre-planning work, the ‘alternatives to’ were narrowed to building a new all-season road. According to the proponent, this preferred ‘alternative to’ was selected since it best meets the project purpose, is within the proponent’s ability to implement given known resources, and is consistent with provincial plans and initiatives.</p> <p><i>The consideration of the “do nothing” alternative</i></p> <p>The ministry’s Code of Practice for Preparing and Reviewing ToRs states that the examination of one alternative compared against the ‘do nothing’ alternative is acceptable with appropriate justification and consultation. In its ToR, Marten Falls First Nation proposes to carry forward the ‘do nothing’ alternative in the EA. This would be used as a comparator to assess overall advantages and disadvantages of the preferred project in relation to maintaining the status quo, which is continued reliance on air travel and the existing winter road for community needs.</p> |

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| | <p>MFCARP TISG February 24, 2020</p> <p>4.3 Alternatives to the project</p> <p>The Impact Statement must further describe the no-action (null) alternative, noting the baseline conditions of the valued components associated with the Project, as well as changes to these baseline conditions that are likely to occur in the future if a Project was not carried out (e.g., changes in result of other projects already planned for the region, changes to the socio-economic conditions, etc.). p.18</p> <p>Discussion.</p> <p>Marten Falls First Nation is the 'proponent' for the Environmental Assessment (EA) for their project and have been working with the Province and the Federal government on a coordinated Federal-Provincial EA.</p> <p>Section 22(1)(f) of the Impact Assessment Act, S.C. 2019, c. 28, s. 1 requires federal Impact Assessments to consider "alternatives to the designated project."</p> <p>The Impact Assessment Agency's Tailored Impact Statement Guidelines which apply to the Marten Falls Project requires that the Impact Statement describe and analyze the "null" option.</p> <p>On our reading, Marten Falls have chosen to rely on sections 6.1(3) and 6(2)(c) of the Ontario Environmental Assessment Act, R.S.O. 1990, c. E.18 (the "Act"), tailoring their own terms of reference instead of using the standard criteria in s. 6.1(2). Most significantly, this means that Marten Falls have excluded the standard requirement to consider "alternatives to the undertaking", including the "null" alternative.</p> | | |

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| | <p>Questions For Ontario.</p> <p>Would the Marten Falls proposed interpretation and analysis of the null alternative under Ontario Act prohibit considerations of the null alternative which the federal Impact Assessment requires?</p> | <p>Section 8 of the ToR indicates that the EA will include a comparative analysis of the advantages and disadvantages of the preferred alternative against the “do nothing” alternative. MFFN is conducting an EA for a multi-use road that will provide all-season community access and the “do nothing” alternative would be not proceeding with the Project.</p> <p>Marten Falls is planning to prepare a coordinated IS / EA Report that will fulfill both the provincial and federal assessment requirements, which includes the requirement to assess a “do nothing” or null alternative.</p> | <p>The focused approach to conducting an EA that Marten Falls has proposed in its ToR would not prohibit consideration of the ‘do nothing’ alternative, should the ToR be approved.</p> <p>In this regard, there are no negative implications for coordination of the federal and provincial EA/IA. Marten Falls First Nation must demonstrate in its EA/IA process how it has met both the provincial EA requirements and federal IA requirements. Compliance with the provincial EA requirements would not prohibit anything that is required by the federal IA. MECP is working closely with the Impact Assessment Agency of Canada to coordinate the provincial EA and federal IA processes for the proposed project.</p> |
| | <p>What are the implications of the apparently divergent approaches to the analysis of the null alternative under the federal and provincial processes for the coordination of the federal and provincial EAs of the MFCAR Project?</p> | <p>As indicated in the previous response, Marten Falls is planning to prepare a coordinated IS / EA Report that will fulfill both the provincial and federal assessment requirements, which includes the requirement to assess a “do nothing” or null alternative. The commitment to assess the “do nothing” alternative as part of the provincial EA process was made in Section 8 of the ToR and with respect to the federal process Marten Falls will fulfill the requirement in TISG Section 4.3 to “describe the no-action (null) alternative”. There will not be a divergent approach to the analysis of the “do nothing” or null alternative under the federal and provincial processes.</p> | <p>There are no negative implications for coordination of the federal and provincial EA/IA. Marten Falls First Nation must demonstrate in its EA/IA process how it has met both the provincial EA requirements and federal IA requirements. Compliance with the provincial EA requirements would not prohibit anything that is required by the federal IA. MECP is working closely with the Impact Assessment Agency of Canada to coordinate the provincial EA and federal IA processes for the proposed project.</p> |

**Ministry of the Environment,
Conservation and Parks**

**Ministère de l'Environnement,
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et des Parcs**

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August 30, 2021

Chief Sheldon Oskineegish
Nibinamik First Nation


**RE: Comments Received on Final Terms of Reference for the Marten Falls
Community Access Road Project Environmental Assessment**

Dear Chief Oskineegish:

I would like to thank you for your comments on the proposed Terms of Reference (ToR) for the environmental assessment (EA) of Marten Falls First Nation's (Marten Falls) proposed Marten Falls Community Access Road Project (Project).

The Ministry of the Environment, Conservation and Parks (ministry) provided your comments to the Project proponent, Marten Falls First Nation, for a response. On May 26, 2021, the ministry sent you Marten Falls' responses to your community's comments on the proposed ToR.

Marten Falls referred five of your comments to Ontario because Marten Falls considered the comments to be outside of the scope for the proponent to respond to (for example, comments made about the environmental assessment process). This also gives Ontario an opportunity to provide a response from our perspective. The attached table provides Ontario's responses to your comments. For ease of reference, I have also included Marten Falls' responses associated with these comments, which you have already received. The ministry would be happy to re-send any of the previous responses if requested.

As you may recall, Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. The next major milestone for the Project will be a decision by the Minister on the ToR proposed by

Marten Falls. The Project is important to Marten Falls and the community understandably is concerned to see a decision made. The ministry has been turning its mind to bringing the ToR stage of the EA process for the Project to a conclusion. In doing so, it is helpful to take stock of what has transpired to date:

- Marten Falls began consulting with Indigenous communities on the draft ToR in November 2019. Marten Falls submitted the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) on October 23, 2020. Copies of the ToR were made available for a 60-day public comment period from October 23, 2020 to December 21, 2020. In response to concerns expressed by some Indigenous communities about the impact of the COVID-19 pandemic on their ability to effectively engage in consultation, the ministry provided an additional comment period ending March 31, 2021.
- We note that since 2019 Ontario's Participant Funding Initiative has supported eligible Indigenous communities' participation in consultation on the EA process by providing access to capacity funding.
- In addition, throughout this time Marten Falls has continued to provide opportunities for Indigenous communities to learn about the project through regular correspondence, live-streaming and radio call-in shows, fieldwork notifications and offers of virtual meetings.

While the ministry notes that some Indigenous communities may still have concerns about the impact of the COVID-19 pandemic on their ability to effectively participate in consultation, we are also encouraged by the progress that has been made to date in managing the pandemic in communities, including through vaccinations. The ministry understands that it is important to many communities that their members can meet in person as part of consultation about the Project. The ministry is hopeful that this is now or soon will be possible.

Given these circumstances, the ministry presently is aiming to receive any further comments on the proposed ToR by September 13, 2021. We are hopeful that this time frame will be sufficient.

If Ontario can be of assistance in facilitating further community discussion, please let us know. Ministry staff and members of Marten Falls' Project team remain available to speak with your community about any questions or concerns about the proposed Project and the EA process. Ministry staff and Marten Falls' Project team would also be pleased to participate on or help facilitate community meetings.

We will follow up with you in the coming days.

Should you have any questions, please do not hesitate to contact Ms. Sasha McLeod, Special Project Officer, at [REDACTED]; and Ms. Dorothy

Moszynski, Special Project Officer (A), at [REDACTED]
[REDACTED]

Thank you for your ongoing participation in the provincial EA process for the proposed Project.

Sincerely,

[REDACTED]
Kathleen O'Neill
Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

- c: Gersham Beaver, Councillor, Nibinamik First Nation
- Richard Roundhead, Councillor, Nibinamik First Nation
- Capinias Wabasse, Councillor, Nibinamik First Nation
- Mike Sugarhead, Councillor, Nibinamik First Nation
- Alexandria Winterburn, Senior Associate, Pape Salter Teillet LLP, supporting Nibinamik First Nation
- Dan Brenzavich, supporting Nibinamik First Nation
- Chief Bruce Achneepineskum, Marten Falls First Nation
- Qasim Saddique, Marten Falls Project Team
- Mary Hennessy, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry
- Lori Churchill, Director, Ministry of Northern Development, Mines, Natural Resources and Forestry

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| Comments Deferred to Ontario | | | |
| NibFN-1 | <p>As Chief of Nibinamik First Nation (“Nibinamik”), I am writing regarding Ontario’s review of the Webequie supply road, the Marten Falls community access road, and the newly announced Northern Road Link (collectively the “Proposed Projects”). I am also writing to provide a preliminary response to Ontario’s request for Nibinamik’s comments on the Terms of Reference submitted by Webequie and Marten Falls for their respective road projects.</p> <p>As further outlined below, Nibinamik is concerned about the lack of coordination between Ontario’s review of the Proposed Projects. We are concerned that because of this lack of coordination / harmonization, impacts of the Proposed Projects will fall through the cracks between the provincial assessments and risk going unaddressed. These concerns are compounded by the recently announced Northern Road Link and the entire lack of clarity for how this new additional project – that substantially expands the scope of impacts associated with Webequie and Marten Falls projects – will be considered and assessed by Ontario.</p> | <p>The environmental assessments (EAs) for the proposed Webequie Supply Road and Northern Road Link will be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. Considering the Marten Falls First Nation (MFFN) Community Access Road (CAR), Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> | <p>The Ontario environmental assessment (EA) process is proponent-led. The proponents for each of the three proposed road projects (Marten Falls Community Access Road (MFCAR), Webequie Supply Road (WSR) and Northern Road Link (NRL)) separately requested to enter into agreements with the Minister of the Environment, Conservation and Parks under the Environmental Assessment Act (EAA) to make their respective projects subject to the requirements of the EAA.</p> <p>As a result of those agreements, each of the three proposed road projects are undergoing individual EAs, which is the most comprehensive form of EA in Ontario. Under the individual EA process, it is up to each proponent to plan and design the EA for their respective project. The proposed projects are distinct and unique, with different purposes designed to meet the specific community objectives of their respective proponents.</p> <p>The Ministry of the Environment, Conservation and Parks (MECP) is reviewing the proposed MFCAR Terms of Reference (ToR) to ensure that the proponent has met the requirements of the EAA and the expectations in MECP’s Codes of Practice. MECP is also reviewing how the proponent has responded to concerns raised, the overall record of consultation, and whether an EA prepared in accordance with the proposed ToR would be consistent with the purpose of the EAA and the public interest.</p> <p>Regarding concerns around cumulative effects, MECP has requested, and the proponent has committed to preparing, a technical work plan for the cumulative effects assessment. The proponent has committed in its ToR to consult with Indigenous communities on the proposed cumulative effects assessment methodology. The proponent will also be required to meet federal requirements for the cumulative effects assessment, which must include consideration of the proposed MFCAR, NRL and WSR, among other past, present and reasonably foreseeable physical activities.</p> <p>As part of the EA processes, the proponents will identify and assess potential effects to Aboriginal and treaty rights, and identify mitigation measures, for their proposed projects. MECP</p> |

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| | | | encourages Nibinamik First Nation to continue to participate in the consultation processes for these EAs. |
| NibFN-3 | <p>Ontario must put in place an environmental assessment process that is capable of evaluating the cumulative and regional impacts of these Proposed Projects, otherwise the entire environmental assessment regime becomes nothing but a sham and Ontario's duty to consult is at risk of not being fulfilled. As further outlined below, Nibinamik's preliminary review of the Terms of Reference for the Webequie and Marten Falls road projects lead us to make the following comments:</p> <ol style="list-style-type: none"> 1) These Proposed Projects are forever projects; 2) A cumulative effects assessment is entirely inadequate to consider the scope and significance of the regional impacts in this situation; and 3) A coordinated, harmonized approach must be put in place by Ontario without delay. <p>Each of these points are briefly outlined in further detail below.</p> | <p>See response to NibFN-2 for the response to cumulative and regional effects and NibFN-5 for a response to concerns related to "forever projects".</p> <p>In April 2018, MFFN signed an agreement with the Ministry of Environment, Conservation and Parks (MECP) to prepare an EA pursuant to the Ontario <i>Environmental Assessment Act</i>. As part of this process the Crown has a Duty to Consult potentially impacted Indigenous communities on the Project. Ontario (MECP and the Ministry of Northern Development and Mines) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN, and together with MFFN has developed a Memorandum of Understanding (MOU) to this responsibility. The MOU sets out how responsibilities will be shared through the EA process, and defines the roles and responsibilities of both parties regarding the engagement and consultation of potentially impacted and potentially interested Indigenous communities. The Project is following this regulatory process for approval decisions. Therefore, the Project is following the Ontario regulatory review process and comments and concerns of Indigenous communities are provided through this approvals process.</p> <p>MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities as part of the Consultation and Engagement Program for the Project. MFFN will strive to work collaboratively with Indigenous communities throughout the EA process to find mutually beneficial solutions where possible. MFFN will continue to discuss the Project with Nibinamik First Nation according to the Consultation and Engagement Program outlined in Appendix B of the ToR and is available to discuss a community-specific consultation plan should Nibinamik First Nation wish to set one up for the Project.</p> <p>The EAs for the proposed Webequie Supply Road and Northern Road Link will be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the</p> | <p>As noted above, the Ontario EA process is proponent-led. The proponents for each of the three proposed road projects (MFCAR, WSR and NRL) separately requested to enter into agreements with the Minister of the Environment, Conservation and Parks under the EAA to make their respective projects subject to the requirements of the EAA.</p> <p>As a result of those agreements, each of the three proposed road projects are undergoing individual EAs, which is the most comprehensive form of EA in Ontario. Under the individual EA process, it is up to each proponent to plan and design the EA for their respective project. The proposed projects are distinct and unique, with different purposes designed to meet the specific community objectives of their respective proponents.</p> <p>Regarding the comment about cumulative effects, as noted in Ontario's response to NibFN-1, the proponent has committed in its ToR to preparing a technical work plan for the cumulative effects assessment and to consulting with Indigenous communities on the proposed cumulative effects assessment methodology.</p> <p>Ontario's Code of Practice for Preparing and Reviewing EAs encourages proponents to include information about potential cumulative effects of the project in combination with past, present and reasonably foreseeable future activities where possible, and refers to federal government guidance to proponents on cumulative effects assessments.</p> <p>Specific requirements for a cumulative effects assessment for the MFCAR project are set out in the Tailored Impact Statement Guidelines (TISG) issued by the Impact Assessment Agency of Canada (IAAC). These requirements include a list of past, present and reasonably foreseeable physical activities that must be considered including the WSR, NRL and existing and potential mineral developments, among others. Where there is federal-provincial cooperation on a project-level EA/Impact Assessment (IA), which is the case for the MFCAR, there will be one set of documentation which will include a cumulative effects assessment to meet federal Impact Assessment Act</p> |

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| | | <p>scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>Reference ToR Section and Page #: See response to NibFN-2 and NibFN-5; Appendix B; Appendix D; Commitment for EA</p> | <p>requirements and the related commitments in the ToR, if approved. MECP will review the cumulative effects assessment to help ensure that cumulative effects are appropriately addressed for the MFCAR EA.</p> |
| NibFN-5 | <p>1) The Proposed Projects are forever projects</p> <p>The Proposed Projects are the first permanent roads that will cut up cross the otherwise pristine landscape of our Homelands. Ontario must structure an assessment process that can adequately consider the full scope of these forever impacts, including impact on the region as a whole, as well as on our constitutionally protected rights, and our community members social, cultural, and spiritual well-being.</p> <p>To be clear, Nibinamik is generally supportive of other First Nations working to connect to the provincial road systems so that they are no longer accessible only by air. As a remote First Nation ourselves, we recognize the important benefits, including access to healthcare and the economy, that flow from all-season road access. We are working together with our neighbouring First Nations to discuss their road projects, however our discussions together have also been impacted by COVID-19 and the need to prioritize the health of our community members. We expect these discussions will continue, according to our own ways of sharing information and traditional protocols, when it is safe to do so.¹</p> <p>The Proposed Projects however, are not only about securing community access to the provincial road network. They are designed to generate further industrial development and literally pave the way for mining, forestry, and development that would otherwise not be possible without these roads. The first, but certainly not the last, of this development is the Ring of Fire, which in and of itself has untold environmental, social, and climate change impacts.</p> <p>The function of these roads to usher in the Ring of Fire and initiate the industrialization of the North is not a hidden, secret agenda. It is plainly spelled out in the Project Descriptions for both road projects in the Terms of Reference documents.² The</p> | <p>The MFFN Project Team sympathizes with all First Nation communities on the unprecedented events surrounding the COVID-19 pandemic. Your time in reviewing the information and providing a preliminary response is appreciated. MFFN and the Project Team look forward to working with Nibinamik First Nation as we move forward with the EA process. The approach to consultation and engagement on the Project is designed to provide flexibility and adaptability to evolving Project needs and may involve community-specific consultation and engagement plans. Nibinamik First Nation is encouraged to share their traditional protocols as part of discussions with MFFN for a community-specific consultation and engagement plan should Nibinamik First Nation wish to set one up for the Project.</p> <p>In addition to assessing the potential effects of the Project, the EA will identify and assess the Project's potential for cumulative effects. The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. See response to NibFN-2 for the further response to cumulative and regional effects.</p> <p>MFFN is proposing an all-season CAR that will connect the MFFN community to the Ontario provincial highway network. The CAR is being proposed with the expectation that, should approvals be granted, it would be built regardless of whether the other development, including the Northern Road Link, Webequie Supply Road or mines are constructed. Although the EA is for a multi-use road, the purpose is to provide all-season community access.</p> <p>The EAs for the proposed Webequie Supply Road and Northern Road Link will be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. Considering the MFFN CAR, Webequie Supply Road</p> | <p>Under the individual EA process, it is up to each proponent to plan and design the EA for their respective project. The proposed projects are distinct and unique, with different purposes designed to meet the specific community objectives of their respective proponents.</p> <p>The assessment process is set out in the EAA. The proponents are responsible for assessing their particular projects in accordance with the EAA. This includes assessing their project's potential environmental effects, such as effects to social and cultural conditions, and conducting consultation with interested persons. As your comments acknowledge, the MFCAR proponent's ToR states that its proposed project would be a multi-purpose road to serve both community access and industrial supply needs.</p> <p>Regarding your comments about the Regional Assessment, IAAC has advised as follows: On February 24, 2020, the TISG were issued by IAAC for both proposed road projects. According to IAAC, these assessments are proceeding in accordance with the legislated time limits. If requested by the proponent, time limit extensions in this phase of a project are authorized by the Impact Assessment Act, 2019. Alternately, a project design change that would alter potential effects would also generate a potential time limit extension. These proponent-driven time limits are managed individually and independently from the Regional Assessment. As planning for the Regional Assessment continues, IAAC officials will explore the potential relationships between it and the ongoing project level impact assessments. This could include the potential for the Regional Assessment to contribute to these and future projects.</p> <p>The federal TISG for the Marten Falls Community Access Road project also includes the following in section 13 "Effects Assessment" methodology, which provides guidance on the use of information from regional assessments to inform the project-</p> |

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| | <p>roads' industrialization purpose has also been acknowledged by the federal government.³ The Ring of Fire development is therefore an entirely foreseeable – and even expressly planned – impact flowing directly from these Proposed Projects.</p> <p>While the federal government has recognized the regional impacts of these proposed roads, the province is at serious risk of failing to ensure that the provincial Crown assessments – and any provincial approvals flowing from these assessments – are meaningful and appropriate for the level of change being proposed. Specifically, there is no reference in the respective Terms of Reference for the road projects or how these impacts – caused by a radical change to the pristine culture and environmental landscape of the North – can be considered other than through the cumulative effects assessment for the individual road projects.⁴ For the reasons outlined below, this siloed approach is misguided and wholly unacceptable.</p> | <p>and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>Reference ToR Section and Page #: See response to NibFN-2; Commitment for the EA; Section 5.1, pg. 14 to 15; Section 7.2, pg. 65; Appendix B, Section 4.1.5, pg. 19</p> | <p>level assessment: “If there is an ongoing or completed regional assessment in the proposed project area, the proponent should use the information generated through that process to inform the effects assessment.”</p> <p>Provincially, the individual EA process is proponent-led and the pace at which the EA process progresses is driven by the proponent. Unlike the federal process described above, there are no legislated timelines for the preparation of the ToR or the EA. As a result, proponents determine their own timelines for the preparation and submission of their EAs including the ToR.</p> <p>Once submitted, Ontario undertakes a review of the ToR, all comments provided, and the record of consultation to ensure that the Duty to Consult has been met. The Notice of Commencement for the ToR for the Marten Falls Community Access Road project was issued in early 2019 and the ToR was submitted on October 23, 2020 to the Ministry of the Environment, Conservation and Parks for review and a decision.</p> <p>It is understood that Marten Falls First Nation is planning to continue with its EA process, if its ToR is approved by the Ontario Minister of the Environment, Conservation and Parks. It would continue in parallel with the federal Regional Assessment process. IAAC has indicated that as planning and scheduling for the Regional Assessment continues, IAAC staff will continue to explore and consider the potential relationships between it and the on-going assessment for the proposed road project, including the potential for the Regional Assessment to contribute information and other inputs for the consideration of the proponent's current road assessment where relevant, and future project assessments, as appropriate.</p> <p>Ontario recognizes that, as the Crown, it has a constitutional duty to consult, and where appropriate, accommodate Aboriginal communities where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult.</p> |
| NibFN-6 | 2) A cumulative effects assessment is entirely inadequate to consider the scope of regional impacts in this situation | The EA will identify and assess the Project's potential for cumulative effects. Activities that will be considered in the cumulative effects assessment will include other past and existing anthropogenic (i.e., man-made) developments and | Regarding concerns around cumulative effects, MECP has requested, and the proponent has committed to preparing, a technical work plan for the cumulative effects assessment. The proponent has committed in its ToR to consult with Indigenous |

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| | <p>Cumulative effects assessment, as part of an individual assessment of the Proposed Projects, is patently inadequate to identify and assess impacts associated with the Ring of Fire development and the industrialization that will flow on the heels of these roads. The development of the Ring of Fire is unprecedented in Ontario's history. It has been referred to as the next oil sands in terms of size and scope of economic potential; its impacts are likewise significant and unprecedented.</p> <p>Ontario cannot expect community-led projects to adequately identify the extensive and lasting regional impacts that will flow from these roads as part of advancing the Ring of Fire. Experienced proponents in well-resourced provincial and federal governments have struggled with this task. It is naive to assume that small governments, First Nations; or otherwise, whose previous experiences is limited to local infrastructure projects, can adequately undertake the sort of comprehensive regional impacts identification and assessment that is needed to accurately or completely consider impacts flowing from the Ring of Fire.</p> <p>Among other things, impacts of the road projects as part of advancing the Ring of Fire development will undoubtedly extend beyond the four-square corners of the Proposed Projects' Project Development Areas. Both Webequie and Marten Falls have expressed concerns about their ability to identify or consider such impacts,⁵ and the study areas identified in the Terms of Reference for both projects is significantly smaller than the area potentially impacted by large-scale industrial development such as the Ring of Fire.⁶ In addition, the assessment process for the northern Road Link is still largely unknown, even though it expressly changes the scope and scale of the First Nations road projects through linking them together.</p> <p>To believe that these cumulative and regional impacts can be assessed as part of the individual reviews of the Proposed Projects is setting the First Nations up for failure. Moreover, it is turning a blind eye to the full scope of potential impacts and setting the provincial Crown up to breach its constitutional obligations to Nibinamik and other affected First Nations. As further outlined below, these cumulative and regional impacts that require the Crown to put in place a process with cumulative and regional scope to adequately identify and address them.</p> | <p>future activities that are reasonably foreseeable. For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate per the Canadian Environmental Assessment Agency's Draft Technical Guidance: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 (2018a). If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>The cumulative effects assessment will include reviewing publicly available data sources for projects in the mining, forestry, telecommunication, electrical, energy and road development sectors that should be considered in the assessment. MFFN have engaged qualified experts and advisors to support them on the Project and undertaking the EA, including identifying and assessing potential cumulative effects of the Project with past, present and reasonably foreseeable projects.</p> <p>The ToR identified a preliminary study area for the Project (i.e., the 5 km corridor) to be refined during the EA, which includes the identification of a cumulative effects assessment study area. MFFN will consult and engage on cumulative effects assessment methods during the EA. The EA / IS Consultation and Engagement Plan appended to the ToR identified that MFFN will consult with Indigenous communities, government agencies and interested persons on cumulative effects assessment methods during the consultation milestones "Identification of Preferred Alternatives" and "Review of Draft EA / IS". MFFN will engage with Nibinamik First Nation to understand their concerns and obtain feedback on the methods to assess cumulative effects, including but not limited to the study area, and past, present and reasonably foreseeable projects to be considered in the cumulative effects assessment.</p> | <p>communities on the proposed cumulative effects assessment methodology. The proponent will also be required to meet federal requirements for the cumulative effects assessment, which must include consideration of the proposed MFCAR, NRL and WSR, among other past, present and reasonably foreseeable physical activities.</p> <p>As part of the EA processes, the proponents will identify and assess potential effects to Aboriginal and treaty rights, and identify mitigation measures, for their proposed projects. MECP encourages Nibinamik First Nation to continue to participate in the consultation processes for these EAs.</p> <p>Ontario's Code of Practice for Preparing and Reviewing EAs encourages proponents to include information about potential cumulative effects of the project in combination with past, present and reasonably foreseeable future activities where possible, and refers to federal government guidance to proponents on cumulative effects assessments.</p> <p>Specific requirements for a cumulative effects assessment for the MFCAR project are set out in the TISG issued by IAAC. These requirements include a list of past, present and reasonably foreseeable physical activities that must be considered including the WSR, NRL and existing and potential mineral developments, among others. Where there is federal-provincial cooperation on a project-level EA/IA, which is the case for the MFCAR, there will be one set of documentation which will include a cumulative effects assessment to meet federal Impact Assessment Act requirements and the related commitments in the ToR, if approved. MECP will review the cumulative effects assessment to help ensure that cumulative effects are appropriately addressed for the MFCAR EA.</p> |

| ID # | Comment Received February 26, 2021 | Proponent Response Provided to Nibinamik by MECP May 26, 2021 | Ontario Response August 30, 2021 |
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| | <p>Ontario cannot, in good faith, approve the Terms of Reference for the individual projects without taking steps to fill this critical gap.</p> | <p>The ToR recognizes that a Regional Assessment of the Ring of Fire region under the <i>Impact Assessment Act</i> is underway. This is an assessment independent of the EA for the CAR; however, should information from the Regional Assessment that is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the assessment for the Project. MFFN will maintain contact with the Agency's contacts for the Regional Assessment of the Ring of Fire so that relevant information can be shared between MFFN and the Agency where appropriate.</p> <p>The Northern Road Link Project is outside the scope of what MFFN is responsible for responding to as the proponent for the Project.</p> <p>Considering the MFFN CAR, Webequie Supply Road and Northern Road Link as a single assessment is outside the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>Reference ToR Section and Page #: Section 7.1.1, pg. 27; Section 7.2, pg. 65</p> | |
| NibFN-7 | <p>3) A coordinated, harmonized approach must be put in place by Ontario without delay</p> <p>Ontario has a duty to consult with Indigenous communities – such as Nibinamik – when there is a proposed project or decision that has the potential to impact our constitutionally protected rights. It is abundantly clear that the Proposed Projects fall into this category and required a meaningful consultation process be put in place. As outlined below however, Ontario's siloed approach to consultation about the Proposed Project leaves significant gaps and unaddressed impacts that are fatal flaws in Ontario's consultation process.</p> <p>The duty to consult is grounded in the honour of the Crown and requires a process that is consistent with upholding the Crown's honour with regards to the situation in question.⁷ It's illogical to believe that the Crown can turn a blind eye to regional or cumulative impacts of these Proposed Projects – particularly where Nibinamik has expressly put Ontario on notice about</p> | <p>See response to NibFN-3 for the response the Ontario's Duty to Consult and the delegated procedural aspects to MFFN under the MOU for this shared responsibility. See response to NibFN-2 for the response to cumulative and regional effects.</p> <p>The ToR includes a Consultation and Engagement Plan (Appendix B) that outlines the approach to consultation throughout the EA. The Ontario-MFFN MOU informed the development of the Consultation and Engagement Plan. Additional opportunities to comment on the proposed approach will occur during the EA and is identified as part of the targeted input for the "Notice of Commencement" and "Effects Assessment Methods" consultation milestones. MFFN will also consult and engage on cumulative effects assessment methods during the consultation milestones "Identification of Preferred Alternatives" and "Review of Draft EA / IS".</p> <p>The comments requesting Ontario put in place a coordinated, harmonized approach and Ontario's Duty to Consult are outside</p> | <p>Ontario, as the Crown, has a constitutional duty to consult, and where appropriate, accommodate Aboriginal communities where it contemplates decisions that may adversely impact asserted or established Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult. Although the legal responsibility to meet the duty to consult lies with Ontario, Ontario may delegate procedural aspects of consultation to third parties.</p> <p>In addition to Ontario's constitutional consultation obligations, project proponents have statutory consultation obligations under the EAA. Among other things, this statutory consultation process provides opportunities to share information and for Aboriginal communities to ask questions, bring forward concerns and have meaningful input into the development of a ToR or EA, as the case may be. As your letter notes, where Ontario may have a duty to consult, it relies in part on the proponent's statutory consultation in fulfilling the duty.</p> |

| ID # | Comment Received February 26, 2021 | Proponent Response Provided to Nibinamik by MECP May 26, 2021 | Ontario Response August 30, 2021 |
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| | <p>these gaps – and still have a sound consultation process. Where there are identified impacts, there must be a process in place that can address those impacts. Anything less would be inconsistent with the honour of the Crown and render Ontario's consultation process meaningless.</p> <p>This is reflected in the duty to consult itself, since the scope of consultation is directly proportionate to the seriousness of the potential impacts at stake⁸ and considering and addressing cumulative impacts is necessarily a part of meaningful consultation.⁹ How then can there be a meaningful consultation process about the Proposed Project where the full scope of impacts is not on the agenda? There can't be.</p> <p>The answer to this situation lies in the honour of the Crown. The honour of the Crown cannot be delegated and, while Ontario may attempt to rely, to some extent, on the individual First Nation proponents, ultimately it is Ontario that is responsible for ensuring the duty to consult and accommodate is fulfilled prior to any provincial decisions about the Proposed Projects.¹⁰ This means that Ontario must take steps to fill these gaps in the individual project assessments¹¹ and put in place a robust consultation process with the aim of addressing Nibinamik's concerns about regional and cumulative impacts.¹² This process should be put in place without further delay, and in any event prior to or concurrently with any provincial approval of the Terms of Reference for the proposed road projects to ensure that no impacts fall through the gaps.</p> <p>-----</p> <p>¹ In particular, Nibinamik's traditional protocols and ways of sharing information will need to be further discussed with Marten Falls First Nation and Webequie First Nation for how these can form the basis for individualized consultation plans regarding their proposed road projects.</p> <p>² See: Webequie Detailed Project Description at 66; and Marten Falls Community Access Road Project Tailored Impact Statement Guidelines (24 February 2020) at 132-133. See also: Marten Falls Community Access Road, Terms of Reference at Section 4; and Webequie First Nation Supply Road, Terms of Reference at Section 1.4 (Purpose and Rationale for the Undertaking and Study).</p> <p>³ Federal Government Announces Regional Assessment of the Ring of Fire Area.</p> <p>⁴ Marten Falls Community Access Road, Terms of Reference, Section 7.2 (Potential Environmental Effects) referencing how "the Northern Road Link will be considered for inclusion in the cumulative effects assessment of the Project." See also Webequie First Nation Supply Road, Terms of Reference, Section 8.1 (Cumulative Effects).</p> <p>⁵ Webequie Supply Road Detailed Project Description: Response to Summary of Issues (November 2019) at 7 (item no. 30) states that the Regional Assessment of the Ring of Fire area "is outside the care and control of Webequie First Nation" See also: Marten Falls First Nation Detailed Project Description Summary (November 2019) at</p> | <p>the scope of what MFFN is responsible for responding to as the proponent for the Project. We have referred your comment to Ontario so they can respond to you directly on this matter.</p> <p>Reference ToR Section and Page #: See response to NibFN-2; See response to NibFN-3; Appendix B, Section 4.1.7, pg. 22; Appendix D</p> | <p>In addition, even though Ontario and the proponent share the procedural aspects of consultation as set out in a Memorandum of Understanding, Ontario acknowledges that it is responsible to ensure that the duty to consult is satisfied. Accordingly, Ontario continues to be available to meet with your community either together with or separately from the proponent to discuss issues throughout the EA process.</p> <p>Regarding concerns around cumulative effects, MECP has requested, and the proponent has committed to preparing, a technical work plan for the cumulative effects assessment. The proponent has committed in its ToR to consult with Indigenous communities on the proposed cumulative effects assessment methodology. The proponent will also be required to meet federal requirements for the cumulative effects assessment, which must include consideration of the proposed MFCAR, NRL and WSR, among other past, present and reasonably foreseeable physical activities.</p> <p>MECP appreciates Nibinamik First Nation's input into the ToR process. As part of his decision whether to approve the proposed ToR, the Minister of the Environment, Conservation and Parks will consider Nibinamik First Nation's comments and how the proponent has responded to your questions and addressed concerns.</p> |

| ID # | Comment Received February 26, 2021 | Proponent Response Provided to Nibinamik by MECP May 26, 2021 | Ontario Response August 30, 2021 |
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| | <p>77 where the proponent notes that the Webequie Supply Road Project “is well outside the MFFN Project study area.”</p> <p>⁶ Marten Falls Community Access Road, Terms of Reference, Section 7.1.1 (Preliminary Study Area); Webequie Supply Road, Terms of Reference, Section 8.2 (Study Area Definitions) and also page 160 and 162 where the ToR repeatedly states that “a Regional Assessment is beyond the scope of this Project.”</p> <p>⁷ Haida Nation v. British Columbia (Minister of Forests), 2004 SCC 73 [“Haida”], at para 45.</p> <p>⁸ Haida, at para 39.</p> <p>⁹ Chippewas of the Thames First Nation v. Enbridge Pipelines Inc., 2017 SCC 41, at para 42; see also Prophet River First Nation v. Canada (Attorney General), 2017 FCA 15, at para 61.</p> <p>¹⁰ Haida, at para 53; see also: Clyde River, at para 22.</p> <p>¹¹ Clyde River (Hamlet) v. Petroleum Geo-Services Inc., 2017 SCC 40 [“Clyde River”], at para 22.</p> <p>¹² Haida, para 42.</p> <p>¹³ As outlined above, the COVID-19 global pandemic has impacted Nibinamik’s ability to meet with community members to discuss the Terms of Reference for the proposed Marten Falls and Webequie road projects and therefore we may have further comments to provide once it is safe for our community to gather together again.</p> | | |

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement,
de la Protection de la nature et des
Parcs



Office of the Minister

Bureau du ministre

777 Bay Street, 5th Floor
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Tél. : 416-314-6790

357-2021-1944

October 8, 2021

Chief Bruce Achneepineskum
Marten Falls First Nation
[REDACTED]

Dear Chief Achneepineskum:

This letter is to inform you that the Ministry of the Environment, Conservation and Parks (ministry) has completed its review of Marten Falls First Nation's proposed Terms of Reference, submitted October 23, 2020, for the preparation of an environmental assessment for the proposed Marten Falls Community Access Road Project (project).

I wish to inform you that I have approved your proposed Terms of Reference with amendments (see Notice of Approval attached) for the project. The approved Terms of Reference, which includes the amendments, sets out the detailed requirements for the preparation of the Marten Falls Community Access Road environmental assessment. I am satisfied that Marten Falls First Nation's environmental assessment, which must be prepared in accordance with this approved Terms of Reference, will be consistent with the purpose of the *Environmental Assessment Act* and the public interest.

The ministry acknowledges the concerns expressed by several Indigenous communities about the consultation process for the Terms of Reference, about their role and input in the environmental assessment process for the proposed project going forward, impacts on Aboriginal and Treaty rights, and about Ontario's obligations and efforts to meet its duty to consult. In response, I have amended your Terms of Reference to include the following:

- A requirement to prepare progress reports on consultation with Indigenous communities at three key environmental assessment milestones. The progress reports will be organized by community, and will contain a discussion of how any input provided by Indigenous communities has informed the development of the environmental assessment milestone. The progress reports will be provided to Indigenous communities so that they may see how their participation is informing the environmental assessment process.

- The progress reports will also be provided to the ministry to assist it in overseeing consultation as Marten Falls First Nation proceeds through its environmental assessment and where appropriate inform the Crown in its own consultation efforts.
- Enhanced consultation requirements and additional direction associated with the cumulative effects assessment Marten Falls First Nation will be carrying out as part of the environmental assessment. This includes:
 - New requirements to consult with Indigenous communities on the cumulative effects assessment work plan, methodology, results and impact management measures; to offer targeted consultation opportunities to each Indigenous community; and to prepare a cumulative effects consultation report to accompany the draft environmental assessment and final environmental assessment.
 - A requirement that Marten Falls First Nation consider, where appropriate, any relevant, publicly-available information generated through any cumulative effects assessment developed as part of any environmental assessment in respect of the proposed Webequie Supply Road project and proposed Northern Road Link project available within the timelines for the Marten Falls Community Access Road environmental assessment.
 - If there is an ongoing or completed Regional Assessment in the Ring of Fire area, Marten Falls First Nation will be required to consider, where appropriate, any relevant, publicly available information generated through that process to inform the Marten Falls Community Access Road environmental assessment, if the information is available within the timelines for the environmental assessment.

Ontario will be carrying out consultation with potentially impacted Indigenous communities for the proposed road projects in the Ring of Fire area in relation to potential adverse impacts on Aboriginal and treaty rights, including potential cumulative impacts. Ontario will continue to work closely with project proponents in carrying out these consultations on the proposed road projects, while still respecting that the projects themselves are unique and led by different First Nation proponents.

As required by subsection 6.1(1) of the *Environmental Assessment Act*, your environmental assessment must be prepared in accordance with the approved Terms of Reference, which includes the amendments attached to this letter. While this approval details the requirements for the preparation of the environmental assessment, it does not secure approval of your proposed project.

Please post the Notice of Approval to the project website as soon as possible after receipt of this letter preferably on the same webpage as the Terms of Reference so that anyone viewing the project website can easily access both documents and see how the environmental assessment is to be prepared.

Chief Bruce Achneepineskum
Page 3.

Should you wish to discuss this decision or next steps in the environmental assessment process please contact Kathleen O'Neill, Director of the ministry's Environmental Assessment Branch, at [REDACTED]

Sincerely,

[REDACTED]

David Piccini
Minister

Attachment

- c: Minister Greg Rickford, Ministry of Northern Development, Mines, Natural Resources and Forestry
- Qasim Saddique, Marten Falls Project Team
- Sarah Paul, Environmental Assessment and Permissions Division, Ministry of the Environment, Conservation and Parks
- Afsana Qureshi, ADM, Strategic Policy Division, Ministry of Northern Development, Mines, Natural Resources and Forestry
- Susan Capling, ADM, Mines and Minerals Division, Ministry of Northern Development, Mines, Natural Resources and Forestry

D1.2.2 MNRF



Ministry of Natural Resources and
Forestry

Ministère des Richesses naturelles
et des Forêts

Northwest Region

Région Nord-Ouest

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Ministry of the Environment, Conservation and Parks
Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario, M4V 1P5

Attention: Dorothy Moszynski, Special Projects Officer; Ministry of Environment,
Conservation and Parks

Sent via email: 

May 20, 2021

**Re: Marten Falls Community Access Road Proposed Terms of Reference –
Additional Information Provided to MNRF**

Dorothy:

Thank you for organizing the April 12, 2021 meeting to discuss the Ministry of Natural Resources and Forestry's (MNRF) comments on the proposed Terms of Reference (ToR), and for the additional information that the Marten Falls Project Team (Project Team) has provided in the Comment Response Table (dated April 23, 2021) as follow up to our comments on the ToR and in the meeting.

MNRF has reviewed the additional information and notes that there are commitments made within each of the responses provided.

MNRF requests that all of these commitments be included in the Table of Commitments in the ToR, should it be approved. Additionally, MNRF requests that solutions put forward in MNRF-4 and MNRF-11 be included in the Table of Commitments.

Further, the table provided (dated April 23, 2021) includes only MNRF's original comments on the ToR document and the Project Team's revised responses, following our April 12th discussion. To ensure traceability of the ministry's exchanges with the Marten Falls Project Team, we have attached an earlier version of the comment table that MNRF provided to MECP (dated February 24, 2021). This table documented:

- MNRF's original comments on the ToR;
- the Project Team's responses to those comments; and
- MNRF's subsequent responses.

We trust that all commitments made by the Project Team in those earlier responses will also be included in the Table of Commitments for the ToR, should it be approved.

Finally, MNRF's understanding from the April 12, 2021 meeting is that additional information will be made available regarding the approach to the alternatives analysis and field studies – both in the EA submission itself as well as other, stand alone, documents. We wish to emphasize that MNRF may have further comments and recommendations as this information becomes available.

Thank you again for the opportunity to further clarify MNRF's interests and comments at this stage of the EA process. If you have any questions about our response please contact Carrie Hutchison at [REDACTED]. We look forward to continuing to work with all appropriate parties as this project proceeds.

Sincerely,

[REDACTED]

Londa Mortson, Regional Resources Manager, MNRF

Attachments:

20210513_Comments_Response_Table_MNRF

20210224_MFFN_CAR_ToR_MNRF_Comment_Response

Copy: Sasha McLeod, Special Projects Officer MECP

D1.3 Meeting Minutes and Materials (MIN)



D1.3.1 ENDM





Project Name: Marten Falls Community Access Road

Date of Meeting: November 26, 2020

Time: 1:00 pm to 1:30 pm

Project #: 60593122

Location: Microsoft Teams/ Call-in

Attendees: Paul MacInnis (ENDM)
Jason Frechette (ENDM)
James McCutcheon (AECOM)
Nolan Domenico (AECOM)
Christine Cinnamon (AECOM)
Jessalyn Beaney (AECOM)

Prepared By: Jessalyn Beaney (AECOM)

Absent: Lawrence Baxter (MFFN), Qasim Saddique (MFFN),
Dan Kuenstler (Dillon)

Regarding: Painter Lake Road Upgrades

Minutes of Meeting

| | Action |
|--|---------------|
| <ul style="list-style-type: none"> • The Proponent for upgrades to Anaconda Road and Painter Lake Road is unknown at this time. It could be the Province, Aroland or issued for bid. • TBT and Aroland reviewed the conditions of these roads last year to identify areas that need to be improved as well as upgrades to accommodate the Community Access Road. • Aroland has been undertaking smaller Projects at this time, including upgrading four culverts (3 on Anaconda Road and 1 on Painter Lake Road near the junction with Anaconda Road). These culvert replacements have been to accommodate two lane gravel road designed to 80 km/hr and 80 km/hr posted speed limit (i.e., not like-for-like replacements). • Designs for road upgrades are owned by Aroland. Due to the pandemic, Aroland membership have not had the opportunity to meet and review the information. Therefore, designs have not be broadly shared by the community and are not considered final. <ul style="list-style-type: none"> • Requests for design can be made to Sheldon who is the point of contact for Jason Frechette. • MFFN Project Team would need to request design information from Aroland. Data sharing agreements are likely required. • Route continuity between the two roads will be important. <ul style="list-style-type: none"> • MTO is supporting Aroland. There is overlap within MTO between Aroland and MFFN's projects. • Aroland is aware of MFFN design criteria and anticipated starting locations. | |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

- The Anaconda/Painter Lake Road design is ending at the MFFN winter road until results of MFFN CAR are available (i.e., Alternative 1 vs. Alternative 4 as preferred).
- Upgrades to Painter Lake Road and how that could influence constructability of the CAR (e.g., ability to move equipment and materials based on structural capacity of bridges and culverts).
- CAR design brief includes the Projects design criteria which Aroland can review to ensure continuity of their road design upgrade.
- Painter Lake Road at Alternative 1 starting point crosses a creek that connects to Painter Lake and would require a bridge.
 - A road corridor exists for forestry is located at this location. MNRF could install a bridge at any time, but this is unlikely based on timber quality.
 - MFFN Project should include this creek crossing as part of Project design.
 - Aroland has collected information at this water crossing but are only looking at existing crossing for road improvements.
 - There is lots of Indigenous Knowledge in this area for both MFFN and Aroland.
- Inspection information for existing bridges and culverts is available. Paul will forward to the MFFN Project Team.

Paul will forward bridge and culvert inspections to the MFFN Project Team.

D1.3.2 NDMNRF (ENDM and MNRF merged on June 18, 2021)





Project Name: Marten Falls Community Access Road

Date of Meeting: October 8, 2021

09:00 am to 10:00 am

Time: EST

Project #: 60593122

Location: Microsoft Teams / Call-in

Attendees: Melissa Mauro (NDMNRF)
James Bennitt (NDMNRF)
Qasim Saddique (MFFN CAR Project Team)
Jennifer Bruin (MFFN CAR Project Team)
Jean-Marc Crew (Golder)
Andrew Forbes (Golder)
Caitlin Cooke (Golder)
Matthew Bowman (Golder)
Shawna Kjartanson (AECOM)
Carsten Slama (AECOM)

Prepared By: Carsten Slama (AECOM)

Absent: Lawrence Baxter (MFFN CAR Project Team)
Bob Baxter (MFFN CAR Project Team)

Regarding: Groundwater Permitting Updates

Meeting Minutes

| | Action |
|--|--|
| <p>Groundwater permitting updates</p> <ul style="list-style-type: none"> The Marten Falls First Nation (MFFN) Community Access Road (CAR) Project Consultant indicated that the groundwater program is a key part of the Project's Environmental Assessment (EA) and the data collected would be used to support other disciplines such as surface water and peatlands. Data would be collected periodically over a span of two years, and the Project is optimistic that the program can get started this year. It would include clearing helipads and installing water monitoring wells. Due to the Project's location and weather constraints, the window is closing to begin this work. A decision to mobilize will likely need to be made within the next two weeks. The MFFN CAR Project Consultant reviewed the status of permit applications and that both provincial and federal regulators have been contacted. Having an understanding of the potential timing of permitting will allow for appropriate logistics to be planned. The MFFN CAR Project Team reviewed the consultation and engagement that has taken place which includes the preparation of | <ul style="list-style-type: none"> MFFN CAR Project Consultant to provide summary of engagement with NFN to NDMNRF MFFN CAR Project Team to provide signed consent forms and Overlapping Licence Agreement as soon as they are available. NDMNRF to provide update to MFFN CAR Project Team the week of October 12th on which sites can receive authorization, and which sites still require additional engagement. |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

program-specific Discussion Guides that were sent to Indigenous communities to solicit information about the resources being studied. The intent was to understand if there were any constraints with where to place sampling locations. Early versions of the Discussion Guides did not have precise locations but 20 finalized sites have now been selected. The MFFN CAR Project Team is constantly reaching out and following up with Indigenous communities.

- More in-depth conversations have been had with Neskantaga First Nation (NFN) and Aroland First Nation (AFN) and the MFFN CAR Project Team is working closely with community advisors of MFFN.
- The MFFN CAR Project Team provided background on discussions with AFN regarding their traditional territory. The original intention of the Project was to start at Hwy 643 but AFN wanted to be involved in project planning within their territory. As a result, the CAR was modified to start at Painter Lake/Anaconda Road. It was understood that AFN would lead future work for upgrading these roads. To date, the MFFN CAR Project Team has received no updates or results from AFN in relation to these road upgrades.
- In the past 2 to 3 weeks, AFN has changed their stance and indicated that the Project now needs their consent within their traditional territory. MFFN disagrees as the Project falls within their traditional territory. The Project has welcomed AFN to join in field work and provide input. AFN has not been willing to engage on field work.
- The Project has done background research on NFN historic trails and MFFN does not agree with the terminology used. It is not a NFN trail but rather a historic trail that was likely used by many First Nations and for all sorts of reasons. The Miller Report (1912) indicates that the location of the trail was mentioned in passing and there is no mapping provided. The trails will obviously not be a straight line and therefore the probability of the groundwater work interacting with the trail is the same as if the Project moved the drilling sites.
- The Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) asked when the most recent consultation with AFN occurred.
- The MFFN CAR Project Team indicated that a meeting was attempted to be set up for September 13, 2021 to resolve conflicts but that the Chief indicated that wouldn't be possible until October. The Project is still willing to have this meeting. Direct outreach to AFN has occurred in the form of Discussion Guides, maps and informational videos. This outreach occurred in late August or early September.
- The MFFN CAR Project Team indicated that mining companies were contacted and informed of the work, as the initial guidance given was that mining claims holders only need to be notified. Letters were sent to two companies. Both responded with

acknowledgement and offered additional support for the program. The Project is now aware that consent must be provided by the mining claims holders and these forms will be sent out shortly. No issues are anticipated.

- The NDMNRF stated that the requirement for consent forms and engagement is not tied to the Class EA but rather that tenure cannot be issued without them and the Crown has a duty to consult and accommodate. The screening for the Class EA is separate from the main Project. The Class EA should be wrapped up once some pieces are done, including a cultural heritage screening.
- The NDMNRF indicated that the Letter of Authorization and the Permit to Remove are hand-in-hand and could be issued shortly but that the Land Use Permit could take a little longer as there is more involved. Most authorizations and permits are in the final stages and the consultation piece is being wrapped up. All technical specialists have the forms drafted. Once everything is complete it would take a few days to be issued. Consultation is the last major part and nothing outstanding is required from the MFFN CAR Project Team.
- The MFFN Project Consultant provided an update on the Overlapping Licence Agreement and indicated that it is currently with Agoke Development LP for review by their legal team.
- The NDMNRF requested a summary of engagement with NFN and that there is still some work to do with respect to consultation. However, authorizations could be issued for some locations but not all at this point.
- The MFFN CAR Project Team asked if the remaining sites not being authorized are due to consultation with all communities or only AFN and NFN.
- The NDMNRF replied that some things need to be wrapped up more broadly but that there is work to do specific with AFN and NFN. More internal discussions are needed to gauge progress and is hoping to reach out to MFFN soon regarding the letter received.
- The MFFN CAR Project Team suggested getting together with appropriate parties to formulate an appropriate and united response regarding consultation. Would appreciate having that conversation before response is sent as this issue is going to remain present.
- The MFFN CAR Project Consultant reiterated their desire to start the work and would be happy with receiving authorizations for whatever sites are possible.
- The NDMNRF indicated that permits could potentially be issued as early as next week for some of the drilling locations.

MFFN CAR Project Consultant to circulate meeting notes/action items.



Project Name: Marten Falls Community Access Road

Date of Meeting: October 13, 2021

Time: 15:30 to 16:00 EST

Project #: 60593122

Location: Microsoft Teams / Call-in

Attendees: Melissa Mauro (NDMNRF)
James Bennitt (NDMNRF)
Jennifer Bruin (MFFN CAR Project Team)
Larissa Stevens (MFFN CAR Project Team)
Lawrence Baxter (MFFN CAR Project Team)
Jean-Marc Crew (Golder)
Andrew Forbes (Golder)
Caitlin Cooke (Golder)
Matthew Bowman (Golder)
Shawna Kjartanson (AECOM)
Carsten Slama (AECOM)

Prepared By: Carsten Slama (AECOM)

Absent: Qasim Saddique (MFFN CAR Project Team)
Bob Baxter (MFFN CAR Project Team)

Regarding: NRF Groundwater Authorizations

Meeting Minutes

| | Action |
|---|--|
| <p>Groundwater Authorization updates</p> <ul style="list-style-type: none"> The Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) provided the Marten Falls First Nation (MFFN) Community Access Road (CAR) with a list of potential sites that could be authorized in advance of the others. This list contained the following seven Sites: 21, 25, 23, 18, 2, 14, and 13) The MFFN CAR Project consultant asked if NDMNRF could comment on the status of the other 13 sites. The NDMNRF indicated that they were not in a position to be able to provide more information at this time. The MFFN CAR Project Consultant indicated that Consent Forms from mining claim holders were required for three of the seven sites and confirmed that those would need to be in place prior to the NDMNRF authorizing those sites. The MFFN CAR Project Consultant asked what the timeline was for authorizing the seven sites. The NDMNRF indicated that they could not provide a timeline and that there was no guarantee that those seven sites would be authorized in advance. | <ul style="list-style-type: none"> None |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

| | |
|---|--|
| <ul style="list-style-type: none">• The MFFN CAR Project Team asked what the specific issues were that were holding up issuing the necessary permits. The NDMNRF indicated that they are not able to share any specifics but that dialogue is ongoing.• The NDMNRF asked for an update on Consent Forms from mining claim holders. The MFFN Project Consultant responded that the forms are currently with the respective mining companies and are awaiting signed copies. | |
|---|--|

MFFN CAR Project Consultant to circulate meeting notes/action items.



Project Name: Marten Falls Community Access Road

Date of Meeting: October 22, 2021

Time: 09:00 to 09:30 EST

Project #: 60593122

Location: Microsoft Teams / Call-in

Attendees: Melissa Mauro (NDMNRF)
James Bennitt (NDMNRF)
Jennifer Bruin (MFFN CAR Project Team)
Larissa Stevens (MFFN CAR Project Team)
Qasim Saddique (MFFN CAR Project Team)
Bob Baxter (MFFN CAR Project Team)
Shawna Kjartanson (AECOM)
Carsten Slama (AECOM)

Prepared By: Carsten Slama (AECOM)

Absent: Lawrence Baxter (MFFN CAR Project Team)

Regarding: NRF Groundwater Authorizations

Meeting Minutes

| | Action |
|---|--|
| <p>Groundwater Authorization updates</p> <ul style="list-style-type: none"> The Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) indicated that additional information was sent to Indigenous communities on October 18, 2021, identifying that the Ministry was considering providing authorizations for seven groundwater sites. The NDMNRF indicated that they requested comments on the additional information by October 22, 2021. The NDMNRF indicated that there is ongoing engagement for the other 12 sites (one site is on federal land) and that there is no timeline for Indigenous communities to provide input. They also indicated that the Lands department is reviewing the Consent Forms provided by mining claim holders. The MFFN CAR Project Consultant asked if NDMNRF could share the correspondence that went out to Indigenous communities. The NDMNRF indicated that that would not be possible but that Marten Falls First Nation (MFFN) would have received a letter as part of those outreach efforts. The MFFN CAR Project Team asked for a progress update for the groundwater drilling sites located on MFFN traditional territory and the NDMNRF indicated that discussions were ongoing. | <ul style="list-style-type: none"> None |

MFFN CAR Project Consultant to circulate meeting notes/action items.

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

D1.4 Permits and Associated Documentation (PER)



D1.4.1 MECP



PERMIT for SPECIES PROTECTION or RECOVERY
Issued under the authority of clause 17(2)(b) of the
Endangered Species Act, 2007, S.O. 2007, c. 6

Issued to: Golder Associates Ltd.

Permit #: [REDACTED]

Effective Date: Date of Issuance

Expiry Date: [REDACTED]

Project Title: Marten Falls First Nation Community Access Road – Caribou (Boreal population) (*Rangifer tarandus caribou*) Field Program

Project Description: Marten Falls First Nation is proposing an all-season Community Access Road that will connect the community to the Ontario provincial highway network. Caribou (Boreal population) (*Rangifer tarandus caribou*) have been selected as an indicator species to inform a federal Impact Assessment and provincial Environmental Assessment. To gather sufficient information to develop a comprehensive description of the existing environment, a caribou field program is proposed. Program components may include:

- an aerial survey in advance of collaring (in winter 2021, 2022, and 2023),
- deploying and maintaining radio collars on up to thirty (30) adult Caribou (Boreal population) for three (3) years (2021-2024),
- collection of biological samples at captures,
- mortality investigations,
- an aerial recruitment survey in winter 2022, and
- a remote camera monitoring program (2021-2023).

The proposed caribou field program aligns with Ontario's *Woodland Caribou Conservation Plan* and *Range Management Policy in Support of Woodland Caribou Conservation and Recovery* for Caribou (Boreal population) and will assist in the protection and recovery of Caribou (Boreal population) by confirming presence or absence, habitat use, and to increase knowledge of population distributions, movement patterns and population health of this species.

Authorization: This permit authorizes Golder Associates Ltd. to engage in the activities as specified and described in Schedule A attached to the permit that would otherwise be prohibited by s. 9(1) of the *Endangered Species Act, 2007* ("ESA") in relation to Caribou (Boreal population) (*Rangifer tarandus caribou*), a species listed as threatened on the Species at Risk in Ontario List, O. Reg. 230/08 made under the ESA. The activities are authorized to be conducted at the Project Location and associated laboratories.

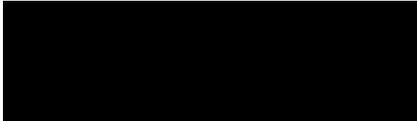
The authorizations provided by this permit do not apply unless the holder complies with Schedules A and B which are attached to and form part of this permit.

Project Location: As shown in Schedule C.

Laboratory analysis of collected hair and fecal samples will be conducted at the Ministry of Natural Resources and Forestry's Science and Research Branch, Suite 103, 421 James St. S, Thunder Bay, ON P7E 2V6.

Laboratory analysis of collected blood samples will be conducted at Herd Health Diagnostics, 1205 SE Pro Mall Blvd., Ste. 109, Pullman, Washington, USA, 99163.

Issued by:



Jeff Yurek
Minister of the Environment, Conservation
and Parks

Date of Issuance: 08/02/21
(dd/mm/yy)

Schedule A: Detailed Description of Authorization

This permit authorizes Golder Associates Ltd. to engage in the activities as described below, in respect of the species and in accordance with any limitations identified below.

| Species | Limitations | Authorized Activity |
|---|--------------------|---|
| <p>Caribou (Boreal population) (<i>Rangifer tarandus caribou</i>)</p> | <p>N=30</p> | <p>Harass, capture, possess, transport, and collect as is necessary to:</p> <ul style="list-style-type: none"> - Harass, capture, possess and collar up to 30 adult female Caribou (Boreal population) individuals in the Project Location using net guns - Collect, possess, and transport blood samples from up to 30 Caribou (Boreal population) individuals to Herd Health Diagnostics for the purpose of conducting laboratory analysis (see "Project Location") - Collect, possess, and transport fecal and hair samples from up to 30 Caribou (Boreal population) individuals to MNRF Science and Research Branch for the purpose of conducting laboratory analysis (see "Project Location"). |
| <p>Caribou (Boreal population) (<i>Rangifer tarandus caribou</i>)</p> | <p>N=Unlimited</p> | <p>Harass, collect, possess, and transport as is necessary to:</p> <ul style="list-style-type: none"> - Collect, possess, and transport lower jawbones and leg bones during mortality investigations from Caribou (Boreal population) individuals to MNRF Science and Research Branch for the purpose of conducting laboratory analysis (see "Project Location") - Harass individual Caribou (Boreal population) through disturbance from aircraft during the undertaking of collaring activities, winter aerial surveys, and recruitment surveys. |
| <p>Caribou (Boreal population)</p> | <p>N=2</p> | <p>Kill, harm, and harass for:</p> <ul style="list-style-type: none"> - Incidental injury/death of Caribou (Boreal |

| Species | Limitations | Authorized Activity |
|------------------------------------|-------------|---|
| <i>(Rangifer tarandus caribou)</i> | | population) from capture, processing, and/or release. |

Schedule B: Conditions

- 1) The permit holder shall keep a list of the names of all individuals engaged in conducting the activities authorized by this permit and any changes or additions to this list shall be identified by email to the Ministry of the Environment, Conservation and Parks (MECP) (████████████████████) within twenty-four (24) hours of the change or addition. The subject line of the email shall reference Permit Number NR-B-007-20.
- 2) The permit holder shall always carry a copy of this permit when conducting activities under the authority of the permit. If the permit holder is not present when authorized activities are being conducted, the permit holder shall ensure that a copy of the permit is maintained at the location activities are being conducted.
- 3) Any person carrying out activities under the authority of this permit shall act in accordance with Animal Care Protocol 471 and any amendments made to 471.
- 4) Any person carrying out activities under the authority of this permit shall act in accordance with the guidelines provided in *Guidelines for Working with Free-Ranging Wild Mammals in the Era of the COVID-19 Pandemic, August 2020*, and any amendments made to this document to minimize the risk of zoonotic transmission.
- 5) All equipment used to conduct collaring and sampling activities under the authority of this permit shall be labelled with Permit Number NR-B-007-20.
- 6) The permit holder shall provide a detailed survey schedule (including survey dates and location(s)) to MECP (████████████████████) a minimum of twenty-four (24) hours before the project work begins. The subject line of the email shall reference Permit Number NR-B-007-20.
- 7) All individuals shall be released at the point of capture unless otherwise authorized.
- 8) Capture and collaring of adult female Caribou shall occur **prior to March 15, 2021**.
- 9) Collars shall be fitted with a drop off mechanism programmed to release the collar after 156 weeks from the time of capture.
- 10) Collars shall be pre-programmed to transmit a location every three (3) hours over a twenty-four (24) hour period, for a total of eight (8) locations per day until the programmed release.
- 11) The Very High Frequency (VHF) band shall be programmed to be active from 0900 to 1700 daily.
- 12) The capture crew shall collect the necessary blood samples from the cephalic or jugular vein, hair samples, with roots, from the shoulder area, and fecal samples directly from the anus, sufficient to conduct an assessment of pregnancy at the time of capture and potential DNA analysis respectively.

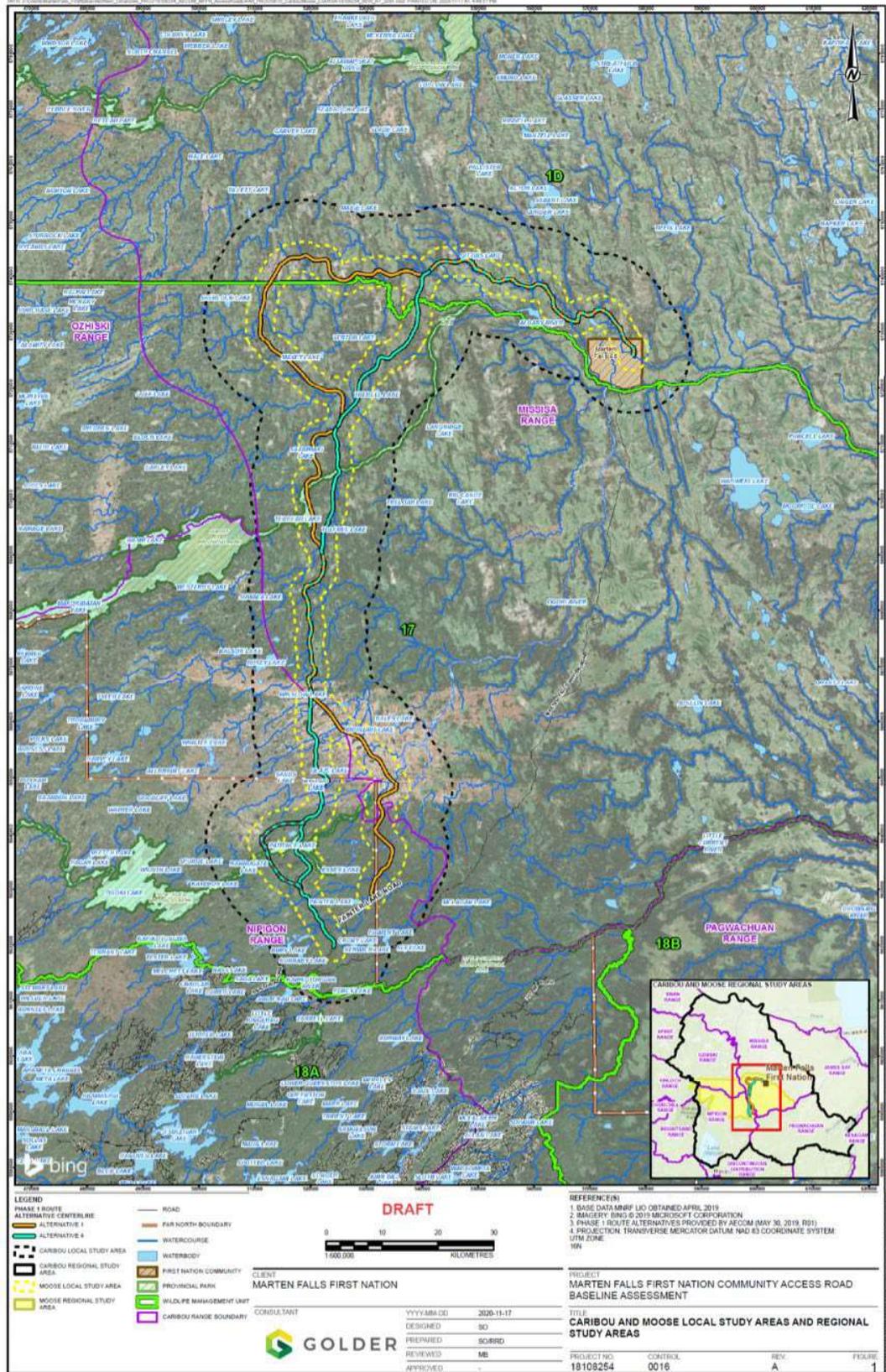
- 13) If an individual Caribou (Boreal population) is accidentally killed or injured beyond care during the capture activities, the individual shall be immediately humanely euthanized in accordance with Animal Care Protocol 471 **and** the incident shall be reported to the MECP [REDACTED] within twenty-four (24) hours or as soon as reasonably possible. The subject line of the email shall reference Permit Number NR-B-007-20.
- 14) Mortality investigations shall occur when three (3) collars have indicated a likely mortality following collar deployment or the most recent mortality investigation, or at least once per year for the duration of the project when less than three (3) collars have indicated a likely mortality has occurred. Mortality investigations may occur more frequently at the discretion of the permit holder. Mortalities shall be reported to the MECP [REDACTED] within twenty-four (24) hours or as soon as reasonably possible. The subject line of the email shall reference Permit Number NR-B-007-20.
- 15) Following the release of the collar, as per condition 9, collars shall be retrieved before the battery stops transmitting a VHF signal, where feasible.
- 16) Should a collar release mechanism malfunction resulting in the collar not being released, the permit holder shall contact the MECP [REDACTED] for further direction within twenty-four (24) hours of the permit holder becoming aware of the malfunction. The subject line of the email shall reference Permit Number NR-B-007-20.
- 17) Prior to **December 31 of each year** this permit is in effect, the permit holder shall report all SAR observed while conducting activities under the authority of this permit by completing the "observation reporting spreadsheet" or the "observation reporting geodatabase" provided by the Natural Heritage Information Centre (NHIC) (<https://www.ontario.ca/page/report-rare-species-animals-and-plants#section-1>) in its entirety and submitting it to the NHIC [REDACTED] and the MECP [REDACTED]. The subject line of the email shall reference Permit Number NR-B-007-20.
- 18) Prior to **October 15, 2021, and prior to May 1 and October 15 of each consecutive year** this permit is in effect, the permit holder shall provide the following information to the MECP [REDACTED] as a shapefile or geodatabase:
- a) Caribou GPS locations (UTMs or latitude/longitude), including date and time and fix location (location accuracy); and
 - b) Mortality locations (UTMs or latitude/longitude), including date and time, cause of mortality, and estimated date of mortality.
- The subject line of the email shall reference Permit Number NR-B-007-20.
- 19) Prior to **June 1, 2021**, the permit holder shall submit an Interim Report and associated data to the MECP [REDACTED]. The subject line of the

email shall reference Permit Number NR-B-007-20. At a minimum, the Interim Report and associated data shall include the following:

- a) A summary of the methods and results of the field work authorized by this permit, including the winter aerial survey in advance of collaring should it occur, and deployment of radio collars;
 - b) Details associated with the search areas associated with the winter aerial survey, should it occur, including date and time, observers (pilot, navigator, left and right observers), weather conditions and a shapefile of the track logs;
 - c) Details associated with the observations of caribou and wolverine recorded during the winter aerial survey, should it occur, including date and time, location (UTMs or latitude/longitude), evidence type (sighting, tracks, cratering, slushing) and, where applicable, the group counts and structure (i.e., age and gender) of all caribou observed, by completing the "observation reporting spreadsheet" or the "observation reporting geodatabase" provided by the Natural Heritage Information Centre (NHIC) (<https://www.ontario.ca/page/report-rare-species-animals-and-plants#section-1>) in its entirety;
 - d) Details associated with each capture, including date and time, location (UTMs or latitude/longitude), group counts and structure (i.e., age and gender), health description, type and number of biological samples collected, collar ID, VHF frequency, and any photos taken during the capture;
 - e) Any species injuries, deaths, or complications that occurred during the capture.
- 20) Prior to **December 31, 2024**, the permit holder shall submit a Final Report to the MECP [REDACTED]. The subject line of the email shall reference Permit Number NR-B-007-20. At a minimum, the Final Report shall contain the following information:
- a) A summary of the methods and results of the field work authorized by this permit, including the winter aerial survey in advance of collaring should it occur, deployment of radio collars, mortality investigations, recruitment survey and final collar retrieval;
 - b) Details associated with the search areas associated with the winter aerial survey, should it occur, including date and time, observers (pilot, navigator, left and right observers), weather conditions and a shapefile of the track logs;
 - c) Details associated with the observations of caribou and wolverine recorded during the winter aerial survey, should it occur, including date and time, location (UTMs or latitude/longitude), evidence type (sighting, tracks, cratering, slushing), photos, and, where applicable, the group counts and structure (i.e., age and gender) of all caribou observed;
 - d) Details associated with each capture, including date and time, location (UTMs or latitude/longitude), group counts and structure (i.e., age and gender), health description, type and number of biological samples collected, collar ID, VHF frequency, mortality date or collar drop-off date, and any photos taken during the capture;

- e) Details associated with the recruitment survey, including date and time, location (UTMs or latitude/longitude), and confirmation of calf-at-heel or not;
- f) Details associated with the mortality investigations, including date and time, location (UTMs or latitude/longitude), photos, and cause of mortality (predation, hunter, poor health, capture myopathy, natural causes);
- g) Details associated with the final collar retrieval, including date and time, location (UTMs or latitude/longitude), and condition of each collar;
- h) A summary of the methods and results of the laboratory work authorization by this permit; and
- i) Any species injuries, deaths, or complications that occurred during this project.

Schedule C: Location



D1.4.2 MNRF





Ministry of
Natural Resources
Ministère des
Richesses naturelles

Wildlife Scientific Collector's Authorization Autorisation pour faire la collecte scientifique d'animaux sauvages

| | |
|--|------------|
| Authorization No. N° d'autorisation | [REDACTED] |
| Local Reference No. N° de référence local | [REDACTED] |
| Issuer Account No. N° de compte du délivreur de permis. | [REDACTED] |

This authorization is issued under Section 39 of the Fish and Wildlife Conservation Act, 1997 to:
Cette autorisation est délivrée en vertu de l'article 39 de la Loi sur la protection du poisson et de la faune de 1997 à:

| | | | |
|---|--|-----------------------------------|---|
| Name of Authorization holder Nom du titulaire de l'autorisation | Last Name / Nom de famille [REDACTED] | First Name / Prénom [REDACTED] | Middle Name / Second Prénom [REDACTED] |
| Name of Business/Organization/Affiliation (if applicable) Nom de l'entreprise/de l'organisme/de l'affiliation (le cas échéant) Golder Associates Ltd. | | | |

| | | | |
|---|---|---|---|
| Mailing address of Authorization holder Adresse postale du titulaire de l'autorisation | Street Name & No./PO Box/RR#/Gen. Del./ N° rue/C.P./R.R./poste restante [REDACTED] | Province/State Province/État [REDACTED] | Postal Code/Zip Code Code Postal/Zip [REDACTED] |
| City/Town/Municipality / Ville/village/municipalité [REDACTED] | | | |

This authorization permits the above-named person to:
Cette autorisation permet à la personne nommée ci-haut de:

- Capture wildlife of the species and sex, in the numbers, and in the area set out be below.
Capturer les espèces d'animaux sauvages selon le nombre et le sexe indiqués ci-dessous dans les lieux indiqués ci-dessous and/or / et/ou
- Keep game wildlife or specially protected wildlife in captivity for the purposes of education or science.
Garder des animaux sauvages spécialement protégés et du gibier sauvage en captivité à des fins éducatives et scientifiques
- Release the captured wildlife in the area of capture, if the captured wildlife is not to be removed from that area
Remettre en liberté les animaux sauvages capturés dans la zone de capture si les animaux captures ne doivent pas être enlevés de cette zone

OR / OU

- Capture and kill wildlife of the species and sex, in the numbers, and in the area set out be below.
Capturer et tuer les espèces d'animaux sauvages selon le nombre et le sexe indiqués ci-dessous dans les lieux indiqués ci-dessous

| Species / Espèces | Sex Sexe | Numbers Nombre | Location / Endroit |
|-------------------|-------------|-------------------|---------------------|
| Woodland Caribou | | 30 | as per attached map |
| | | | |
| | | | |
| | | | |
| | | | |

Yes/Oui Additional list attached / Liste additionnelle ci-jointe

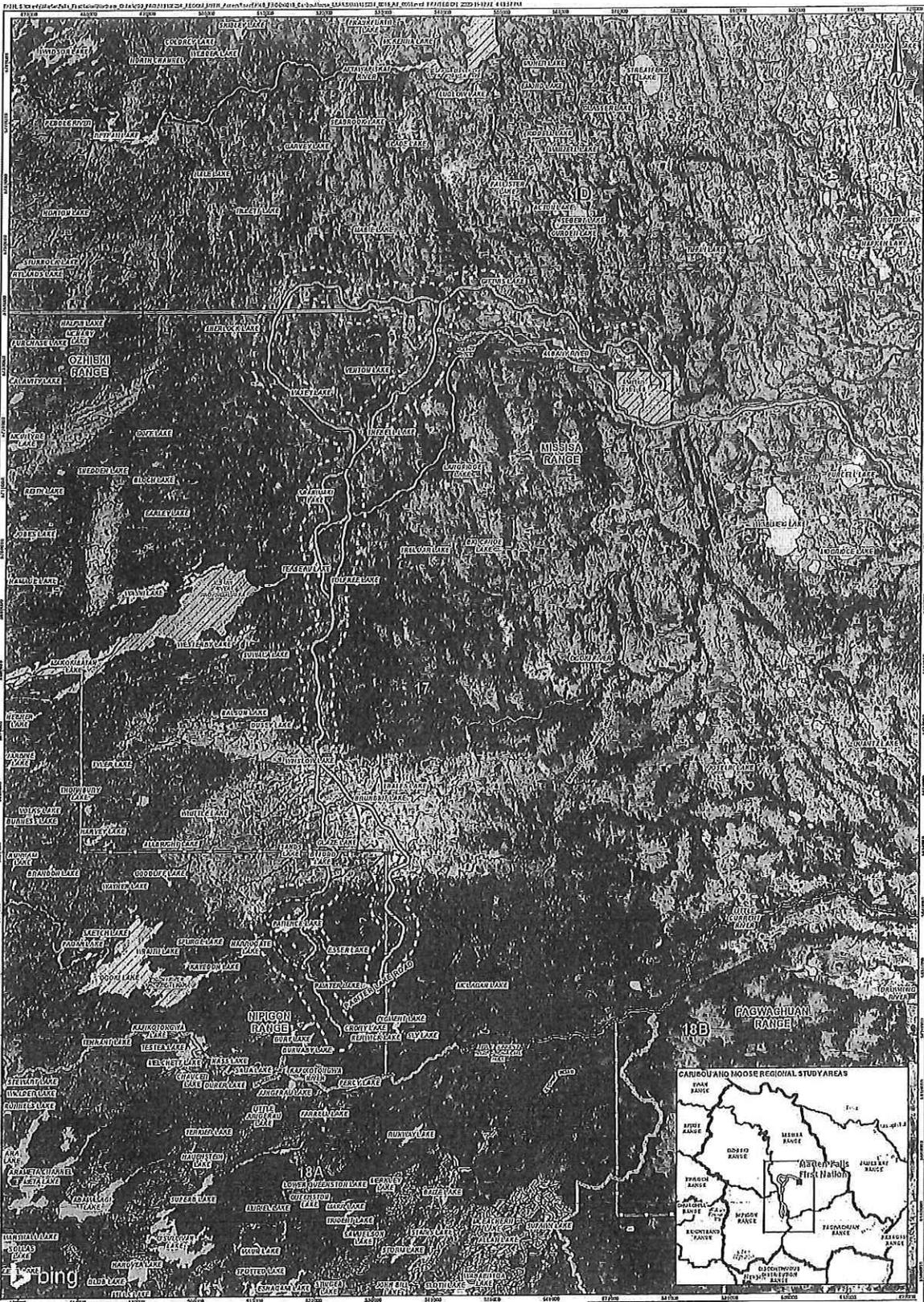
| | | |
|--|---|---|
| Authorization Dates / Dates d'autorisation | Effective Date / Date d'entrée en vigueur (YYYY-MM-DD) 2021-01-25 | Expiry Date / Date d'expiration (YYYY-MM-DD) 2021-03-15 |
|--|---|---|

Authorization conditions / Conditions de l'autorisation: This authorization is subject to the conditions contained in Schedule A if included./Cette autorisation doit respecter les conditions de l'annexe A si celle-ci est jointe.
Yes/Oui No/Non Schedule A included. / Annexe A ci-jointe

| | | |
|--|--|--|
| Authorized by (please print) Autorisé par (veuillez écrire en caractères d'imprimerie) Patti Westerman | Signature of Authorizer / Signature de la personne chargée d'autoriser [REDACTED] | Date of Issue/Date de délivrance (YYYY-MM-DD) 2021-01-25 |
| Signature of Authorization holder / Signature du titulaire de l'autorisation [REDACTED] | | Date (YYYY-MM-DD) 2021-01-25 |

Personal information contained on this form is collected under the authority of the Fish and Wildlife Conservation Act, 1997 and will be used for the purpose of licencing, identification, enforcement, resource management and customer service surveys. Please direct further inquiries to the District Manager of the MNR issuing district.

Les renseignements personnels dans ce formulaire sont recueillis conformément à la Loi sur la protection du poisson et de la faune, 1997, et ils seront utilisés aux fins de délivrance de permis, d'identification, d'application des règlements, de gestion des ressources et de sondage sur les services à la clientèle. Veuillez communiquer avec le chef du district du MRN qui délivre le permis si vous avez des questions.



LEGEND

| | |
|-----------------------------|--------------------------|
| PHASE 1 ROUTE | ROAD |
| ALTERNATIVE 1 GENERAL LINE | FAR NORTH BOUNDARY |
| ALTERNATIVE 1 | WATERCOURSE |
| ALTERNATIVE 2 | WATERBODY |
| CARIBOU LOCAL STUDY AREA | FIRST NATION COMMUNITY |
| CARIBOU REGIONAL STUDY AREA | PROVINCIAL PARK |
| MOOSE LOCAL STUDY AREA | WILDLIFE MANAGEMENT UNIT |
| MOOSE REGIONAL STUDY AREA | CARIBOU RANGE BOUNDARY |

DRAFT

0 10 20 30
1:500,000
KILOMETRES

CLIENT
MARTEN FALLS FIRST NATION

DATE
2019-11-17

DESIGNED SO
PREPARED SARRO
REVIEWED MB
APPROVED -

GOLDER

PROJECT
MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD
BASELINE ASSESSMENT

TITLE
CARIBOU AND MOOSE LOCAL STUDY AREAS AND REGIONAL
STUDY AREAS

PROJECT NO. 18108254
CONTROL 0016
REV. A
FIGURE 1

REFERENCES

1. BASE DATA MTRP LIO OBTAINED APRIL 2019
2. IMAGERY: BING © 2019 MICROSOFT CORPORATION
3. PHASE 1 ROUTE ALTERNATIVES PROVIDED BY AECOM MAY 30, 2018 (FOI)
4. PROJECTION: TRANSVERSE MERCATOR DATUM 1983 COORDINATE SYSTEM; UTM ZONE 18U

**SCHEDULE A
WILDLIFE SCIENTIFIC COLLECTOR'S AUTHORIZATION CONDITIONS**

| | | |
|----------------------|----------------------|------|
| Authorization Number | Authorization Holder | Date |
| | | |

1. This authorization is valid for Erin Greenaway and designated assistants to engage in the capture and release of caribou within the area specified on the attached map for the period indicated, in accordance with the limitations outlined in the below table:

| Common Name | Scientific Name | Capture / Release up to |
|-----------------------------|----------------------------------|-------------------------|
| Caribou (Boreal population) | <i>Rangifer tarandus caribou</i> | 30 individuals |

2. Before carrying out any operation under this authorization, the authorized person shall inform Patti Westerman (Resources Management Supervisor), at [REDACTED] of their intentions at least a week before commencing work and include information as to the type of operation, location, duration, and the name or names of personnel involved.
3. A written report covering the operation of the preceding year must be submitted to the authorization issuer no later than August 31, 2021. The report can be emailed to: [REDACTED]. The report shall contain a statement outlining objectives, methods used, and any general conclusions or observations associated with the collaring work, and accompanying summary table(s) with the following information recorded for all captures carried out under this authorization:
 - a. Date of capture and collaring,
 - b. Location of capture (i.e., UTM coordinates),
 - c. Description of capture site,
 - d. Method of capture,
 - e. Number of individuals captured and collared,
 - f. Radio-collar frequencies and identification of any other tags (e.g., ear tags) attached to captured caribou along with any recorded zoological measurements associated with captured caribou,
 - g. Disposition of individuals collected (e.g., kept temporarily and released),
 - h. List of any species injuries, deaths or complications that occurred during this project,
 - i. Name of individuals involved with the capture and collaring,
 - j. Any animal suspected of being infected with a communicable disease shall be reported to the Canadian Wildlife Health Cooperative (CWHC - <http://www.cwhc-rscf.ca/>).

Note: The submission of a satisfactory report is a prerequisite to any subsequent renewals.

4. At the end of the project, all raw radio-collaring data must be submitted to the Ministry of Natural Resources and Forestry Nipigon District Office and the Northwest Region Resources Advisory Unit (RAU) (i.e., no later than 1-year after the cessation of field work associated with this project (i.e., 2021-2024)).
5. All captured caribou shall be released back at the point of capture after they have been collared, unless otherwise authorized.
6. This authorization is valid for the authorization holder and the designated assistants indicated below. Any changes to named assistants shall be identified in writing to: Patti Westerman (Resources Management Supervisor), email: [REDACTED] within 24 hours of the change.
 - a. Michelle Bacon
 - b. Bighorn Helicopters

7. The authorization holder shall always carry a copy of this authorization when conducting activities under its authority. If the authorization holder is not present when authorized activities are being conducted, the authorization holder shall ensure that a copy of the authorization is maintained at the location activities are being conducted.
8. Any person carrying out activities under this authorization shall act in accordance with the approved Ministry of Natural Resources and Forestry Animal Care Protocol (#21-471).
9. All capture gear shall be inspected regularly for safety purposes.
10. This authorization is not valid in Provincial Parks, park reserves, National Parks, Conservation Areas, Crown game preserves, Conservation Reserves or sanctuaries established under the Migratory Birds Convention Act without written permission from the authorized person(s) in charge of the area(s) concerned.
11. This authorization does not allow access to any property without permission of the landowner.
12. Sections 5 and 6 of the Fish and Wildlife Conservation Act 1997, and the provisions of the regulations relating to open seasons and bag limits do not apply to a person capturing wildlife under this authorization.
13. If an individual caribou becomes accidentally injured during capture/ collaring activities and the animal is humanely euthanized, the incident shall be reported to the MNRF Nipigon District office within 24 hours or the next working day.
14. This licence only authorizes work to be conducted in accordance with the submitted Application for a Wildlife Scientific Collectors dated November 25, 2020. Requests for changes to the application, will require notification and approval by the MNRF Nipigon District Office.

Signature of authorization holder

Date

WILDLIFE ANIMAL CARE COMMITTEE RESEARCH PROTOCOL APPLICATION

Protocol Number [redacted] [] New [] Renewal [x] Amendment

- This project has been submitted to: [x] MNR District Office [x] Ontario Parks [x] Species at Risk

Category D table with options A-E: A: Experiments on most invertebrates... B: Experiments which cause little or no discomfort... C: Experiments which cause minor stress... D: Experiments which cause moderate to severe distress... E: Procedures which cause severe pain...

Project Title Marten Falls First Nation Community Access Road

Objective The proposed caribou collaring program will consist of gathering data to quantify the existing conditions and potential impacts of the proposed community access road on caribou distribution, seasonal habitat use, recruitment and survival, and type and spatial extent of biophysical attributes in the project study area. Max Char 420 Count 320

Principal Investigator Erin Greenaway

Company Affiliation Golder Associates Ltd.

Branch, Section, Address, Telephone, Email fields for Principal Investigator

Secondary Investigator(s) Michelle Bacon

Company Affiliation Golder Associates Ltd.

Branch, Section, Address, Telephone, Email fields for Secondary Investigator(s)

Target Species Woodland Caribou Number(s) to be handled 30

Location(s) of Projects (Municipality/MNR District)

- [x] Research [] Management [] Teaching

Type of Research: [] Non-Invasive [x] Invasive [] Surgery

Stress Level: [] Nil [] Low [x] Moderate [] High

Pain Level: [] Nil [x] Low [] Moderate [] High

Drugs: [] Anaesthetic [] Analgesic [] Other N/A

Samples:

- Blood
- Tooth
- Hair / Feather
- Tissue
- Other

Fecal

Capture and Handling

Chase Method:

- Aircraft/Helicopter
- Snowmobile
- Powerboat
- Other

Animals to Be:

- Released at capture site
- Transported & Released
- Long Term Captive
- Terminated

Traps:

- Lethal
- Leg Snare
- Mist Net
- Live Trap
- (Type)
- Net Gun
- Other

Marking Method:

- PIT Tag
- Fur/Feather Clip
- Dye
- Tattoo
- Other
- N/A

Device fixed to

- Radio Collar
- Leg Band
- Implanted Tag
- Other

Animal:

Lay Summary:

See Woodland Caribou - Standard Protocol - 2020 provided by Sarah Fraser, Chair Wildlife Animal Care Committee Ontario Ministry of Natural Resources and Forestry on September 21, 2020 and attached wildlife animal care committee detailed protocol.

Max Char 840

Count **247**

Declaration:

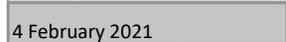
All animals used in this research will be cared for in accordance with the recommendations of the Canadian Council on Animal Care and the requirements under the Animals for Research Act, (Ont. 1990).

By submitting this form I hereby indicate my agreement not to make major changes to the research procedures without obtaining approval of a new Animal Use Protocol from the MNRF WACC. I also affirm that I understand that no work may be performed prior to approval of this protocol by the MNRF WACC.

NOTE: I understand that portions of this protocol may be used to develop a "Standard Species Protocol" to be used by other researchers.

For electronic submissions please sign below and scan, or check t

- I, as principal investigator, am responsible for the information submit

   
 Signature (Principal Investigator) Date Submitted

The project described in this protocol is approved under the terms of the Animals for Research Act, (Ont. 1980)

 
 Approved by Date Approved



Ontario

Ministry of Natural Resources

Ministère des Richesses naturelles

Licence to Collect Fish for Scientific Purposes

Permis pour faire la collecte de poissons à des fins scientifiques

| | |
|---|------------|
| Licence No. N° de permis | [REDACTED] |
| Local Reference No. N° de référence local | [REDACTED] |
| Issuer Account No. N° de compte du délivreur de permis | [REDACTED] |

This licence is issued under Part I of the Fish Licensing Regulation made under the Fish and Wildlife Conservation Act, 1997 to:

Ce permis est délivré en vertu de la Partie I du règlement sur la délivrance de permis de pêche formulé conformément à la Loi sur la protection du poisson et de la faune de 1997 à:

| | | | |
|---|---|---|---|
| Name of Licencee Nom du titulaire du permis | Last Name / Nom de famille [REDACTED] | First Name / Prénom [REDACTED] | Middle Name / Second Prénom [REDACTED] |
| Name of Business/Organization/Affiliation (if applicable) / Nom de l'entreprise/ce l'organisme/de l'affiliation (le cas échéant) Golder Associates Ltd | | | |
| Mailing address of Licencee Adresse postale du titulaire du permis | Street Name & No./PC Box/RR#/Gen. Del./ N° rue/C.P./R.R./poste restante [REDACTED] | | |
| | City/Town/Municipality / Ville/village/municipalité [REDACTED] | Province/State Province/État [REDACTED] | Postal Code/Zip Code Code Postal/Zip [REDACTED] |

to collect the species, size and quantities of fish from the waters as set out below.

Pour faire la collecte des espèces suivantes (stade et nombre indiqués ci-dessous):

| Species Espèces | Eggs Oeuf X | Juvenile Fretin X | Adults Adulte X | Numbers Nombre | Name of Waterbody Nom de l'étendue d'eau |
|--------------------|-------------------|-------------------------|-----------------------|-------------------|---|
| ALL | X | X | X | | As listed in attached Table 1 and maps |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Yes/Oui Additional species/Waterbody list attached / Liste d'espèces/d'étendue d'eau additionnelles ci-jointe

Purpose of collection
To provide fish and fish habitat surveys at waterbody crossings along two proposed access road alternatives.
But de la collecte

| | | |
|---|---|---|
| Licence Dates Dates du permis | Effective Date / Date d'entrée en vigueur (YYYY-MM-DD) 2021-08-01 | Expiry Date / Date d'expiration (YYYY-MM-DD) 2021-09-15 |
|---|---|---|

Licence conditions This licence is subject to the conditions contained in Schedule A if included. / Ce permis doit respecter les conditions de l'annexe A si celle-ci est jointe.

Conditions du permis Yes/Oui No/Non Schedule A included. / Annexe A ci-jointe

| | | |
|---|--|--|
| Issued by (please print) Délivré par (veuillez écrire en caractères d'imprimerie) Leal Strain | Signature of issuer / Signature du délivreur | Date of Issue/Date de délivrance (YYYY-MM-DD) 2021-06-29 |
| Signature of Licencee / Signature du titulaire du permis [REDACTED] | | Date (YYYY-MM-DD) 2021-08-26 |

Personal information contained on this form is collected under the authority of the Fish and Wildlife Conservation Act, 1997 and will be used for the purpose of licensing, identification, enforcement, resource management and customer service surveys. Please direct further inquiries to the District Manager of the MNR issuing district.

Les renseignements personnels dans ce formulaire sont recueillis conformément à la Loi sur la protection du poisson de la faune, 1997, et ils seront utilisés aux fins de délivrance de permis, d'identification, d'application des règlements, de gestion des ressources et de sondage sur les services à la clientèle. Veuillez communiquer avec le chef du district du MRN qui délivrera le permis si vous avez des questions.

D1.4.3 Ontario Parks





Northwest Zone
Suite 221D
435 James Street South
Thunder Bay, ON

**Letter of Authorization to Conduct Research in a Provincial Park
or Conservation Reserve**

Date:

February 9, 2021

Issued to:

Erin Greenaway
910 Alloy Drive, Unit B
Thunder Bay, ON
P7A 2Y8
Tel: 807-632-8912

Authorization Valid:

February 9, 2021 to August 31, 2024

Project Title:

Marten Falls Community Access Road Caribou Program

This letter is issued as authorization for the application that you have submitted for the research project titled "Marten Falls Community Access Road Caribou Program". This authorization is valid for the following provincial parks and conservation reserves only:

Table 1 - Provincial Parks

| Zone | Provincial Park Name | Contact |
|-------------|-----------------------------|---|
| Northwest | Albany River, Ogoki River | Shannon Lawr Park Superintendent Phone: [REDACTED] Email: [REDACTED] |

This authorization letter will serve for access and identification while conducting your research in these provincial parks or conservation reserves for the following persons:

Principal Investigator:

Erin Greenaway

Field Researcher(s):

Michelle Bacon, as well as Bighorn Helicopters staff, Heli-Horizon staff, KBM Resources Group staff, Golder staff, and Indigenous assistants as required

This authorization to conduct research is subject to the following terms and conditions.

Project Specific Conditions

1. None

General Conditions

2. The principal investigator and/or their field persons must contact the designated contact (listed in the tables above) **at least 10 days** prior to the requested visit to each provincial park and/or conservation reserve to conduct the authorized research.
3. The Ministry of the Environment, Conservation and Parks (MECP), including Ontario Parks, reserves the right to suspend, cancel, restrict the scope, or impose additional terms and conditions at any time during the research project.
4. It is the responsibility of the principal investigator to secure and maintain in good standing any other required authorizations and permits prior to initiating field research.
5. The principal investigator is responsible for all members of their field research team. All related field persons must also observe all conditions of this authorization.
6. Research authorization cannot be transferred to a third party without the prior written consent of MECP.
7. The principal investigator and/or their field persons are not authorized to construct any facility, building or other devices unless as specifically authorized in the Project Specific Conditions above or other formal agreement with the MECP.
8. For all provincial parks and conservation reserves, it is advised that Indigenous (First Nations, Métis Nation of Ontario, and Inuit) communities who have treaty rights in the geography of the provincial parks or conservation reserves be notified of your research. Opportunities for collaboration, partnerships and information sharing are encouraged. The following link provides information on Canada's Indigenous communities: <https://geo.aadnc-aandc.gc.ca/cippn-fnpim/index-eng.html>. For questions about which communities should be contacted, the researcher is advised to ask the Ontario Parks contacts listed above. If the communities identify any concerns, the researcher will inform the Ontario Parks contacts listed above.
9. Designated contacts (listed in the tables above) will be (1) notified prior to any public or Indigenous notifications and (2) provided with copies of any public or Indigenous consultation or engagement records of discussions related to these research efforts within the provincial parks and conservation reserves list above.

While conducting research the principal investigator and field persons will:

10. Be in possession of a valid authorization letter before the field work begins and carry a legible copy while conducting research in the provincial park(s) and/or conservation reserve(s).
11. Conduct the research activities in a manner that protects the health and safety of researchers, other visitors, and Ontario Parks staff. If there are any questions regarding health and safety concerns, please contact the designated Ontario Parks contact to discuss the project prior to beginning field work.
12. To prevent the introduction and spread of aquatic or terrestrial alien/invasive species and pathogens, clean all equipment (e.g., vehicles, boats, sampling gear, etc.) and personal gear prior to entering and leaving the provincial park(s) and conservation reserve(s).
 - a. When conducting terrestrial work - remove mud, seeds/vegetation from clothing and equipment in an area where plant seeds or parts aren't likely to spread to a new area.
 - b. When conducting aquatic work - drain standing water before leaving the shores of the waterbody and remove mud, vegetation, mussels, and other natural material from your equipment, and wipe the equipment down or allow the equipment to dry in the sun.

Species-specific information and best practices are available at the [Ontario Invasive Plant Council](http://www.ontarioinvasiveplants.ca.php56-30.ord1-1.websitetestlink.com/resources/technical-documents/) (<http://www.ontarioinvasiveplants.ca.php56-30.ord1-1.websitetestlink.com/resources/technical-documents/>) and [Invading Species Awareness Programs](http://www.invadingspecies.com/clean-boats-clean-tournaments-2/) (<http://www.invadingspecies.com/clean-boats-clean-tournaments-2/>) websites, and should be followed as is practical for the work being conducted.

13. Leave no garbage or other materials on site and take care to avoid any impacts to natural or cultural values.
14. Label all field markers and equipment with the principal investigator's name and title of the research project.
15. Remove all field markers (e.g., flagging tape) and equipment at the end of the project.
16. Fill and restore all sample pits, excavations, and holes (e.g., soil augers) to as natural a state as possible.
17. Not be accompanied by domestic animals (e.g., dogs). Any exceptions must be discussed with the designated contact prior to arrival at each provincial park and conservation reserve.

Collection Conditions

18. The collection of any cultural or natural materials other than what is described in the research authorization letter is prohibited in provincial parks and conservation reserves. If there is a discovery of human remains, burials, or significant cultural heritage resources during your work in the provincial park or conservation reserve, work in that location is to stop and the relevant contact(s) listed in the tables above is/are to be notified immediately.
19. All location information will be collected in NAD83 UTM or WGS84.

Reporting Requirements

20. A digital copy of all raw or summary data collected from the project to date, must be submitted to [REDACTED] by December 31 of each year of the authorized research.
21. After project completion, a digital copy of all final research reports and data will be submitted to [REDACTED] (March 31st of the year following research authorization is the typical reporting requirement). Researchers are encouraged to provide Ontario Parks staff with the opportunity for input on future publications.
22. Please consider using iNaturalist to capture anecdotal sightings of plants and wildlife while working in parks. Your sightings will automatically be added to the park project. Join the Natural Heritage Information Centre's iNaturalist project for rare species: <https://www.inaturalist.org/projects/nhic-rare-species-of-ontario>. To protect species information, we recommend that you only share rare species locations with the NHIC's project.
23. If not submitted to the NHIC iNaturalist project, Species at Risk data will be submitted to the [Natural Heritage Information Centre, MNRF, Peterborough](#), in formats specified by NHIC (<https://www.ontario.ca/page/report-rare-species-animals-and-plants>) by December 31 of each year of authorization with a copy to [REDACTED]. Species at Risk data must be kept confidential and must not be communicated with persons outside the Natural Heritage Information Centre.

Research projects may require additional permits or approvals (e.g., MNRF Wildlife Scientific Collector Authorization, *Endangered Species Act*, 2007 permit, etc.). Principal investigators and authorized field personnel must follow the terms and conditions of every permit or authorization required for the research project.

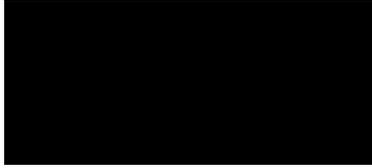
For questions regarding this authorization, please contact the **Protected Areas Research Analyst** at [REDACTED]

Failure to comply with the terms and conditions will result in the withdrawal of authorization and termination of the research project. The MECP reserves the right to

impose additional terms and conditions at any time during the term of the research project.

Authorized by

Kevin
Leveque



Kevin Leveque
Northwest Zone Manager – Ontario Parks
Ministry of the Environment, Conservation and Parks

c.c.

Brook Bays, Policy and Research Analyst, Ontario Parks
Steve Kingston, Ecologist, Northwest Zone, Ontario Parks
Ontario Parks contact list (Table 1 above)

Appendix A – Application to Conduct Research

From: Erin Greenaway <[REDACTED]>
Sent: January 18, 2021 12:13 PM
To: Protected Area Science (MECP) <[REDACTED]>
Subject: Ontario Parks Research Application - Erin Greenaway

Applicant Name: Erin Greenaway
Affiliation: Golder Associates Ltd.
Email Address: [REDACTED]
Business Address: [REDACTED]
Business Phone: [REDACTED]
Business Fax:
Home Address:
Home Phone:
Home Fax:

Project Title: Marten Falls Community Access Road Caribou Program

Project Location: Ogoki River Provincial Park, Albany River Provincial Park

Project Details: Marten Falls First Nation is proposing an all-season Community Access Road (CAR or the Project) that will connect the community to the Ontario provincial highway network. The proposed Project includes construction, operation and maintenance of an all-season CAR consisting of between 190 kilometers (km) to 230 km (depending on the selected route) of two-lane gravel all-season road on a new right-of-way (ROW). The Project is undergoing a coordinated federal Impact Assessment / provincial Environmental Assessment (IA / EA). Caribou, boreal population (*Rangifer tarandus caribou*; referred to hereafter as caribou) have been selected as an Indicator species for the Project IA / EA. To gather sufficient information to develop a comprehensive description of the existing environment, a caribou field program is proposed to begin in winter 2021. The program has been developed following extensive consultation with provincial and federal regulators. Details about the objectives of the project and how it aligns with provincial Recovery Plan Actions are provided in the document (copy of the ESA permit application) submitted to [REDACTED] on 18 January 2021.

General Outline: The caribou program includes capturing and deploying GPS radio collars on 30 adult female caribou in February 2021. The caribou program has been discussed in length with provincial and federal regulators. We have received approval from MNR Wildlife Animal Care Committee, and an application has been submitted to MECP for an ESA B Permit. Details about the caribou program are provided in the document submitted to [REDACTED]

Procedures: All components of the caribou program will follow provincial best practices and Canadian Council of Animal Care guidelines. There are no expected impacts on the park environment. Details about the procedures and equipment are provided in the document submitted to [REDACTED]

From Date: February 01, 2021

To Date: August 31, 2024

Park Visitors Involved: There will be no involvement by provincial park visitors.

Assistance from MNR: There is no accommodation, equipment or travel assistance required from the MNRF.

Consultants from MNR: MNRF staff have already been consulted with on this project (primarily Melissa Mauro and Art Rodgers).

Licences Held: MNRF Animal care protocol was received approval on December 9, 2020 (#21-471). MECP ESA B permit application was submitted in December 2020.

Performance Bonding: No

Persons Assisting: Details about the persons assisting in the project are provided in the document submitted to [REDACTED]

Contributors:

Final Report Date: August 30, 2024

Applicant Agrees to abide by terms: Yes

Date: January 18, 2021



Northwest Zone
Suite 221D
435 James Street South
Thunder Bay, ON

**Letter of Authorization to Conduct Research in a Provincial Park
or Conservation Reserve**

Date:

May 27, 2021

Issued to:

Erin Greenaway



Authorization Valid:

June 01, 2021 to December 31, 2022

Project Title:

Marten Falls Community Access Road Wildlife Program

This letter is issued as authorization for the application that you have submitted for the research project titled "Marten Falls Community Access Road Wildlife Program". This authorization is valid for the following provincial parks and conservation reserves only:

Table 1 - Provincial Parks

| Zone | Provincial Park Name | Contact |
|-------------|-----------------------------|---|
| Northwest | Albany River, Ogoki River | Shannon Lawr Park Superintendent Phone: [REDACTED] Email: [REDACTED] |

This authorization letter will serve for access and identification while conducting your research in these provincial parks or conservation reserves for the following persons:

Principal Investigator:

Erin Greenaway

Field Researcher(s):

Amber Sabourin, Luke Owens, Fergus Nicoll, Michelle Bacon, Natalie Blekkenhorst, Matas Remeikis, Josh Vandermeulen, Jessica Tratnik, Judah Berkan

This authorization to conduct research is subject to the following terms and conditions.

Project Specific Conditions

1. The principal investigator and/or their field persons must contact the designated contact (listed in the table above) for approval of the specific location and/or timing of research within the park.

General Conditions

2. The principal investigator and/or their field persons must contact the designated contact (listed in the table above) **at least 10 days** prior to the requested visit to each provincial park and/or conservation reserve to conduct the authorized research.
3. The Ministry of the Environment, Conservation and Parks (MECP), including Ontario Parks, reserves the right to suspend, cancel, restrict the scope, or impose additional terms and conditions at any time during the research project.
4. It is the responsibility of the principal investigator to secure and maintain in good standing any other required authorizations and permits prior to initiating field research.
5. The principal investigator is responsible for all members of their field research team. All related field persons must also observe all conditions of this authorization.
6. Research authorization cannot be transferred to a third party without the prior written consent of MECP.
7. The principal investigator and/or their field persons are not authorized to construct any facility, building or other devices unless as specifically authorized in the Project Specific Conditions above or other formal agreement with the MECP.
8. For all provincial parks and conservation reserves, it is advised that Indigenous (First Nations, Métis Nation of Ontario, and Inuit) communities who have treaty rights in the geography of the provincial parks or conservation reserves be notified of your research. Opportunities for collaboration, partnerships and information sharing are encouraged. The following link provides information on Canada's Indigenous communities: <https://geo.aadnc-aandc.gc.ca/cippn-fnpim/index-eng.html>. For questions about which communities should be contacted, the researcher is advised to ask the Ontario Parks contacts listed above. If the communities identify any concerns, the researcher will inform the Ontario Parks contacts listed above.

While conducting research the principal investigator and field persons will:

9. Be in possession of a valid authorization letter before the field work begins and carry a legible copy while conducting research in the provincial park(s) and/or conservation reserve(s).
10. Conduct the research activities in a manner that protects the health and safety of researchers, other visitors, and Ontario Parks staff. If there are any questions regarding health and safety concerns, please contact the designated Ontario Parks contact to discuss the project prior to beginning field work.
11. To prevent the introduction and spread of aquatic or terrestrial alien/invasive species and pathogens, clean all equipment (e.g., vehicles, boats, sampling gear, etc.) and personal gear prior to entering and leaving the provincial park(s) and conservation reserve(s).
 - a. When conducting terrestrial work - remove mud, seeds/vegetation from clothing and equipment in an area where plant seeds or parts aren't likely to spread to a new area.
 - b. When conducting aquatic work - drain standing water before leaving the shores of the waterbody and remove mud, vegetation, mussels, and other natural material from your equipment, and wipe the equipment down or allow the equipment to dry in the sun.

Species-specific information and best practices are available at the [Ontario Invasive Plant Council](http://www.ontarioinvasiveplants.ca.php56-30.ord1-1.websitetestlink.com/resources/technical-documents/) (<http://www.ontarioinvasiveplants.ca.php56-30.ord1-1.websitetestlink.com/resources/technical-documents/>) and [Invading Species Awareness Programs](http://www.invadingspecies.com/clean-boats-clean-tournaments-2/) (<http://www.invadingspecies.com/clean-boats-clean-tournaments-2/>) websites, and should be followed as is practical for the work being conducted.

12. Leave no garbage or other materials on site and take care to avoid any impacts to natural or cultural values.
13. Label all field markers and equipment with the principal investigator's name and title of the research project.
14. Remove all field markers (e.g., flagging tape) and equipment at the end of the project.
15. Fill and restore all sample pits, excavations, and holes (e.g., soil augers) to as natural a state as possible.
16. Not be accompanied by domestic animals (e.g., dogs). Any exceptions must be discussed with the designated contact prior to arrival at each provincial park and conservation reserve.

Collection Conditions

17. The collection of any cultural or natural materials other than what is described in the research authorization letter is prohibited in provincial parks and conservation reserves. If there is a discovery of human remains, burials, or significant cultural heritage resources during your work in go with the provincial park or conservation reserve, work in that location is to stop and the relevant contact(s) listed in the table above is/are to be notified immediately.
18. All location information will be collected in NAD83 UTM or WGS84.

Reporting Requirements

19. Incidental injury or death of wildlife will be reported to the relevant contact(s) listed in the table above for further direction within 48 hours and prior to continuing project activities.
20. A digital copy of all raw or summary data collected from the project to date, must be submitted to [REDACTED] by December 31 of each year of the authorized research.
21. After project completion, a digital copy of all final research reports and data will be submitted to [REDACTED] (March 31st of the year following research authorization is the typical reporting requirement). Researchers are encouraged to provide Ontario Parks staff with the opportunity for input on future publications.
22. Please consider using iNaturalist to capture anecdotal sightings of plants and wildlife while working in parks. Your sightings will automatically be added to the park project. Join the Natural Heritage Information Centre's iNaturalist project for rare species: <https://www.inaturalist.org/projects/nhic-rare-species-of-ontario>. To protect species information, we recommend that you only share rare species locations with the NHIC's project.
23. If not submitted to the NHIC iNaturalist project, Species at Risk data will be submitted to the [Natural Heritage Information Centre, MNRF, Peterborough](#), in formats specified by NHIC (<https://www.ontario.ca/page/report-rare-species-animals-and-plants>) by December 31 of each year of authorization with a copy to [REDACTED]. Species at Risk data must be kept confidential and must not be communicated with persons outside the Natural Heritage Information Centre.

Research projects may require additional permits or approvals (e.g., MNRF Wildlife Scientific Collector Authorization, *Endangered Species Act*, 2007 permit, etc.). Principal investigators and authorized field personnel must follow the terms and conditions of every permit or authorization required for the research project.

For questions regarding this authorization, please contact the **Protected Areas Research Analyst** at [REDACTED] or Neil Hillis at [REDACTED]

Failure to comply with the terms and conditions will result in the withdrawal of authorization and termination of the research project. The MECP reserves the right to impose additional terms and conditions at any time during the term of the research project.

Authorized by

Kevin Leveque
Northwest Zone Manager – Ontario Parks
Ministry of the Environment, Conservation and Parks

c.c.

Janelle Blanchard, Policy and Research Analyst, Ontario Parks
Steve Kingston, Ecologist, Northwest Zone, Ontario Parks
Neil Hillis, Assistant Ecologist, Northwest Zone, Ontario Parks
Shannon Walshe, Biologist, Wabakimi Node, Ontario Parks
Provincial Parks contact list (Table 1 above)

Appendix A – Application to Conduct Research

From: Erin Greenaway <[REDACTED]>
Sent: May 25, 2021 1:45 PM
To: Protected Area Science (MECP) <[REDACTED]>
Subject: Research Application Form - Erin Greenaway

Applicant Name: Erin Greenaway

Title: Senior Biologist

Affiliation: Golder Associates Ltd.

Department:

Email: [REDACTED]

Work Mail Address:

[REDACTED]

Work Phone: [REDACTED]

Best Contact Method: Email

Website :

Student Name :

Student Email :

Student Phone:

Additional Researchers :

Amber Sabourin Luke Owens Fergus Nicoll Michelle Bacon Natalie Blekkenhorst Matas Remeikis
Josh Vandermeulen Jessica Tratnik Judah Berkan

Project Title : Marten Falls Community Access Road Wildlife Program

Life Sciences :

Terrestrial Ecology, Species at Risk, Species at Risk Habitat, Population Ecology, Biodiversity,
Birds, Mammals, Amphibians, Reptiles, Arthropods, Invertebrates, Mosses-Fungi-Lichens, Plants

Earth Sciences :

Social Sciences :

Other Sciences :

Project Parks :

Northwest Zone - (P2657) Albany River

Northwest Zone - (P2220) Ogoki River

Project CRs :

nozone Zone - (C0000) noparks

Project Years : multiple

Start Date : 06/01/2021

End Date : 12/31/2022

Final Report Explanation :

Report Requirements Fulfilled :

NA

General Description :

Marten Falls First Nation is proposing an all-season Community Access Road (CAR or the Project) that will connect the community to the Ontario provincial highway network. The proposed Project includes construction, operation and maintenance of an all-season CAR consisting of between 190 kilometers (km) to 230 km (depending on the selected route) of two-lane gravel all-season road on a new right-of-way (ROW). The Project is undergoing a coordinated federal Impact Assessment / provincial Environmental Assessment (IA / EA). To gather sufficient information to develop a comprehensive description of the existing environment, wildlife and vegetation field programs are proposed to begin in summer 2021. The program has been developed following extensive consultation with provincial and federal regulators. The development of specific survey locations for each of the programs described below is in progress, however we anticipate the collection of some data within the Ogoki River and Albany River Provincial Parks for each of these proposed surveys. As such we are applying to receive research authorization for the wildlife and vegetation programs herein.

Methodology :

In 2021, bat detectors will be deployed, and vegetation community surveys and fall bird migration aerial surveys will be conducted. In 2022, spring and summer bird surveys, and winter mammal tracking surveys will be conducted, and bird ARUs will be deployed. The proposed work will involve aerial surveys, ground-based surveys, and the placement of monitoring devices through the survey timing window including bat, amphibian and bird acoustic monitors. Procedures are detailed below. All field survey locations will be accessed by ground or rotary-wing aircraft. There are no expected impacts on the park environment. 1. Autonomous Recording Units (ARU) ARUs will be deployed to collect amphibian, bat and avian data in both 2021 and 2022 between June 2021 and November 2022. Collected data will also compliment breeding bird point count, marsh bird call playback, and species-specific surveys during the breeding bird season. Each ARU will be fastened to trees at eye level, and the following details will be collected:

- detector make and model (Wildlife Acoustics Song Meter SM4BAT FS)
- microphone model used (SMM-U1)
- Universal Transverse Mercator (UTM) location of ARU
- height of microphones
- orientation of microphones
- special housing that may affect microphone sensitivity
- mounting method
- device specific settings
- recording mode
- directional orientation and surrounding habitat features
- photographs taken in each cardinal direction from the location of each ARU

A summary of any issues with equipment failure, and a description of procedures used to assure equipment is operational during deployment

(including ensuring microphone sensitivity remains within an acceptable range) will be reported. Equipment: Camera, GPS unit, Compass, Clipboard, Datasheets, Pencils, Field notebook, Map, Wildlife Acoustics Song Meter SM4BAT FS Units (and accompanying fastening and housing hardware).

2. Vegetation Ground Inspection Surveys Ground-based vegetation surveys will occur between July and October 2021. Ground inspections will consist of a point sample taken from a representative location within a desktop delineated and classified vegetation community polygon. Vegetation community boundaries delineated at the desktop level will be adjusted following the ground inspections, where necessary. The following information will be collected for each survey location to the extent possible: Upland: Photographs, Dominant plant form and canopy height, Soil texture, moisture regime, and degree of decomposition using a soil pit or auger, Stand description, Abundance of standing snags and deadfall, Estimate of community age, Basal area calculation (using wedge prism). Wetland: Dominant vegetation type, Community composition, Presence of invasive species or species of special importance (Traditional Use Plants, SOCC or SAR), Habitat suitability, Incidental wildlife observations and evidence of wildlife activity, Geomorphology of the wetland, Presence of surface water and water depth, Surface water flow patterns, Surface water connectivity, inputs and outputs, Evidence of ground water influence, Existing hydrology alterations, Biogeochemical Function Information, Soil moisture regime, Substrate composition (mineral or organic), Substrate decomposition rates for organic soils (to be described using the von Post scale). Riparian: Overstorey vegetation characteristics, Understorey vegetation characteristics, Soil properties, Indicators of disturbance, Site gradient and aspect, Stream gradient and width. A botanical inventory of plant, fungi, lichen and moss will also be collected as the surveyor travels through the polygon to reach the representative point, as well as at the representative point itself. Particular attention will be paid to documenting locations and abundance of federal and provincial SAR, Traditional Use Plants and rare plants. Equipment: Camera, GPS unit, Compass, Clipboard, Datasheets, Pencils, Field notebook, Map, Vegetation ID books, Soil classification references, Shovel, Auger, Prism.

3. Vegetation Visual Inspection Surveys Aerial based vegetation surveys will occur between May and July 2022. Visual checks will consist of an aerial assessment from helicopter or an assessment of representative photographs collected during the breeding bird field program of an individual pre-typed vegetation community to assess whether the pre-type was accurate or to adjust to a more suitable classification. Aerial assessments will be conducted via helicopter flyover of the survey location. Several passes may be required to obtain various vantage points. Significant landforms, including eskers, will also be documented from the air. Photographic interpretation will be conducted in the office based on site photos collected from breeding bird survey locations. Considering visual checks will be completed from helicopter flyovers or field photo interpretation, some information may not be possible to gather. Data as described in the following sections will be collected for each survey location to the extent possible. The following information will be collected for each survey location to the extent possible: Upland: Confirm and refine the ecosite, Dominant plant species, Estimate of community age and stand composition, Estimate of soil moisture regime, Photos. Wetland: Confirm and refine the

wetland class or ecosite, Identify dominant vegetation type, Photos. Riparian: Confirm and refine the vegetation type, Document overstory vegetation characteristics, Document indicators of disturbance, Photos. Equipment: Binoculars, Camera, GPS unit, Compass, Clipboard, Datasheets, Pencils, Field notebook, Map.

4. Spring and Fall Aerial Transect Surveys Aerial transect surveys will occur between September and November 2021, and April and July 2022. Aerial transect surveys aim to identify waterfowl, shorebirds and raptor stopover, staging and nesting areas and beaver lodges. Aerial surveys will be conducted during spring and fall by a surveyor and pilot in a low-flying helicopter (100-500 m above ground) at 100 kilometres/hour (km/h) along transects. Potential stopover / staging areas will be further examined by circling areas of suitable open habitats and counting the number of individual waterfowl and shorebirds, identified to lowest taxonomic level possible. The full shoreline of wetlands and lakes will be surveyed as Bald Eagle (*Haliaeetus leucocephalus*) and Osprey (*Pandion haliaetus*) often nest in riparian habitat. Active Beaver lodges will also be identified. To ensure correct classification of activity at lodges, the helicopter will circle all inactive beaver lodges until the observer is certain there is no fresh activity. The Universal Transverse Mercator (UTM) location of all beaver lodges, and waterfowl, shorebird, and raptors observations will be recorded to map their seasonal abundance and distribution by habitat type in the LSA. Aerial surveys will be conducted using helicopters if possible. Surveys will be consistent as possible with respect to altitude, time of day, flight speed, etc. and conducted during calm weather conditions. Equipment: Binoculars, Camera, GPS unit, Compass, Clipboard, Datasheets, Pencils, Field notebook, Map.

5. Breeding Bird Surveys Breeding bird surveys will occur between May and July 2022. Breeding bird surveys will be performed using a point count methodology. Survey stations will consist of a 50 m radius circular plot with an additional 50 m radius buffer (i.e., a total 100 m radius surveyed). Any birds observed outside of 100 m will also be noted where possible. Survey station centroids will be established with a minimum separation distance of 250 m. Breeding bird surveys will begin as soon as possible after sunrise (because of safety issues with flying a helicopter in low light conditions, pre-dawn surveys are not possible) and will end no later than 10:00 a.m. Point counts will be surveyed for 10 minutes at each survey station. Surveys will not be completed during periods of high winds or inclement weather that would interfere with the survey. Equipment: Binoculars, Camera, GPS unit, Thermometer, Clinometer, Compass, Clipboard, Datasheets, Pencils, Field notebook, Map, Bird identification guide, Bird song/call reference (e.g., Sibley Birds app).

6. Marsh Bird Call Playback Surveys Marsh bird call playback surveys will occur between May and July 2022. Marsh bird call playback surveys broadcast calls to elicit calls from targeted marsh bird species to determine the presence, distribution, abundance, and density of breeding marsh birds. If suitable marsh bird habitats are encountered during the breeding bird point count surveys described above, a marsh bird survey station will be established (i.e. in marsh bird habitats near suitable point count locations as depicted on Figure 1). The presence of suitable habitat will be determined based on the professional opinion of the survey crew. At each identified station, call playback surveys will be conducted to detect secretive marsh birds, using protocols modified from Bird Studies Canada (BSC) (2003) for marsh bird monitoring. The surveys will consist of a 10-minute

detection period consisting of 5 minutes of listening followed by 5 minutes of playback for targeted species. For each species, 30 seconds of calls will be played, followed by 30 seconds of listening. Calls will be broadcast in the following order: yellow rail, sora, Virginia rail, American bittern, and pied-billed grebe. Observers will record all birds detected within a 100 m radius, including fly-overs by the targeted species. Equipment: Binoculars, Camera, GPS unit, Thermometer, Clinometer, Compass, Clipboard, Datasheets, Pencils, Field notebook, Map, Bird identification guide, Bird song/call reference (e.g., Sibley Birds app), Playback Tapes, Speakers.

7. Winter Mammal Tracking Surveys Winter tracking surveys will occur between early January and March 2022. Winter tracking surveys will be conducted by tracking specialists on the ground to estimate the distribution, abundance, and density of fur bearers and other mammals. Triangular transect locations will be pre-determined and will be surveyed on foot by teams of two surveyors. The first person (i.e., the “tracker”) will navigate and identify tracks while the second person will record data, measure distances with a global positioning unit (GPS) and assist in identifying tracks when necessary. The number of track sets (including single tracks, trails and networks) crossing the transect, species, locations and habitat type will be documented. Species will be recorded by their four-digit codes. All data recorded including species codes, location naming convention, and habitat information will follow the standards outlined in the Winter Track Surveys Specific Work Instructions. Equipment: Camera, GPS unit, Compass, Clipboard, Datasheets, Pencils, Field notebook, Map, track identification resources.

Training :

Golder is committed to the health and safety of employees, clients, contractors and the public. All work performed by Golder is subject to strict health and safety policies and applicable federal, provincial, and municipal acts and regulations. All field staff will have Golder health and safety training and standard first aid/CPR. Golder has internal applicable Work Safe Practices for aerial work that all crew members will review prior to commencing surveys. The Golder survey team will develop a field program- specific Health and Safety and Environmental Protection Plan (HaSEP) prior to conducting field work. The field program’s HaSEP will be discussed with all survey crew members (including pilot) and signatures will be recorded prior to the survey commencement. Aerial surveys will be designed and scheduled according to Golder’s and the Government of Ontario health and safety policies, procedures, and training. Restrictions on aircraft type and pilot proficiency will apply. All Golder staff involved in these programs have receive Data Sensitivity Training through Natural Heritage Information Center regarding the handling of sensitive data such as Species at Risk data. Golder field crews have the appropriate technical training and experience in the conduct of each type of survey proposed above.

Potential Adverse Effects :

There are no adverse effects or potential for disturbance anticipated during the conduct of these field programs.

Visitor Involvement :

No

Extent of Visitor Involvement :**Assistance Required :**

No

Support Required :**Rationale :**

The proposed project includes construction, operation and maintenance of an all-season community access road that would intersect both Albany River Provincial Park and Ogoki River Provincial Park. To gather sufficient information to develop a comprehensive description of the existing environment, research should be conducted within the request provincial parks.

Communication :

Data will be presented during public engagement sessions, including community engagement with various Indigenous communities involved in the consultation scope of the project. Data will also be reported in the joint federal IA/ Provincial EA. Additional publications in peer-reviewed journals, presentations at conferences, and communications to non-scientific audiences has not been determined yet.

Contributors :

N/A

Roads, Trails and Waterbodies :

No roads, trails or waterbodies within the provincial parks will be used. All sites will be accessed via helicopter.

Transportation :

All sites will be accessed via helicopter. All ground-based field work will be conducted on-foot.

Collections :

No

Where do collections reside post research :**Additional Authorizations :**

Yes

Additional Permits :

Yes

Details :

The following permits are held, but were obtained specifically for the Caribou Program (2021-2024): MECP Endangered Species Act Permit NR-B-007-20; MNRF Wildlife Animal Care Committee Approval #21-471; MNRF Wildlife Scientific Collector's Authorization #1097225;

MECP Ontario Parks Authorization to Conduct Research in a Provincial Park or Conservation Reserve dated February 9, 2021 (there was no permit #).

Specific Supporting Documents :

No



Northwest Zone
Suite 221D
435 James Street South
Thunder Bay, ON

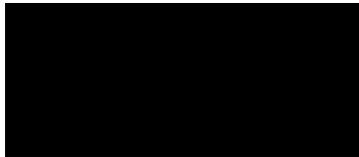
**Letter of Authorization to Conduct Research in a Provincial Park
or Conservation Reserve**

Date:

August 25, 2021

Issued to:

Anne Sommerville



Authorization Valid:

September 01, 2021 to December 31, 2023

Project Title:

Marten Falls Community Access Road Physiography, Terrain and Soils Program

This letter is issued as authorization for the application that you have submitted for the research project titled "Marten Falls Community Access Road Physiography, Terrain and Soils Program". This authorization is valid for the following provincial parks and conservation reserves only:

Table 1 - Provincial Parks

| Zone | Provincial Park Name | Contact |
|-------------|-----------------------------|---|
| Northwest | Albany River, Ogoki River | Shannon Lawr Park Superintendent Phone: [REDACTED] Email: [REDACTED] |

This authorization letter will serve for access and identification while conducting your research in these provincial parks or conservation reserves for the following persons:

Principal Investigator:

Anne Sommerville

Field Researcher(s):

Christiane Brouwer, Joe Fitzpatrick, David Brown, Claire Kisko

This authorization to conduct research is subject to the following terms and conditions.

Project Specific Conditions

1. The principal investigator and/or their field persons must contact the designated contact (listed in the table above) for approval of the specific location and/or timing of research within the park.
2. The principal investigator and/or their field persons may not dig soil pits where there is evidence or signs of plant or animal species listed in the Endangered Species Act, 2007, S.O. 2007 c. 6.

General Conditions

3. The principal investigator and/or their field persons must contact the designated contact (listed in the table above) **at least 10 days** prior to the requested visit to each provincial park and/or conservation reserve to conduct the authorized research.
4. The Ministry of the Environment, Conservation and Parks (MECP), including Ontario Parks, reserves the right to suspend, cancel, restrict the scope, or impose additional terms and conditions at any time during the research project.
5. It is the responsibility of the principal investigator to secure and maintain in good standing any other required authorizations and permits prior to initiating field research.
6. The principal investigator is responsible for all members of their field research team. All related field persons must also observe all conditions of this authorization.
7. Research authorization cannot be transferred to a third party without the prior written consent of MECP.
8. The principal investigator and/or their field persons are not authorized to construct any facility, building or other devices unless as specifically authorized in the Project Specific Conditions above or other formal agreement with the MECP.
9. For all provincial parks and conservation reserves, it is advised that Indigenous (First Nations, Métis Nation of Ontario, and Inuit) communities who have treaty rights in the geography of the provincial parks or conservation reserves be notified of your research. Opportunities for collaboration, partnerships and information sharing are encouraged. The following link provides information on Canada's Indigenous communities: <https://geo.aadnc-aandc.gc.ca/cippn-fnpim/index-eng.html>. For questions about which communities should be contacted, the researcher is advised to ask the Ontario Parks contacts listed

above. If the communities identify any concerns, the researcher will inform the Ontario Parks contacts listed above.

While conducting research the principal investigator and field persons will:

10. Be in possession of a valid authorization letter before the field work begins and carry a legible copy while conducting research in the provincial park(s) and/or conservation reserve(s).
11. Conduct the research activities in a manner that protects the health and safety of researchers, other visitors, and Ontario Parks staff. If there are any questions regarding health and safety concerns, please contact the designated Ontario Parks contact to discuss the project prior to beginning field work.
12. To prevent the introduction and spread of aquatic or terrestrial alien/invasive species and pathogens, clean all equipment (e.g., vehicles, boats, sampling gear, etc.) and personal gear prior to entering and leaving the provincial park(s) and conservation reserve(s).
 - a. When conducting terrestrial work - remove mud, seeds/vegetation from clothing and equipment in an area where plant seeds or parts aren't likely to spread to a new area.
 - b. When conducting aquatic work - drain standing water before leaving the shores of the waterbody and remove mud, vegetation, mussels, and other natural material from your equipment, and wipe the equipment down or allow the equipment to dry in the sun.

Species-specific information and best practices are available at the [Ontario Invasive Plant Council](http://www.ontarioinvasiveplants.ca.php56-30.ord1-1.websitetestlink.com/resources/technical-documents/) (<http://www.ontarioinvasiveplants.ca.php56-30.ord1-1.websitetestlink.com/resources/technical-documents/>) and [Invading Species Awareness Programs](http://www.invadingspecies.com/clean-boats-clean-tournaments-2/) (<http://www.invadingspecies.com/clean-boats-clean-tournaments-2/>) websites, and should be followed as is practical for the work being conducted.

13. Leave no garbage or other materials on site and take care to avoid any impacts to natural or cultural values.
14. Label all field markers and equipment with the principal investigator's name and title of the research project.
15. Remove all field markers (e.g., flagging tape) and equipment at the end of the project.
16. Fill and restore all sample pits, excavations, and holes (e.g., soil augers) to as natural a state as possible.
17. Not be accompanied by domestic animals (e.g., dogs). Any exceptions must be discussed with the designated contact prior to arrival at each provincial park and conservation reserve.

Collection Conditions

18. The collection of any cultural or natural materials other than what is described in the research authorization letter is prohibited in provincial parks and conservation reserves. If there is a discovery of human remains, burials, or significant cultural heritage resources during your work in go with the provincial park or conservation reserve, work in that location is to stop and the relevant contact(s) listed in the table above is/are to be notified immediately.
19. All location information will be collected in NAD83 UTM or WGS84.

Reporting Requirements

20. Incidental injury or death of wildlife will be reported to the relevant contact(s) listed in the table above for further direction within 48 hours and prior to continuing project activities.
21. A digital copy of all raw or summary data collected from the project to date, must be submitted to [REDACTED] by December 31 of each year of the authorized research.
22. After project completion, a digital copy of all final research reports and data will be submitted to [REDACTED] (March 31st of the year following research authorization is the typical reporting requirement). Researchers are encouraged to provide Ontario Parks staff with the opportunity for input on future publications.
23. Please consider using iNaturalist to capture anecdotal sightings of plants and wildlife while working in parks. Your sightings will automatically be added to the park project. Join the Natural Heritage Information Centre's iNaturalist project for rare species: <https://www.inaturalist.org/projects/nhic-rare-species-of-ontario>. To protect species information, we recommend that you only share rare species locations with the NHIC's project.
24. If not submitted to the NHIC iNaturalist project, Species at Risk data will be submitted to the [Natural Heritage Information Centre, MNRF, Peterborough](#), in formats specified by NHIC (<https://www.ontario.ca/page/report-rare-species-animals-and-plants>) by December 31 of each year of authorization with a copy to [REDACTED]. Species at Risk data must be kept confidential and must not be communicated with persons outside the Natural Heritage Information Centre.

Research projects may require additional permits or approvals (e.g., MNRF Wildlife Scientific Collector Authorization, *Endangered Species Act*, 2007 permit, etc.). Principal investigators and authorized field personnel must follow the terms and conditions of every permit or authorization required for the research project.

For questions regarding this authorization, please contact the **Protected Areas Research Analyst** at [REDACTED] or Neil Hillis at [REDACTED]

Failure to comply with the terms and conditions will result in the withdrawal of authorization and termination of the research project. The MECP reserves the right to impose additional terms and conditions at any time during the term of the research project.

Authorized by

Kevin Leveque

Kevin Leveque
Northwest Zone Manager – Ontario Parks
Ministry of the Environment, Conservation and Parks

c.c.

Janelle Blanchard, Policy and Research Analyst, Ontario Parks
Steve Kingston, Ecologist, Northwest Zone, Ontario Parks
Neil Hillis, Assistant Ecologist, Northwest Zone, Ontario Parks
Shannon Walshe, Biologist, Wabakimi Node, Ontario Parks
Provincial Parks contact list (Table 1 above)

Appendix A – Application to Conduct Research

From: Anne Sommerville <[REDACTED]>
Sent: July 23, 2021 2:29 PM
To: Protected Area Science (MECP) [REDACTED]
Subject: Research Application Form - Anne Sommerville

Applicant Name: Anne Sommerville

Title: Senior Terrain Scientist

Affiliation: Golder Associates Ltd.

Department:

Email: [REDACTED]

Work Mail Address:
[REDACTED]

Work Phone: [REDACTED]

Best Contact Method: Email

Website :

Student Name :

Student Email :

Student Phone:

Additional Researchers :

Christiane Brouwer, Joe Fitzpatrick, David Brown, Claire Kisko

Project Title : Marten Falls Community Access Road Physiography, Terrain and Soils Program

Life Sciences :

Earth Sciences :

Soil Studies

Social Sciences :

Other Sciences :

Project Parks :

Northwest Zone - (P2657) Albany River

Northwest Zone - (P2220) Ogoki River

Project CRs :

nozone Zone - (C0000) noparks

Project Years : multiple

Start Date : 09/01/2021

End Date : 12/31/2022

Final Report Explanation :

Report Requirements Fulfilled :

NA

General Description :

Marten Falls First Nation is proposing an all-season Community Access Road (CAR or

the Project) that will connect the community to the Ontario provincial highway network. The proposed Project includes construction, operation and maintenance of an all-season CAR consisting of between 190 kilometers (km) to 230 km (depending on the selected route) of two-lane gravel all-season road on a new right-of-way (ROW). The Project is undergoing a coordinated federal Impact Assessment / provincial Environmental Assessment (IA / EA). To gather sufficient information to develop a comprehensive description of the existing environment, a physiography, terrain and soils field program is proposed for the fall of 2021. The program has been developed following extensive consultation with provincial and federal regulators. The development of specific survey locations for the program described below is in progress, however we anticipate the collection of some data within the Ogoki River and Albany River Provincial Parks for each of the proposed surveys. As such we are applying to receive research authorization for the physiography, terrain and soils program herein.

Methodology :

A ground-based physiography, terrain and soils survey will occur in September 2021. Ground inspections will consist of a point sample taken from a representative location within a desktop delineated and classified physiography, terrain and soils polygon. Physiography, terrain and soils boundaries delineated at the desktop level will be adjusted following the ground inspections, where necessary. The purpose of these field sites will be to verify / confirm the soil parent materials, soil development, depth to bedrock, topography, slope, drainage and the presence/absence of ongoing geological modifying processes such as permafrost degradation, landsliding, seepage and/or high water tables. Soil pits will be dug to a depth of approximately 0.75 m and hand augered using a Dutch auger to a depth of approximately 2 m or until bedrock is encountered. Once the field data has been collected, all pits will be filled in with the material dug from the pit in the order it was removed and compacted down to ensure the pit is not a hazard. The following information will be collected for each survey location to the extent possible: landform, surface expression, slope position, slope class, topsoil thickness, subsoil thickness, soil horizon names (modifier), horizon thickness, colour (major horizons), texture (by hand), structure, depth to bedrock, mottles, consistence, effervescence, soil drainage, parent material and texture, coarse fragment content, depth to groundwater or seepage (if encountered), soil subgroup, and von Post classification for Organic soils. Equipment: Shovel, Dutch auger, compass, clinometer, tablet for data collection plus charging cords, external battery, camera, GPS, hard copy datasheets, Garmin InReach plus charger, safety glasses, gloves, measuring tape, 10% HCl in glass eye dropper bottle, Munsell colour book, and outdoor survival kit. The field program will be carried out by four crews, each consisting of a qualified soil/terrain scientist and a local assistant.

Training :

Golder is committed to the health and safety of employees, clients, contractors and the public. All work performed by Golder is subject to strict health and safety policies and applicable federal, provincial, and municipal acts and regulations. All Golder field staff will have Golder health and safety training, standard first aid/CPR and ground disturbance supervisor training. Golder has internal applicable Work Safe Practices for

aerial work that all crew members will review prior to commencing surveys. The Golder survey team will develop a field program- specific Health and Safety and Environmental Protection Plan (HaSEP) prior to conducting field work. The field program's HaSEP will be discussed with all survey crew members (including pilot) and signatures will be recorded prior to the survey commencement. Aerial surveys will be designed and scheduled according to Golder's and the Government of Ontario health and safety policies, procedures, and training. Restrictions on aircraft type and pilot proficiency will apply. Golder field crews have the appropriate technical training and experience in the conduct of the survey proposed above.

Potential Adverse Effects :

A soil pit approximately 50 cm x 50 cm by 75 cm deep will be dug at each of the proposed field sites to allow the soils and terrain to be classified. Once the information has been collected all pits will be filled in with the material dug from the pit in the order it was removed and compacted down to ensure the pit is not a hazard. No adverse effects are anticipated during the conduct of the field program.

Visitor Involvement :

No

Extent of Visitor Involvement :

Assistance Required :

No

Support Required :

Rationale :

The proposed project includes construction, operation and maintenance of an all-season community access road that would intersect both Albany River Provincial Park and Ogoki River Provincial Park. To gather sufficient information to develop a comprehensive description of the existing environment, research should be conducted within the requested provincial parks.

Communication :

Data will be presented during public engagement sessions, including community engagement with various Indigenous communities involved in the consultation scope of the project. Data will also be reported in the joint federal IA/ Provincial EA. Additional publications in peer-reviewed journals, presentations at conferences, and communications to non-scientific audiences has not been determined yet.

Contributors :

Roads, Trails and Waterbodies :

No roads, trails or waterbodies within the provincial parks will be used. All sites will be accessed via helicopter.

Transportation :

All sites will be accessed via helicopter. All ground-based field work will be conducted on-foot.

Collections :

No

Where do collections reside post research :

Additional Authorizations :

No

Additional Permits :

na

Details :

Specific Supporting Documents :

No

D1.5 Comments Received / Responses to Comments (CRT)



D1.5.1 MECP



**Comments Table: Draft Fish and Fish Habitat Work Plan
Marten Falls Community Access Road Project**

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|--|-----------------------------|--|--|
| Environmental Assessment Branch, MECP | | | |
| 1. | N/A | Please review EAB comments on the Wildlife, Ungulates and Vegetation work plans that may apply to this work plan. | Please review EAB comments on the Wildlife, Ungulates and Vegetation work plans that may apply to this work plan. |
| Jacinth Gilliam-Price, Surface Water Specialist, MECP | | | |
| 1. | Page 12 / Section 4.3.2.1 | Benthic Invertebrate – This section mentions that the benthic invertebrate community will be sampled at each assessment site during either the spring, summer, or fall of one sampling season and concurrent with fish sampling efforts. | It is recommended that benthic invertebrate sampling take place when water temperatures are no greater than 5°C, as emergence tends to happen when water is >8°C with an increase in photoperiod. Fall sampling is preferred as it provides a better baseline. |

**Comments Table: Draft Groundwater Work Plan
Marten Falls Community Access Road Project**

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|--|-----------------------------|---|--|
| Environmental Assessment Branch, MECP | | | |
| 1. | N/A | Please review EAB comments on the Wildlife, Ungulates and Vegetation work plans that may apply to this work plan. | Please review EAB comments on the Wildlife, Ungulates and Vegetation work plans that may apply to this work plan. |
| 2. | p. viii - List of Acronyms | Minor typo in MFFN – Martin Falls First Nation. | Correct typo. |
| 3. | p. 4, s. 4.1 | Page 4 indicates that the desktop assessment will focus on Alternative #1 and Alternative #4 RSAs. There may be additional alternatives brought forward in the ToR or EA process, and it is not clear how this work plan may include consideration and study of additional alternatives if they are brought forward. | Please ensure that the work plan reflects all alternatives (including route alternatives and supporting infrastructure) that are presented in the proposed ToR, and if appropriate include clear flexibility provisions explaining how the work plan would be adapted to consider and study any additional alternatives. |
| 4. | p. 5, s. 4.2.1 | Page 5 states that “The groundwater baseline study will include installation of hydrogeological stations in areas along the successful CAR.” It is not clear what “successful CAR” means. This should be explained, particularly in the context of how this part of the baseline study fits into the alternatives assessment – i.e. is the groundwater field study done on all alternatives or just the preferred alternatives? | <p>Please clarify what the term “successful CAR” means and how the groundwater field study fits into the alternatives assessment for routes and supporting infrastructure.</p> <p>Please clarify if the desktop assessment (s. 4.1) is being done for <u>all alternatives</u> and the field study (s. 4.2) is being done for the <u>preferred alternatives</u>. If not, clarify if both desktop and field work is being done for all alternatives. Please ensure this is clear in the ToR and work plan.</p> |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|---|--|---|---|
| Shannon Heggie, Hydrogeologist, MECP | | | |
| 1. | p. 6/Section 4.2.2 Proposed Groundwater Monitoring Well Installation Regime for Each at Key Monitoring Locations | <p>The consultant indicated that typical groundwater monitoring stations will involve two wells at one location (nested shallow and deep).</p> <p>In order to collect comprehensive baseline groundwater data, overburden monitoring wells or drive-point piezometers must be screened/installed to allow characterization of representative units (e.g. peat, silt/clay, till, shallow fractured bedrock). Additional monitoring wells/piezometers may be required for adequate baseline characterization.</p> | Overburden groundwater monitoring wells or drive-point piezometers must be screened/ installed to allow characterization of representative units (e.g. peat, silt/clay, till, shallow fractured bedrock). Additional monitoring wells/piezometers may be required for adequate baseline characterization. |
| 2. | p. 10-11/Section 4.2.6.2 Groundwater Quality Sampling | It is recommended that the following additional analytical parameters are included for groundwater quality samples and water supply well samples within 2 km of Project activities: general parameters (pH, conductivity, hardness), total suspended solids, and total dissolved solids. | Include the following additional analytical parameters for groundwater quality samples and water supply well samples within 2 km of Project activities: general parameters (pH, conductivity, hardness), total suspended solids, and total dissolved solids. |
| 3. | p. 12/Section 5.2.2 Data Analysis and Reporting | The consultant has not indicated if groundwater quality results, from identified water supply wells within 2 km of Project activities, will be provided to the well owners. It is recommended that groundwater quality sample results from existing registered and unregistered water supply wells should be provided to the well owner within 30 days of receipt from the laboratory, with | Groundwater quality sample results from existing registered and unregistered water supply wells shall be provided to the well owner within 30 days of receipt from the laboratory, with appropriate follow-up support by the consultant for results interpretation. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|---|--------------------------|
| | | appropriate follow-up support by the consultant for results interpretation. | |

**Comments Table: Draft Human Health and Community Safety Work Plan
Marten Falls Community Access Road Project**

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|--|------------------------------------|--|---|
| Environmental Assessment Branch, MECP | | | |
| 1. | N/A | Please review EAB comments on the Wildlife, Ungulates and Vegetation work plans that may apply to this work plan. | Please review EAB comments on the Wildlife, Ungulates and Vegetation work plans that may apply to this work plan. |
| 2. | Page 9, s. 5.1.2 | <p>Page 9 states: “The proponent remains open to receiving information from other communities on their activities within the Project Study Area (PSA) and how interlinkages between the Project and those communities may result in human health and community safety effects. To be included in the community health LSA, a community must demonstrate direct community-level socio-economic interest in the Project footprint; from changing access to the Marten Falls community due to the Project; or due to Project effects on the environment that impact the human health and community safety environment. Community-level socio-economic impacts can be defined as changes to the indicators (Section 5.2) that can reasonably be expected to potentially exceed a negligible magnitude (Section 6.2).”</p> <p>This excerpt implies that it is up to Indigenous communities to self-identify and demonstrate as being potentially impacted by the project from a human health perspective in order to be considered in the human health assessment. The</p> | Please ensure the EA study design will capture potential direct and indirect effects to all relevant Indigenous communities. The proponent should also ensure that communities are aware of opportunities to provide input and raise concerns, including for the human health assessment. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|---|-----------------------------|---|---|
| | | proponent is required to identify and consider all potential impacts, direct and indirect, from its project. The proponent should ensure it is capturing these potential effects to all relevant communities. The proponent should also ensure that communities are aware of opportunities to provide input and raise concerns, including for the human health assessment. | |
| 3. | Page 10, Table 2 | <p>Table 2 indicates the Project Study Area “encompasses the 100 m wide CAR right-of-way (ROW), temporary construction access roads, work areas, worker camps, and long-term aggregate sources and associated access roads.”</p> <p>It is not clear whether this refers to all alternatives or if the proponent intends to narrow the scope to the preferred alternatives for the road and supporting infrastructure.</p> | Please clarify if the Project Study Area refers to all alternatives or if the proponent intends to narrow the scope to the preferred alternatives for the road and supporting infrastructure. |
| Ganesharam Balagopal, Senior Regulatory Toxicologist, MECP | | | |
| 1. | General | The document highlights the need for site characterisation, hazard identification, and potential risk identification. The document identifies the need to assess the human health status of the current population which is very small (about > 250 people) sized. | Further clarifications needed in this document are listed below. |
| 2. | Page 6, s. 4.1.2 | The document indicates tissue samples of commonly harvested game species will be analyzed. | Clarification is required what these species are and why it is limited to game species only? |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|--|--|
| 3. | Page 19, s. 6.1.2 | COPCs are identified in this document. However, these COPCs require proper justification for their selection. | Please provide justification for the COPCs. |
| 4. | General | For proper exposure assessment, background air, water and soil COPCs concentration is required and how it will be conducted should be included in the document. The methods and plans for sampling, analysing COPCs should be explained. | Please include methods for identifying background concentrations. Please explain methods and plans for sampling and analysing COPCs. |
| 5. | General | The information/literature sources to identify the toxicological benchmarks for these COPCs should be mentioned. | Please provide information/literature sources. |

**Comments Table: Draft Surface Water Work Plan
Marten Falls Community Access Road Project**

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|--|---|---|---|
| Environmental Assessment Branch, MECP | | | |
| 1. | N/A | Please review EAB comments on the Wildlife, Ungulates and Vegetation work plans that may apply to this work plan. | Please review EAB comments on the Wildlife, Ungulates and Vegetation work plans that may apply to this work plan. |
| Jacinth Gilliam-Price, Surface Water Specialist, MECP | | | |
| 1. | Page 11 / Section 4.2.2 Surface Water Quality | Section 4.2.2 states that water and sediment quality monitoring will be carried out at select water crossings along the proposed road corridor; however, it does not indicate that such monitoring will also occur in water bodies within close proximity of other project infrastructure such as construction camps, laydown areas, aggregate sources, etc. | This section should outline which water bodies will be assessed, supported by a map clearly outlining sampling locations respecting water crossings, and other project infrastructure such as construction camps, laydown areas, aggregate sources, etc. |
| 2. | Page 12 / Section 4.2.2 Surface Water Quality | Surface water quality sampling for baseline data is proposed to take place seasonally for the duration of one year. The proponent has proposed to sample in the spring (during high-flow conditions) and fall (during low-flow conditions). However, a commitment should be made to include one additional seasonal sampling event to help determine variability during the ice-free season. It is agreed that winter sampling is not conducted due to safety concerns. | Commit to the completion of an additional seasonal surface water quality sampling during the Environmental Assessment process to determine variability during different seasons and under different flow conditions. It is recommended that sampling be conducted under differing flow regimes (ideally corresponding to 25 th , 50 th and 75 th percentile flow) and provide insight into seasonal variability, such that they are indicative of the following seasonal low, average and high flow conditions: <ul style="list-style-type: none"> • spring freshet high flows (typically April and May); |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|---|---|---|
| | | | <ul style="list-style-type: none"> summer low flow periods (typically July, August and September); and fall secondary peak flows (typically October). |
| 3. | Page 13 / Section 4.2.2 Surface Water Quality | Surface water quality samples to be sent for laboratory analysis will be analyzed for alkalinity, total suspended solids, major and minor ions, total metals, nutrients (total phosphorus, total ammonia, total Kjeldahl nitrogen), and total and dissolved organic carbon. The specific ions to be analyzed should be specified in the Study Plan. | Section 4.2.2 to be updated to include the following specific cations and anions: <ul style="list-style-type: none"> cations (i.e. H⁺, Mg²⁺, Na⁺, Ca²⁺, K⁺, NH₄⁺) and anions (i.e. Cl⁻, SO₄²⁻, F⁻, NO₃⁻, HCO₃⁻, CO₃²⁻, PO₄³⁻). |
| 4. | Page 13 / 4.2.3 Hydrology | The Study Plan earlier provides specifics regarding water and sediment sampling; however, section 4.2.3 study methods simply provide a description respecting information to be collected and the objective of the water crossing designs. This section should make reference to Section 5.2 Hydrology so the reader is aware that the details pertaining to how hydrologic calculations/models will be performed is found further in the Plan. | Section 4.2.3 to reference Section 5.2 Hydrology for detail respecting how hydrologic calculations/models will be performed. |
| 5. | Page 14 / 5.1.2 Data Analysis | The Study Plan indicates that surface water quality data will be compared to Provincial Water Quality Objectives (PWQOs); and in the absence of PWQOs, against the Canadian Water Quality Guidelines for the Protection of Aquatic Life (CWQG – CCME). Surface water quality results should be compared against both but the more stringent of the two criteria acknowledged. | Section 5.1.2 should be edited to state that results of baseline surface water sampling will be compared and assessed against CCME’s Water Quality Guidelines for the Protection of Aquatic Life and Ontario’s Provincial Water Quality Objectives for the purpose of considering potential impacts to the environment and aquatic life; however, the more stringent of the two |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|---------------------------------|---|---|
| | | | criteria will be acknowledged. |
| 6. | Pages 14 and 15 / 5.2 Hydrology | <p>The Study Plan indicates that design flows/floods will be calculated for each water crossing for the purposes of hydraulic structure design and that provincially accepted hydrologic methods will be used to determine the design flows. This section can be further expanded to acknowledge that where there is no flow-related information available (flow station), flow may have to be estimated based entirely on flows from adjacent areas (pro-rating).</p> <p>Such information should be collected from existing flow stations in the project area and hydrology/hydraulic modelling to be used to asses waterbody crossings. However, it should also be recognized that Water Survey of Canada stations may not be available for all sites and that a prorating method may be required.</p> <p>Where there is no flow-related information available, flow may have to be estimated based entirely on flows from adjacent areas. Regional methods for pro-rating flow data are published in hydrological text books for low flows as well as for other flow regimes. The methods are commonly known as: isoline, graphical index, statistical index and regression. The use of these methods is generally qualified based on the transferability of the data. Caution should be</p> | The Study Plan should acknowledge that where there is no flow-related information available (flow station), flow may have to be estimated based entirely on flows from adjacent areas. The method selected to determine these flows should be included and the direction included in the Comments & Rationale column should be considered when calculating flows. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|---|--|---|
| | | <p>exercised when using these extrapolation techniques and their selection thoroughly justified.</p> <p>Transferability of flow data to an ungauged watershed depends on several factors: type and characteristics of the system, proximity, drainage area, water use requirements and in-stream flow method used. The potential to transfer approaches across watersheds is increased where common characteristics can be identified, such as physiography, stream order, ground water regime, regulated versus unregulated flows, availability of historic information, cold water fish communities.</p> | |
| 7. | Pages 16 and 17 / Section 6.2.1 Surface Water Quality | <p>Section 6.2.1 speaks to methods for predicting future conditions respecting surface water quality. It states: “The modeling will consider seasonal flows and water quality characteristics of the receiver as appropriate for the timing and duration of the Project activity or component that causes the residual effect. The model predictions will assume the condition of fully mixed water in the receiver.” It should be noted that should an Environmental Compliance Approval (ECA) be required for an Industrial Sewage Works for this project, the information required to predict impacts to the receiver may differ from those discussed above. The ECA application process is initiated through pre-submission consultation</p> | <p>Section 6.2.1 should recognize that should an Environmental Compliance Approval (ECA) be required for an Industrial Sewage Works discharge, additional information may be required to predict impacts to the receiver.</p> |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|--|--------------------------|
| | | with District and Technical Support MECP staff. Detail pertaining to application requirements would be provided to the proponent at this time. | |

**Comments Table: Draft Acoustic Work Plan
Marten Falls Community Access Road Project**

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|---|-----------------------------|---|--|
| Environmental Assessment Branch, MECP | | | |
| 1. | N/A | Please review EAB comments on the Wildlife, Ungulates, Vegetation and Groundwater work plans that may apply to this work plan. | Please review EAB comments on the Wildlife, Ungulates, Vegetation and Groundwater work plans that may apply to this work plan. |
| Jim Antler, Policy Advisor, Tourism Policy and Research Branch, MHSTCI | | | |
| 1. | Page 2 | <p>The Regional Study Area (RSA) is 2.5 kilometres on either side of the centreline of the two alternative routes under consideration.</p> <p>Will all sensitive receptors be identified and mapped within the RSA? Will any receptors outside the RSA be mapped?</p> | <p>Include mapping of all sensitive receptors located within the RSA, including tourism facilities (i.e. accommodations, boat caches if any, etc.). Exceptions could be made for sensitive Indigenous or other Cultural/Heritage features that would be at potential risk from identification.</p> <p>Consider mapping of receptors outside the RSA based on feedback from stakeholders. We do not know the specific location of potential tourism receptors inside or outside the RSA but if a business in question is concerned about potential noise impacts, the proponent should work with businesses to address those concerns, including consideration as a sensitive receptor.</p> |

**Comments Table: Draft Climate Change Work Plan
Marten Falls Community Access Road Project**

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|--|------------------------------------|---|---|
| Environmental Assessment Branch, MECP | | | |
| 1. | N/A | Please review EAB comments on the Wildlife, Ungulates, Vegetation and Groundwater work plans that may apply to this work plan. | Please review EAB comments on the Wildlife, Ungulates, Vegetation and Groundwater work plans that may apply to this work plan. |
| 2. | Page 3, s. 3.0 | Minor reference error in the paragraph above Table 3-1: “The LSA and RSA boundaries for climate change are detailed in Error! Reference source not found. and the LSA is shown in Error! Reference source not found..” | Correct references. |
| 3. | Page 10, s. 6.1 | Minor reference error in the 1 st paragraph of s. 6.1: “The indicators and rationale for selection and measurement of potential effects proposed to assess and evaluate the selected preferred route option in the IA/EA are provided in Error! Reference source not found..” | Correct reference. |
| 4. | Page 14, s. 6.3.1 | Section 6.3.1 describing how the alternative routes will be assessed and the preferred route selected based on climate hazards is very helpful as it begins to describe the alternatives assessment methodology. It is also helpful to gain some clarity about how the proponent plans to differentiate between the alternatives assessment and the more detailed effects assessment of preferred alternatives. | In section 6.3.1 please include not just assessment of route alternatives but also supporting infrastructure alternatives. The proponent’s other work plans should have a section similar to section 6.3.1 that provides at least a high level methodology for how alternatives will be selected using the criteria/indicators/factors from each environmental component. The other work plans should also begin to explain how the alternatives |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|---|---|
| | | <p>This section should include not just assessment of route alternatives but also supporting infrastructure alternatives.</p> <p>The proponent's other work plans should also have a section similar to section 6.3.1 that provides at least a high level methodology for how alternatives will be selected using the criteria/indicators/factors from each environmental component.</p> | <p>assessment and the more detailed effects assessment of preferred alternatives may differ, if that is the case.</p> <p>More detail on the alternatives assessment methodology and results will be required for the EA.</p> |
| 5. | Page 15, s. 6.3.2.1 | The list of CAR infrastructure components should also include aggregate sources. | Please add use of existing aggregate sources and/or development of new aggregate sources and associated access roads. |
| 6. | Page 16, 6.3.2.5 | <p>This section states a Risk Assessment Workshop will be convened to assess climate change impacts on the project, and local Indigenous communities will be invited.</p> <p>This invitation should be extended to all Indigenous communities that the Crown has identified for consultation.</p> <p>The proponent should consider extending the workshop idea (with Indigenous participation) for other environmental components if it is expected to provide a meaningful level of consultation. The workshop idea does not appear in other draft work plans.</p> | <p>Please revise the work plan to indicate outreach to all local Indigenous communities that have been identified for consultation to seek their participation.</p> <p>Please consider extending the workshop idea (with Indigenous participation) for other environmental components if this method is expected to provide a meaningful level of consultation.</p> |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|---|---|---|--|
| Pamela Lamba, Senior Policy/Program Advisor & James Scott, Manager (Adaptation Unit), MECP | | | |
| 1. | 5.0 Data Management & Analysis AND 6.2 Methods for Predicting Future Conditions | General Comment – it is recommended to use the best available climate data and information, especially when predicting future climate. Using the best available science will narrow the range of uncertainty for each emission scenario that is being used. | We noticed there’s a mention of datasets that will be used in Section 5.0 to identify past and future climate conditions. There is no mention in section 6.2 the source of climate data projection that will be used. Has the proponent considered using the regional/Ontario specific climate data and climate models including the Ontario Climate Data Portal (OCDP: www.ontariocdp.ca)? |
| 2. | 6.3.2 Climate Assessment and other sections referring to identifying climate risks /vulnerabilities at different phases | General Comment – When conducting risk assessments, it is recommended to use the best available climate data and information. Using the best available science will narrow the range of uncertainty for each emission scenario that is being used. | It is important to note that there are several different methodologies when undertaking a risk assessment (i.e. qualitative, semi-quantitative or both, etc.). Our ministry position is that we cannot advise on the methodology to use, but it is important that the proponent ensure the methodology used is robust enough to yield results that will adequately inform this project. In addition to this, it is recommended the proponent document the rationale for choosing the methodology and any assumptions/limitations associated with it. |
| 3. | 6.3.2 Climate Change Assessment of preferred alternative route | There is mention in section 6.3.2 that Indigenous knowledge will be incorporated throughout the project: <i>“Indigenous Knowledge compiled through the project stakeholder interactions (refer to separate Work Plan) will be used to guide and inform the climate analytics development and the selection of</i> | Combining TEK with traditional western science may enhance the risk assessment when identifying climate impacts, which will be helpful in planning and decision making. The proponent may want to elaborate on how the Project Team will be working with First Nations communities to identify climate impacts |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | | <p><i>project elements/considerations for the climate change risk assessment”.</i></p> <p>Can this section of the workplan elaborate a bit more and/or provide a summary on how information will be collected and how it will be used in combination with the risk assessment – based on this “separate” Work Plan that was created?</p> | <p>(through TEK, as appropriate and in collaboration with the Indigenous Communities i.e. workshops, survey, etc.).</p> |

**Comments Table: Draft Atmospheric Environment Work Plan
Marten Falls Community Access Road Project**

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|---|------------------------------------|---|---|
| Environmental Assessment Branch, MECP | | | |
| 1. | N/A | Please review EAB comments on the Wildlife, Ungulates and Vegetation work plans that may apply to this work plan. | Please review EAB comments on the Wildlife, Ungulates and Vegetation work plans that may apply to this work plan. |
| 2. | General | Ontario's Guide for Considering Climate Change in the Environmental Assessment Process (MOECC, 2017) was not included in the draft work plan. | Please indicate that Ontario's Guide for Considering Climate Change in the Environmental Assessment Process (MOECC, 2017) will be considered and applied in this work plan as it pertains to climate change. |
| Guowang Qiu, Air Quality Analyst, MECP | | | |
| 1. | Section 4.2.1 | <p>One year of ambient air quality data will be collected within the Community to characterize baseline air quality as stated in the Draft Work Plan, and an airpointer is proposed to be located at the community's nursing station. Please ensure that the proposed ambient air quality monitoring will meet the minimum requirements specified in the Operations Manual for Air Quality Monitoring in Ontario.</p> <p>The Draft Work Plan states that the collection of one full year of data may not be possible due to unforeseen circumstances such as power outages or equipment failure. For continuous air monitoring, a minimum target of 90% valid data collection per quarter per parameter can be routinely attained, and at least 75% of valid data</p> | <p>To ensure that the data collected is accurate and acceptable to the MECP, please include a discussion on how the proposed air quality monitoring activities will meet the requirements of the Operations Manual for Air Quality Monitoring in Ontario.</p> <p>Describe how the baseline concentrations of TSP and PM₁₀ will be estimated for the proposed project site if these contaminants will not be monitored.</p> |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|---|---|
| | | <p>is required to calculate the valid mean. Please ensure enough valid data to be obtained from the proposed air monitoring program to establish baseline air quality for the project site.</p> <p>The work plan provides approaches that will be used to estimate baseline air quality for some contaminants if these contaminants cannot be sampled for due to equipment limitations, i.e., PAH, diesel PM, and some VOC compounds, etc. How about TSP and PM₁₀?</p> | |
| 2. | Section 6.1 | There is a typo in Table 6-1: Atmospheric Environment Indicator. It should be SO ₂ instead of SO. | Please correct the typo in Table 6-1. |
| 3. | Section 6.2.2 | Project-specific meteorological data, generated from US Weather Research and Forecasting Model (WRF), will be used in the air dispersion modelling assessments as indicated in the Draft Work Plan. Air Dispersion Modelling Guideline for Ontario (ADMGO) states that <i>if data other than the ministry's Regional Meteorological data sets are used in air dispersion modelling assessments, careful quality control must be used throughout the entire processing phase to ensure that the data set is complete and representative of the site being modelled.</i> Section 6.4.1 of the ADMGO also lists the ministry's expectations for local meteorological data use, and there are different expectations for raw data obtained from Environment Canada, on-site | It is strongly recommended that the modeller consult with Environmental Monitoring and Reporting Branch (EMRB) for guidance in advance of running the meteorological model. Please copy Sasha McLeod and Shannon Gauthier on this outreach, and please contact us if you need a contact name. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | | meteorological stations, or data generated by advanced meteorological models. | |
| 4. | Section 6.3 | <p>Air quality magnitude definition is proposed and listed in Table 6-2. The draft work plan indicates that the air quality magnitude definition is aligned with the IAAC evaluation criteria presented in the Tailored Impact Statement Guidelines. It should be noted that these criteria are used for evaluating species and ecosystem risk.</p> <p>It may be more appropriate to describe the definition of air quality magnitude using the general approach as follows, i.e., the magnitude is low if the air quality level is well below the applicable criteria, and moderate if the air quality level is close to the criteria, but still below the criteria, and high if the air quality level is well above the criteria. In addition, the frequency of exceedances should also be included to assess the residue effects if the air quality level is well above the criteria.</p> | Please describe the air quality magnitude definition using an appropriate approach. |
| Transportation Infrastructure Management Division, MTO | | | |
| 1. | Section 4.2.1, page 6 | The list of contaminants to be monitored is appropriate. The study plan notes that diesel particulate matter is of interest. Please clarify how results related to diesel particulate matter will be interpreted given that there are no provincial or federal ambient air quality standards. | The Near-Road Air Pollution Pilot Study by the University of Toronto includes a discussion on potential standards for diesel exhaust. Consider consulting this or any other relevant documents. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| 2. | Section 6.2.1.2, page 8 | It is recommended that non-tailpipe emissions such as brake and tire wear are also included. | Include non-tailpipe emissions into the air quality analysis. These are readily available through the MOVES model. |

**Comments Table: Draft Physiography, Geology, Geochemistry, Terrain and Soils Work Plan
Marten Falls Community Access Road Project**

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|--|--------------------------------------|---|---|
| Environmental Assessment Branch, MECP | | | |
| 1. | N/A | Please review EAB comments on the Wildlife, Ungulates, Vegetation, Groundwater and Climate Change work plans that may apply to this work plan. | Please review EAB comments on the Wildlife, Ungulates, Vegetation, Groundwater and Climate Change work plans that may apply to this work plan. |
| 2. | List of Acronyms | Minor typo in MFFN – Martin Falls First Nation. | Correct typo. |
| 3. | Page 4, Figure 3-1 | Figure 3-1 is titled “Physiography, Geology, Geochemistry, Terrain and Soils Local and Regional Study Areas” but it does not include the study areas. It is also missing a legend, which is necessary to explain what all the colours are. | Please include a map of the local and regional study areas and include a legend on Figure 3-1. |
| Kevin Green, Northern Species at Risk Specialist, Species at Risk Branch, MECP | | | |
| 1. | Pg. 6 / s. 4.3 – Field Study Methods | Insufficient details are provided describing the proposed test hole drilling program (e.g., dates, locations, duration at each site, etc.) and overburden and bedrock sample collection (e.g., dates, locations, duration at each site, methods for sample collection, etc.). Details must be provided in the draft Work Plan to ensure an appropriate review of potential impact to species at risk (e.g., removal of trees within bat habitat during maternity period, sensory disturbance to caribou during the nursery period, etc.). | Update the draft Work Plan to describe, in detail, the methodology for the proposed test hole drilling program. If, for whatever reason, these details cannot be provided in the draft Work Plan, they must be provided to MECP-SARB at [REDACTED] prior to the activities being undertaken and with sufficient time for MECP-SARB to review (i.e., minimum of 4 weeks). |
| Shannon Heggie, Hydrogeologist, Ministry of the Environment, Conservation and Parks | | | |
| 1. | p. 6/Section 4.3.1 | The consultant provided the sampling frequency based on estimated tonnage for geochemistry | The baseline geochemistry report must provide additional information on the methodology for |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | Geochemistry (ML/ARD) | <p>samples, according to the guidance materials in Table 8.2, <i>Prediction Manual for Drainage Chemistry from Sulphidic Geologic Materials</i>, MEND Report 1.20.1, Dec. 2009. The consultant further stated that, "...geological units associated with high potential of sulphide mineralization will be sampled more intensively".</p> <p>The baseline geochemistry report must provide more information on geochemistry sample selection (e.g. location, dimensions, volume, geologic unit, mineralogy, sulphide classification and percentage, weathering, etc.). As stated in the Dec. 2009 MEND report (Section 8.4), compositing of material is not recommended, and "...should be avoided for samples taken: at different times; over wide distances; and from different geologic units and waste or wall material with significant variability in physical, mineralogical, geochemical, weathering or leaching properties."</p> | selection of geochemical samples (e.g. location, dimensions, volume, geologic unit, mineralogy, sulphide classification and percentage, weathering, etc.). Compositing of material for geochemistry samples is not recommended. |
| 2. | p. 12/Table 6-3: Geochemistry Magnitude Definition; and p. 7/Section 4.3.1 Geochemistry (ML/ARD) | Based on Table 6-3, the consultant has stated that "moderate" or "high" magnitude geochemical test results would prompt further assessment by a qualified professional geochemist and implementation of impact management measures listed on page 7. | "Low" magnitude geochemical test results should require the following management measure: blending of materials if "uncertain" (NPR between 1-2) or potential metal leaching rock types exceed 10%. Management measures associated with ARD/ML geochemical test results must be assessed by a qualified professional geochemist prior to implementation. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|--|--|--|--|
| | | <p>Considering the permanent nature of the road base materials and in order to remain protective of ecological life and human health over the long-term, it is recommended that “low” magnitude geochemical test results would require blending of materials if “uncertain” (NPR between 1-2) or potential metal leaching rock types exceed 10%. Management measures associated with ARD/ML geochemical test results must be assessed by a qualified professional geochemist prior to implementation.</p> | |
| 3. | p. 12/Table 6-3: Geochemistry Magnitude Definition | <p>The Rationale column in Table 6-3 for “negligible”, “low” and “medium” magnitude geochemical test results states that “water quality remains protective of ecological life and human health for all time periods and life stages”. If this is accurate, then it is assumed that all water quality results will meet or remain below the more stringent of applicable provincial or federal standards/guidelines. However, the Definition column for the “low” and “medium” magnitude levels states that the predicted water quality results will exceed the applicable water quality criteria. Clarification is required.</p> | <p>Remove the following statement from the Table 6-3 Rationale column for the “low” and “medium” magnitude categories: “...water quality remains protective of ecological life and human health for all time periods and life stages.”</p> |
| Jennifer Fisk, Transportation Infrastructure Management Division, MTO | | | |
| 1. | N/A | <p>Attached with these comments, MTO has provided a guidance document for assessing aggregate deposits that was prepared by MTO’s materials engineering office. A page at the end of this pdf lists</p> | |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|--|-----------------------------|---|---|
| | | <p>MTO's lab testing regiment for gravel and bedrock deposits. This could be a supplementary guidance document for the Marten Falls work plan should they wish to use it.</p> <ul style="list-style-type: none"> • Standard Practice for Aggregate Resource Evaluation, MTO, 2002 • Provincial Pavement Engineering Investigation Guidelines, v. 1.1, MTO, 2013 | |
| Steve Zurevinski, NWR Aggregate Supervisor, MTO | | | |
| 1. | 4.3.1 – page 7 paragraph 3 | <p>Concerned with assumption that ML/ARD testing may be done on bedrock samples obtained from geotechnical drill core. If drill core is tested for geotechnical purposes (ie. Micro Deval, relative density/absorption, freeze-thaw, flat & elongates) then there might not be enough drill core left for ML/ARD testing purposes as geotechnical tests are mostly destructive tests.</p> | <p>Generally, NWR aggregate quarry testing includes two 15 metre drill cores. Perhaps a third separate core can be taken for ML/ARD testing.</p> |
| 2. | 4.3.1 – page 7 paragraph 3 | <p><i>“The depth of the drill core samples will be shallower than the proposed depths of the quarry/blasting operations to make certain that the samples are representative of the blast/fill material”</i></p> <p>For the sentence above to be true, a significant amount of geotechnical and design component will need to be completed to know the actual depth that they want to test for ML/ARD.</p> | <p>Start Geotech & Design prior to completion of Environmental Assessment or perform deeper cores (ie 15 metres) and have a geologist confirm that the entire core run is homogenous lithology or catalogue each different lithology and test each distinct unit for ML/ARD separately.</p> |
| 3. | 4.2 – page 5 | <p>Section indicates preliminary geotechnical investigations including peat augering, hand augering, and test hole drilling were carried out. However, a summary of this information was not included in the report.</p> | <p>Include a brief summary of soils encountered and any lab testing from this investigation, including any engineering recommendations for embankment and road structure construction (realize this may be outside the scope of this report).</p> |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|--|------------------------------------|--|--|
| 4. | 4.3 – page 6 | Section discusses next step in field study methods, which are primarily focused on investigation geological features that could be developed as aggregate sources. | Use the information from the previous investigation discussed in Section 4.2 as a basis for developing borehole plan. Strongly consider expanding geotechnical investigation to sample subgrade material, in order to provide preliminary recommendations on embankment and road construction. The MTO's Provincial Pavement Engineering Guidelines could be used as a tool to help scope this drilling program. |
| Sarah Ferguson, Regional Land Use Geologist – NW, ENDM | | | |
| Catherine Daniels, Land Use Planning and Policy Coordinator, ENDM | | | |
| 1. | Pg 3 / Sec 3. | “A 5 km wide study area also allows for route refinements during development of Project design...” | Specify that the 5 km study area is considered the Regional Study Area. |
| 2. | Pg 4 / Sec 3. | No reference to bedrock geology base map. | Add a reference somewhere for the bedrock geology base map used. |
| 3. | Pg 10 / Sec 6.1. | Physiography, Terrain and Soils – Rationale for Selection | Perhaps also add “karst” as an example of another potential natural hazard, as there is some potential for karst formation in that area associated with the limestone bedrock. |

**Standard Practice for
Aggregate Resource Evaluation**

Prepared by:

**Soils and Aggregates Section
Materials Engineering and Research Office
Ministry of Transportation, Ontario (MTO)**

January 22, 2002

This document is published without prejudice as to the application of the findings.

STANDARD PRACTICE FOR AGGREGATE RESOURCE EVALUATION

1. SCOPE

- 1.1 The purpose of this practice is to provide information on the best means of evaluating aggregate deposits and bedrock resources as aggregate sources. Information is provided on the nature, frequency, and extent of sand and gravel test pits, rock cores, material sampling, field observations, and laboratory testing. The information provided herein may be used when no other requirements have been specified for an aggregate resource investigation. When specific requirements have been identified, they shall supersede this practice. The nature and scope of an aggregate resource investigation must reflect the specific characteristics of each individual site or deposit. It is impractical to provide a practice that covers every possible situation for all site or deposit types. Consequently, the practices described in this document may need to be modified to reflect a lesser or greater degree of fieldwork activity to suit the specific conditions of any given site or deposit.
- 1.2 The purpose of an aggregate source investigation is to locate, test for quality, and prove the existence of sufficient quantities of granular material to meet the requirements of the intended work. This information is also gathered to ensure that economical material sources are available, and to ensure that adequate information is obtained for the ministry to maintain its aggregate source inventory files in the Mineral Aggregate Inventory Data Bank (MAIDB).
- 1.3 This document does not address qualifications required to do the work. It is imperative, however, that only properly trained and experienced personnel carry out the work. Refer to LS-102 for qualification requirements.

2. RELEVANT DOCUMENTS

- 2.1 Professional Engineers Providing Geotechnical Engineering Services Guideline, Professional Engineers Ontario, published by the Association of Professional Engineers of Ontario, 8p., 1993.
- 2.2 ASTM Designation D75-87 (Reapproved 1992) Standard Practice for Sampling Aggregates, Annual Book of ASTM Standards, Volume 04.08.
- 2.3 ASTM Designation D420-87 Standard Guide for Investigating and Sampling Soil and Rock, Annual Book of ASTM Standards, Volume 04.08.
- 2.4 ASTM Designation D2113-83 (Reapproved 1987) Practice for Diamond Core Drilling for Site Investigation, Annual Book of ASTM Standards, Volume 04.08.
- 2.5 The MTC Soils Classification Manual, Engineering Materials Office, Ministry of Transportation and Communications, Ontario, 24p., 1980.
- 2.6 Materials Information Report MI-47, Guide to the Description of Rock for Engineering Purposes, Engineering Materials Office, Ministry of Transportation and Communications, 16p., 1982.
- 2.7 Engineering Materials Report EM-99, Aggregate Test Pit Sampling: Alternative Methods and Safety Issues, Engineering Materials Office, Ministry of Transportation, Ontario (MTO), 14p., 1995.
- 2.8 Laboratory Testing Manual, Engineering Materials Office, Ministry of Transportation, Ontario, 1996, distributed by Ronen Publishing House Inc.
- 2.9 Ontario Provincial Standards for Roads and Municipal Services, Volumes 1, 2, and 3, Ministry of Transportation, Ontario, in conjunction with Municipal Engineers Association and Ministry of Environment, distributed by Ronen Publishing House Inc.

- 2.10 Contract Design Estimating and Documentation, Volumes 1 and 2, prepared by Surveys and Design Office, Queen's Printer for Ontario, Ministry of Transportation, Ontario, 1977, distributed by Ronen Publishing House Inc.
- 2.11 Quality and Standards Directive B-14, Procedures for Administration of Mineral Aggregate Extraction on Ministry of Transportation Contracts, and adjunct Materials Report MI-155, Procedures for Administration of Mineral Aggregate Extraction on Ministry of Transportation Contracts, Engineering Materials Office, Ministry of Transportation, Ontario, 84p., 1993.
- 2.12 The Aggregate Resources Act, R.S.O. 1990 c.A.8 (as amended) by S.O. 1996 c.30 and O.Reg. 244/97, 535/97 and 52/98, Office Consolidation, April 30, 1998, and Aggregate Resources of Ontario Provincial Standards, Version 1, 1997, Queen's Printer for Ontario, distributed by Publications Ontario Bookstore.
- 2.13 The Occupational Health and Safety Act, and Regulations for Construction Projects, 1991, Ontario Regulation 213/91, Ministry of Labour, Queen's Printer for Ontario, distributed by Publications Ontario Bookstore.
- 2.14 Discovery of Human Remains - Best Practices Guideline, Office of the Chief Coroner, Ministry of the Solicitor General, 1998.

3. INVESTIGATION OF AGGREGATE SOURCES

3.1 INFORMATION PROVIDED

- 3.1.1 The ministry may provide the investigator with the following, where applicable/available:
 - information from the ministry's files, including the MAIDB System, that will aid the investigator in providing the services within the office, laboratory, or in the field;
 - existing sketches indicating base lines, physical features, and previous test pit locations;
 - existing Aggregate Permit site plans;
 - a preliminary sketch showing the general location of new test pits where specific sources are to be investigated; and
 - names, addresses, and telephone numbers of source owners for MTO-identified sites where permission to enter is required.

3.2 OTHER INFORMATION

- 3.1.2 The investigator should conduct a literature survey of information from other sources on the geological history and spatial distribution of surficial deposits and bedrock formations in the project area and vicinity. Examples include, but are not limited to, the publications of the Geological Survey of Canada, Ontario Geological Survey, publications of Provincial Government Ministries, Professional Journals, Conference Proceedings, etc.

4. PRELIMINARY INVESTIGATION

4.1 VISUAL ASSESSMENT

4.1.1 Whether investigating known or potential new granular deposit or quarry sites, the property shall be inspected and visually assessed by noting the following in the Field Notes Summary (see Section 7.5) at the time of visual assessment:

- topography, type of landform, geology, physiography,
- type and density of tree cover and vegetation,
- evidence of ground water table and drainage pattern,
- erosion, type of soil, and land use,
- approximate size of the deposit (hectares), and
- accessibility of pit/quarry and property.

Where material is exposed, the following factors should also be documented:

- aggregate quality, as per Ontario Provincial Standards (OPS) material specifications and related MTO special provisions,
- deleterious material such as clay and silt seams or pockets, shale, badly-weathered particles, cementation, etc., and
- physical appearance of material in pit/quarry which has been exposed to weathering.

4.1.2 A visual assessment is carried out of all identified sources in a target area to determine the number of sources available for extraction or to confirm that the properties have been depleted of useable granular materials.

4.1.3 Existing gravel and sand sources providing the shortest haul distances are visited first priority, as the use of these sources will help minimize cost.

4.1.4 When both sand and gravel deposits and bedrock quarry sites exist in close proximity to the contract, sand and gravel pits are generally preferred due to reduced cost of aggregate processing requirements. In areas where suitable sand and gravel deposits do not exist, or bedrock-derived aggregates are prescribed, bedrock resources are to be investigated for potential quarry sites.

4.1.5 If there is some doubt regarding the size or depth of the deposit, a hand auger may be used to establish the preliminary boundary of the deposit. A geophysical survey may be carried out if no other investigation is practical. The latter has been proven satisfactory to establish the extent of a granular deposit, but not to establish the quality and gradation of material.

4.1.6 Where there is an open pit face or stockpile, representative samples may be obtained as per ministry sampling procedures.

4.1.7 Panoramic photographic views indicating pit floor, faces, deposit characteristics and deposit conditions, and on-site equipment are also obtained.

4.1.8 After visual investigation, where satisfied that the area is not a prospect for granular materials, field notes are completed and any further investigation discontinued.

4.1.9 In cases where, after visual investigation, the presence of granular materials is anticipated, and further investigation appears to be warranted in order to gain conclusive information, the deposit shall be further investigated (see Section 6).

4.1.10 The Field Notes Summary must be completed for each source (see Section 7.5). Notes shall be made on ownership, location, access to the site, and any factors which could restrict or inhibit the power equipment investigation and/or subsequent extraction from the source.

4.1.11 A recommendation is made for each source as to whether power equipment investigation is warranted.

4.2 CONSTRAINT ANALYSIS

4.2.1 Prior to conducting detailed investigations of aggregate sources, consideration must be given to potential constraints to permitting of the site under the Aggregate Resources Act (ARA). Examples of such constraints include, but are not limited to, those imposed by the Planning Act, The Niagara Escarpment Planning and Development Act, The Oak Ridges Moraine Protection Act, Ontario's Living Legacy, as well as Natural Environment and Cultural Heritage Resource Constraints.

5. POWER EQUIPMENT INVESTIGATIONS

5.1 INTRODUCTION

5.1.1 Prior to power equipment investigation of a source, it is prudent for the investigator to travel to the site to determine exact location and conduct a preliminary investigation of the source (see Section 4).

5.1.2 Based on site characteristics, the investigator will determine where test pits/boreholes will be placed for the most efficient and economic evaluation of the source, with minimal impact to the environment.

5.2 PROTECTION OF PUBLIC AND PROPERTY

5.2.1 It is the responsibility of the investigator to:

- ensure the safety of both the public and the staff involved in site investigations,
- locate and protect utilities from damage,
- restore the property as near to original conditions as practical,
- submit property damage reports to MTO for unrestored damages,
- contact MNR with regards to fire restrictions related to the power equipment investigation,
- contact private land owners for permission to enter, and
- obtain appropriate MNR approval for any work on Crown sources.

5.2.2 In the unlikely event that an aggregate deposit investigation results in unearthing human skeletal remains, refer to the "Discovery of Human Remains - Best Practices", a guideline document issued by the Office of the Chief Coroner. MTO was a signatory to this document in July, 1998.

5.3 EQUIPMENT

5.3.1 For power equipment investigations of aggregate sources, a 4-wheel drive rubber-tired hydraulic backhoe is the preferred equipment to use, however, the following excavating equipment may also be used:

- crawler tractor-mounted hydraulic backhoe,

- a rubber-tired industrial loader with backhoe attached,
 - tractor bulldozer or tractor loader with hydraulic type blade or bucket (shallow holes only),
 - hydraulic continuous flight auger (unsuitable in crushing sources),
 - hammer drill (or similar),
 - power shovels and dragline, or
 - diamond drill.
- 5.3.2 Other non-intrusive investigation methods may be used to supplement or enhance aggregate investigation programs, for example:
- resistivity methods,
 - seismic refraction,
 - electromagnetic conductivity instruments,
 - remote sensing photo imagery, and
 - thermal imagery.

6. AGGREGATE SOURCE INVESTIGATION

6.1 INTRODUCTION

- 6.1.1 Following the visual assessment of the site (see Section 4), and where the source was found to have potential for ministry use, a full aggregate deposit investigation is carried out.
- 6.1.2 A quarry site is investigated visually in the same manner as a sand or gravel deposit (see Section 4). General information regarding the bedrock type and extent of the quarry site is obtained from geological maps and reports, and existing ministry records.

6.2 SAMPLING FROM STOCKPILES

- 6.2.1 Taking a representative sample from a stockpile is difficult because of the slope and size of most piles, as well as possible segregation during their production. If power equipment such as a backhoe or a front-end loader is available, it is preferable to open up the stockpile in at least three places and to sample from a combined pile of aggregate withdrawn from the inside of the stockpile with the bucket. If power equipment is not available, the sample shall be taken from the stockpile at regular intervals in a spiral fashion, taking individual shovelfuls of aggregate around and down the pile. The surface of the stockpile must be removed to an approximate depth of 0.2-0.3 m to avoid contaminated or segregated materials. Sampling while the stockpile is being built provides a better check on the material. This is done by taking samples on a random basis as described in LS-625, Guidelines for Sampling of Granular Materials.

6.3 CHANNEL FACE SAMPLING

- 6.3.1 Existing open pit faces should be sampled first. A clean face may provide information regarding the deposit, type of material, variations, stone sizes, and quality.
- 6.3.2 To determine where and how the samples are to be taken, look for variations in gradation and/or quality at different locations within the pit or face. The number of samples taken along the pit face depends on the size of the pit, accessibility for obtaining samples, and variations in the material.

- 6.3.3 Before sampling a face, all fallen or sloughed material shall be cleared away until an undisturbed face is exposed.
- 6.3.4 The samples must be representative of the face being sampled.
- 6.3.5 The vertical channel sample is the most acceptable method of face sampling. The channel shall be vertical and have dimensions of approximately 0.15 m x 0.15 m in horizontal cross-sections. The sample depth range is determined by the top and bottom limits of the material to be used. The generally accepted practice has been to use a tile spade that has been modified by attaching side-walls to ensure that spillage is kept to a minimum (see LS-625).
- 6.3.6 In some cases, an extended channel sample may be necessary to be representative of a high pit face. This may be obtained by channel sampling at two or more locations on the pit face, each location at a higher elevation than the previous one. This extended sampling generally results in a two or three-bag sample. (A sample from a 3 m face should result in one full bag of material.)
- 6.3.7 Overburden shall not be included in the sample, however, the depth and texture shall be noted on the Log of Pit Face/Test Pit. If an appreciable depth of overburden, excluding topsoil, is encountered in a potential granular source, this material may be sampled separately to determine suitability for earth fill.
- 6.3.8 All sand or gravel bedding and layers of silt and clay shall be noted in the Log of Pit Face/Test Pit.
- 6.3.9 Cobbles larger than 100 mm must not be included in the sample, but a visual assessment of the quality and quantity of the oversize must be described in the Field Notes Summary and Log of Pit Face/Test Pit.
- 6.3.10 Crushable material shall be defined in the field as unprocessed material containing a minimum of 35% of particles larger than 4.75 mm by mass and, at the same time, containing a minimum of 25% of particles larger than 25.4 mm by mass. A sample of sufficient size shall be collected to satisfy testing requirements for the material being tested. Sample bags are to be identified with the sampler's identification and sample number (see Section 7).
- 6.3.11 Where channel sampling is not appropriate, a sample may also be obtained by having the operator run the bucket up the face of the pit and then quartering that material to the required sample size.

6.4 SAMPLING OF SAND AND GRAVEL DEPOSITS

- 6.4.1 Test pit sampling of an aggregate source shall consist of a grid pattern of test pits generally having an interval of between 30 and 60 m, depending on the consistency of the material and type of geological formation (i.e. different approach to investigating an outwash deposit as compared to an esker). The areas to be tested will generally be the unopened areas of the deposit. This pattern is required to ensure that the maximum potential of the deposit can be explored within the limitations of the equipment used. This pattern may be altered, if necessary, during the investigation, due to the type of material found and the terrain encountered. Should the investigator be testing an area in which the material is proving to be unsuitable and wish to move the testing to another area of the deposit, then the 30 to 60 m grid pattern may not apply. When the pattern is altered, justification must be provided as to why it was altered.
- 6.4.2 When determining test pit placement, the investigator should have regard for setbacks (or reduced setbacks) imposed by the ARA and other land use restrictions. Test pits should not be dug in access or pit roads due to settling and danger to the public using these roads for travel or recreation. Equipment and machinery shall not be left to block any travelled roadways.

- 6.4.3 Where the source has been previously tested, test pit numbers shall continue from the last test pit number of the previous investigation, and this continuation shall be indicated in the Log of Test Pits, Sample Data Sheets, and the Field Notes Summary.
- 6.4.4 In an existing pit, after the pit face has been sampled, a test pit is dug in front of the face to determine the type and depth of material below the pit floor. For high pit faces, where the upper part of the pit face cannot be cleaned and properly sampled, a test pit is dug at the top of the deposit near where the face was sampled. Following this procedure, a continuous vertical description and sampling of the deposit can be obtained. One test pit shall be dug at the lowest point in the test area to determine the possible location of a water table. More test pits shall be dug as required, especially if it is determined that the only suitable material will be located in the pit floor.
- 6.4.5 Extreme caution must be exercised when entering test pits for logging and sampling. Test pits must be excavated in accordance with the Occupational Health and Safety Act, and Regulations for Construction Projects, 1991, Ontario Regulation 213/91.
- 6.4.6 Samples shall be representative of the parent material. Suggested methods for obtaining representative samples are provided in MTO Report EM-99, Aggregate Test Pit Sampling: Alternative Methods and Safety Issues.
- 6.4.7 Test pits are excavated to the maximum depth allowed by the equipment used. Test pits may be terminated when no further progress can be obtained due to such occurrences as bedrock, definite water table, continual sloughing, etc.
- 6.4.8 Samples of aggregate material thought to be acceptable or borderline are taken. The sample is not to include the overburden or any stripping or refuse which may be situated over the parent material.
- 6.4.9 All test pits shall be backfilled and compacted immediately after samples and logs have been completed. Test pits that must be left open for a short duration (i.e. to make water table observations and measurements) are to be secured/marked to ensure safety. When backfilling test pits, the topsoil material shall be placed at the top to complete the backfilling. Sufficient compactive effort must be expended to ensure subsidence of backfilled test pits does not occur. Unless specifically instructed otherwise, test pit locations are then marked with a suitable marking device, such as a 0.05 m x 0.05 m x 1.2 m wooden survey stake showing the test hole number, and shall be marked in such a manner that the identification number will remain legible when exposed to the elements.

6.5 SAMPLING OF BEDROCK DEPOSITS

- 6.5.1 For investigation of quarry sites diamond drilling of bedrock to obtain rock core is the preferred method of investigation. The core is generally taken from a depth of 0 to 12 m. If the rock proves to be of good quality, the depth may be extended. Occasionally, rock may be drilled and blown with explosives to create test trenches. Test trenches are sampled in the same manner as open quarry faces and thus they are not as accurate as drill core.
- 6.5.2 Drill core may be attained in various sizes, the most common being AQ, BQ, NQ, or HQ with core diameters of 27.0, 36.5, 47.6, and 63.5 mm, respectively. The NQ and HQ core sizes are more appropriate for lab testing purposes.
- 6.5.3 Where possible, portions of the quarry face are cleaned off and the surface rock chipped away to expose unweathered strata.
- 6.5.4 Freshly broken fragments are identified.

- 6.5.5 Individual hand specimens are taken and marked for further microscopic examination and laboratory analysis. The samples shall be taken from a continuous, vertical sequence of exposed rock (channel-face sampling), chipping out blocks of rock representing each discernible level. The sample shall consist of fresh, unweathered pieces only.
- 6.5.6 Proper sampling of a quarry face may prove to be a difficult task. Safety is of the utmost importance, therefore, the Occupational Health & Safety Act, 1991 must be referred to when sampling from the quarry face. The various layers of rock within the face shall be identified and then reached by a rubble pathway or ramp along the quarry face or, for safety reasons, by using equipment such as a loader, if available. Where the face cannot be sampled, selection from the rubble shall not be attempted. It may not represent the stone in the face.
- 6.5.7 The exposed quarry face is evaluated and described in the Field Notes Summary, and the available quantity is estimated. A sketch map of the investigated area is made in a manner similar to that employed in sand and gravel deposits (see Section 7.6).
- 6.5.8 Panoramic photographic views indicating quarry floor, faces, and on-site equipment are also obtained.
- 6.5.9 Samples are also taken from existing stockpiles (see Section 6.2) and submitted to the laboratory for testing. All samples must be accompanied by a Sample Data Sheet or equivalent.
- 6.5.10 Drill cores shall be logged in accordance with established professional practice. When the drilling is finished, the core boxes are brought to the laboratory where, under more ideal conditions and with the assistance of laboratory equipment, the cores can be investigated in more detail. Each unit of rock is measured and described in a Log of Core. Corrections are made, if necessary, due to lost core.
- 6.5.11 Core boxes shall be marked showing the borehole number, sample interval (i.e. from 5.2 m to 8.1 m), and core box number.
- 6.5.12 Figure 3 illustrates a sample Log of Bedrock Test Hole.
- 6.5.13 After the core is logged, it may be split in half, depending on size. One half of the core is saved for future reference and the other half is used in laboratory testing. Since only a small amount of material is available for laboratory testing, only the most appropriate tests are done.
- 6.5.14 Before laboratory testing is commenced, the core shall be re-assessed to see if the laboratory samples should be made of the total length of the core or the core should be split in smaller sections and samples made up of each of them.

7. RECORDED INFORMATION

7.1 INTRODUCTION

- 7.1.1 It is important to properly document all pertinent data obtained during aggregate source investigations. Negative data is just as important as positive data. Written records and documents shall be presented in a professional manner.

7.2 TEST PIT LOGS/LOGS OF PIT FACES

- 7.2.1 A Test Pit Log/Log of Pit Face is a visual description of the material encountered. It shall contain the following information:

- test pit number,
- sample number and range of depth sampled,
- depth of topsoil,
- depth and type of "B" horizon,
- top and bottom depth of each distinctly different layer,
- description of the gravel portion (+4.75 mm) in each layer according to the MTO Soils Classification System,
- percent and maximum particle size of material in the gravel portion,
- estimated cumulative percentages of coarse aggregate retained on the 150, 100, 50, 26.5, and 4.75 mm sieves,
- description of sand (-4.75 mm) in each layer according to sieve sizes,
- thickness and location of silt or clay layers or any evidence of silt and clay,
- evidence of other deleterious materials or layers such as cementation, encrustation, organics, etc.,
- depth to water table and seepage zones, if encountered,
- notations for existing pit floor or stripped areas where applicable,
- location of bedrock if encountered, and
- any other information which would have a bearing on the aggregate quality and quantity determination.

7.2.2 Figure 1 illustrates a sample Log of Test Pits/Log of Pit Face.

7.2.3 The Summary of Test Pit Logs/Log of Pit Faces must include:

- the MAIDB number of the source,
- the date(s) of the investigation(s), and
- the property owner.

7.3 QUARRY LOGS

7.3.1 When investigating an existing quarry site, the following shall apply:

- All rock faces are carefully examined, and layers or areas showing extensive weathering and decomposition, or undesirable material such as shale, argillite, soft sandstone, chert, soft schist, friable gneiss, soft crystalline limestone, etc. are noted.
- The quarry faces and benches are measured and logged by describing each distinctive unit in the Log of Quarry Face. Whenever possible, a measuring tape should be used. Zero datum is the top of face, and each layer of rock is measured and noted in the log. In those quarries where it is difficult to make a clear identification of individual layers, the geology should then be mapped in descriptive terms.

7.3.2 Figure 2 illustrates a sample of a Log of Quarry Face.

7.3.3 Figure 3 illustrates a sample of a Log of Bedrock Test Hole.

7.3.4 If necessary, the property is evaluated for a diamond drill investigation and permission for drilling is obtained from the owner.

7.4 SAMPLE DATA SHEETS

- 7.4.1 It is the investigator's responsibility to ensure an accurate system to keep track of test pits, samples, which tests to call, etc, and the quality control aspects of that system.
- 7.4.2 Samples shall be numbered properly. The sample number is assigned by starting with the year, then the sampler's initials, followed by the appropriate sample number.
- 7.4.3 The source name must be included to ensure that it is not confused with other sources in the immediate area. A MAIDB number must also be shown. In the case of a new source, the Regional Geotechnical Section is to be contacted for a new inventory number.
- 7.4.4 The investigator is responsible for an accurate, safe, effective transportation system for samples from field to laboratory, and quality control aspects involved with it.
- 7.4.5 Figure 4 illustrates a Sample Data Sheet with the information requirements traditionally used by the ministry.

7.5 FIELD NOTES SUMMARY

- 7.5.1 At the completion of each site investigation, a Field Notes Summary shall be prepared. Any information relevant to the working of the source and to assessing the quality and quantity of the material is useful. It is also important to note such things as the direction for the most economical development of the source, and boundary restrictions.
- 7.5.2 The Field Notes Summary shall include, in the following order:
- National Topographic System (NTS) Map Sheet and pit number,
 - pit name and/or owner,
 - location of the source,
 - township, lot, and concession, where applicable,
 - condition and length from nearest provincial highway (measured using a vehicle odometer) of access road (evaluated as good, fair, or poor), including such information as gates, washouts, berms, railway tracks, the need for widening or alteration prior to utilization of the source, water on the road, the need to replace culverts or bridges, load limits on existing bridges, low overhead lines, etc.,
 - type of landform, e.g. esker, outwash, river terrace, etc.,
 - depth and condition of existing pit faces (e.g. sloughed, resloped, etc.), noting any over-grown areas, variations in conditions of different faces, heights of the faces from lowest to highest, etc.,
 - bush cover, indicating coniferous, deciduous, mixed, or the main type of growth, presence and location of any plantations or cut areas, average diameter and maximum diameter of trees, and
 - locations of water bodies or courses.
- Report the depth and type of overburden, topsoil and "B" horizon, indicating minimum and maximum depths observed in test pits. The depth of any stripping or disturbed material from previous pit operations shall also be included. The type of "B" horizon, e.g. dirty fine sand, dirty granular, silty or clayey fine sand, bouldery (showing maximum size), etc. shall be noted. Recommend the appropriate depth of required stripping.
- Oversize (aggregate greater than 100 mm) shall be reported as good, fair, or poor. Give a visual estimate of all sizes and types of stone. Report the type and percentage of poor stone, indicating the reasons for the evaluation of less than good quality. Pertinent remarks related to the oversize shall be included, e.g. numerous surface boulders throughout deposit (including diameters), boulders encountered in test pits (including diameters), etc.

- Report the depth of granular material, indicating the depth of suitable material within the deposit. Include remarks about the location of bedrock, water table, or seepage zones, and layers of clay or silt, etc, where applicable. Report the estimated percentage of material passing the 75 µm sieve (i.e. dirt content).
- Under "Coarse Aggregate", report a field evaluation of the quality of the stone portion of the deposit. This section shall be completed for all sites, including those sites not considered crushable. Report the estimated suitability of the stone for OPS specification products and indicate any remarks related to the use of the stone as a crushable product.
- Under "Fine Aggregate", report a field evaluation of the sand portion of the deposit. Report the estimated suitability of the sand for use in OPS specification products. The estimated grading of the sand shall be reported.
- Report a reasonable maximum quantity of useable material contained within the tested area of the deposit. Crushable quantities and non-crushable quantities are reported separately and are to be indicated in cubic metres (see Section 9)
- Summarize history of use, including contract numbers, products used, and/or any known use for things such as building access roads, pipelines, hydro use, etc.
- The investigator shall sign and date the summary.

7.6 SKETCH MAP

7.6.1 Upon completion of the power equipment investigation of the source, a sketch map may be prepared.

7.6.2 The general approach for preparing a sketch map is by a pace and compass method, and is to be plotted at an appropriate scale. Sketch maps are to include the following:

- the location of all test pits, including test pit number and full sample number or indication if no sample has been taken;
- any features such as bedrock, pit faces, etc. which would constrict the grid pattern around a test pit for inclusion in the calculation of field quantity;
- any visible test pits remaining from previous investigations in the vicinity of the tested area;
- any man-made features such as fences, cut lines, property bars, mining claim posts, power lines, pit or access roads, fences, water wells, monitoring wells, buried cables, natural gas lines, roads, etc. within 50 m of the tested area;
- any features such as streams, lakes, swamps, etc. within 50 m of the tested area;
- any stripping piles, boulder piles, etc. within 50 m of the tested area;
- NTS Sheet and source number;
- north arrow;
- scale; and
- volume of material (see Section 9).

7.6.3 Using the sketch map and the Log of Holes, field quantities can be estimated.

7.8 PIT/QUARRY SURVEY PLAN

- 7.8.1 Information to produce a pit/quarry survey plan shall be obtained through a survey. This survey can be performed utilizing a total station, another normal surveying method, or a Geographic Positioning System (GPS) with accuracy to 1 m or better.
- 7.8.2 A permanent iron bar or similar to be referred to as a base station shall be placed at a location within the source so that it will not be destroyed by future extraction operations.
- 7.8.3 The data shall be electronically collected and provided to the ministry in a digital file compatible with the latest ministry graphical software (currently AutoCad). The pit/quarry survey plan is to be computer plotted. Pit/quarry survey plans shall be drawn to a scale of between 1:1000 and 1:5000. 1:1000 is the preferred scale.
- 7.8.4 A pit/quarry survey plan must contain sufficient information to capture the full extent of the investigation and existing site conditions. The pit/quarry survey plan will generally include:
- a key map (located lower right corner) showing the location of the pit/quarry;
 - the lot and concession number, and the municipality, county, or region in which the pit or quarry is located;
 - the name and address of the owner of the site;
 - a scale reference (using both ratio and graphic methods) and a scale of between 1:1000 and 1:5000;
 - drawing numbers if more than one drawing;
 - a north arrow, normally pointing towards the top of the page;
 - a legend with all site plan symbols clearly identified;
 - the survey base station location;
 - establishment of topographic conditions of the site using a combination of slope arrows, % gradient, and elevations or contour intervals (generally 2 m);
 - demarcation of the property lines, and lot and concession lines;
 - the location and use of all buildings and other structures within the site;
 - the location of every existing entrance to and exit from the site;
 - adjacent highways or municipal roads;
 - pit/quarry road systems including farm field entrances;
 - the location and type of existing fences (and gates) on the site;
 - utilities (hydro, telephone, pipelines, etc.);
 - water courses (indicate flow direction) including any existing surface water drainage and drainage facilities on and within the site;
 - the location and average size of existing tree cover (i.e. wood lots and hedgerows) on and within the site;
 - the location of existing rock outcrops;
 - the location of existing stockpiles of topsoil and overburden on the site;
 - existing scrap locations on the site, including grubbing and boulder piles;
 - the location of existing aggregate stockpiles (indicating type of material and size), and any recyclable materials on the site;
 - significant natural features on and within the site;
 - significant man-made features on and within the site;
 - all existing excavation faces;

- the location of existing berms;
- height of existing pit/quarry faces;
- test pit locations;
- test pit numbers; and
- sample numbers.

7.8.5 An example of the format to be used for the survey plan is available from the Regional Geotechnical Sections.

8. LABORATORY TESTING

- 8.1 For all gradation and physical quality testing, laboratories acceptable to MTO are only those that participate in the ministry's Annual Proficiency Sample Testing Program for Soils and Aggregates, and hold Canadian Council of Independent Laboratories (CCIL) Type "C" or "D" certification where appropriate.
- 8.2 All testing is to be done according to the procedures and methods outlined in the MTO Laboratory Testing Manual.
- 8.3 Acceptance tests as required by OPS specifications or MTO Special Provisions (SPs) must be considered for selection of routine testing of samples.
- 8.4 Supplementary quality tests may be required to address specific deposit or rock formation characteristics and intended use of the aggregate. Examples: Petrographic Examination, Soundness of Aggregates by Magnesium Sulphate Test, Freezing and Thawing of Coarse Aggregate Testing, Los Angeles Abrasion and Impact Test, Determination of Alkali-Aggregate Reactivity Test, etc. It is prudent to call the most appropriate tests for new sources and for existing tested sources, where this information is not available.
- 8.5 An effective method of ensuring quality laboratory testing is the sampling and testing of periodic blind samples.
- 8.6 At the completion of all testing and, if the project requires, laboratory test results for each sample are used in making a determination for acceptability for all MTO products according to OPS specifications and ministry special provisions.
- 8.7 Testing frequency and types of tests required are dependent on the intended use of the material, geology of the source, and the detail of the investigation required. For example, when testing new granular sources for possible asphalt use, two Petrographic Examinations should be called for every ten test holes/pits/core.

9. VOLUMETRIC ESTIMATION OF RESOURCES

- 9.1 Determination of the boundary and type of acceptable material is based on test pit information.
- 9.2 It is prudent to use a conservative approach when extrapolating the boundary of acceptable material between test pits.
- 9.3 Normally, the useable material boundary is extrapolated to be midway between two test pits, where one test pit indicates acceptable and the other test pit indicates unacceptable material.

- 9.4 In geologically complex and non-uniform deposits, decreasing test pit spacing and/or using suitable geophysical methods to supplement test pit data may be useful.
- 9.5 Volume (m^3) of material is calculated by multiplying the area (m^2) of investigation containing suitable material by the average depth (m) of the acceptable material based on test pit information.
- 9.6 The method and calculations used in determining volumetric estimates shall be included in the final report. Volume of material located 1.5 m above the water table and, where tested, the volume of material below the water table shall be calculated.
- 9.7 Actual production quantities (tonnes) are dependent on a variety of factors including specific gravity of material, bulking factor of rock, production techniques, etc., and may be unique to each source.

LOG OF TEST PITS
GUELPH 23, Mr. Smith
Logs Completed September 12, 1995

Test Pit No. 1

- 0.0 - 0.3 m - Topsoil
- 0.3 - 0.8 - Silt with a trace of clay
- 0.8 - 1.5 - Medium granular, maximum 80 mm
Silt, 75, 150, and 300 µm sand, 40% stone
- 1.5 - 1.7 - Silt and 75 µm sand
- 1.7 - 2.2 - Medium granular, maximum 80mm
Well-graded sand, 50% stone
- 2.2 - 3.4 - Silt and 75 µm sand, moist
- 3.4 - 4.1 - Medium granular, maximum 90 mm
Well-graded sand, 55% stone
- 4.1 - 4.5 - Silt with some clay and a trace of sand till

Note: Material wet from 3.4 - 4.1 m - Seepage

Test Pit No. 2

95-WA-1118 (1.6 - 3.9 m)

- 0.0 - 0.4 m - Topsoil
- 0.4 - 1.0 - Silty sand with some cobbles
- 1.0 - 1.6 - Coarse granular, maximum 130 mm
- Silty, well-graded sand, 50% stone
- Some clay coating on the stone
- 1.6 - 2.8 - Medium granular, maximum 80 mm
- Silty, well-graded sand, 40% stone
- Sand and stone silt coated
- Stone has some clay coating
- 2.8 - 3.0 - Silt and 75 µm sand
- 3.0 - 4.0 - Coarse granular, maximum 200 mm
- Silt, 75, 150, and 600 µm sand with some 1.18 mm and silt, 50% stone
- 4.0 - 4.1 - Silt and 75 µm sand
- 4.1 - 4.3 - Well-graded sand, 20% stone
- 4.3 - 4.5 - Silt and 75 µm sand
55% > 5 mm
40% > 26 mm
30% > 65 mm
15% > 100 mm
2% > 150 mm

FIGURE 1: SAMPLE LOG OF TEST PITS/PIT FACE

LOG OF QUARRY FACE
 SMITH PROPERTY, BROCKVILLE 24
 LOG COMPLETED SEPTEMBER 12, 1995

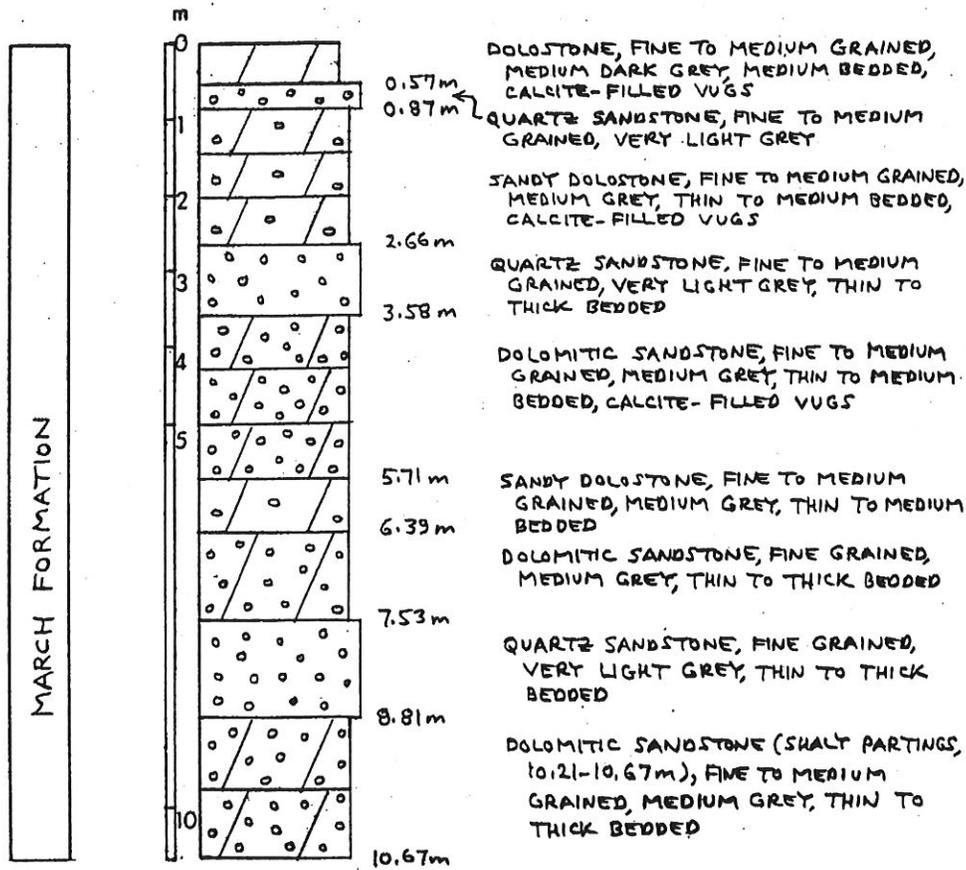


FIGURE 2: SAMPLE LOG OF QUARRY FACE

BOREHOLE NO. 4

PROJECT NAME: DETAILED AGGREGATE RESOURCES EVALUATION PROJECT NO.: 981010.00
 CLIENT: MINISTRY OF TRANSPORTATION ONTARIO DATE: OCTOBER 1998
 BOREHOLE TYPE: 76 mm DIA. WIRELINE NQ GEOLOGIST: _____
 GROUND ELEVATION: _____ REVIEWER: _____

| DEPTH (m) | STRATIGRAPHIC DESCRIPTION | STRATIGRAPHY | MONITOR DETAILS | SAMPLE | | | | CONE PENETRATION | | | WATER CONTENT % | | | REMARKS | |
|-----------|--|--------------|-----------------|--------|---------|---------|------------|------------------|---------|----|-----------------|----|----|--|----|
| | | | | TYPE | N VALUE | % WATER | % RECOVERY | ROD (m) | N VALUE | | | % | | | |
| | | | | | | | | | 10 | 20 | 30 | 10 | 20 | | 30 |
| 0 | GRANITE: PINKISH GREY TO GREY GRANITE (INTRUSIVE), MEDIUM TO COARSE GRAINED, FOLIATED 40 TO 50° FROM AXIS, MODERATELY FRACTURED. - LIGHT WEATHERING TO ± 4.0 m. FRESH APPEARANCE WITH OCCASIONAL DISCOLOURED (RUSTY) FRACTURE BELOW 4.0 m. OCCASIONAL PEGMATITE VEIN TO 30 mm THICK. | | | 1RC | | | 100 | 99 | | | | | | 4.3 TO 10.1 m CORE ELIMATED FOR LABORATORY TESTING | |
| 2 | | | | 2RC | | | 100 | 94 | | | | | | | |
| 4 | | | | | 3RC | | | 100 | 85 | | | | | | |
| 6 | | | | | 4RC | | | 100 | 89 | | | | | | |
| 8 | | | | | 5RC | | | 80 | 86 | | | | | | |
| 10 | | | | | 6RC | | | 100 | 85 | | | | | | |
| 10.2 | BOREHOLE TERMINATED AT 10.2 m. | | | | | | | | | | | | | | |
| 12 | | | | | | | | | | | | | | | |
| 14 | | | | | | | | | | | | | | | |
| 16 | | | | | | | | | | | | | | | |
| 18 | | | | | | | | | | | | | | | |
| 20 | | | | | | | | | | | | | | | |

FIGURE 3: SAMPLE LOG OF BEDROCK TEST HOLE



SAMPLE DATA SHEET

Contract or W. P. _____ Dist. _____ Hwy. _____
 Work and location _____

Milita Sheet _____ Source No. _____
 Inv. Code No. _____ Co-Ord. _____ E-- _____ N
 Source Name or Owner _____
 County _____ Twp. _____ Lot _____ Con. _____
 Source location _____

SAMPLE FROM : Channelled face , Test pit , Into Stockpile , Out of Stockpile ,
 Stopped belt , End of belt , Power Auger , Bin , Road , Hand auger ,
 Diamond drill core , Other _____ .
 Date of prod. of s'pile _____ Quantity in s'pile _____ tonnes
 AT: Hole, face, station _____ Dist. to _____ Is mat'l. washed ? _____
 DEPTH: From _____ m to _____ m Total depth _____ m
 Formation _____
 STRIPPING REQUIRED: A, B & M _____ m H.L. & Conc. _____ m
 Est. cum. % st. ret. > 150 _____ > 100 _____ > 65 _____ > 25 _____ > 5 (mm) _____

Intended use _____
 History of use _____
 M.T.O. Soil Classification _____
 TYPE OF SAMPLE: Precont. eng. , Prelim. cont. , Early prod. , Prod. cont. ,
 Mix design , Commercial , Other _____ .
 Type of mix design req'd. _____
 FIELD OPTION: Suitable for _____ Borderline for _____
 Unsuitable for _____ No. of bags in sample _____
 Remarks _____

DATA FORWARDED: Sketch , Field notes .

Sampled by _____ Date _____
 Field sample no. _____ Date rec'd. _____
 Lab. sample no. _____ Date req'd. _____
 Result to _____ Fax No. _____

TEST REQUIRED P. N. , Soundness , L.A. Abr. , Abs. & Dr. ,
 % Crush , % Flats , W. P. 75 μ m , Organic , Micro - Deval C. A. ,
 Gradation , Moisture , Proctor , P. I. , Hydrometer , Attrition ,
 A. A. V. , P. S. V. , Micro - Deval F. A. , Chem. Anal. , A. M. Bar ,
 Freeze - Thaw , Insoluble Residue .

Special tests : _____

PH-D-10 94 - 05

FIGURE 4: SAMPLE DATA SHEET (PH-D-10 94-05)

Update from NWR Geotechnical Section

Aggregate Unit Laboratory Test Schedule 2020

Unconsolidated Granular Testing

LS 602 – Sieve Analysis of Aggregates

LS 704 Determination of Plasticity

LS 609 Petrographic Analysis of Coarse Aggregate

LS 614 – Freezing and Thawing of Aggregate

LS 604 – Relative Density and Absorption of Coarse Aggregate

LS 618 - The Resistance of Coarse Aggregate to Degradation in the Micro-Deval Apparatus

LS 619 – The Resistance of Fine Aggregate to Degradation in the Micro-Deval Apparatus

LS – 709 Determination of Permeability (1 sample per 10)

Bedrock Deposits Granular Testing

LS 609 – Petrographic Analysis

LS 604 – Relative Density and Absorption of Coarse Aggregate

LS 618 - The Resistance of Coarse Aggregate to Degradation in the Micro-Deval Apparatus

LS 614 – Freezing and Thawing of Aggregate



PROVINCIAL PAVEMENT ENGINEERING
INVESTIGATION GUIDELINES
Version 1.1

INTRODUCTION

Background

Prior to the issue of the First Edition of the Provincial Pavement Engineering Investigation Guidelines, the Ministry of Transportation produced five uniquely different sets of Regional Geotechnical Guidelines, one for each of the five Regions. This manual provides a documented set of guidelines and procedures that are suitable for all five Regions, as established through the use of a north and south zones, recognizing that climate, and soil conditions vary across the province, (see Map, page ii).

The purpose of a pavement/soils field investigation is to obtain factual information pertaining to pavements, soil and rock necessary to effectively assess subsurface conditions. This is required to support the completion of geotechnical engineering recommendations and to provide contract document information for construction purposes.

The nature and scope of a pavement/soils investigation must reflect the specific characteristics of each individual project. It is impractical to provide guidelines that cover every possible situation for all project types. Consequently, this guideline is intended to be generic. The degree of fieldwork should be modified to suit the specific project conditions.

This guideline outlines the minimum requirements for a Pavement Engineering investigation as described by RAQS. It is noted that the guideline in its current form also covers some (but not all) Foundation Engineering investigation (low complexity) – e.g. non-structural culverts, low complexity swamps, pipelines/sewers, however does not cover overhead signs, high mast lighting etc. Foundation Engineering investigation requirements for medium and high complexity investigations are provided in project specific terms of reference from the Ministry's Pavements and Foundations Section. Questions and suggestions for improvement may be addressed to any of the Ministry of Transportation Regional Geotechnical Sections.

ZONE MAP



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- Appendix H - Geotechnical Survey Data Disclaimer
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DEFINITIONS

New alignment includes new construction and/or highway projects that require horizontal highway realignment that varies from the existing highway alignment (i.e. detours, twinning existing alignment, new highway alignment).

Shallow refusal is termination of the test hole prior to advancement to the minimum required depth on bedrock/rock fill/rock shatter. Termination of the test hole before the required depth on dense or hard soil, boulders, tree roots, or other obstructions are not considered shallow refusal.

Widening includes alignment shifts, staging requirements, change in vertical profile, or construction of additional lanes and/or tapers.

In-place recycling means the processing of any portion of an existing pavement in its original location, with or without the addition of new materials, for reuse in the new pavement structure. Recyclable pavement materials include, but are not limited to: asphaltic concrete; hydraulic cement concrete; and granular base and subbase.

Simple overlay includes paving one lift of asphaltic concrete over an existing pavement surface that does not contain slag, asbestos or other prohibited materials, without milling.

1.0 GENERAL

Consultant services shall be in accordance with the provisions provided in the Request for Proposal (RFP) or Request for Quotation (RFQ) Terms of Reference, which include these guidelines, and with the 'Guideline for Professional Engineers Providing Geotechnical Engineering Services' (1993) and the relevant sections of the 'Professional Practice Guidelines: Professional Engineers Providing Services with respect to Road, Bridges and Associated Facilities' (1995) both published by the Association of Professional Engineers of Ontario.

The general requirements and/or activities associated with the Pavement Engineering Investigations include, but are not limited to the following:

- Project specific Terms of Reference shall govern where conflicts with this document occur. This guideline provides the minimum requirements for a pavement engineering investigation and is supplemented by project specific Terms of Reference.
- Requirements of the Occupational Health and Safety Act (OHSA), including requirements specified in the project Terms of Reference, must be met. Service providers are advised that certain geotechnical investigation activities (such as boreholes, test pits, shoulder trenches, asphalt pavement removal) have been classified as construction activities under the OHSA.
- Traffic control plan and work area protection shall be provided in accordance with the OHSA and the Ontario Traffic Manual (Book 7, Temporary Conditions). OTM Book 7 is the minimum requirement for traffic protection and it is up to the consultant to assess each situation to determine the protection needs.
- A field review of the site conditions shall be carried out to become familiar with site conditions, specific defects, pavement distress areas and maintenance concerns prior to formulating the field investigation.
- The Consultant may be required to attend a pre-start meeting to discuss their field investigation plan and related Occupational Health and Safety requirements.
- The Consultant may be asked to attend progress and design presentation meetings to answer geotechnical design questions during the preliminary design, detailed design and/or construction of the project.
- The Consultant is responsible to provide minutes of all meetings and summaries of telephone/verbal conversations that significantly affect the investigation, laboratory testing or schedule of this assignment within five (5) business days to the Geotechnical Section.
- Permission to enter is the Consultant's responsibility unless otherwise indicated. The Consultant shall consult with Prime Consultant and/or MTO to determine requirements on a project specific basis.
- Obtaining utility clearance and locates shall be the responsibility of the Consultant, and shall be obtained prior to the commencement of the field investigation.
- Prior to the commencement of field work the Consultant shall notify the appropriate maintenance/area office at least forty-eight (48) hours in advance (see Appendix A).

-
- The purpose of the field investigation is to obtain a general model of the site subsurface conditions as well as specific investigations of distress/problem areas. Adequate site investigation and testing shall be undertaken to justify all geotechnical recommendations and to calculate accurate construction tender quantities.

 - For multi-lane (divided or undivided) highways, the requirements described within this document shall apply to each direction. Facilities greater than 4 lane cross section will require consultation with the Regional Geotechnical Section.

2.0 SOILS INVESTIGATION AND TESTING REQUIREMENTS

The following provides the Consultant with minimum requirements for the soils investigation and testing. Where preliminary Pavement or Foundation Engineering field work and/or laboratory testing has been undertaken, the Consultant shall take the data into consideration when meeting these minimum requirements. The Consultant is responsible for undertaking sufficient fieldwork and laboratory testing to ensure that the geotechnical/pavement recommendations are fully supported and are consistent with the existing site conditions.

2.1 General Requirements

The following are general requirements for soils investigations:

- Due diligence is required to protect groundwater from potential contamination. Implementation and decommissioning of geotechnical test holes (including, but not limited to, licensing, reporting, construction and abandonment) shall be in accordance with the Ontario Water Resources Act, R.R.O. 1990, Reg. 903 and its amendments.
- The Consultant's equipment shall be capable of drilling test holes to depths of approximately 6 m. Test holes advanced through the shoulder, beyond the edge of pavement, shall be a minimum 150 mm diameter.
- Test holes advanced through pavement shall be a 100 to 150 mm diameter. Test holes that are drilled through asphalt surfaces shall be properly backfilled and compacted with cold mix asphalt approximately 5 mm above the surface. The depth of cold mix asphalt shall match the existing asphalt thickness.
- Test holes shall be advanced to the minimum depth identified in the tables, unless shallow refusal is encountered. The Consultant shall determine the nature of the refusal. Termination of the test hole before the required depth on dense or hard soil, boulders, tree roots or other obstructions are not considered shallow refusal.
- Soils encountered shall be identified and classified according to the MTC Soils Classification Manual in the MTO Pavement Design and Rehabilitation Manual.
- Backfilling and compacting of all test holes is the responsibility of the Consultant and shall be completed immediately after samples and measurements have been taken. Open test holes shall not be left unattended. If a problem occurs with the backfilled test holes following the investigation (i.e. subsidence resulting in a surface cavity), the Consultant shall return to the site and repair the test hole to the Ministry's satisfaction at no additional cost.
- All recovered soil samples shall be retained by the Consultant for a minimum period of one (1) year following the submission of the final Pavement Engineering deliverables. The Ministry shall be contacted prior to disposal of samples to determine if an extended period of time will be required.
- In the event that a soils investigation results in unearthing human skeletal remains, refer to the "Discovery of Human Remains – Best Practices", a guideline document issued by the Office of the Chief Coroner.
- In the event that a soils investigation results in unearthing an artefact, refer to the "Standards and Guidelines for Consultant Archaeologists", a document describing best practices for archaeological investigations, issued by the Ministry of Culture.

2.2 Test hole Frequency, Location and Depth Requirements

A test hole investigation shall be conducted for the following project components. The minimum required frequency, location and depth of subsurface investigations for each of the components are identified in the following sections.

2.2.1 Existing Alignment

Table 2.2-1 Test hole Requirements for Existing Alignment Investigations

| Item / Activity | Test hole Location | Spacing (m) | Minimum Depth ¹ |
|---|---------------------------------|-------------|----------------------------|
| Main Alignment/ Ramps | Midlane* or Edge of Pavement | 250 | 1.5 m below profile grade |
| | Shoulder** | 250 | |
| Commercial Entrance | One test hole for each | N/A | 1.5 m below profile grade |
| Auxiliary Lanes (Speed Change Lanes/Turning Lanes/ Slip Arouds/ Tapers/ etc.) | Midlane | 250 | 1.5 m below profile grade |
| Passing Lanes/ Truck Climbing Lanes | Midlane | 250 | 1.5 m below profile grade |

¹ Minimum depth increases to 2.0 m for north zone. Refer to map.

* Where possible, midlane test holes to be advanced through core locations.

** Alternate between mid shoulder and shoulder rounding.

2.2.2 New Alignment

Sections with fill heights of less than 0.5 m, measured from original ground to profile grade, shall be investigated in accordance with the appropriate (Earth/Shale or Rock) cut section requirements.

In addition to the test hole spacing requirements identified, test holes in the fill sections shall be advanced where the fill height is deepest at the appropriate spacing and offsets identified in Table 2.2-2.

Table 2.2-2 Test hole Requirements for New Alignment Investigations

| Item / Activity | Test hole Location | Spacing (m) ¹ | | Minimum Depth ² |
|-------------------------------------|-------------------------|----------------------------------|-------|--|
| | | North | South | |
| Fills > 0.5 m | Centreline | 50 | | Height of fill or 1.5 m, whichever is greater |
| | Toe of Slope (2) | 100 | | |
| Cuts – Earth/Shale Fills < 0.5 m | Centreline | 25 | | 1.5 m below profile grade |
| | Ditch Line (2)* | 50 | | |
| Cuts – Rock Fills < 0.5 m | Centreline | 10 | 20 | 1.5 m below profile grade |
| | Ditch Line (2) | 20 | | |
| | 5 m beyond Ditch Line** | 20 | | |
| Swamps / Soft soils | Centreline | 25 | | 0.3 m into firm bottom or 1.5 m, whichever is greater. |
| | Toe of Slope (2) | 25 | | |
| Cut Transition | Centreline | At Transition Point | | 1.5 m below profile grade |
| | | 10 m past Transition Point*** | | |

¹ Refer to map for limits of north and south zones.

² Minimum depth increases to 2.0 m for north zone.

* Where subdrains are proposed in lieu of ditching, advance test holes through edge of shoulder.

** Only necessary if greater than 1.0 m of overburden in test hole advanced at ditch line.

*** Transition as per OPSD 205 Series.

2.2.3 Cross Section Widening (Tapers, Add-on Lanes, Ramps, etc.)

Cross-section widening may be the result of alignment shifts, staging requirements, change in vertical profile, or construction of additional lanes and/or tapers. Investigation work is only required on the side(s) of the highway to be widened.

Sections with a height of fill less than 0.5 m, measured from the original ground profile grade, shall be investigated in accordance with the appropriate (Earth/Shale or Rock) cut section requirements.

In addition to the test hole spacing requirements identified, test holes in the fill sections shall be advanced where the fill height is deepest at the appropriate spacing and offsets identified in Table 2.2-3.

Table 2.2-3 Test hole Requirements for Cross Section Widening Investigations

| Item / Activity | Test hole Location | Spacing (m) ¹ | | Minimum Depth ² |
|-----------------------------------|-----------------------------------|--------------------------|-------|--|
| | | North | South | |
| Fills | Existing Edge of Pavement | 50 | | Height of fill or 1.5 m, whichever is greater |
| | Shoulder* | 100 | | |
| | Existing Slope** | 100 | | |
| | Proposed Toe of Slope | 100 | | |
| Cuts – Earth/Shale | Existing Edge of Pavement | 50 | 25 | 1.5 m below profile grade |
| | Shoulder* | 50 | 25 | |
| | Proposed Ditch Line | 25 | | |
| Cuts - Rock | Existing Edge of Pavement | 20 | | 1.5 m below profile grade |
| | Shoulder* | 20 | | |
| | Proposed Ditch Line | 20 | | |
| | 5 m beyond Proposed Ditch Line*** | 20 | | |
| Widening over swamps / soft soils | Existing Edge of Pavement | 25 | | 1.5 m below profile grade |
| | Shoulder* | 50 | | |
| | Existing Slope** | 100 | | |
| | Proposed Toe of Slope | 25 | | 0.3 m into firm bottom or 1.5 m, whichever is greater. |
| Cut/Fill Transition | Existing Edge of Pavement | At Transition | | 1.5 m below profile grade |
| | | 10 m into Fill | | |

¹ Refer to map for limits of north and south zones.

² Minimum depth increases to 2.0 m for north zone.

* Alternate between mid shoulder and shoulder rounding.

** Alternate between mid point and 1.0 m down from the shoulder break point.

*** Only necessary if greater than 1.0 m of overburden in test hole advanced at ditch line.

2.2.4 Culverts

At identified non-structural culvert locations as outlined in the Ministry of Transportation, Ontario, Bridge Office Bulletin dated January 12, 2006, see Appendix E for reference, the following minimum test holes are required.

Table 2.2-4 Test hole Requirements for Culvert Investigations

| Item / Activity | Test hole Location | Minimum Depth ¹ |
|---------------------|------------------------------|----------------------------|
| New Culvert | Centreline* | 0.5 m below invert |
| | Toe of Slope | |
| | Ends of Proposed Culvert** | |
| Culvert Extensions | Edge of Pavement | 0.5 m below invert |
| | End(s) of Proposed Culvert** | |
| Culvert Replacement | Edge of Pavement | 0.5 m below invert |
| | Ends of Proposed Culvert** | |
| | Toe of Slope | |

¹ Test holes shall be advanced to depths sufficient to support recommendations when frost susceptible materials are encountered.

* May be moved to edge of pavement if new culvert on an existing highway alignment

** 1.0 m beyond end of culvert if length is known or 3.0 m beyond toe of slope if length unknown

Investigations work is only required on the side(s) of the culvert to be extended. Edge of pavement test holes shall be advanced within 0.5 m from side of the existing culvert to determine existing bedding information.

For replacement of existing culverts with identified pavement distress, a minimum of 4 additional test holes shall be advanced to confirm the presence and configuration of existing frost tapers.

2.2.5 Pipelines (Sewers, Watermains)

In addition to the test hole spacing requirements identified, test holes will be required at the location of all identified manhole and catch basin structures to the appropriate depth as identified in Table 2.2-5.

Table 2.2-5 Test hole Requirements for Pipeline Investigations

| Item / Activity | Test hole Location | Spacing (m) ¹ | | Minimum Depth |
|--------------------|--------------------|--------------------------|-------|---|
| | | North | South | |
| Cuts – Earth/Shale | Centreline | 25 | 50 | 0.5 m below pipeline and drainage structures or firm bottom, whichever is greater |
| Cuts - Rock | Centreline | 10 | 20 | 0.5 m below pipeline and drainage structures or firm bottom, whichever is greater |

¹ Refer to map for limits of north and south zones.

2.2.6 Pavement Distress Areas

General

The Consultant shall investigate all identified pavement distress areas to determine the cause of the pavement distress and support design of recommended treatment. Areas of pavement distress may include frost heaves, distortions and poor performance areas. Sufficient holes are required to define the limits and probable cause of the pavement distress areas.

Frost Heaves

Only moderate (or greater) severity frost heaves are investigated and treated as part of capital projects.

The frost heave investigation will require the following test holes advanced to the frost depth in the area plus 0.5 m:

- One test hole at peaks of identified frost heave location.
- Test holes at frost heave limits left and right (4 holes total)
- Test holes 10 m beyond frost heave limit (2 holes total). Holes shall be drilled on the side with greater pavement distortion.
- If frost susceptible material is encountered beyond the frost heave limits, additional test holes will also be required at 10 m intervals.
- Test holes shall be taken in the existing ditch line to support positive drainage recommendations.
- Pedological sketches will be required at frost heave locations, see Appendix C.

Distortion and Poor Performance Areas

A poor performance area is a pavement section of limited length with performance noticeably out of character (worse) than the remainder of the pavement section. Examples include uncharacteristic areas of rutting, rippling, severe/very severe cracking, potholing, hot mix patches and/or settlement/distortion.

Distortion pavement distresses may be surficial (i.e. asphalt layers) issues, or deeper pavement structure (base, sub-base) or subgrade issues (i.e. loss of granulars into rock fill, culvert failures, underground springs or drainage issues, slope instability, differential settlement, soft/poor subgrade, etc.). Surficial distortion pavement distresses do not typically require investigation by test holes.

The problems at these locations may or may not be related to frost action. A minimum of five (5) test holes shall be advanced to determine the cause of the pavement distress and support design of recommended treatment. For areas longer than 150 m, a minimum of ten (10) test holes shall be taken. Additional test holes will be advanced at the discretion of the consultant to support design recommendations. Test holes shall be advanced to a depth of 0.3 m into firm bottom or 1.5 m (2.0 m for the north zone), whichever is greater.

2.2.7 Ditching

When geodetic ditching is required, test holes in the ditchline shall be advanced to a depth of, 1.5 m for the south zone and 2.0 m for the north zone below existing ditch profile grade. Test holes are required at intervals of 10 m in rock and 20 m in earth.

Test holes are not required for ditch cleanout.

2.2.8 Miscellaneous

General

This section covers items that are not specific to every pavement engineering investigation that may or may not be required and include but not limited to those listed below. Clarifications can be made, through consultation with the Ministry and interpretation of the project specific Terms of Reference.

Table 2.2-6 Miscellaneous Activities

| Item / Activity | Description |
|------------------------------------|--|
| Existing Structures | Test holes at each end of the structure to confirm the existence, or absence, of approach slabs. In addition, test holes shall be placed to determine the type of structure backfill that has been used. |
| Existing Polystyrene Installations | One test hole shall be placed halfway along the length of the treatment to determine the thickness of the polystyrene. Place test holes as required to locate the ends of the polystyrene treatment within 1.0 m. Drilling should be carried out on the shoulder to minimize damage to the existing polystyrene. |
| Soils Profile | Prepare a soils profile for all new highway alignments and associated ramps. See Appendix B |
| Pedological Sketches | For new construction, sketches will cover the whole length of the project. Pavement distress areas being investigated also require a sketch. See Appendix C |
| Field Vane Test | Field Vane Test (FVT) are required in soft cohesive material layers over one metre in depth. They will also be required in Muskeg if consideration is being given to 'Riding' the swamp. See Appendix D |
| Standard Penetration Test | Standard Penetration Test (SPT) are provided when estimates of the relative density of a material are required. See Appendix E |

2.3 Test Hole Logs and Notes

When recording test hole information the following requirements and information must be met and/or included (see Appendix D for example):

- Abbreviations for test holes and test data shall conform to OPSD 100.06 only. The nature and depths of the various soil, granular and pavement types encountered in each test hole shall be identified. All soils shall be identified and classified in accordance with the MTC Soil Classification Manual.
- Test hole depths shall be measured in millimetres and metres only. Depths less than one metre shall be measured in millimetres, to the nearest 5 mm for pavement, and to the nearest 10 mm for granular and earth materials. Depths one metre and deeper shall be measured in metres to the nearest 0.1 m. Do not show units on the Test Hole Logs.
- The chainage and the offset distance of the test holes from Centreline (Lt or Rt) and estimated difference in elevation from centreline (or other established) datum must be noted on the Test Hole Logs, including Geographic Township.
- A field estimate of the density/consistency for all materials identified on a Test Hole Log shall be included.

- A field estimate of the moisture content for all materials identified on a Test Hole Log shall be included. Each soil will be classified as Dry, Moist or Wet. These calls relate to optimum moisture content for that particular soil type as listed below:

Dry - Moisture content well below optimum
 Moist - Moisture content at or near optimum
 Wet - Moisture content well above optimum
 Saturated - Material located below the water table. It may be below, at, or above optimum moisture content.

If not indicated on the test hole log the material will be assumed to be Dry. If free water is observed in the test hole note level on Test Hole Log.

- All laboratory test data and related information shall be shown in the test hole logs immediately following the material tested. The data to be provided shall include, but not be limited to the following:
 - For each soil type tested, the results of the grain size analysis shall be provided.
 - For each fine-grained soil type tested, the Atterberg Limits shall be provided.
 - For all granular materials, the acceptability for use of the material sampled shall be shown. If a granular material is not acceptable for the use intended, but is acceptable for another use, that other use shall be identified.
 - A frost susceptibility assessment for each soil type tested shall be provided. (non-granular materials only)
 - The erosion susceptibility of all earth materials shall be provided. (non-granular materials only)
 - If split barrel samplers (split spoon) are driven, the “N” values shall be recorded.
 - If vane tests are conducted, the undisturbed and remolded shear strengths and sensitivity shall be recorded.
- Test holes shall be advanced to the minimum depth identified in the tables, unless shallow refusal is encountered. The Consultant shall determine the nature of the refusal according to the definition in these guidelines. The term “No Further Progress” (NFP) shall be recorded along with the estimated reason that drilling was stopped.
- The Data gathered from the Vane Test will be recorded on the final Test hole Logs in the following manner:

| DEPTH | SHEAR STRENGTH (kPa) | | SENSITIVITY |
|------------|----------------------|-----------|-------------|
| | Undisturbed | Remoulded | |
| 0 - 450 | 23 | 2 | 12 |
| 600 - 1.05 | 28 | 3 | 9 |
| ETC. | | | |

- The type of organic matter (peat) if encountered shall be identified. The organic soil (peat) is categorized as:

- Amorphous - Formless, highly decomposed with no resistance to hand tearing.
- Fine Fibrous - Predominantly small or thin, non-woody fibres which offer some resistance to hand tearing.
- Coarse Fibrous - Predominantly larger or woody fibres which offer relatively larger resistance to hand tearing.

2.4 Soil Sampling and Laboratory Testing

The following provides the Geotechnical Consultant with minimum requirements for soil sampling and laboratory testing. The Consultant is responsible for undertaking sufficient field sampling and laboratory testing to ensure that the geotechnical/pavement recommendations are fully supported and are consistent with the existing site conditions.

Sample Testing Frequency

The soil sampling and laboratory testing shall be performed in accordance with the minimum frequencies outlined in the table below:

Table 2.4-1 Sample Testing Frequency

| Activity | Frequency |
|---|---|
| Existing Alignment (Rehabilitation/Resurfacing) | One (1) sample of each soil and granular material type encountered per km. |
| New Alignment (Reconstruction/Widening) | One (1) sample of each soil and granular material type every 250 m. If material is consistent, a minimum of one (1) sample of each soil type every 500 m. |
| Earth Cuts and Shallow Fills (< 0.5 m) | The greater of: <ul style="list-style-type: none"> • One (1) sample of each soil type every 250 m. If material is consistent, a minimum of one (1) sample of each soil type every 500 m. • One (1) sample per 15 metres of borehole drilling depth. If the material is consistent, a minimum of one (1) sample per 30 m of test hole depth. |
| Pavement Distress Areas | One (1) sample of each soil and granular material type at each frost heave/distortion/ poor performing location. |

Material Testing Requirements

The testing requirements defined herein apply to typical proposed pavement engineering investigations and provide a guideline for preparing an appropriate laboratory testing program. The testing requirements for a proposed investigation shall be established based on these guidelines, engineering judgement, MTO Laboratory Testing Manual, the Engineering and Materials Testing and Evaluation Services requirements in the project Terms of Reference, and in consultation with the Ministry. The following tests shall be performed on the selected samples:

Table 2.4-2 Material Testing Guidelines

| Material | | Tests | Standard |
|---|------------------|--|--|
| Aggregates / Granulars | Granular Base | Sieve Analysis Moisture Content Percent Crushed Particles Percent Flat & Elongated Asphalt Coated Particles Proctor (if to be used as fill) | LS-602 LS-701 LS-607 LS-608 LS-621 LS-706 |
| | Granular Subbase | Sieve Analysis Moisture Content Asphalt Coated Particles Proctor (if to be used as fill) | LS-602 LS-701 LS-621 LS-706 |
| Soil / Earth | | Moisture Content Particle Size Analysis Atterberg Limits Proctor (if to be used as fill) | LS-701 LS-702 LS-703/704 LS-706 |
| Organic (Topsoil, Muskeg, Swamp material etc.) | | Moisture Content Organic Content | LS-701 ASTM D 2974 |

The consultant shall ensure that all requirements of the Environmental Protection Act are met, as applicable to geotechnical/pavement field investigations. In doing so, the consultant may be required to determine the Sodium Adsorption Ratio (SAR) for all cut material anticipated to be removed from the project. The SAR values shall be compared to the requirements in the "Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" document.

3.0 PAVEMENT INVESTIGATION/CORING REQUIREMENTS

The following provides the Pavement Engineering Consultant with minimum requirements for the pavement investigation/coring and testing (excluding emergency paving and simple overlays). Where preliminary field work and/or laboratory testing has been undertaken, the Consultant shall take the data into consideration when meeting these minimum requirements. The Consultant is responsible for undertaking sufficient fieldwork and laboratory testing to ensure that the geotechnical/pavement recommendations are fully supported and are consistent with the existing site conditions.

3.1 General Coring Procedures

The following are general requirements for pavement coring procedures:

- The total asphalt/concrete thickness shall be measured and recorded at all core locations. Asphalt mix types and aggregates (including steel slag and blast furnace slag) must be identified and recorded.
- Sufficient number of the cores as outlined in Table 3.2-1 shall be located on cracks or joints to identify the nature and severity of distresses. All cores located over cracks or obtained for the purpose of laboratory testing must have a core diameter of 150 mm. Cores shall not be taken at locations where cracks have been routed and/or sealed.
- If only pavement thickness is required the cores may be 150 mm or less in diameter, to a minimum of 50 mm.
- Coreholes shall be properly backfilled and compacted with cold mix asphalt approximately 5 mm above the surface. The depth of cold mix asphalt shall match the existing asphalt thickness. The Consultant shall come back and repair any problem coreholes (with respect to backfill) at their cost.
- Coreholes shall be located at varying offsets to provide representative sampling. Cores shall not be taken less than 0.5 m from the edge of the main lane.
- Core locations to be referenced by surveyed stations and offset measurements from centreline.
- All recovered cores shall be retained by the Consultant for a minimum period of one (1) year following the submission of the final Pavement Engineering deliverables. The Ministry shall be contacted prior to disposal of samples to determine if an extended period of time will be required.
- Test holes will be required through pavement coreholes in the travelled lanes to determine the nature and depths of all pavement layers including, subgrade, subbase, base, concrete, and asphalt layers.
- Additional cores shall be obtained if sudden unexpected changes in the asphalt depth occurs which may have an effect on the pavement design and construction.
- Where additional asphalt or concrete is required to generate a sample large enough for test purposes, the additional material shall be obtained from adjacent cores obtained at the same location.

3.2 Pavement Coring Frequency and Location

Pavement cores for determination of asphalt/concrete thicknesses shall be extracted. The minimum coring frequency and location guidelines are provided in the following table to facilitate in developing a pavement coring program:

| Table 3.2-1 PAVEMENT CORING FREQUENCY AND LOCATION TABLE | |
|--|---|
| ACTIVITY | FREQUENCY (per 2 lane km) |
| Main Alignment/ Ramps | One core per 250 m (4 per km) on alternating sides of the highway. Additional cores will be required to establish pavement depth variability by location i.e. station to station (patches) and laterally (superelevated curves) sufficient to support design. |
| Intersections | One core per leg of intersection. |
| Commercial Entrances | One core for each. |
| Auxiliary Lanes (Speed Change Lanes/Turning Lanes/ Slip Arounds/ Tapers/ etc.) | One core per 250 m. |
| Passing Lanes/ Truck Climbing Lanes | One core per 250 m. |
| Structure Approaches | If requested, three cores at each approach at 1, 10 and 30 metres from the structures specified. |
| Paved or Partially Paved Shoulder | Two lane highway - Two cores per kilometre, alternating sides Multi-lane highway - Two cores per kilometre alternating sides, both directions. For detour staging four cores per kilometre may be required. |

3.3 Additional Field Documentation for Pavement Investigations/Coring

The additional field documentation consists of information that is not commonly displayed in a typical corehole investigation. The additional field documentation required shall include but not limited to the following:

- For every core, the materials underlying the asphalt and/or concrete shall be identified. If granular material is identified a steel bar is to be driven into the granular material a minimum depth of 300 mm or to refusal.
- All cores shall be visually examined for evidence of stripping or layer delamination. If observed, the core location shall be documented.
- Cores at crack locations should identify if the crack continues into the granular material and whether the crack is larger at the bottom or top.
- If requested in project specific terms of reference, a pavement rut survey shall be carried out during the coring operation. Rut depth measurements shall be taken in the inner and outer wheel paths. Cross-fall measurements of all lanes and shoulders shall be taken from the same location, and same lane.
- If requested in project specific terms of reference, labelled digital photographs of the pavement cores shall be included in the report.
- If requested in project specific terms of reference, visual pavement condition surveys are to be performed in accordance with Ministry pavement condition rating standards.

3.4 Core Testing Requirements

The following provides the Consultant with minimum requirements for laboratory testing. The Consultant is responsible for undertaking sufficient field sampling and laboratory testing to ensure that the geotechnical/pavement recommendations are fully supported and are consistent with the existing site conditions.

Sample Testing Frequency

The laboratory testing shall be performed in accordance with the minimum frequencies outlined in the table below:

Table 3.4-1 Sample Testing Frequency

| Activity | Frequency |
|---|---------------------------------|
| Corelog thickness & mix type | Every core (one core per 250 m) |
| Recovered Penetration ¹ | 1 per km |
| Percent Air Voids ¹ | 1 per km |
| Quantitative Extraction ^{1,2} | 1 per km |
| Asphalt Coated Particles ^{1,2} | 1 per km |

¹ A minimum of 4 tests are required for projects less than 4 km in length. Test cores full depth.

Retain cores and test cores partial depth after the pavement strategy is selected, if necessary.

² The underlying granular should be tested where it is bituminous bounded material or contains RAP.

Material Testing Requirements

The testing requirements defined herein apply to typical proposed pavement engineering investigations and provide a guideline for preparing an appropriate laboratory testing program. The testing requirements for a proposed investigation shall be established based on these guidelines, engineering judgement, MTO Laboratory Testing Manual, the Engineering and Materials Testing and Evaluation Services requirements in the project Terms of Reference, and in consultation with the Ministry. The following tests shall be performed on the selected samples:

Table 3.4-2 Material Testing Guidelines

| Material | Tests | Standard |
|----------|--|---------------|
| Asphalt | Recovered Penetration | LS-284/LS-200 |
| | Percent Air Voids | LS-265 |
| | Quantitative Extraction | LS-282/LS-291 |
| | Quantitative Determination by Ignition | LS-292 |
| | Petrographic Examination | ASTM C 856 |
| Concrete | Compressive Strength | LS-410 |
| | Splitting Tensile Strength | LS-409 |
| | Petrographic Examination | ASTM C 856 |

APPENDICES

A.) MTO Notification of Fieldwork (Sample)



NOTIFICATION OF FIELD WORK OPERATIONS

| | | | |
|--|--------------------------|--------------------------|--------------------------|
| Highway # : | | Date: | |
| Location | | | |
| From | | To | |
| MTO Site Contact Person | Office: | Cellular: | Fax: |
| MTO Project Contact After Hours Person | Phone #: | Cellular: | Fax: |
| Equipment on Site | | | |
| Location: <i>(nearest intersection, interchange number, city, town, etc. for the day's work)</i> | | | |
| Extra information: | | | |
| Lane Closure: <i>(ramp, driving lane, passing lane, direction, etc., indicate height and width restrictions for permit considerations)</i> | | | |
| Eastbound: | <input type="checkbox"/> | Westbound: | <input type="checkbox"/> |
| Northbound: | <input type="checkbox"/> | Southbound: | <input type="checkbox"/> |
| Driving Lane: | <input type="checkbox"/> | Passing Lane: | <input type="checkbox"/> |
| Extra Information: | | | |
| Time of Closure: <i>(date, hours of closure) :</i> | | | |
| Eastbound: | <input type="checkbox"/> | _____ | |
| Westbound: | <input type="checkbox"/> | _____ | |
| Northbound: | <input type="checkbox"/> | _____ | |
| Southbound: | <input type="checkbox"/> | _____ | |
| Type of Operation: | | | |
| General Information: | <u>Yes</u> | <u>No</u> | Comments |
| 1) Weather permitting | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| 2) Reduced speed | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| 3) Advanced signing to be erected | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Signature: | | | |

B.) Soils Profiles

The following items shall be shown (11x17):

- The Geotechnical Survey Data disclaimer, Appendix H;
- Original Ground Line;
- Approved Design Profile Grade Line;
- Centreline culvert sites, if known;
- Location of test holes along centreline (or as near to C/L as practical);
- Location of offset test holes, including offset distance and elevation difference in relation to the centreline elevation (Datum), offset hole information shall be provided as a notation, placed on the profile as close as possible to the station where the holes were drilled;
- Bedrock line and swamp limits. All information, including Pedological sketches, shall be used to determine rock line and swamp limits;
- Soils Types encountered along centreline;
- Boundaries between soil strata encountered along centreline. The boundaries may be delineated either by line profile or Strata Plot;
- Estimated degree of consistency or denseness of the soils, in-situ;
- Groundwater levels encountered in test holes at the time of the soils investigation;
- MTO soil classification, laboratory test results, soil frost susceptibility, and erosion potential (K-factor). Laboratory testing, frost susceptibility, and K-factor data should be provided in table format and placed on the profile as close as possible to the station that the soils sample was taken.
- Designated Foundation Investigation area limits and their description (high fill, swamp, structure, etc.) to be shown on Soils Profile.

C.) Pedological Sketches

A Pedo-Sketch is used to show landform types, localized conditions, and other information that can not be readily shown in any other manner. Chainage should be written on the Sketch at the appropriate intervals. These drawings are only sketches, but they must be done accurately. The features shown on the sketch, together with the borehole information, will be used when producing the Soils Design, and will be used to define the limits of areas such as swamps or bedrock outcrops for quantity calculation. The sketches shall indicate locations of all investigations and the type of equipment used. The limits of any feature shown on the Pedo-Sketch should be drawn as accurately as possible between the proposed or existing ditch lines, and to a tolerance of 1.0 m \pm outside the ditch lines.

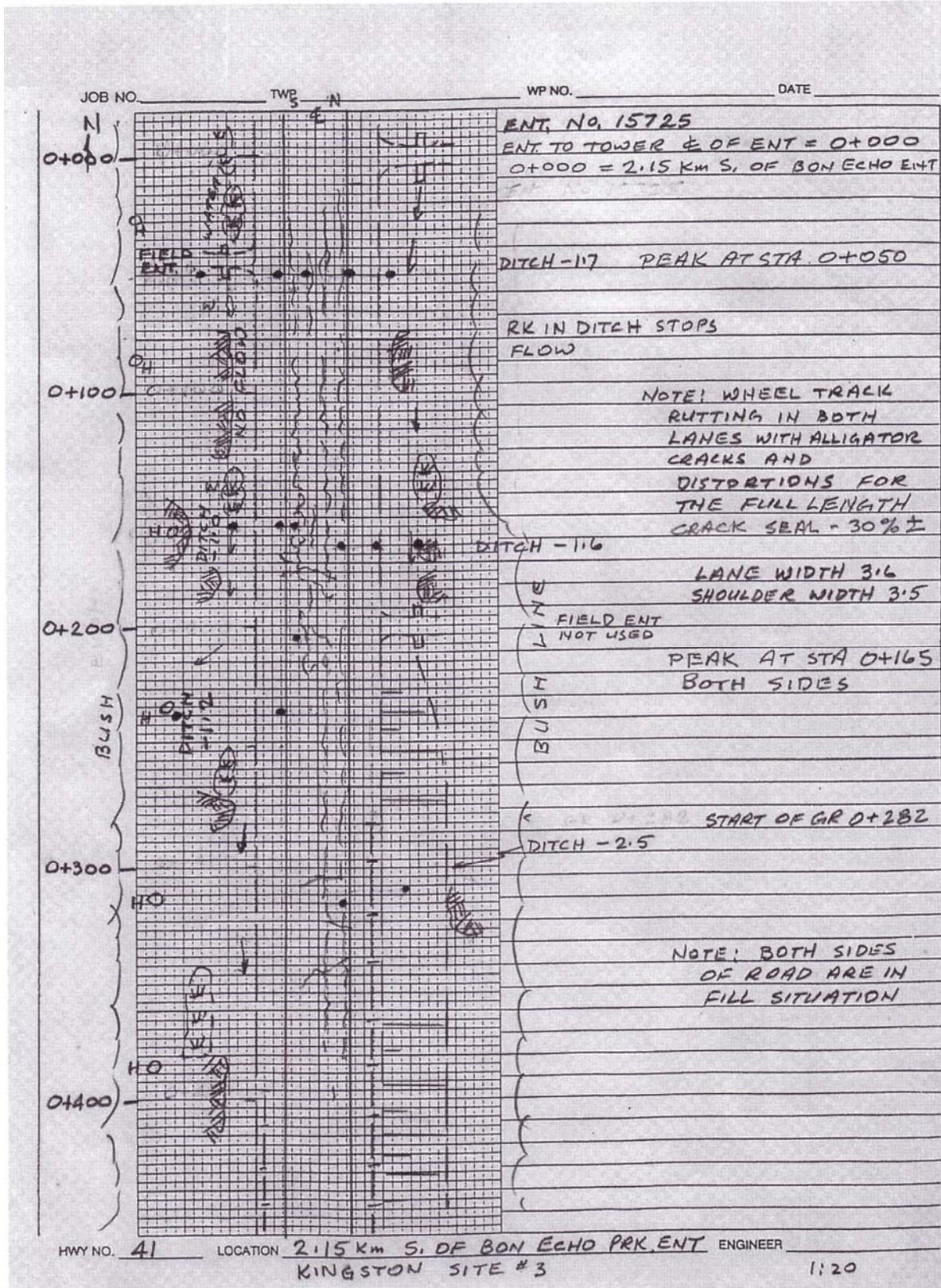
The scale of the drawing should match the scale used on the Survey Plans and Profiles, typically 250 m of alignment per sheet. The sketches can remain in rough field note format.

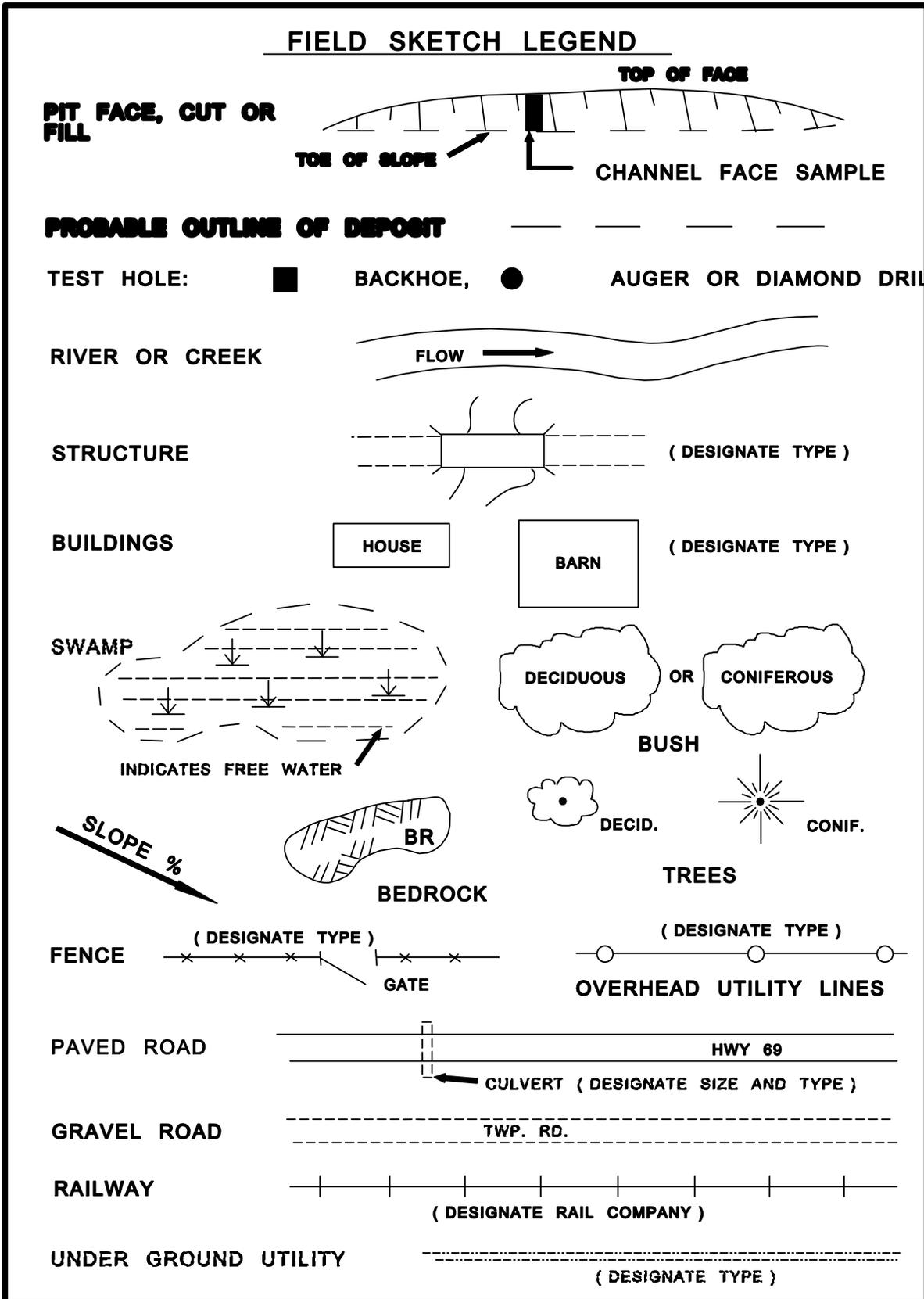
The features that should be drawn on a Pedo-Sketch are shown on the Field Sketch Legend that is appended. Other features can be noted on the sketch at the discretion of the field technician if it is felt that the information will be valuable to the designer.

Pedo-Sketches shall be drawn looking up chainage, regardless of direction of travel. The orientation of the Pedo-Sketch shall be drawn so that left and right as shown on the drawing will be the same as the readers left and right. This direction shall be related to the general direction of travel of the highway and not to an actual compass reading. The direction to the nearest town that appears on the Official Road Map of Ontario shall also be indicated on the Pedo-Sketch on first and last sheet of a set of sketches.

Designated Foundation Investigation area limits and their description (high fill, swamp, structure, etc.) shall be shown on Pedo-Sketches.

Sample





D.) Field Vane Test Requirements

Field Vane Test (FVT) should be carried out using the MTO 'N' Vane. As well as the vane, two Fish Scales calibrated in pounds, and a 'T' Handle with holes to attach the scale to it, at 12", 6", and 3", on both sides to its centre point are required. A different vane may be used, provided that the Consultant has sufficient MTO Vane results to correlate the results of that other vane.

A minimum of two Vane Test Holes are required per deposit. More should be taken if there is a large variation between the torque readings at the first test location compared with the second location. Additional Vane Tests should be taken if the swamp and/or soft area is long. Provide a minimum of one additional Vane Test per 100.0 m of deposit length.

The first torque readings should be taken with the vane between 0 and 450 mm from the surface or the top of the layer being tested. Readings should be taken at 600 mm intervals from that point on, with the last reading at the point where the vane can not be pushed farther into the soil. The MTO 'N' Vane is calibrated for 450 mm (18") of advancement into the soil being tested. Auger down the depth 'x', and push the vane to a depth of 'x' + 450 mm, and take the readings.

When taking a Vane Test, push the vane into the soil with as smooth a motion as possible, without turning the vane. A Torque Reading is taken of the relatively undisturbed soil at that point by the application of equal and opposite clockwise forces, applied with the Fish Scales hooked at a uniform increment on the 'T' Handle until the soil fails. Record the two scale readings. Remould the soil by turning the handle clockwise six complete 360 degree turns. Move the fish scales to a shorter distance from the centre of the 'T' handle. Check and record the scale readings of the remoulded soil.

Calculate the Undisturbed Shear Strength, and the Remoulded Shear Strength, then calculate the Soil Sensitivity. The Sensitivity is defined as the ratio of the Undisturbed Shear Strength to the Remoulded Shear Strength.

Shear strength is determined by use of the formula:

$$\text{Shear Strength in kPa} = \frac{(\text{SR \#1} + \text{SR \#2})}{L} \times 12$$

Where: 'SR' is the Scale Reading in Pounds,
and 'L' is the Length of Lever Arm, (either 12", 6", or 3").

Note: The MTO 'N' Vane is designed so that the Shear Strength in kilo Pascals has the same numerical value as the Torque in pounds/foot.

E.) Standard Penetration Test Requirements

A standard 50 mm diameter split-barrel sampler is driven into the ground at the bottom of the test hole by repeated blows from a drop-hammer of mass 65 kg, falling a distance of 0.76 m. The sample is driven a total of 450 mm into the soil and the number of blows recorded for the last 300 mm of penetration. The sum of the number of blows required for the second and third 150 mm of penetration is termed the "standard penetration resistance" or the "N-value". In cases where 50 blows are insufficient to advance it through a 150 mm (6 in) interval the penetration after 50 blows is recorded. The blow count provides an indication of the density of the ground, and it is used in many empirical geotechnical engineering formulae.

Sufficient sampling, defined as a Standard Penetration Test (SPT), is required to develop a comprehensive subsurface model. Semi-continuous sampling at 0.75 m (2.5 ft) intervals is required within critical foundation zones for structures. The maximum sampling interval shall be 1.5 m (5 ft) to a depth 20 m and 3 m (10 ft) beyond 20 m. The Consultant shall retain samples for a period of one (1) year after completion of the Project, unless otherwise advised in writing by the Ministry.

Where encountered, the bedrock/soil interface shall be determined by geological definition.

All aspects of implementation of geotechnical test holes (including, but not limited to, planning, licensing, construction, maintenance, abandonment, and reporting) shall be in accordance with Ministry of the Environment Regulation 903, as amended by Regulation 128/03 (the water well regulation under the *Ontario Water Resources Act*).

Explorations shall be constructed, maintained and abandoned, or otherwise restored, to ensure the safety and environmental integrity of the site. Amongst other requirements, boreholes and piezometer tubes shall be backfilled with a suitable bentonite/cement mixture. Any test pits shall be backfilled with suitable material and re-vegetated or otherwise protected from erosion. Temporary open holes shall be adequately covered. Holes in roads shall be backfilled as required to prevent future settlement and acceptably patched where pavement surfaces have been damaged. Backfilling procedures shall be described in the Report.

Where encountered, artesian groundwater conditions shall be sealed at their source. Full details of the artesian condition and the sealing operation shall be included in the Report.

Fieldwork shall be carried out in accordance with the Occupational Health and Safety Act and MTO Occupational Health and Safety Field Guidelines for Engineering Functions.

Traffic protection shall be provided to MTO requirements during the course of field investigations.

The locations and elevations of all boreholes, test pits and soundings shall be surveyed and referred to fixed reference points and data. Locations are to be identified by MTO co-ordinates (Northing and Easting). Where MTO co-ordinates are not available, locations are to be identified by MTO Station and Offset. The vertical accuracy of survey readings shall be within 0.1 m. Horizontal accuracy shall be within 0.5 m.

F.) Test Hole Log, Coring, and Laboratory Test Data Format Requirements

HWY ***

Township of *****

DATUM: Existing Centreline/Proposed Centreline

| | |
|--|--|
| <p><u>29+185 3.5 Lt C/L</u></p> <p>0 - 50 Asph</p> <p>50 - 160 Cr Gr</p> <p>160 - 800 Br F Sa Tr Si Occ Gr (Moist)</p> <p>800 - 1.0 Br F Sa with Si Occ Cob(Moist)</p> <p>1.0 - 2.0 Br F-Co Sa Tr Gr (Moist) (Wet from 1.8)</p> | <p><u>16+950 6.3 Rt C/L D-300</u></p> <p>0 - 300 Br Cr Sa W Gr Tr Si, Dry</p> <p>% Pass</p> <p>26.5 mm =</p> <p>19.0 mm =</p> <p>13.2 mm =</p> <p>9.5 mm =</p> <p>4.75 mm =</p> <p>2.00 mm =</p> <p>425 µm =</p> <p>75 µm =</p> <p>(Not) Accep Granular A</p> <p>Accep Granular B (SSM)</p> <p>300 - 400 Br F Sa W Si Tr Gr, Moist w = 7%</p> <p>400 - 1.1 Gry and Br Si(y) Cl, Firm, Wet</p> <p>1.1 NFP BR</p> |
| <p><u>29+315 3.5 Rt C/L EP</u></p> <p>0 - 80 Asph</p> <p>80 - 210 Cr Gr</p> <p>210 - 1.2 Br-Gry F-Co Gr(ly) Sa Tr Si Occ Blds (Moist)</p> <p>1.2 - 1.3 Rd-Br F-M Si(y) Sa Tr Cl (Moist-Wet)</p> <p>1.3 - 2.0 Br F Si(y) Sa Tr Cl Occ Cobs (Moist-Wet) (Tr Tps @1.3) (Moist-Wet from 1.7)</p> | <p><u>17+200 3.8 Rt C/L EP</u></p> <p>0 - 100 Asph</p> <p>70 - 400 Br Cr Sa And Gr, Moist</p> <p>400 - 1.5 Br Si(y) Sa W Gr Occ Cob, Very Stiff, Wet</p> <p>% Pass</p> <p>4.75 mm =</p> <p>2.00 mm =</p> <p>425 µm =</p> <p>75 µm =</p> <p>5 µm =</p> <p>2 µm =</p> <p>LSFH</p> <p>Non Plastic =</p> <p>M.W.D. = t/m³</p> <p>M.D.D. = t/m³</p> <p>w_{opt} =</p> <p>w =</p> <p>K Factor =</p> |
| <p><u>29+343 3.6 Rt C/L</u></p> <p>0 - 50 Asph</p> <p>50 - 240 Cr Gr</p> <p>240 - 1.4 Br F Sa Tr Si Occ Gr (Moist)</p> <p>1.4 - 1.6 Gry Cl(y) Si with Sa (Moist & Comp (Tr Tps @ 1.4)</p> <p>1.6 - 2.0 Br F Si(y) Sa Tr Cl Occ Cobs (Moist)</p> | |
| <p><u>29+370 8.5 Lt C/L D-150 (Ent Culv)</u></p> <p>0 - 150 Tps (Moist)</p> <p>150 - 1.2 Br F-Med Si(y) Sa Tr Gr (Moist)</p> | |
| <p><u>16+950 3.8 Lt C/L EP</u></p> <p>0 - 120 Asph</p> <p>120 - 270 Br Cr Gr And Sa W Si, Moist</p> <p>270 - 570 Br Sa W Gr Tr Si, Dry</p> <p>570 - 800 Gry Si(y) Cl W Tps, Moist w = 7%</p> <p>570 - 1.5 Gry Si(y) Cl, Very Stiff, Wet Fr Wat @ 1.3</p> | |

8.02 km 3.6 Rt

| | | | |
|-----|---|-----|--|
| 0 | - | 20 | Surf Treat |
| 20 | - | 70 | Cr Sa & Gr |
| 70 | - | 100 | Surf Treat |
| 100 | - | 160 | Cr Sa & Gr |
| 160 | - | 230 | Surf Treat |
| 230 | - | 300 | Cr Sa & Gr |
| 300 | - | 700 | Gry Si(y) Sa Tr Gr |
| | | | CL-CI |
| | | | %Pass |
| | | | 4.75 mm = 96.5% |
| | | | 75 µm = 83.5% |
| | | | 5 µm = 21.4% |
| | | | 2 µm = 11.9% |
| | | | Not Accep SSM |
| | | | W _L = 30% |
| | | | W _P = 16% |
| | | | P _I = 14% |
| | | | HSFH |
| | | | K-Factor = 0.40 |
| 700 | - | 1.4 | Br Si(y) CI Tr Sa (moist @ 1.4) |
| | | | CI |
| | | | W _L = 38% |
| | | | W _P = 16% |
| | | | P _I = 22% |
| 1.4 | - | 2.0 | Br F - Co Sa some Si Tr Gr (wet @ 1.8) |
| | | | SM |
| | | | %Passing |
| | | | 4.75 mm = 99.9% |
| | | | 75 µm = 49.2% |
| | | | 5 µm = 3.6% |
| | | | 2 µm = 2.8% |
| | | | Not Accep SSM |
| | | | MSFH |
| | | | K-Factor = 0.37 |

HIGHWAY ***

WP ****

LOCATION :

| LOCATION AND ASPHALT THICKNESS DATA | | | | | | | | | |
|-------------------------------------|---------|-----------|----------------------|-------|----------------------------|------|----------------|--------------|----------------------|
| Core No. | Station | CL Offset | Core Dimensions (mm) | | Lifts | Base | Rut Depth (mm) | | Location Remarks |
| | | | Diameter | Depth | | | Outside Track | Inside Track | |
| 1 | 45+000 | 4.5 Rt | 50 | 50 | | | | | Fully Paved Shoulder |
| 2 | 45+200 | 1.2 Lt | 150 | 120 | 40 HL3 35 HL4 45 HL4 | Gran | 5 | 8 | Hot Mix Patch |
| 3 | 45+400 | 1.1 Rt | 50 | 210 | | Conc | 3 | 5 | Wheel Track |
| 4 | 45+600 | 1.9 Rt | 150 | 160 | | | 6 | 10 | Midlane |

| ASPHALT CORE TESTING DATA | | | | | | | | | | | | | | | | |
|---------------------------|-------------------|---------|------------|------|-----------------|-------|-------|---------|--------|---------|---------|---------|--------|--------|--------|-------|
| Core No. | Depth Tested (mm) | Rec Pen | %Air Voids | % AC | Percent Passing | | | | | | | | | | | |
| | | | | | 26.5 mm | 19 mm | 16 mm | 13.2 mm | 9.5 mm | 4.75 mm | 2.36 mm | 1.18 mm | 600 µm | 300 µm | 150 µm | 75 µm |
| 2 | Full Depth | 45 | 3.2 | 4.4 | 100 | 100 | 99.1 | 91.7 | 68.5 | 48.6 | 36.9 | 26.5 | 15.9 | 8.6 | 5.2 | 3.6 |
| 5 | 0-50 | | | | | | | | | | | | | | | |

| GRANULAR BASE GRADATION | | | | | | | | | | | | | | |
|-------------------------|----------|-------------|----------------|-----------------|---------|-------|---------|--------|---------|---------|--------|--------|-------|----------------------|
| Base Sample No. | Location | | | Percent Passing | | | | | | | | | | Acceptable* |
| | Station | CL Offset m | Sample Depth m | 37.5 mm | 26.5 mm | 19 mm | 13.2 mm | 9.5 mm | 4.75 mm | 1.18 mm | 300 µm | 150 µm | 75 µm | |
| 3 | 48+200 | 4.4Lt | 0.2 | 100 | 100 | 95.6 | 85.6 | 75.6 | 59.4 | 24.9 | 16.3 | | 3.5 | Not Accep for Gran A |

| GRANULAR SUB-BASE GRADATION | | | | | | | | | | | | | | | |
|-----------------------------|----------|-------------|----------------|-----------------|--------|---------|-------|---------|--------|---------|---------|--------|--------|-------|------------------|
| Sub Base Sample No. | Location | | | Percent Passing | | | | | | | | | | | Acceptable* |
| | Station | CL Offset m | Sample Depth m | 150 mm | 106 mm | 26.5 mm | 19 mm | 13.2 mm | 9.5 mm | 4.75 mm | 1.18 mm | 300 µm | 150 µm | 75 µm | |
| 3 | 48+200 | 4.4Lt | 0.6 | 100 | | 95 | | | | 60 | 71 | 25 | | 7 | Accep for Gran B |

* Check Gradation, %Crushed and %Asphalt Coated Particles (refer to SP110S13).

Summary Tables shall be included in an appendix to the Pavement Engineering Design Report.

G.) Reference List

MTO Pavement Design and Rehabilitation Manual
MTC Soils Classification Manual
MTO Laboratory Testing Manual
MTO Contract Design Estimating and Documentation Manual
Ontario Provincial Standards – Volumes 1, 2 and 3
Ontario Provincial Standards – Volumes 4, 5 and 6
Ontario Standard Special Provisions
Ontario Traffic Manual (Book 7, Temporary Conditions)
Guideline for Professional Engineers Providing Geotechnical Engineering Services (1993)
Professional Practice Guidelines: Professional Engineers Providing Services with Respect to Road, Bridges and Associated Facilities (1995)
Discovery of Human Remains – Best Practices
Standards and Guidelines for Consultant Archaeologists
Environmental Protection Act
Ontario Water Resources Act
SP 021 to SP 026 – Pavement Evaluation Manuals
Ministry of Transportation, Ontario, Bridge Office Bulletin (January 12, 2006)

H.) Geotechnical Survey Data Disclaimer (Sample)

| GEOTECHNICAL SURVEY DATA | | |
|---|----------------|-----|
| DATE OF SURVEY | TYPE OF SURVEY | |
| | | |
| <p>NOTES :</p> <ul style="list-style-type: none"> . CONDITIONS AND PAVEMENT DEPTHS APPLY ONLY TO THE TIME OF THE SURVEY AND AT THE TEST HOLE LOCATION. . THE BOUNDARIES BETWEEN STRATA HAVE BEEN ESTABLISHED ONLY AT BOREHOLE LOCATIONS. BETWEEN AND BEYOND TEST HOLES, THE SOIL TYPES AND BOUNDARIES ARE ASSUMED AND MAY VARY. . SOILS ARE DESCRIBED ACCORDING TO THE M.T.O. CLASSIFICATION SYSTEM. . PAVEMENT CORE LOCATIONS WERE ESTABLISHED USING RANDOM NUMBERS UNLESS OTHERWISE SPECIFIED. . DIMENSIONS ARE IN METRES AND/OR MILLIMETRES UNLESS OTHERWISE SHOWN. STATIONS IN KILOMETRES + METRES . ABBREVIATIONS ARE PER OPSD 100.060 | | |
| <p>ADDITIONAL ABBREVIATIONS:</p> <p>c_u Undrained Shear Strength</p> | | |
| W.P. | CONTRACT | HWY |

I.) OPSD 100.06 - Abbreviations for Bore and Test Data

| ONTARIO PROVINCIAL STANDARD DRAWING | | Nov 2006 | Rev | 1 |
|---|---|---|---|---|
| <p style="text-align: center;">ABBREVIATIONS GEOTECHNICAL</p> | |  | | |
| | | | | |
| <p>SUSCEPTIBILITY TO FROST HEAVING</p> <p>HSFH — High MSFH — Medium LSFH — Low</p> | <p>Accep acceptable Agg aggregate Amor amorphous Asph asphalt BH borehole Bl blue Bid (Y) boulder (Y) Blids boulders Blk black Br brown BR bedrock BU break up CF channel face Cl (Y) clay (ey) Co coarse Cob cobbles Comp compact Conc concrete Contam contaminated Cord corduroy Cr crushed D dense Decomp decomposed Dk dark Dr relative density E earth F fine FB frost boil FH frost heave Fib fibrous Fr Wat free water Gr (Y) gravel (Y) Gran granular Grn green</p> | <p>Gry grey H heavy Hi highly HM hot mix HP high plasticity IP plasticity index L loose Liq liquid Lo loam Lt light Mat material Max maximum MDD maximum dry density Med medium Mod moderate Mott mottled MP medium plasticity Mul mulch Mri marl MWD maximum wet density NFP no further progress NFP (blids) no further progress (boulders) Num numerous Ob overburden Occ occasional Org orange Org M organic matter Ovt pavement Pedo pedological Pen Mac penetration macadam Poss possible PST prime and surface treated Psty polystyrene</p> | <p>Quont quantity Reinf reinforced RF rock fill RSS remoulded Sa (Y) sand (Y) Sat saturated SH shale Sh Rk shot rock Sl (Y) silt (Y) Sl (Y) silt (Y) SP slight plasticity SSM select subgrade material St sensitivity Stn (Y) stone (Y) Stks streaks Surf surface Temp temperature TH test hole TP test pit Tps topsoil Tr trace Unreinf unreinforced USS undisturbed Varv varied Vf very fine w field moisture content w with Wl liquid limit Wd (Y) wood (Y) Weath weathered Wopt optimum moisture content Wp plastic limit WT water table Yel yellow</p> | |

**Comments Table: Draft Visual Environment Work Plan
Marten Falls Community Access Road Project**

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|--|------------------------------------|---|--|
| Environmental Assessment Branch, MECP | | | |
| 1. | N/A | Please review EAB comments on the Wildlife, Ungulates, Vegetation, Groundwater and Climate Change work plans that may apply to this work plan. | Please review EAB comments on the Wildlife, Ungulates, Vegetation, Groundwater and Climate Change work plans that may apply to this work plan. |
| 2. | Page 9, s. 6.2 | <p>A route evaluation matrix is referenced in section 6.2, and the work plan states that the output of visibility mapping of the two route alternatives will be included in the route evaluation process and impact assessment of the project.</p> <p>Other work plans do not mention a route evaluation matrix. As noted in comments on other work plans, the methodology for how each environmental component will factor into the alternatives assessment should be clear.</p> <p>As well, the alternatives assessment will need to include all project components for which alternatives are being considered. The work plan only speaks to the two route alternatives.</p> | <p>Please ensure that the draft EA clearly explains the alternatives assessment methodologies for all alternatives being considered (routes, supporting infrastructure), unless sufficient rationale for their exclusion can be provided.</p> <p>Ensure the EA is clear in terms of how each environmental component is factored into selection of preferred alternatives, whether using a route evaluation matrix or otherwise.</p> |
| Katherine Kirzati, Heritage Planner, MHSTCI | | | |
| 1. | 4.1 Desktop Assessment Appendix A | A cultural heritage report: existing conditions and preliminary impact assessment needs to feed into the visual environment assessment. Ensure that new construction, visual intrusions, or other interventions do not adversely affect the heritage | Include the cultural heritage report in Appendix A. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|---|--|
| | | attributes of a known or potential provincial heritage property. Retain and maintain the visual settings and other physical relationships that contribute to the cultural heritage value of a property. (Provision D.3 of Standards and Conservation of Conservation of Provincial Heritage Properties). | |
| 2. | Throughout the workplan | Terminology should be consistent with the provincial cultural heritage legislative and regulatory framework (e.g. Ontario Heritage Act, Provincial Policy Statement 2020). The term “cultural heritage resources” includes archaeological resources, built heritage resources and cultural heritage landscapes. | Please replace terms such as “cultural heritage sites” and “cultural heritage features” with “cultural heritage resources”. |
| 3. | 9.0 References | As the project area may include lands owned and/or managed by the provincial Crown, the Standards and Guidelines for Conservation of Provincial Heritage Properties (issued under section 25.2 of the Ontario Heritage Act) apply. | Include reference to the Ontario Heritage Act and the Standards and Guidelines for Conservation of Provincial Heritage Properties. |

**Comments Table: Draft Socio-Community Work Plan
Marten Falls Community Access Road Project**

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|--|-----------------------------|--|--|
| Environmental Assessment Branch, MECP | | | |
| 1. | General | <p>As with other work plans, there is a lack of detail about how this environmental component will be used in the alternatives assessments and effects assessments, and whether these two assessment methodologies will differ in any way.</p> <p>For instance, will the criteria and indicators for socio-community be scored to compare each alternative method? Will the effects assessment for all alternative methods be done to the same level of detail as the preferred methods?</p> | <p>Please ensure the ToR and draft EA clearly describe the methodologies for the alternatives assessments and effects assessments for the route alternatives and supporting infrastructure, and how each environmental component is used in the methodologies.</p> |
| 2. | Page 1, s. 1 | <p>[Similar comment as for other draft work plans]</p> <p>Key objectives of conducting an EA include the elements mentioned in the work plan and also describing the existing environment, describing potential effects (positive and negative) of the project and alternatives, and consult about the project.</p> | <p>Suggest the following revisions to add additional key objectives of the EA process:</p> <p><i>“In relation to this Plan, the key objectives of conducting an IA/EA are to describe the existing environment, gather sufficient information to predict Project-related effects (positive and negative) of the project and alternatives on the environment, on the socio-community environment and determine measures needed to avoid or minimize adverse Project effects, and enhance beneficial Project effects where feasible, and undertake consultation.”</i></p> |
| 3. | Page 8, s. 5.1.1 | <p>[Same comment as for other draft work plans]</p> | <p>Please add to this section that the construction phase includes decommissioning of temporary</p> |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | | It is stated that project phases include construction and operation. It would be helpful if this section clarifies that the construction phase includes decommissioning of temporary infrastructure, per page 14 of the draft ToR. | infrastructure, using consistent language as the ToR. |
| 4. | Page 9, s. 5.1.2 | <p>[Same comment as for human health draft work plan]</p> <p>Page 9 states: <i>“The proponent remains open to receiving information from other communities on their activities within the Project Study Area (PSA) and how interlinkages between the Project and those communities may result in socio-economic effects. To be included in the social LSA, a community must demonstrate direct community-level socio-economic interest in the PSA; from changing access to the Marten Falls community due to the Project; or due to Project effects on the environment that affect the socio-community. Community-level socio-economic effects can be defined as changes to the indicators (Section 4.2) that can reasonably be expected to potentially exceed a negligible magnitude (Section 5.2).”</i></p> <p>This excerpt implies that it is up to Indigenous communities to self-identify and demonstrate as being potentially impacted by the project from a socio-community perspective in order to be considered in the socio-community assessment.</p> | Please ensure the EA study design will capture potential direct and indirect effects to all relevant Indigenous communities. The proponent should also ensure that communities are aware of opportunities to provide input and raise concerns, including for the socio-community assessment. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | | <p>The proponent is required to identify and consider all potential impacts, direct and indirect, from its project. The proponent should ensure it is capturing these potential effects to all relevant communities. The proponent should also ensure that communities are aware of opportunities to provide input and raise concerns, including for the socio-community assessment.</p> | |
| 5. | Page 10, Table 2 | <p>The Social RSA is defined as “<i>The regional area where project effects to the socio-community may result in cumulative effects through facilitating future development activities.</i>”</p> <p>This sounds like the RSA is only related to <u>future development</u>. However doesn't the RSA also include any effects of the <u>MFCAR</u> that extend beyond the LSA, e.g. effects to the disciplines listed on page 3, effects to physical factors that may be a nuisance to community members as noted on page 8?</p> | Please clarify definition of the RSA, in particular connecting the RSA boundaries and rationale to the MFCAR itself, not just cumulative effects with other future development. |
| 6. | Page 10, s. 5.1.2 | <p>Similar to comment above, the following statement limits the RSA assessment to future developments rather than to impacts from the MFCAR that go beyond the LSA.</p> <p><i>“While many Indigenous communities are located within the regional study area these communities will be profiled individually, if Project interest is expressed, at a high-level using qualitative data given their relation to the Project is predominantly</i></p> | Please clarify that the RSA includes consideration of socio-community impacts of the MFCAR that might extend beyond the LSA. If not, please provide rationale. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | | <p><i>focused on cumulative effects from future developments.”</i></p> <p>What about impacts from the road on any sensitive receptors besides those for MFFN, Aroland or Greenstone that could impact other communities’ wellbeing?</p> | |
| 7. | Page 14, s. 6.1 | <p>The first bullet in section 6.1 states that it is assumed the socio-community assessment will determine potential residual effects on the criteria and indicators.</p> <p>This should be more complete and state that the assessment is to also establish the baseline socio-community environment, help assess and select alternatives, and identify potential environmental effects prior to impact management measures being applied.</p> | Please revise bullet for completeness to incorporate the required elements of the EA process. |
| 8. | Page 14, s. 6.2 | <p>[Same comment as for other draft work plans]</p> <p>Residual effects are mentioned but not explained. For clarity, there should be a statement that residual effects (net effects using provincial language) are the effects left over after application of impact management measures, per Ontario’s EA Code of Practice.</p> | Please add to this paragraph that ‘residual (net) effects are the effects remaining after the application of impact management measures.’ |
| 9. | Page 15, s. 6.2 and Table 4 | The definitions and rationale for the magnitude levels require further clarification. | Please provide further rationale for relying on communities’ expressed concern in determining magnitude of effects, or revise to include other means to help determine magnitude. |

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| | | <p>Page 15 states, “Determining and characterizing the magnitude of effects will be informed by the level of concern expressed through engagement with the potentially effected Indigenous community members.” Table 4 states that Low, Medium and High magnitude levels are determined by whether they are noticeable to community members.</p> <p>While it is appropriate to consider community feedback on level of impact of potential effects, this should not be the only way to determine potential harm of an impact. Based on the criteria and indicators some effects may not be noticeable to community members but could still have a high degree of adverse effect. For example, changes in air quality could be known to be harmful or a nuisance based on existing standards and modelling, or there may be significant changes to auto or truck traffic, and it is the proponent’s responsibility to identify and describe the effects using a variety of assessment methods (e.g. field work, modelling, literature reviews, consultation).</p> <p>Since the EA is done prior to construction of the project and the effects actually occurring, it could be difficult for communities to identify what effects are noticeable or whether they change day to day life. Therefore community consultation</p> | <p>Please also consult the EA Code of Practice, for example section 3.2.5 about using best available data and evaluation methods.</p> |

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| | | needs to be combined with the proponent's own professional assessment methods and analysis. | |
| Peter Brown, Senior Advisor, MECP | | | |
| 1. | Pages 2-3, Section 2.0; Page 14, Section 6.0. | It is unclear how indirect effects or effects on other disciplines will be considered in the assessment of impacts on socio-community. For example, it is identified on page 3 that information from the air quality, noise, economic, human health and community safety, and traditional land use/Indigenous knowledge disciplines will be considered in conducting the socio-community assessment, and that other disciplines may be considered including the land and resource use assessment. | It would be preferred to see a comprehensive list of disciplines or pathways that could impact socio-community (e.g., water quality, fish and fish habitat, wildlife and wildlife habitat, etc.) and will be considered, or say that all other disciplines will be considered with respect to impacts on socio-community. More detail on these methods are also requested, for example, are just the net or residual impacts on other disciplines carried forward for consideration of impacts on socio-community or all potential effects? |
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| 3. | Page 6-7, Section 4.0 and pages 11-13, Table 3. | Relevant knowledge holders should include service providers, including those providing social services to the communities and/or regions. Secondary sources should include community plans and reports. | Please include service providers, as applicable, to the list of knowledge holders or key informants for purposes of primary data collection in Section 4.0. Please include community plans and reports as potential secondary information sources in Section 4.0 and Table 3. |
| 4. | Page 8-9, Section 5.0 | It is unclear if/how socio-community study areas will consider impacts through or align with other disciplines. For example, it is identified that socio-community study areas consider "study | Please clarify how the consideration of impacts on socio-community through other disciplines will influence the development of the socio-community study areas. |

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| | | <p>areas for physical factors that may be a nuisance to community members”, but it is not clear how impacts on other disciplines (e.g., traditional land use, wildlife, etc.) might influence the socio-community study areas.</p> | |
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**Comments Table: Draft Socio-Community Work Plan
Marten Falls Community Access Road Project**

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From: [Kjartanson, Shawna](#)
To: [Soulliere, Kenndal](#); [Beaney, Jessalyn](#)
Cc: [Deveaux, Leah](#); [Huguet, Tyler](#)
Subject: FW: MFCAR: Ambient Air Quality Monitoring Plan
Date: Tuesday, October 6, 2020 11:33:08 AM

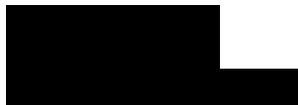
Agency correspondence

From: Deveaux, Leah [REDACTED]
Sent: Tuesday, October 06, 2020 10:08 AM
To: McLeod, Sasha (MECP) [REDACTED] >
Cc: Gauthier, Shannon (MECP) [REDACTED]; Kjartanson, Shawna [REDACTED];
[REDACTED]; Davies, Irene [REDACTED]; Cloutis, Geneva [REDACTED];
<[REDACTED]>; Huguet, Tyler [REDACTED]; Jennifer Bruin [REDACTED];
[REDACTED]; Hamish Corbett-Hains [REDACTED]; Douglas Gay [REDACTED];
[REDACTED]; MartenFalls (IAAC/AEIC) [REDACTED]
Subject: RE: MFCAR: Ambient Air Quality Monitoring Plan

Hi Sasha,
Thank you very much for your comments. I will work with the team to get you a revised document shortly.

Have a great day,

Leah Deveaux, RPP, MCIP
Senior Environmental Planner
Impact Assessment and Permitting



AECOM
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From: McLeod, Sasha (MECP) <[REDACTED]>
Sent: Tuesday, October 06, 2020 11:03 AM
To: Deveaux, Leah <[REDACTED]>
Cc: Gauthier, Shannon (MECP) [REDACTED]; Kjartanson, Shawna [REDACTED];
[REDACTED]; Davies, Irene [REDACTED]; Cloutis, Geneva [REDACTED];
[REDACTED]; Huguet, Tyler <[REDACTED]>; Jennifer Bruin [REDACTED];
[REDACTED]; Hamish Corbett-Hains <[REDACTED]>; Douglas Gay [REDACTED];
[REDACTED]; MartenFalls (IAAC/AEIC) [REDACTED]
Subject: [EXTERNAL] Re: MFCAR: Ambient Air Quality Monitoring Plan

Hi Leah, below are the MECP air quality analyst's comments on the provided Ambient Air Quality Monitoring Plan for the Marten Falls Access Road Project:

1. The monitoring plan indicates that an airpointer modular gas analyzer is proposed to be located at the Community's nursing station. It is unclear if the proposed location of the monitor will meet the siting criteria as specified in the Operations Manual for Air Quality in Ontario (Operations Manual). More detailed information should be provided to demonstrate that the proposed location will meet the siting criteria as closely as possible.
2. The monitoring plan states that the collection of up to one year of data is not likely due to circumstances such as power outages or equipment failure. As commented previously on the draft work plan, at least 75% of valid data is required to calculate the valid mean as specified in the Operations Manual. Please ensure enough valid data to be obtained from the proposed air monitoring program to establish baseline air quality for the project site.
3. Particulate matter (PM_{2.5} and PM₁₀) will be monitored using an airpointer as indicated in the monitoring plan. It is unclear what PM monitoring unit will be used in the airpointer to monitor both PM_{2.5} and PM₁₀ concentrations. Please provide more information on the PM monitoring unit used in the airpointer.
4. The monitoring plan indicates that the equipment will be calibrated at the start, mid and end of the survey using NIST certified standards. An external performance check and calibration is to be carried out by the operator at least once per month as specified in the Operations Manual. However, a quarterly calibration frequency is acceptable to the ministry considering the calibration cost, northern climate, location of the monitoring site, which is also consistent with the suggested calibration frequency from the Airpointer Manual: approximately 4 times per year. Also, an analyzer should be calibrated or recalibrated for the following situation as specified in the Airpointer Manual:
 - Initial installation;
 - Relocation of the instrumentation;
 - Any repairs or service that might affect its calibration;
 - An interruption of more than a few days in analyzer operation;
 - Any indication of analyzer malfunction or change in calibration.

As the comments are requesting further details to be added to the plan, we'd be happy to look at a revised plan and would appreciate responses to how the above comments are addressed. Thank you for the review opportunity.

Sasha

Sasha McLeod

Special Project Officer, Environmental Assessment Branch

Ministry of the Environment, Conservation and Parks

135 St. Clair Avenue West, 1st Floor, Toronto ON M4V 1P5

[REDACTED]

If you have any accommodation needs or require communication supports or alternate formats, please let me know.

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From: Deveaux, Leah <[REDACTED]>
Sent: September 30, 2020 3:44 PM
To: McLeod, Sasha (MECP) <[REDACTED]>
Cc: Gauthier, Shannon (MECP) <[REDACTED]>; Kjartanson, Shawna <[REDACTED]>; Davies, Irene <[REDACTED]>; Cloutis, Geneva <[REDACTED]>; Huguet, Tyler <[REDACTED]>; Jennifer Bruin <[REDACTED]>; Hamish Corbett-Hains <[REDACTED]>; Douglas Gay <[REDACTED]>
Subject: MFCAR: Ambient Air Quality Monitoring Plan

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Sasha,

I have attached an Ambient Air Quality Monitoring Plan for the Marten Falls First Nation Community Access Road Project, as discussed on our regulator call September 18th.

Please let me know if you have any questions.

Have a great day,

Leah Deveaux, RPP, MCIP
Senior Environmental Planner
Impact Assessment and Permitting

[REDACTED]

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[LinkedIn](#) [Twitter](#) [Facebook](#) [Instagram](#)

From: [Gauthier, Shannon \(MECP\)](#)
To: [Oasim Saddique](#); [REDACTED]; [Larissa Mikkelsen](#); [Lawrence Baxter](#); [Bob Baxter](#);
Cc: [McLeod, Sasha \(MECP\)](#); [Beaney, Jessalyn](#); [Cinnamon, Christine](#); [Soulliere, Kenndal](#)
Subject: [EXTERNAL] MECP Comments- MFCAR ToR
Date: Wednesday, December 23, 2020 1:01:44 PM
Attachments: [MECP Comments on Marten Falls Final ToR Dec 23-20.pdf](#)

Hi Marten Falls Project Team, please find attached MECP's comments on the proposed MFCAR ToR. Please prepare a response in table format and provide that to myself and Sasha McLeod by January 29, 2021 (if additional time is required please let us know).

Thanks,
Shannon

Shannon Gauthier | Project Officer

Environmental Assessment Services Section | Environmental Assessment Branch

Ministry of the Environment, Conservation and Parks | 135 St. Clair Avenue West, 1st Floor,
Toronto, ON M4V 1P5

[REDACTED]

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**Ministry of the
Environment,
Conservation and Parks**

**Ministère de
l'Environnement, de la
Protection de la nature et
des Parcs**

Environmental Assessment
and Permissions Branch

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December 23, 2020

MEMORANDUM

TO: Marten Falls Project Team
Sent via email

FROM: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer
Environmental Assessment and Permissions Branch

RE: MECP Comments: Final Terms of Reference for the Marten Falls Community Access Road Project
EAIMS No. 18047

Thank you for the October 23, 2020 submission of Marten Falls First Nation's (the proponent) proposed Terms of Reference (ToR) for the Marten Falls Community Access Road Project (the Project), in accordance with the requirements of subsection 6.1(2) of the Ontario *Environmental Assessment Act* and the Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario

Our comments are attached to this memo. Key comment areas include clarity on certain consultation approach and milestones, alternative methods scoping, and minor comments to be addressed at the EA stage.

Members of the ministry's technical review team have also reviewed and provided comments which are also attached to this memo. Comments are provided from reviews on the following topics:

- Indigenous consultation

- Surface water
- Groundwater
- Ontario Parks
- Air quality
- Species at risk

The ministry's noise, waste, wastewater, district office, pesticides and climate change (mitigation and adaptation) reviewers did not have any comments at this time.

Next Steps

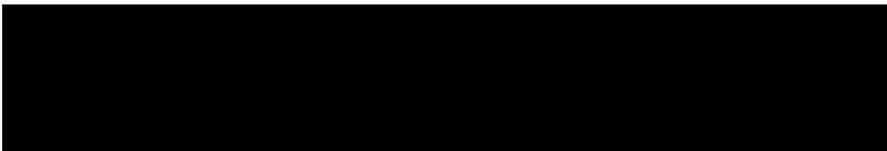
The ministry requests that the proponent prepare comment-response tables to the comments enclosed as well as to all other comments that the proponent has received from other government agencies, the public and Indigenous communities. Please prepare three tables: Government Review Team, Public and Indigenous Community, and please keep comments organized by commenter. At its discretion, the ministry may provide the proponent's responses to commenters.

In its responses, the proponent should indicate how each comment has been addressed in the ToR, along with a page reference to the applicable section of the document. This information will facilitate the ministry's ongoing review process for the proposed ToR.

According to MECP's Code of Practice: Preparing and Reviewing ToRs, 2014, if there are substantive issues identified during the review period that have not been adequately addressed in the proposed ToR, changes to the document may be required. After Marten Falls has reviewed all comments on the ToR, we would request to have a discussion about Marten Falls' and MECP's views on whether changes to the document may be required. After this discussion, the proponent may choose not to make the changes, withdraw the proposed ToR, or make amendments to the proposed ToR. The proponent must notify the MECP in writing, prior to the deadline for the Minister's decision, as to its intended course.

Please let us know if you have any questions about the enclosed comments.

Sincerely,



Shannon Gauthier
Project Officer

Sasha McLeod
Special Project Officer

Attachment

Environmental Assessment Services

Commenter Name and Job Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer

Ministry and Branch: Ministry of the Environment, Conservation and Parks (MECP), Environmental Assessment Branch

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------|--|---|
| 1. | General | The ToR does not include a commitment that an executive summary will be included in the EA | Please ensure that the EA includes an Executive Summary. |
| 2. | Page 9, s.3.4.2 | The ToR indicates that the proponent will only be seeking input from neighbouring Indigenous communities to help inform and confirm the criteria and indicators selected for the Project from an Indigenous Knowledge perspective. | <p>Please explain why the proponent is planning to only engage with neighbouring Indigenous communities and not all Indigenous communities on the criteria and indicators for the Project from an Indigenous Knowledge perspective.</p> <p>If the proponent plans to consult with all Indigenous communities on the criteria and indicators, please ensure the EA is updated to reflect that.</p> |
| 3. | Page 14, s. 5.1 | The ToR explains that the winter road system to the MFFN community is typically only operational about six to eight weeks annually between the months of February and March but does not explain why it can't be used during the remaining months of the year. | Consider including additional rationale in the EA that explains why this winter road system is not a viable option outside of the months of February and March. |
| 4. | Page 108, Table 11-2 | The response to MECP's comment #74 on the draft ToR (per numbering in Appendix C of final ToR) states that "agencies, Indigenous communities and the public will have an opportunity to comment on study areas (site, | Since the proponent's intent is to consult on study areas during these other milestones, it is recommended that the proponent ensure this is made clear in its consultation materials and outreach during the EA process. |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|-------------------------------|---|--|
| | | <p>local and regional) during the EA (key milestones of the updated Consultation Plan: Notice of Commencement, Effects Assessment Methods, Identification of Preferred Alternatives, and Review of the Draft and Final EA / IS)."</p> <p>However the consultation plan in the ToR only includes consultation on study areas during the "Effects Assessment Methods" milestone.</p> | <p>If the ToR is amended, the consultation plan should be updated for clarity.</p> |
| 5. | Pages 22 and 72, s. 6.3 and 8 | <p>The response to MECP's comment #71 on the draft ToR says "Sections 6 and 8 of the Terms of Reference (ToR) have been updated to clarify that the alternatives assessment and effects assessment will include ancillary infrastructure components (i.e., temporary infrastructure required for construction) of the Project, such as aggregate sites, temporary access roads, temporary work areas and camps."</p> <p>However, sections 6.3 and 8 of the ToR indicate the alternative methods for assessment are alternative routes and alternative temporary infrastructure, including quarries, borrow areas and aggregate source areas.</p> <p>This inconsistency should be addressed in some way.</p> | <p>This inconsistency should be addressed in the EA in a commitments table that will document commitments made during the ToR review (see ToR Code of Practice section 5.2.8 for guidance on this table). One of these commitments should clarify the full list of alternative methods to be assessed in the EA, i.e. quarries, borrow areas, aggregate source areas, temporary access roads, temporary work areas and camps.</p> <p>Otherwise if the ToR is amended, sections 6.3 and 8 should be updated to include the full list of alternative methods to be assessed.</p> |
| 6. | Page 65, s. 7.2 | <p>The response to MECP's comment #77 says that section 7.2 was revised to include both climate change risk assessment and impact</p> | <p>Please ensure that the proponent considers Ontario's Guide for Considering Climate Change in the EA Process in both climate change</p> |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|------------------------|---|--|
| | | <p>management measures for climate change. However section 7.2 only says the guide will be used in completing a climate change risk assessment, not in considering climate change mitigation (GHG emissions effects and how to address those effects).</p> | <p>mitigation and climate change adaptation considerations for the EA.</p> |
| 7. | Pages 32, 84 and 103 | <p>The response to MECP’s comment #88 states that the language describing the MOU on Shared Consultation Responsibilities between Ontario and MFFN has been updated as suggested.</p> <p>However, the updated language in the ToR is still not accurate. Pages 32, 84 and 103 of the ToR say the MOU “<i>defines the roles and responsibilities of both parties in regard to the consultation of Indigenous communities whose Aboriginal or Treaty Rights may be adversely affected by the Project and interested persons.</i>” Interested persons is a broader term per the EAA and Codes of Practice as it includes individual persons, environmental groups and others, and is not accurate since the MOU is in regard to Indigenous communities only.</p> <p>The Consultation Plan (Appendix B of the ToR) has the same incorrect language.</p> | <p>Please ensure the EA correctly describes that the MOU is in regard to <u>potentially impacted and potentially interested Indigenous communities</u>. It defines the roles and responsibilities of both parties (Ontario and MFFN) in regard to the consultation and engagement with Indigenous communities.</p> |
| 8. | Page 109- 110, s. 11.9 | <p>The ToR indicates that a RoC will be prepared that provides a detailed account of any engagement or consultation undertaken with</p> | <p>It is unclear as to what neighbouring Indigenous community is referring to. Will all Indigenous communities who provided input in the ToR and</p> |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|--------------------------------------|--|---|
| | | neighbouring Indigenous communities, government agencies and interested persons. The ToR also indicates that the proponent will be sharing a copy of community-specific record for consideration and review before it is included in the public record. | EA be provided an opportunity to review and comment on their own record or is the proponent only planning on offering this to some Indigenous communities? If only offering to a select few Indigenous communities how did the proponent determine which communities would be given this opportunity and what was the rationale behind not providing this to all Indigenous communities. |
| 9. | Consultation Plan, Appendix C of ToR | MECP previously commented on the draft Consultation Plan on June 22, 2020 that, at a minimum, the proponent needs to ensure it addresses all comments or provides rationale why a comment could not be addressed. Ideally, the proponent would seek (and receive) confirmation from Indigenous communities that they have understood the information and how their concerns have been addressed or will be addressed through the course of the project. The MFFN-Ontario MOU specifies that the proponent is responsible for “working with Aboriginal Communities to resolve issues and address concerns raised throughout the process, including: following-up with Aboriginal Communities on issues related to Project impacts and documents how issues were addressed during... EA preparation and review.” | This specific comment did not appear to be addressed directly in the Consultation Plan of the proposed ToR. Please ensure that the MOU requirements for the proponent are fulfilled during the EA process. |

Indigenous Consultation

Commenter Name and Job Title: Peter Brown, Senior Advisor (A)
Ministry and Branch: MECP, Environmental Assessment Branch

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|--|--|---|
| 1. | General, Sections 7.1, Section 9 and Appendix C (Record of Consultation) | Please be sure to incorporate input from communities to the extent possible in the ToR and/or EA, as applicable. For example, Ginoogaming First Nation identified cedar and cedar root as important to the community from a medicinal and technological perspective. Geese were also identified as important. It does not appear that these were incorporated (e.g., in Sections 7.1.4.7 (Vegetation) and 7.1.4.8 (Wildlife), or in Appendix A (Proposed Criteria and Indicators). | Please make sure to consider all input provided by communities and incorporate it into the ToR and/or EA as applicable and to the extent possible, or explain why not with rationale. For example, if cedar and geese are not being considered, or being assessed through a proxy or representative species, please explain with rationale. In the comment-response table for these comments of the draft ToR in Appendix C (e.g., App. B-8) and Appendix E it is suggested that the suggestions opposite are addressed in Sections 7.1.2 and Section 9, which does not appear to be accurate. Please endeavour to accurately guide the reader to where they can find a response to their issue raised. |
| 2. | Section 10.2.2, Page 84 | There are numerous rights-based communities (Kasabonika Lake, Kashechewan, Kingfisher Lake, Wapekeka, Wawakapewin, Weenusk, Wunnumin) that did not provide input through correspondence, meetings or comments on the draft ToR. It is important to make sure that all communities have sufficient opportunity to review and comment on the ToR, or if a community does not wish to comment it is important to document that as well. | It is important to consider comments from all communities during the preparation of the ToR or review of the proposed ToR. If comments are not received from the communities opposite, confirmation that they do not wish to submit comments should be sought by the proponent or Crown, if not already evident, and documented. |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|--|---|---|
| 3. | Section 10.2.2, Page 84; Appendix C | It would be helpful after identifying the communities that provided comments on the draft ToR to indicate how comments were incorporated into the proposed ToR, including, for example, a cross-reference to the comment-response tables in Appendix C. | Please make sure for any updates to this section or for the EA to include on page 84 a cross-reference to the comment-response tables in Appendix C to guide the reader to where comments and responses can be found. Please make sure that the comment-response tables in Appendix C clearly indicate where in the ToR (or EA) the comment is addressed. |
| 4. | Table 10-3, Pages 90-96 | Summaries of issues raised and how they were addressed (Tables 10-2 and 10-3) are appreciated. It is difficult in Table 10-3 however to line-up the issues raised to where they are addressed in the ToR. | Please make sure for any updates to this section or for the EA that it is clear where in the ToR or EA an issue is addressed (e.g., line up each issue with the corresponding section). Please include sub-section numbers in Table 10-3 if possible. |
| 5. | Table 11-1, Page 106; Table 4-1 Appendix B | It is noted that social media will be used for providing information only – not for gathering input. It is important that this is well advertised, that those being engaged are aware of this. | It is important that all communities/ community members that engage through social media are aware of how to formally submit comments to make sure they are considered and addressed by the Project Team, and that social media is for information purposes only. |
| 6. | Appendix C | Thank you for providing summaries and the raw consultation materials (correspondence, meeting minutes, draft ToR comments and responses) in Appendix C. Please continue to document and track all consultation throughout the EA. | Please continue to update the Record of Consultation throughout the EA. Please make sure that the section of the ToR or EA where comments are addressed is clearly identified in the summary or comment-response tables. |

Surface Water

Commenter Name and Job Title: Jacinth Gilliam-Price, Surface Water Specialist

Ministry and Branch: MECP, Northern Region

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|---------------|--|--|--|
| 1. (ID # 128) | Pgs. 45 and 46/Section 7.1.4.5 Surface Water | <p><i>Section 7.1.4.5 Surface Water</i> has not been updated to address concerns submitted during review of the draft ToR or to describe the surface water quality and quantity monitoring included in the DRAFT surface water monitoring plan titled: “<i>Study Plan – Surface Water, Community Access Road</i>”, prepared by AECOM Canada Ltd., prepared for Marten Falls First Nation, dated May 2020. It is understood that specifics respecting baseline surface water monitoring is to be included in the surface water study plan; however, the ToR should include, if not an updated description of the surface water monitoring activities to be carried out to collect baseline data, reference to the surface water study plan.</p> | <p>If the proponent were to amend the Terms of Reference (ToR), Section 7.1.4.5 Surface Water must either describe in more detail the surface water quality and quantity monitoring activities to be conducted as part of baseline sampling, along with identifying sampling locations, or reference the “Study Plan – Surface Water, Community Access Road” document. In addition to assessment of watercourses at road crossings, monitoring of surface water features that may be located in close proximity (i.e. within 100 m, with consideration given to any steep topography) to supportive infrastructure (e.g. storage and laydown yards, access/haul roads, construction camps, aggregate extraction and storage areas, domestic sewage discharges, etc.) should also be conducted and included on the Study Plan – Surface Water.</p> <p>The Study Plan – Surface Water document must include previously supplied recommendations concerning surface water quality and quantity baseline sampling. Previous comments were included from MECP in the Surface Water Comments Table dated July 16, 2020 and</p> |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|---------------|--|---|--|
| | | | discussed with AECOM Canada Ltd. during a November 9, 2020 meeting. |
| 2. (ID # 126) | Pg. 19/Section 5.2.2 Project Activities and pg. 67/Section 7.2.5 Surface Water | <p><i>Section 5.2.2 Project Activities</i> mentions that sewage generated during construction will be contained temporarily on-site until it can be disposed of at an off-site, approved waste facility capable of accepting the domestic sewage volumes. However, <i>Section 7.2.5 Surface Water</i> does not discuss the temporary storage of construction camp generated domestic waste, the accidental release of domestic waste or alternatives to disposing of the waste offsite should this not be accommodated.</p> | <p>If the proponent were to amend the ToR, potential surface water impacts related to the storage of on-site domestic waste generated by the construction camp, accidental release of domestic waste or alternatives to disposing of the waste offsite must be included in Section 7.2.5 Surface Water. This must include consideration of having to treat and discharge domestic waste on-site should the option of depositing of the waste at an off-site location not be realized. The potential surface water quality impacts associated with an on-site domestic sewage wastewater treatment unit/facility must also be included.</p> <p>The Environmental Assessment (EA) must include an assessment of the potential surface water quality impacts relating to the construction camp on-site domestic waste storage units, the accidental release or spill of domestic waste from such containment units, and construction camp on-site domestic sewage wastewater treatment unit/facility.</p> |

Groundwater

Commenter Name and Job Title: Shannon Heggie, Hydrogeologist
Ministry and Branch: MECP, Northern Region

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|--------------|--|---|--|
| 1. (ID# 137) | p. 47 / Section 7.1.4.6 Groundwater; p. 36-38 / Appendix C-E | In <i>Section 7.1.4.6 Groundwater</i> , the MECP Water Well Record #16003369 is incorrect and does not exist. | If the proponent were to amend the Terms of Reference (ToR), edits to the MECP Water Well Record number in <i>Section 7.1.4.6 Groundwater</i> must be made at that time (i.e. replace “#16003369” with #1603369); this information must be updated in the Environmental Assessment (EA). |
| 2. (ID# 138) | p. 47-48 / Section 7.1.4.6 Groundwater; p. 37-38 / Appendix C-E | Section 7.1.4.6 <i>Groundwater</i> provides no reference or description of the groundwater monitoring activities outlined within the May 2020 draft <i>Study Plan - Groundwater</i> document prepared by AECOM Canada Ltd. for Marten Falls First Nation; and states, “The need for and scope of additional surveys will be determined in consultation with applicable agencies.” | If the proponent were to amend the ToR , Section 7.1.4.6 <i>Groundwater</i> must reference the <i>Study Plan - Groundwater</i> document in terms of the baseline groundwater quality and quantity monitoring field programs for the EA . |
| 3. (ID# 139) | p. 67-68 / Sections 7.2.5 Surface Water and 7.2.6 Groundwater; p. 38 / Appendix C-E | Sections 7.2.5 <i>Surface Water</i> and 7.2.6 <i>Groundwater</i> do not include potential groundwater or surface water quality effects from construction camp sewage systems. | Due to the remote nature of the proposed road development, disposal of camp sewage at an appropriate facility may not be achievable, and on-site sewage disposal systems may be required. If the proponent were to amend the ToR , potential groundwater and surface water quality impacts due to construction camp sewage systems must be included in Sections 7.2.5 |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|--------------|--|--|--|
| | | | <p><i>Surface Water and 7.2.6 Groundwater.</i> An assessment of potential groundwater and surface water quality impacts due to construction camp sewage systems must be included in the EA.</p> |
| 4. (ID# 142) | p. 113 / Table 13-1 Potential Permits and Approvals for the Project (MECP); p. 40 / Appendix C-E | <p>In <i>Table 13-1 Potential Permits and Approvals for the Project (Environmental Activity and Sector Registry or Permit To Take Water)</i> states: “Registration of the water taking activity in the Environmental Activity and Sector Registry [EASR], if the water taking is less than 50,000 litres in a day from the sources identified above.”. It is noted that registration in the EASR does not apply to water takings <50,000 L/day.</p> | <p>Registration in the Environmental Activity and Sector Registry (EASR) does not apply to water takings <50,000 L/day. Further consultation with the MECP regarding EASR-applicable activities is recommended during the EA. Please refer to the following resource for more information: https://www.ontario.ca/page/water-taking-user-guide-environmental-activity-and-sector-registry#section-3</p> |
| 5. (ID# 214) | p. 68 / Section 7.2.6 Groundwater; p. 73 / Appendix C-E | <p>Section <i>7.2.6 Groundwater</i> does not include potential groundwater quality or flow impacts to spring water sources.</p> <p>ID#214 - Aroland First Nation states, “...potential effects on groundwater should include impacts on spring water sources that may have benefits to Indigenous peoples and may have spiritual value.”</p> | <p>If the proponent were to amend the ToR, Section <i>7.2.6 Groundwater</i> must include potential water quality and flow impacts to spring water sources due to construction activities, dewatering, blasting, and aggregate extraction. An assessment of potential water quality and flow impacts to identified spring water sources must be included in the EA.</p> |

Ontario Parks

Commenter Name and Job Title: Consolidated comments, as reported by Katherine Onyshkewych (A/Senior Zone Planner) from the Northwest Zone office of Ontario Parks; commenters include Kirstin Hicks- Assistant Park Planner

Ministry and Branch: MECP, Ontario Parks

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|--|---|---|
| 1. | Page 59 Land and Resource Use | Current wording states “Albany Provincial Park is subject to Crown Use Policy Report P2657: Albany River Provincial Park (MNR 2006).” To provide clarity Albany River Provincial Park is governed by the Albany River Provincial Park Management Plan/Management Statement which outlines resource management guidelines for the protected area. | Recommend replace wording to: “Albany River Provincial Park management is outlined in the Albany River Provincial Park Interim Management Statement.” |
| 2. | 3.1 Provincial Environmental Assessment Requirements Page 5 | “It is noted that the July 2020 amendments to the EAA included change to provincial EA process that may result in requirements for the Project that are different than what is outlined above”. It is worth noting that to provide certainty, the current PPCRA-Class EA will continue to provide coverage for this project as no replacement policy/procedure has been established to date. | |
| 3. | 7.1.4. Description of the Existing Environment Page 31 | It is important to note that Ontario Parks uses Landform/ Vegetation Associations to represent biodiversity in protected areas. GapTool analytical tool is used to prepare this information. | This data would be helpful to reference during the EA process and can be provided by Ontario Parks. |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------|---|--------------------------|
| | | Significant and critical associations for Ecodistricts 2W-2 and 2W3 are location within Ogoki River and Albany River provincial parks and will be affected within the project area. | |

Commenter Name and Job Title: Guowang Qiu, Air Quality Analyst

Ministry and Branch: MECP, Technical Support, Northern Region

I have no major comments on the final ToR for Marten Falls Access Road. There are a few errors/typos that need to be corrected in the document:

1. The updated AAQC list was posted online in 2020. The citation should be 2020 instead of 2018.
2. There is a typo in Appendix A: Proposed Criteria and Indicators for Alternatives Evaluation. It should SO₂ instead of SO.

Species at Risk

Commenter Name and Job Title: Brianne Brothers, Management Biologist; Kevin Green, Northern SAR Specialist
Ministry and Branch: MECP, Species at Risk Branch

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|---|--|--|
| 1. | s. 5.2.1.1 (p. 15) | <p>As per previous comments on the Draft Terms of Reference (ToR) provided on January 14, 2020, additional clarity is required on the proposed width of the ROW that will be assessed.</p> <p>The Final ToR indicates that “<i>The CAR is anticipated to be built within a 100 m ROW cleared to a width of 60 m for permanent use, with additional temporary clearing occurring in certain locations to accommodate construction activities, access, borrow areas, aggregate source areas, quarry sites, and temporary infrastructure such as staging areas, camps and debris and/or timber stockpiles.</i>”</p> <p>It is unclear if the Proponent will be assessing impacts to the full 100 m ROW, or the 60 m width for permanent use plus additional temporary areas.</p> | Provide clarity to the ROW for the Proposed project at the EA stage. |
| 2. | 7.1.4.8 – Species at Risk: Wildlife (p. 50) | The first paragraph reads: “... species listed as threatened, endangered or special concern (SAR) under the provincial Endangered Species Act, 2007 or the federal Species at Risk Act, 2002.” – “or” should be replaced with “and”, as | Provide clarification at the EA stage. |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
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| | | both pieces of legislation may be applicable for a single species. | |
| 3. | 7.1.4.8 – Species at Risk: Wildlife (p. 54) | Will surveys not be completed for federal species at risk birds? The ToR lists provincially at-risk species, but does not include Common Nighthawk, for example. | Provide clarification at the EA stage, specifically in the Workplans. |
| 4. | 7.1.4.8 - Species of Importance to Indigenous Communities: Wildlife (p. 54) | ToR identifies several species that are of importance for dietary needs, and / or cultural and spiritual needs, but there is no information on what this means for the project or how they will be considered and if any surveys are planned. | Provide clarification at the EA stage. |
| 5. | 7.1.4.8 – Species at Risk: Wildlife (p. 54) | More information is needed to understand what species remote camera surveys will be targeting, as this will inform the methodology. | Provide clarification at the EA stage, specifically in the Workplans. |
| 6. | 7.1.4.8 – Species at Risk: Wildlife (p. 54) | Mention of Wolverine being present but there is no mention of field surveys that will be carried out for this species. | Provide clarification at the EA stage, specifically in the Workplans. |
| 7. | 7.2 - Potential Environmental Effects (p. 64) | <p>Preliminary consideration of potential effects to SAR needs to be included, above and beyond those applicable to vegetation, wildlife and fish and fish habitat.</p> <p>Table 7-6 lacks information on potential environmental effects to SAR specifically.</p> <p>This should include a preliminary list of potential effects, in a table format, including, but not limited to, the following:</p> <ul style="list-style-type: none"> - Project Component or Activity | Provide clarification at the EA stage. |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
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| | | <ul style="list-style-type: none"> • Field surveys, staking, layout • Vegetation clearing and grubbing • Construction of supportive infrastructure (e.g. storage and laydown yards, temporary access roads, construction camps, aggregate extraction areas) • Construction of the road • Aggregate extraction and production • Emissions, discharge and waste • Operations and maintenance <ul style="list-style-type: none"> - Potential Effects - Mitigation Measures | |



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| Government Review Team | | | |
| Ministry of the Environment, Conservation and Parks – December 23, 2020 | | | |
| MECP-1 | <p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer Branch: Environmental Assessment Branch Comment #: 1 Page/Section # in ToR: General Comments & Rationale: The ToR does not include a commitment that an executive summary will be included in the EA Proposed Action/Solution: Please ensure that the EA includes an Executive Summary.</p> | An Executive Summary will be included in the Environmental Assessment (EA). | Commitment for EA |
| MECP-2 | <p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer Branch: Environmental Assessment Branch Comment #: 2 Page/Section # in ToR: Page 9, s.3.4.2 Comments & Rationale: The ToR indicates that the proponent will only be seeking input from neighbouring Indigenous communities to help inform and confirm the criteria and indicators selected for the Project from an Indigenous Knowledge perspective. Proposed Action/Solution: Please explain why the proponent is planning to only engage with neighbouring Indigenous communities and not all Indigenous communities on the criteria and indicators for the Project from an Indigenous Knowledge perspective. If the proponent plans to consult with all Indigenous communities on the criteria and indicators, please ensure the EA is updated to reflect that.</p> | <p>“Neighbouring Indigenous communities” is defined in the EA / Impact Statement (IS) Consultation and Engagement Plan (Appendix B) of the Terms of Reference (ToR) as the Aboriginal Rights-Based and Interest-Based communities identified by the Ministry of the Environment, Conservation and Parks (MECP) and the Impact Assessment Agency of Canada (the Agency) who may be interested in the Marten Falls First Nation (MFFN) Community Access Road (CAR) and should be consulted as part of the EA / Impact Assessment (IA) processes.</p> <p>As noted in Section 11 of the ToR, MFFN is committed to creating and sustaining constructive dialogue and relationships with neighbouring Indigenous communities, government agencies and interested persons, <u>including all other Indigenous communities</u>, as part of the EA / IS Consultation and Engagement Plan. Consultation on criteria and indicators is identified as part of the targeted input for the Effects Assessment Methods milestone. Therefore, MFFN will engage all Indigenous communities on the criteria and indicators.</p> | Section 11.1, pg. 102 Appendix B, Table 4-2, pg. 22 |
| MECP-3 | <p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer Branch: Environmental Assessment Branch Comment #: 3 Page/Section # in ToR: Page 14, s. 5.1 Comments & Rationale: The ToR explains that the winter road system to the MFFN community is typically only operational about six to eight weeks annually between the months of February and March but does not explain why it can't be used during the remaining months of the year. Proposed Action/Solution: Consider including additional rationale in the EA that explains why this winter road system is not a viable option outside of the months of February and March.</p> | Currently, MFFN is only accessible by air and winter road. However, the winter road is not a viable option for the majority of the year. It is only available for use during a limited 6 to 8 week-long window and the road is becoming increasingly unreliable due to changing climate conditions. As a result of warmer winters due to climate change, the wetlands and rivers do not freeze thick enough to support vehicles using the winter road. MFFN is concerned that heavy equipment could break through the ice, potentially releasing hydrocarbons into surrounding wetlands and waterways. MFFN will include this additional rationale in the EA that explains why the winter road to the community is not a viable option for the vast majority of the year. | Commitment for EA |
| MECP-4 | <p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer Branch: Environmental Assessment Branch Comment #: 4 Page/Section # in ToR: Page 108, Table 11-2 Comments & Rationale: The response to MECP's comment #74 on the draft ToR (per numbering in Appendix C of final ToR) states that “agencies, Indigenous communities and the public will have an opportunity to comment on study areas (site, local and regional) during the EA (key milestones of the updated Consultation Plan: Notice of Commencement, Effects Assessment Methods, Identification of Preferred Alternatives, and Review of the Draft and Final EA / IS).” However the consultation plan in the ToR only includes consultation on study areas during the “Effects Assessment Methods” milestone. Proposed Action/Solution: Since the proponent's intent is to consult on study areas during these other milestones, it is recommended that the proponent ensure this is made clear in its consultation materials and outreach during the EA process. If the ToR is amended, the consultation plan should be updated for clarity.</p> | <p>Figure 4-1: Key Decision Timeline in the EA / IS Consultation and Engagement Plan shows that inputs to the study areas will be sought by Fall 2021. Study area feedback can be provided in advance of this date, and if there is a need for providing this feedback after the Effects Assessment Methods milestone, that can be considered depending on the nature of the request. Moving forward, opportunities to provide feedback on study areas and other key topics of interest during the EA milestones will be made clear in consultation materials and outreach during the EA process, and will be referred to accurately in Project documentation (e.g., the EA Report).</p> <p>Also of note, a Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo that included proposed discipline-specific local and regional study areas was provided to all Indigenous communities for review and comment in August 2020. Comments in support of the local study area and general support for the regional study area were received from Indigenous communities. Requests to expand the regional study area to include several additional quaternary watersheds informed a revision (i.e., expansion) to the regional study area in October 2020, which was communicated to the Indigenous communities who provided comments on the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo in November 2020 when the Indigenous Knowledge Program Guidance Document was shared. The revisions to the regional study area were communicated to all Indigenous communities in January 2021. Information on preliminary study areas for other disciplines (e.g., wildlife, fish and fish habitat, surface water, vegetation) was also provided in the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo; comments from Indigenous communities on these study areas are also being reviewed to inform the development of study areas for other disciplines.</p> | Commitment for EA |



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| MECP-5 | <p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer Branch: Environmental Assessment Branch Comment #: 5 Page/Section # in ToR: Pages 22 and 72, s. 6.3 and 8 Comments & Rationale: The response to MECP’s comment #71 on the draft ToR says “Sections 6 and 8 of the Terms of Reference (ToR) have been updated to clarify that the alternatives assessment and effects assessment will include ancillary infrastructure components (i.e., temporary infrastructure required for construction) of the Project, such as aggregate sites, temporary access roads, temporary work areas and camps.” However, sections 6.3 and 8 of the ToR indicate the alternative methods for assessment are alternative routes and alternative temporary infrastructure, including quarries, borrow areas and aggregate source areas. This inconsistency should be addressed in some way. Proposed Action/Solution: This inconsistency should be addressed in the EA in a commitments table that will document commitments made during the ToR review (see ToR Code of Practice section 5.2.8 for guidance on this table). One of these commitments should clarify the full list of alternative methods to be assessed in the EA, i.e. quarries, borrow areas, aggregate source areas, temporary access roads, temporary work areas and camps. Otherwise if the ToR is amended, sections 6.3 and 8 should be updated to include the full list of alternative methods to be assessed.</p> | <p>Section 5.2.1.4 of the ToR identifies temporary infrastructure for construction to the road. Included in this description is temporary access roads, and temporary construction camps, staging areas and stockpile areas. Quarries borrow areas and aggregate source areas are defined separately in Section 5.2.1.3 of the ToR. Therefore, the wording used in Sections 6.3 and 8 of the ToR is reflective of the description of the Project as defined in Sections 5.2.1.3 and 5.2.1.4 of the ToR. That is the alternatives assessment and effects assessment will include ancillary infrastructure components (i.e., temporary infrastructure required for construction) of the Project, such as quarries, borrow areas, aggregate source areas, temporary access roads, temporary work areas and camps. This comment has been noted so that, moving forward, it will be documented more clearly in Project documentation (e.g., the EA Report). The EA will include a commitments table that will document commitments made during the ToR review. That table will include clarification of the full list of alternative methods to be assessed in the EA.</p> | <p>Section 5.2.1.3, pg. 16 Section 5.2.1.4, pg. 16 to 17 Section 6.3, pg. 22 Section 8, pg. 72 Commitment for EA</p> |
| MECP-6 | <p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer Branch: Environmental Assessment Branch Comment #: 6 Page/Section # in ToR: Page 65, s. 7.2 Comments & Rationale: The response to MECP’s comment #77 says that section 7.2 was revised to include both climate change risk assessment and impact management measures for climate change. However section 7.2 only says the guide will be used in completing a climate change risk assessment, not in considering climate change mitigation (GHG emissions effects and how to address those effects). Proposed Action/Solution: Please ensure that the proponent considers Ontario’s Guide for Considering Climate Change in the EA Process in both climate change mitigation and climate change adaptation considerations for the EA.</p> | <p>In addition to being used for completing a climate change risk assessment, Ontario’s Guide for Considering Climate Change will also be used to inform impact management measures and in climate change adaptation considerations, where applicable, as part of the EA.</p> | <p>Commitment for EA</p> |
| MECP-7 | <p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer Branch: Environmental Assessment Branch Comment #: 7 Page/Section # in ToR: Pages 32, 84 and 103 Comments & Rationale: The response to MECP’s comment #88 states that the language describing the MOU on Shared Consultation Responsibilities between Ontario and MFFN has been updated as suggested. However, the updated language in the ToR is still not accurate. Pages 32, 84 and 103 of the ToR say the MOU “defines the roles and responsibilities of both parties in regard to the consultation of Indigenous communities whose Aboriginal or Treaty Rights may be adversely affected by the Project and interested persons.” Interested persons is a broader term per the EAA and Codes of Practice as it includes individual persons, environmental groups and others, and is not accurate since the MOU is in regard to Indigenous communities only. The Consultation Plan (Appendix B of the ToR) has the same incorrect language. Proposed Action/Solution: Please ensure the EA correctly describes that the MOU is in regard to <u>potentially impacted and potentially interested Indigenous communities</u>. It defines the roles and responsibilities of both parties (Ontario and MFFN) in regard to the consultation and engagement with Indigenous communities.</p> | <p>MFFN agrees that the Memorandum of Understanding (MOU) defines the roles and responsibilities of both parties in regard to the consultation of Indigenous communities whose Aboriginal or Treaty Rights may be adversely affected by the Project, or who may be interested in the Project. The corrected information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | <p>Commitment for EA</p> |
| MECP-8 | <p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer Branch: Environmental Assessment Branch Comment #: 8 Page/Section # in ToR: Page 109- 110, s. 11.9 Comments & Rationale: The ToR indicates that a RoC will be prepared that provides a detailed account of any engagement or consultation undertaken with neighbouring Indigenous communities, government agencies and interested persons. The ToR also indicates that the proponent will be sharing a copy of community-specific record for consideration and review before it is included in the public record.</p> | <p>Neighbouring Indigenous communities refers to the 23 Indigenous communities that have been identified by the MECP and the Agency for consultation and engagement in the EA / IA process. Neighbouring Indigenous communities is defined in Section 1.4.1 of the EA / IS Consultation and Engagement Plan. All 23 neighbouring Indigenous communities will be provided with a community-specific Record of Consultation. On page 26 of the EA / IS Consultation and Engagement Plan, it is noted that “Each neighbouring Indigenous community will be provided with a copy of their community-specific record for their consideration and review before it is included in the public record.”</p> | <p>Commitment for EA</p> |



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| | <p>Proposed Action/Solution: It is unclear as to what neighbouring Indigenous community is referring to. Will all Indigenous communities who provided input in the ToR and EA be provided an opportunity to review and comment on their own record or is the proponent only planning on offering this to some Indigenous communities?</p> <p>If only offering to a select few Indigenous communities how did the proponent determine which communities would be given this opportunity and what was the rationale behind not providing this to all Indigenous communities.</p> | | |
| MECP-9 | <p>Commenter Name and Title: Sasha McLeod, Special Project Officer and Shannon Gauthier, Project Officer Branch: Environmental Assessment Branch Comment #:9 Page/Section # in ToR: Consultation Plan, Appendix C of ToR Comments & Rationale: MECP previously commented on the draft Consultation Plan on June 22, 2020 that, at a minimum, the proponent needs to ensure it addresses all comments or provides rationale why a comment could not be addressed. Ideally, the proponent would seek (and receive) confirmation from Indigenous communities that they have understood the information and how their concerns have been addressed or will be addressed through the course of the project. The MFFN-Ontario MOU specifies that the proponent is responsible for “working with Aboriginal Communities to resolve issues and address concerns raised throughout the process, including: following-up with Aboriginal Communities on issues related to Project impacts and documents how issues were addressed during... EA preparation and review.” Proposed Action/Solution: This specific comment did not appear to be addressed directly in the Consultation Plan of the proposed ToR. Please ensure that the MOU requirements for the proponent are fulfilled during the EA process.</p> | <p>In Table 4.2: Consultation and Engagement Milestones, Schedule, Activities and Targeted Input in the EA / IS Consultation and Engagement Plan, the Planned Activities column for each milestone includes “Follow-up communication to confirm information was received and the material(s) provided were understood”. This activity relates to documents that may include responses to comments received including milestone-related documents, ongoing correspondence and draft / final meeting minutes.</p> <p>When responses to feedback from Indigenous communities are provided, the MFFN Project Team has and will continue to follow up in a variety of different ways, including:</p> <ul style="list-style-type: none"> ▪ Letter responses and follow-up for further conversation on responses provided in letters; ▪ Requests to schedule meetings to discuss responses further; ▪ Draft meeting minutes with opportunity for Indigenous community review and input; and ▪ Community-specific Record of Consultation for community review / input. <p>Moving forward, MFFN will continue to ensure that every best effort is made to fulfill the MOU requirements for the Proponent in the EA process.</p> | Appendix B, Section 4.1.7, Table 4-2, pg. 22 to 24 |
| MECP-10 | <p>Commenter Name and Title: Peter Brown, Senior Advisor (A) Branch: Environmental Assessment Branch Comment #:1 Page/Section # in ToR: General, Sections 7.1, Section 9 and Appendix C (Record of Consultation) Comments & Rationale: Please be sure to incorporate input from communities to the extent possible in the ToR and/or EA, as applicable. For example, Ginoogaming First Nation identified cedar and cedar root as important to the community from a medicinal and technological perspective. Geese were also identified as important. It does not appear that these were incorporated (e.g., in Sections 7.1.4.7 (Vegetation) and 7.1.4.8 (Wildlife), or in Appendix A (Proposed Criteria and Indicators). Proposed Action/Solution: Please make sure to consider all input provided by communities and incorporate it into the ToR and/or EA as applicable and to the extent possible, or explain why not with rationale. For example, if cedar and geese are not being considered, or being assessed through a proxy or representative species, please explain with rationale. In the comment-response table for these comments of the draft ToR in Appendix C (e.g., App. B-8) and Appendix E it is suggested that the suggestions opposite are addressed in Sections 7.1.2 and Section 9, which does not appear to be accurate. Please endeavour to accurately guide the reader to where they can find a response to their issue raised.</p> | <p>MFFN is currently working with Indigenous communities to develop Indigenous Knowledge Sharing Agreements that will outline how Indigenous Knowledge will be shared and used in the EA. These Sharing Agreements must be in place prior to the sharing and use of Indigenous Knowledge in the EA. Efforts to finalize the Sharing Agreements are ongoing. The information has been noted so that, moving forward, it will be referred to in Project documentation (e.g., the EA Report). The list of species of importance to Indigenous communities will be based on information received through the Indigenous Knowledge and Indigenous Land and Resource Use Studies for the Project.</p> <p>The response to Ginoogaming First Nation regarding cedar, cedar root and geese was provided based on plans to capture these species through the general habitat assessments (Ecological Land Classification / Ecosite studies) and field observations during bird studies. The information has been noted so that, moving forward, it will be referred to in Project documentation (e.g., the EA Report).</p> | Section 3.4.2.1, pg. 11 to 12 |
| MECP-11 | <p>Commenter Name and Title: Peter Brown, Senior Advisor (A) Branch: Environmental Assessment Branch Comment #:2 Page/Section # in ToR: Section 10.2.2, Page 84 Comments & Rationale: There are numerous rights-based communities (Kasabonika Lake, Kashechewan, Kingfisher Lake, Wapekeka, Wawakapewin, Weenusk, Wunnumin) that did not provide input through correspondence, meetings or comments on the draft ToR. It is important to make sure that all communities have sufficient opportunity to review and comment on the ToR, or if a community does not wish to comment it is important to document that as well. Proposed Action/Solution: It is important to consider comments from all communities during the preparation of the ToR or review of the proposed ToR. If comments are not received from the communities opposite, confirmation that they do not wish to submit comments should be sought by the proponent or Crown, if not already evident, and documented.</p> | <p>The MFFN Project Team agrees that it is important for continued follow-up with neighbouring Indigenous communities, including with those who did not provide comments on the ToR. Throughout the Draft and Proposed ToR comment period, follow-up effort was made with all neighbouring Indigenous communities, including the rights-based communities listed in this comment, via email and telephone to solicit a response on the Indigenous communities’ intent to submit or not submit comments. During ToR follow-up, none of the rights-based communities noted in the comment provided intent to submit ToR comments. There was some confirmation of receiving materials, but follow-up phone calls and emails were largely unanswered.</p> <p>During the EA, the MFFN Project Team will continue to contact the neighbouring Indigenous communities to solicit feedback or confirm that they do not wish to submit comments, and will document those efforts as part of the Record of Consultation. To fulfill the Duty to Consult, MFFN acknowledges that participation is necessary by both the Proponent and the Indigenous communities.</p> | Commitment for EA |
| MECP-12 | <p>Commenter Name and Title: Peter Brown, Senior Advisor (A) Branch: Environmental Assessment Branch Comment #:3 Page/Section # in ToR: Section 10.2.2, Page 84; Appendix C Comments & Rationale: It would be helpful after identifying the communities that provided comments on the draft ToR to indicate how comments were incorporated into the proposed ToR, including, for example, a cross-reference to the</p> | <p>The EA will include a cross reference from the list of the Indigenous communities that commented on the EA to the Record of Consultation section that includes where those comments can be found. ToR page 89 did include a cross reference to the comment-response tables in Appendix C, however it is recognized a cross reference on page 84 would also have been beneficial.</p> <p>If a comment has been addressed in the EA, the comment-response table in the EA Record of Consultation will show which EA report section the comment is addressed. This follows the format of the comment response tables in the ToR</p> | Commitment for EA |



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| | <p>comment-response tables in Appendix C.</p> <p>Proposed Action/Solution: Please make sure for any updates to this section or for the EA to include on page 84 a cross-reference to the comment-response tables in Appendix C to guide the reader to where comments and responses can be found. Please make sure that the comment-response tables in Appendix C clearly indicate where in the ToR (or EA) the comment is addressed.</p> | <p>Record of Consultation, which identify where in the ToR comments have been addressed, if applicable.</p> | |
| MECP-13 | <p>Commenter Name and Title: Peter Brown, Senior Advisor (A) Branch: Environmental Assessment Branch Comment #:4 Page/Section # in ToR: Table 10-3, Pages 90-96 Comments & Rationale: Summaries of issues raised and how they were addressed (Tables 10-2 and 10-3) are appreciated. It is difficult in Table 10-3 however to line-up the issues raised to where they are addressed in the ToR. Proposed Action/Solution: Please make sure for any updates to this section or for the EA that it is clear where in the ToR or EA an issue is addressed (e.g., line up each issue with the corresponding section). Please include sub-section numbers in Table 10-3 if possible.</p> | <p>The EA will provide more clarity and details, including in tables similar to ToR Table 10-3, on how comments have been addressed in the EA.</p> | Commitment for EA |
| MECP-14 | <p>Commenter Name and Title: Peter Brown, Senior Advisor (A) Branch: Environmental Assessment Branch Comment #:5 Page/Section # in ToR: Table 11-1, Page 106; Table 4-1 Appendix B Comments & Rationale: It is noted that social media will be used for providing information only – not for gathering input. It is important that this is well advertised, that those being engaged are aware of this. Proposed Action/Solution: It is important that all communities/ community members that engage through social media are aware of how to formally submit comments to make sure they are considered and addressed by the Project Team, and that social media is for information purposes only.</p> | <p>During the EA, Community Coordinators (or other neighbouring Indigenous community staff posting on social media accounts) will be provided instruction and suggestions for clarifying that any feedback received on social media will not be formally tracked and considered, and will build awareness so that community members know how to submit comments formally.</p> | Commitment for EA |
| MECP-15 | <p>Commenter Name and Title: Peter Brown, Senior Advisor (A) Branch: Environmental Assessment Branch Comment #:6 Page/Section # in ToR: Appendix C Comments & Rationale: Thank you for providing summaries and the raw consultation materials (correspondence, meeting minutes, draft ToR comments and responses) in Appendix C. Please continue to document and track all consultation throughout the EA. Proposed Action/Solution: Please continue to update the Record of Consultation throughout the EA. Please make sure that the section of the ToR or EA where comments are addressed is clearly identified in the summary or comment-response tables.</p> | <p>Section 11.9 of the ToR states that a Record of Consultation similar to the ToR Record of Consultation will be prepared during the EA. Therefore, MFFN will continue to update the Record of Consultation throughout the EA and clearly identify the section of the ToR or EA where comments are addressed within comment / response tables.</p> | Section 11.9, pg. 109 to 110 |
| MECP-16 | <p>Commenter Name and Title: Jacinth Gilliam-Price, Surface Water Specialist Branch: Northern Region Comment #:1 (ID #128) Page/Section # in ToR: Pgs. 45 and 46/Section 7.1.4.5 Surface Water Comments & Rationale: Section 7.1.4.5 Surface Water has not been updated to address concerns submitted during review of the draft ToR or to describe the surface water quality and quantity monitoring included in the DRAFT surface water monitoring plan titled: “Study Plan – Surface Water, Community Access Road”, prepared by AECOM Canada Ltd., prepared for Marten Falls First Nation, dated May 2020. It is understood that specifics respecting baseline surface water monitoring is to be included in the surface water study plan; however, the ToR should include, if not an updated description of the surface water monitoring activities to be carried out to collect baseline data, reference to the surface water study plan. Proposed Action/Solution: If the proponent were to amend the Terms of Reference (ToR), Section 7.1.4.5 Surface Water must either describe in more detail the surface water quality and quantity monitoring activities to be conducted as part of baseline sampling, along with identifying sampling locations, or reference the “Study Plan – Surface Water, Community Access Road” document. In addition to assessment of watercourses at road crossings, monitoring of surface water features that may be located in close proximity (i.e. within 100 m, with consideration given to any steep topography) to supportive infrastructure (e.g. storage and laydown yards, access/haul roads, construction camps, aggregate extraction and storage areas, domestic sewage discharges, etc.) should also be conducted and included on the Study Plan –</p> | <p>Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1). Comments received from the MECP on July 16, 2020 as well as comments received through consultation and engagement on the ToR are being taken into consideration during study plan development. The Surface Water Study Plan will be updated to include assessment of watercourses within 2.5 km around temporary infrastructure (i.e., ancillary infrastructure). The revised Surface Water Study Plan will include a concordance table to show how comments were addressed or deviated from.</p> <p>MFFN will consult on the contents of the study plans throughout the EA per Table 4-2 of the EA / IS Consultation and Engagement Plan (Appendix B). Information from the study plans will also be documented in the EA.</p> | Section 9.1.1, pg. 76 Appendix B, Section 4.1.7, pg. 22 to 24 Commitment for EA |



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| | <p>Surface Water.</p> <p>The Study Plan – Surface Water document must include previously supplied recommendations concerning surface water quality and quantity baseline sampling. Previous comments were included from MECP in the Surface Water Comments Table dated July 16, 2020 and discussed with AECOM Canada Ltd. during a November 9, 2020 meeting.</p> | | |
| MECP-17 | <p>Commenter Name and Title: Jacinth Gilliam-Price, Surface Water Specialist Branch: Northern Region Comment #: 2 (ID #126) Page/Section # in ToR: Pg. 19/Section 5.2.2 Project Activities and pg. 67/Section 7.2.5 Surface Water Comments & Rationale: <i>Section 5.2.2 Project Activities</i> mentions that sewage generated during construction will be contained temporarily on-site until it can be disposed of at an off-site, approved waste facility capable of accepting the domestic sewage volumes. However, <i>Section 7.2.5 Surface Water</i> does not discuss the temporary storage of construction camp generated domestic waste, the accidental release of domestic waste or alternatives to disposing of the waste offsite should this not be accommodated. Proposed Action/Solution: If the proponent were to amend the ToR, potential surface water impacts related to the storage of on-site domestic waste generated by the construction camp, accidental release of domestic waste or alternatives to disposing of the waste offsite must be included in Section 7.2.5 Surface Water. This must include consideration of having to treat and discharge domestic waste on-site should the option of depositing of the waste at an off-site location not be realized. The potential surface water quality impacts associated with an on-site domestic sewage wastewater treatment unit/facility must also be included. The Environmental Assessment (EA) must include an assessment of the potential surface water quality impacts relating to the construction camp on-site domestic waste storage units, the accidental release or spill of domestic waste from such containment units, and construction camp on-site domestic sewage wastewater treatment unit/facility.</p> | <p>It is anticipated that all domestic sewage generated during construction of the Project will be contained temporarily on-site in approved holding storage systems until it can be disposed of at an off-site, approved waste facility capable of accepting the domestic sewage volumes. Although the Project does not anticipate the need for an on-site domestic sewage wastewater treatment facility, the EA will conservatively assess potential effects of on-site sewage waste treatment to the environment, including to surface water and groundwater. This is in addition to the EA assessing potential surface water and groundwater effects resulting from the temporary domestic waste storage systems and any accidental release or spill from the containment units. Potential effects to surface water and groundwater resulting from the accidental release or spill of domestic sewage waste will be assessed as part of accidents and malfunctions in the EA.</p> | Commitment for EA |
| MECP-18 | <p>Commenter Name and Title: Shannon Heggie, Hydrogeologist Branch: Northern Region Comment #: 1 (ID #137) Page/Section # in ToR: p. 47 / Section 7.1.4.6 Groundwater; p. 36-38 / Appendix C-E Comments & Rationale: <i>In Section 7.1.4.6 Groundwater</i>, the MECP Water Well Record #16003369 is incorrect and does not exist. Proposed Action/Solution: If the proponent were to amend the Terms of Reference (ToR), edits to the MECP Water Well Record number in <i>Section 7.1.4.6 Groundwater</i> must be made at that time (i.e. replace “#16003369” with #1603369); this information must be updated in the Environmental Assessment (EA).</p> | <p>The corrected information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | Commitment for EA |
| MECP-19 | <p>Commenter Name and Title: Shannon Heggie, Hydrogeologist Branch: Northern Region Comment #: 2 (ID #138) Page/Section # in ToR: p. 47-48 / Section 7.1.4.6 Groundwater; p. 37-38 / Appendix C-E Comments & Rationale: <i>Section 7.1.4.6 Groundwater</i> provides no reference or description of the groundwater monitoring activities outlined within the May 2020 draft <i>Study Plan - Groundwater</i> document prepared by AECOM Canada Ltd. for Marten Falls First Nation; and states, “The need for and scope of additional surveys will be determined in consultation with applicable agencies.” Proposed Action/Solution: If the proponent were to amend the ToR, <i>Section 7.1.4.6 Groundwater</i> must reference the <i>Study Plan - Groundwater</i> document in terms of the baseline groundwater quality and quantity monitoring field programs for the EA.</p> | <p>Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1). Comments received from the MECP on the Draft Groundwater Study Plan as well as comments received through consultation and engagement on the ToR are being taken into consideration during study plan development. The revised Groundwater Study Plan will include a concordance table to show how comments were addressed or deviated from. MFFN will consult on the contents of the study plans throughout the EA per Table 4-2 of the EA / IS Consultation and Engagement Plan (Appendix B) of the ToR. Information from the study plans will also be documented in the EA Report.</p> | Section 9.1.1, pg. 76 Appendix B, Section 4.1.7, pg. 22 to 24 Commitment for EA |
| MECP-20 | <p>Commenter Name and Title: Shannon Heggie, Hydrogeologist Branch: Northern Region Comment #: 3 (ID #139) Page/Section # in ToR: p. 67-68 / Sections 7.2.5 Surface Water and 7.2.6 Groundwater; p. 38 / Appendix C-E Comments & Rationale: <i>Sections 7.2.5 Surface Water</i> and <i>7.2.6 Groundwater</i> do not include potential groundwater or surface water quality effects from construction camp sewage systems. Proposed Action/Solution: Due to the remote nature of the proposed road development, disposal of camp sewage at an appropriate facility may not be achievable, and on-site sewage disposal systems may be required. If the proponent were</p> | <p>It is anticipated that all domestic sewage generated during construction of the Project will be contained temporarily on-site in approved holding storage systems until it can be disposed of at an off-site, approved waste facility capable of accepting the domestic sewage volumes. Although the Project does not anticipate the need for an on-site domestic sewage wastewater treatment facility, the EA will conservatively assess potential effects of on on-site sewage waste treatment to the environment, including to surface water and groundwater. This is in addition to the EA assessing potential surface water and groundwater effects resulting from the temporary domestic waste storage systems and any accidental release or spill from the containment units. Potential effects to surface water and groundwater resulting from the accidental release or spill of domestic sewage waste will be assessed as part of the accidents and malfunctions in the EA.</p> | Commitment for EA |



Marten Falls First Nation – Responses to Comments Received on the Terms of Reference

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| | to amend the ToR, potential groundwater and surface water quality impacts due to construction camp sewage systems must be included in <i>Sections 7.2.5 Surface Water</i> and <i>7.2.6 Groundwater</i> . An assessment of potential groundwater and surface water quality impacts due to construction camp sewage systems must be included in the EA. | | |
| MECP-21 | <p>Commenter Name and Title: Shannon Heggie, Hydrogeologist Branch: Northern Region Comment #:4 (ID #142) Page/Section # in ToR: p. 113 / Table 13-1 Potential Permits and Approvals for the Project (MECP); p. 40 / Appendix C-E Comments & Rationale: In <i>Table 13-1 Potential Permits and Approvals for the Project (Environmental Activity and Sector Registry or Permit To Take Water)</i> states: "Registration of the water taking activity in the Environmental Activity and Sector Registry [EASR], if the water taking is less than 50,000 litres in a day from the sources identified above.". It is noted that registration in the EASR does not apply to water takings <50,000 L/day. Proposed Action/Solution: Registration in the Environmental Activity and Sector Registry (EASR) does not apply to water takings <50,000 L/day. Further consultation with the MECP regarding EASR-applicable activities is recommended during the EA. Please refer to the following resource for more information: https://www.ontario.ca/page/water-taking-user-guide-environmental-activity-and-sector-registry#section-3</p> | The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report). MFFN will consult with the MECP during the EA regarding EASR-applicable activities. | Commitment for EA |
| MECP-22 | <p>Commenter Name and Title: Shannon Heggie, Hydrogeologist Branch: Northern Region Comment #:5 (ID #214) Page/Section # in ToR: p. 68 / Section 7.2.6 Groundwater; p. 73 / Appendix C-E Comments & Rationale: <i>Section 7.2.6 Groundwater</i> does not include potential groundwater quality or flow impacts to spring water sources. ID#214 - Aroland First Nation states, "...potential effects on groundwater should include impacts on spring water sources that may have benefits to Indigenous peoples and may have spiritual value." Proposed Action/Solution: If the proponent were to amend the ToR, <i>Section 7.2.6 Groundwater</i> must include potential water quality and flow impacts to spring water sources due to construction activities, dewatering, blasting, and aggregate extraction. An assessment of potential water quality and flow impacts to identified spring water sources must be included in the EA.</p> | <p>Section 7.2.1 of the ToR indicates that the "Project may raise concerns of interested persons for potential effects to the natural environment including wildlife, vegetation and water resources." Water resources is inclusive of spring water sources (i.e., spring water sources refer to areas of groundwater upwelling) identified by Aroland First Nation as having spiritual value. Aroland First Nation's comments and MFFN's response that the EA will consider potential effects on spring water resources have been documented as part of the ToR, and therefore is committed for inclusion in the EA. As noted in Section 3.4.2 of the ToR, Indigenous Knowledge will be gathered through the Indigenous Knowledge Program and integrated into the baseline description for each discipline as appropriate. This will include the Indigenous Knowledge on locations of sensitive receptors, such as spring water sources that have value to Indigenous peoples. The Indigenous Knowledge Program provides additional opportunities for Indigenous communities to share information such as this in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Program Guidance Document that was shared with Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website. It is of note that Indigenous Knowledge cannot be shared with and used by MFFN until Indigenous Knowledge Sharing Agreements are in place.</p> | Section 3.4.2.1, pg. 11 to 12 Section 7.2.1, pg. 65 Commitment for EA |
| MECP-23 | <p>Commenter Name and Title: Consolidated comments, as reported by Katherine Onyshkewych (A/Senior Zone Planner) from the Northwest Zone office of Ontario Parks; commenters include Kirstin Hicks- Assistant Park Planner Branch: Ontario Parks Comment #:1 Page/Section # in ToR: Page 59 Land and Resource Use Comments & Rationale: Current wording states "Albany Provincial Park is subject to Crown Use Policy Report P2657: Albany River Provincial Park (MNR 2006)." To provide clarity Albany River Provincial Park is governed by the Albany River Provincial Park Management Plan/Management Statement which outlines resource management guidelines for the protected area. Proposed Action/Solution: Recommend replace wording to: "Albany River Provincial Park management is outlined in the Albany River Provincial Park Interim Management Statement."</p> | The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report). | Commitment for EA |
| MECP-24 | <p>Commenter Name and Title: Consolidated comments, as reported by Katherine Onyshkewych (A/Senior Zone Planner) from the Northwest Zone office of Ontario Parks; commenters include Kirstin Hicks- Assistant Park Planner Branch: Ontario Parks Comment #:2 Page/Section # in ToR: 3.1 Provincial Environmental Assessment Requirements Page 5 Comments & Rationale: "It is noted that the July 2020 amendments to the EAA included change to provincial EA process that may result in requirements for the Project that are different than what is outlined above". It is worth noting that to provide certainty, the current PPCRA-Class EA will continue to provide coverage for this project as no replacement policy/procedure has been established to date. Proposed Action/Solution:[BLANK]</p> | Thank you for providing this clarification on the application of the <i>Provincial Parks and Conservation Reserves Act</i> Class EA following the July 2020 amendments to the <i>Environmental Assessment Act</i> . MFFN will continue to monitor for new policies and procedures as they are established, as well as consulting with government agencies throughout the EA process to confirm applicable requirements from the <i>Environmental Assessment Act</i> amendment. | Section 3.1, pg. 5 |



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| MECP-25 | <p>Commenter Name and Title: Consolidated comments, as reported by Katherine Onyshkewych (A/Senior Zone Planner) from the Northwest Zone office of Ontario Parks; commenters include Kirstin Hicks- Assistant Park Planner</p> <p>Branch: Ontario Parks</p> <p>Comment #:3</p> <p>Page/Section # in ToR: 7.1.4. Description of the Existing Environment Page 31</p> <p>Comments & Rationale: It is important to note that Ontario Parks uses Landform/ Vegetation Associations to represent biodiversity in protected areas. GapTool analytical tool is used to prepare this information.</p> <p>Significant and critical associations for Ecodistricts 2W-2 and 2W3 are location within Ogoki River and Albany River provincial parks and will be affected within the project area.</p> <p>Proposed Action/Solution: This data would be helpful to reference during the EA process and can be provided by Ontario Parks.</p> | <p>MFFN will reach out to Ontario Parks to obtain this data so that it may be reviewed and used to inform the EA as applicable.</p> | <p>Commitment for EA</p> |
| MECP-26 | <p>Commenter Name and Title: Guowang Qiu, Air Quality Analyst</p> <p>Branch: Technical Support, Northern Region</p> <p>Comment #:1</p> <p>The updated AAQC list was posted online in 2020. The citation should be 2020 instead of 2018.</p> | <p>The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | <p>Commitment for EA</p> |
| MECP-27 | <p>Commenter Name and Title: Guowang Qiu, Air Quality Analyst</p> <p>Branch: Technical Support, Northern Region</p> <p>Comment #:2</p> <p>There is a typo in Appendix A: Proposed Criteria and Indicators for Alternatives Evaluation. It should SO₂ instead of SO.</p> | <p>The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | <p>Commitment for EA</p> |
| MECP-28 | <p>Commenter Name and Title: Brianne Brothers, Management Biologist; Kevin Green, Northern SAR Specialist</p> <p>Branch: Species at Risk Branch</p> <p>Comment #:1</p> <p>Page/Section # in ToR: s. 5.2.1.1 (p. 15)</p> <p>Comments & Rationale: As per previous comments on the Draft Terms of Reference (ToR) provided on January 14, 2020, additional clarity is required on the proposed width of the ROW that will be assessed.</p> <p>The Final ToR indicates that “<i>The CAR is anticipated to be built within a 100 m ROW cleared to a width of 60 m for permanent use, with additional temporary clearing occurring in certain locations to accommodate construction activities, access, borrow areas, aggregate source areas, quarry sites, and temporary infrastructure such as staging areas, camps and debris and/or timber stockpiles.</i>”</p> <p>It is unclear if the Proponent will be assessing impacts to the full 100 m ROW, or the 60 m width for permanent use plus additional temporary areas.</p> <p>Proposed Action/Solution: Provide clarity to the ROW for the Proposed project at the EA stage.</p> | <p>Although only 60 m of the 100 m right-of-way will be cleared for permanent use, the EA will conservatively assess affects to the full 100 m right-of-way during both the construction and operation phases.</p> | <p>Commitment for EA</p> |
| MECP-29 | <p>Commenter Name and Title: Brianne Brothers, Management Biologist; Kevin Green, Northern SAR Specialist</p> <p>Branch: Species at Risk Branch</p> <p>Comment #:2</p> <p>Page/Section # in ToR: 7.1.4.8 – Species at Risk: Wildlife (p. 50)</p> <p>Comments & Rationale: The first paragraph reads: “... species listed as threatened, endangered or special concern (SAR) under the provincial Endangered Species Act, 2007 or the federal Species at Risk Act, 2002.” – “or” should be replaced with “and”, as both pieces of legislation may be applicable for a single species.</p> <p>Proposed Action/Solution: Provide clarification at the EA stage.</p> | <p>The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | <p>Commitment for EA</p> |
| MECP-30 | <p>Commenter Name and Title: Brianne Brothers, Management Biologist; Kevin Green, Northern SAR Specialist</p> <p>Branch: Species at Risk Branch</p> <p>Comment #:3</p> <p>Page/Section # in ToR: 7.1.4.8 – Species at Risk: Wildlife (p. 54)</p> <p>Comments & Rationale: Will surveys not be completed for federal species at risk birds? The ToR lists provincially at-risk species, but does not include Common Nighthawk, for example.</p> <p>Proposed Action/Solution: Provide clarification at the EA stage, specifically in the Workplans.</p> | <p>Species at Risk (SAR), including federally listed species, will be assessed in the EA. This includes:</p> <ul style="list-style-type: none"> ▪ Forest Birds (including SAR-birds such as: Canada Warbler [<i>Cardellina canadensis</i>], Chimney Swift [<i>Chaetura pelagica</i>], Common Nighthawk [<i>Chordeiles minor</i>], Eastern Whip-poor-will [<i>Antrostomus vociferous</i>], Eastern Wood Pewee [<i>Contopus virens</i>], Evening Grosbeak [<i>Coccothraustes vespertinus</i>] and Olive-sided Flycatcher [<i>Contopus cooperi</i>]) ▪ Raptors (including provincially listed SAR-birds such as: Bald Eagle [<i>Haliaeetus leucocephalus</i>], Peregrine Falcon [<i>Falco peregrinus</i>] and Short-eared Owl [<i>Asio flammeus</i>]) | <p>Section 7.1.3, pg. 30 to 31 Appendix A, pg. 3 Appendix B, Section 4.1.7, pg. 22</p> |

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| ID # | Comment Received | Response to Comment | Reference ToR Section and Page # |
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| | | <ul style="list-style-type: none"> ▪ Shorebirds ▪ Waterfowl ▪ Bog / Fen Birds and Other Wetland Birds (including SAR-birds such as: Black Tern [Chlidonias niger], Rusty Blackbird [Euphagus carolinus] and Yellow Rail [Coturnicops noveboracensis]). <p>MFFN is currently undergoing a detailed scoping exercise with Canadian Wildlife Services that will detail how federally-listed birds will be surveyed and assessed within the EA. The methods of baseline studies, as well as the results of baseline studies, will be consulted on during the EA (Appendix B) and will be documented in the EA Report.</p> | |
| MECP-31 | <p>Commenter Name and Title: Brianne Brothers, Management Biologist; Kevin Green, Northern SAR Specialist Branch: Species at Risk Branch Comment #: 4 Page/Section # in ToR: 7.1.4.8 - Species of Importance to Indigenous Communities: Wildlife (p. 54) Comments & Rationale: ToR identifies several species that are of importance for dietary needs, and / or cultural and spiritual needs, but there is no information on what this means for the project or how they will be considered and if any surveys are planned. Proposed Action/Solution: Provide clarification at the EA stage.</p> | <p>MFFN is currently working with Indigenous communities to develop Indigenous Knowledge Sharing Agreements that will outline how Indigenous Knowledge will be shared and used in the EA. These Sharing Agreements must be in place prior to the sharing and use of Indigenous Knowledge in the EA, including baseline studies. Efforts to finalize the Sharing Agreements are ongoing, and as a result the Indigenous Knowledge currently available to inform the species of importance to Indigenous communities within the ToR is limited to that from MFFN and community knowledge shared through consultation and engagement to date. However, it is anticipated that an Indigenous Knowledge Sharing Agreement will be established with each potentially affected Indigenous community with interest in sharing Indigenous Knowledge, which will enable the inclusion of Indigenous Knowledge in additional baseline data collection efforts. Further information on the Indigenous Knowledge Program and how shared Indigenous Knowledge will be used in the EA, including in the establishment of baseline conditions, is provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p> <p>Species of importance to Indigenous communities will also inform potential effects to the social environment and Indigenous People's Rights and Interests discipline. As mentioned in Section 7.2.10 of the ToR, the EA will consider the potential effects of the Project due to changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods. The EA will also consider the potential effects of the Project on Indigenous peoples in terms of: changes in the availability and / or quality of resources, which may, in turn, influence Indigenous land and resource use activities in the area of the Project and changes to the experience of being on the land.</p> | <p>Section 7.2.1, pg. 66 Section 7.2.10, pg. 70</p> |
| MECP-32 | <p>Commenter Name and Title: Brianne Brothers, Management Biologist; Kevin Green, Northern SAR Specialist Branch: Species at Risk Branch Comment #: 5 Page/Section # in ToR: 7.1.4.8 – Species at Risk: Wildlife (p. 54) Comments & Rationale: More information is needed to understand what species remote camera surveys will be targeting, as this will inform the methodology. Proposed Action/Solution: Provide clarification at the EA stage, specifically in the Workplans.</p> | <p>MFFN will prepare study plans on the environmental components, including for wildlife, at the onset of the EA (Section 9.1.1 of the ToR). These study plans are in the early stage of development and are currently being prepared outside of the ToR. Information on remote sensing cameras and how the data will be used to inform the EA will be provided in the Wildlife Study Plan. MFFN will consult on the contents of the study plans throughout the EA per Table 4-2 of the EA / IS Consultation and Engagement Plan (Appendix B) of the ToR. Information from the study plans will also be documented in the EA Report. Below is a high-level description related to remote camera surveys for the Project:</p> <p>Remote motion sensitive cameras are proposed to collect data related to furbearers (e.g., wolverines, wolves, beavers, black bears), small mammals and ungulates. Incidental observations of other wildlife will also be recorded. Data from the cameras will be used to estimate the seasonal distribution, abundance and density of targeted species to inform the effects assessment for wildlife. All caribou and other species at risk (i.e., wolverine) observed through the remote camera monitoring program will be reported to the Natural Heritage Information Centre and the MECP-Species At Risk Branch.</p> | <p>Section 9.1.1, pg. 76 Appendix B, Section 4.1.7, pg. 22 to 24 Commitment for EA</p> |
| MECP-33 | <p>Commenter Name and Title: Brianne Brothers, Management Biologist; Kevin Green, Northern SAR Specialist Branch: Species at Risk Branch Comment #: 6 Page/Section # in ToR: 7.1.4.8 – Species at Risk: Wildlife (p. 54) Comments & Rationale: Mention of Wolverine being present but there is no mention of field surveys that will be carried out for this species. Proposed Action/Solution: Provide clarification at the EA stage, specifically in the Workplans.</p> | <p>MFFN will prepare study plans on the environmental components, including for wildlife, at the onset of the EA (Section 9.1.1 of the ToR). These study plans are in the early stage of development and are currently being prepared outside of the ToR. MFFN will consult with the MECP through the study plan as well as the contents of the study plans throughout the EA per Table 4-2 of the EA / IS Consultation and Engagement Plan (Appendix B) of the ToR. The current proposal to study wolverine includes the use of motion sensitive camera tracking, hair snag traps, and winter aerial tracking. Information from the study plans will be documented in the EA.</p> | <p>Section 9.1.1, pg. 76 Appendix B, Section 4.1.7, pg. 22 to 24 Commitment for EA</p> |
| MECP-34 | <p>Commenter Name and Title: Brianne Brothers, Management Biologist; Kevin Green, Northern SAR Specialist Branch: Species at Risk Branch Comment #: 7 Page/Section # in ToR: 7.2 - Potential Environmental Effects (p. 64) Comments & Rationale: Preliminary consideration of potential effects to SAR needs to be included, above and beyond those applicable to vegetation, wildlife and fish and fish habitat. Table 7-6 lacks information on potential environmental effects to SAR specifically.</p> | <p>In accordance with the Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, proponents may wish to include a preliminary list of potential effects in the ToR but the determination of environmental effects are not needed until the EA. Therefore, Table 7-6 of the ToR is a preliminary list of potential effects with additional detail provided in Sections 7.2.1 to 7.2.11. The EA will identify and describe the potential effects of the Project on Species at Risk (SAR). Project component and activities, including those identified in this comment, that will be assessed in the EA are described in Section 5.2 of the ToR. The specific Project-interactions of each Project phase will be determined in the EA. The EA will recommend impact management measures to avoid or minimize potential effects of the Project on the environment.</p> | <p>Section 5.2, pg. 15 to 20 Section 7.2, pg. 65</p> |

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| | <p>This should include a preliminary list of potential effects, in a table format, including, but not limited to, the following:</p> <ul style="list-style-type: none"> ▪ Project Compound or Activity <ul style="list-style-type: none"> – Field surveys, staking, layout – Vegetation clearing and grubbing – Construction of supportive infrastructure (e.g. storage and laydown yards, temporary access roads, construction camps, aggregate extraction areas) – Construction of the road – Aggregate extraction and production – Emissions, discharge and waste – Operations and maintenance ▪ Potential Effects ▪ Mitigation Measures <p>Proposed Action/Solution: Provide clarification at the EA stage.</p> | | |

Comments Table

Dated: August 10, 2021

Proposal: Marten Falls Community Access Road Project – Draft Technical Study Plan

Proponent: Marten Falls First Nation

Study Plan Title: Human Health and Community Safety Study Plan

Commenter: Ganesharam Balagopal, Senior Regulatory Toxicologist, Ministry of the Environment, Conservation and Parks

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|------------------|------------------------------------|--|---|
| 1. | Page No. 14 Section 4.4 | “Country food harvesting” explanation of the term required as well as the intended scoping within the project should be included up front. | Better to clarify upfront which local harvested food sources including plants, fish mammals etc. are planned to be included. |
| 2. | Page No. 29 Section No. 7.2.2 | Better to clarify at the beginning of the document on problem formulation and potential conductance of a routine HHRA. In this section it is stated that “if problem formulation determines that a HHRA is required, then a HHRA study would be conducted according to current Health Canada guidance documents and recommended approaches.” | It is better to state at the beginning of the Section 7.2 (Study Methodology) that the study methodology is also designed to decide whether any further HHRA is required. |
| 3. | Page No. 32 Section 7.2.2 | Selection and listing of COPCs | It would improve clarity if, in the list under the category “diesel particulate matter”, metals are cited as examples and should be included under COPCs. |

Comments Table

Proposal: Marten Falls Community Access Road Project – Technical Study Plan

Proponent: Marten Falls First Nation

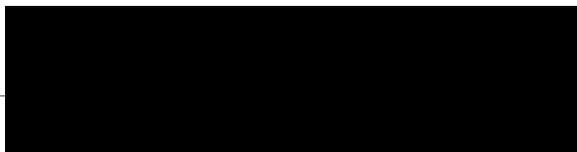
Study Plan Title: Surface Water Study Plan (Final, May 2021)

Commenter Name, Job Title and Ministry: Jacinth Gilliam-Price, Surface Water Specialist, Ministry of the Environment, Conservation and Parks

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|---|---|---|
| 1. | Page 22/Section 7.2.1 Site Selection and Multi-Season Field Campaigns | <p>It is encouraging to see that additional surface water quality sampling will be carried out to further strengthen the existing baseline data collected to date. However, there appears to be a discrepancy in the percent of water crossings proposed to be sampled. It is proposed in the Final Surface Water Study Plan that future field monitoring is anticipated to be completed at 35 – 40% of waterbody crossings, whereas the November 9, 2020 meeting minutes from the meeting held with the Proponent, the Consultant (Aecom) and government agencies (MECP, ENDM, IAAC, ECCC, HC, NRCan, TC) indicates that 50% of water crossings will be assessed during spring and summer 2021 sampling events.</p> <p>It should also be noted that continued assessment should also include sampling from locations previously sampled under different seasons/flow regimes in order to allow for</p> | <p>The Proponent should confirm that future surface water sampling will fulfill the commitment made during the discussion held on November 9, 2020 regarding the percent of water crossings to be sampled during future field monitoring events.</p> <p>The Proponent should confirm that those surface water bodies previously sampled during different seasons/flow regimes will make up part of the locations to be sampled during upcoming sampling events. Dataset for each waterbody should include data collected during at least three different seasons/flows.</p> |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|---|---|---|
| | | temporal comparison of results. Dataset for each waterbody should include data collected during at least three different seasons/flows. | |
| 2. | Page 22/Section 7.2.1 Site Selection and Multi-Season Field Campaigns | The meeting minutes from the November 9, 2020 multiagency meeting, as referenced above, confirmed that crossings with more substantive structures and longer constructions times are to be included for monitoring in the study plan. However, this does not appear to have been acknowledged in the updated Study Plan. Furthermore, Comment #1 from my July 16, 2020 submitted comments discussed the need to include sampling of waterbodies that are located within close proximity of other project infrastructure such as construction camps, laydown areas, aggregate sources, etc. (i.e. waterbodies that may no be crossed by the corridor itself, but potentially located within close proximity of other project infrastructure) | The Proponent should confirm that sampling of waterbodies that may be located within close proximity of other project infrastructure (other than water crossings) such as construction camps, laydown areas, aggregate sources, etc. has occurred, or will occur under future sampling plans. |
| 3. | Page 44/ Table 11-1: Study Plan Federal Concordance – Conformance with Requirements | Table 11-1: Study Plan Federal Concordance – Conformance with Requirements incorrectly references Section 7.2.1.3 of the Study Plan as the location where updates have been made to the Study Plan respecting surface water and sediment quality monitoring parameters. The correct location to reference should be 7.2.3 Surface Water and Sediment Quality, starting on page 26 | Reference to Section 7.2.1.3 in Table 11-1: Study Plan Federal Concordance – Conformance with Requirements should be updated to correctly identify Section 7.2.3 Surface Water and Sediment Quality as the correct reference. |
| 4. | Page 44/ Table 11-1: Study | Table 11-1: Study Plan Federal Concordance – Conformance with Requirements incorrectly | Reference to Section 8.1.2 in Table 11-1: Study Plan Federal Concordance – Conformance with |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|---|---|---|
| | <i>Plan Federal Concordance – Conformance with Requirements</i> | references Section 8.1.2 of the Study Plan as the location where updates have been made to the Study Plan respecting the comparison of sampling results against CCME's Water Quality Guidelines for the Protection of Aquatic Life and Ontario's Provincial Water Quality Objectives, but acknowledging that most stringent guideline criteria will be considered as part of the baseline studies and effects assessment. The correct location to reference should be <i>8.2.2 Surface Water and Sediment Quality</i> , starting on page 29 | <i>Requirements</i> should be updated to correctly identify Section 8.2.2 <i>2 Surface Water and Sediment Quality</i> as the correct reference. |



August 23, 2021

Date

Slama, Carsten

From: Moszynski, Dorothy (MECP) <[REDACTED]>
Sent: August-25-21 09:39
To: Barss, Sara
Cc: Cinnamon, Christine; Cloutis, Geneva; [REDACTED];
[REDACTED]; Kjartanson, Shawna
[REDACTED]; Deveaux, Leah; [REDACTED];
[REDACTED]; Huquet, Tyler; Fisker,
Fisker, Avril; [REDACTED]; [REDACTED];
<MartenFalls; [REDACTED]; McLeod,
Sasha (MECP); [REDACTED]; <Qasim Saddique;
[REDACTED]; <Jennifer Bruin;
[REDACTED]; Larissa Mikkelsen
[REDACTED]; Heisey, Ariane (ENDM)
[REDACTED]; MacInnis, Paul (ENDM)
[REDACTED]; Ross, Kathryn
[REDACTED]; Nokleby, Andrea <a [REDACTED]>
Andrea; Soulliere, Kenndal; McKinnon, Don
Subject: [EXTERNAL] FW: Marten falls study plans hydrogeology
Categories: MFFN StakeTracker

Dear Sara,

Please see comments from MECP Hydrogeologists on the Peatlands and Physiography study plans, for your consideration. I also included an updated tracking table below.

“As requested, I have carried out a screening level or high level review of the following:

1. “Peatlands Study Plan”, prepared by AECOM, dated May 2021
2. “Physiography, Terrain and Soils Study Plan”, prepared by AECOM, dated May 2021

My review of the of the Peatlands Study Plan indicates that all groundwater-related aspects have been included under separate cover within the “Groundwater and Geochemistry Study Plan” (AECOM, May 2021). I have previously provided comments (August 20, 2021) for the Groundwater and Geochemistry Study Plan. As such, the MECP has no further commentary regarding the study of peatland groundwater at this time.

The Physiography, Terrain and Soils Study Plan indicates that soil quality in areas likely to be disturbed throughout the construction or operation phases of the Project will be established. The primary focus is to identify areas of potential soil and groundwater contamination and how this soil will be managed and mitigated. Further input may be required as the project evolves through the EA process. The generic approach was also provided within the Groundwater and Geochemistry Study Plan and is generally acceptable but may need further input/review from MECP once the project progresses and site conditions become better understood. As such, the MECP has no further comment regarding the Physiography, Terrain and Soils Study Plan with respect to groundwater at this time. “

| Study Plan Name | Original Submission Date | IAAC Preliminary Comments | FRT Comments | PRT MECP Comments | Resubmission Date |
|--|---------------------------------|----------------------------------|---------------------|--------------------------|-------------------------------|
| Aboriginal and Treaty Rights and Interests | May 22, 2020 | July 2, 2020 | N/A | N/A | May 28, 2021 |
| Acoustic Environment | May 25, 2020 | N/A | August 27, 2020 | August 6, 2020 | June 11, 2021 |
| Atmospheric Environment | May 25, 2020 | N/A | 20-Jul-20 | August 7, 2020 | June 11, 2021 |
| Birds | N/A | N/A | N/A | N/A | May 28, 2021 |
| Climate Adaptation & Resiliency | May 28, 2020 | N/A | August 27, 2020 | August 6, 2020 | June 11, 2021 |
| Cultural Heritage | May 22, 2020 | July 23, 2020 | N/A | N/A | May 28, 2021 |
| EA Methodology Document | N/A | N/A | N/A | N/A | |
| Economic | May 22, 2020 | August 5, 2020 | N/A | N/A | May 28, 2021 |
| Fish and Fish Habitat | May 22, 2020 | N/A | July 20, 2020 | August 5, 2020 | June 11, 2021 |
| Ground Water | June 5, 2020 | N/A | August 31, 2020 | August 5, 2020 | June 11, 2021 |
| Human Health and Community Safety | May 22, 2020 | N/A | August 27, 2020 | August 5, 2020 | June 11, 2021 |
| Land and Resource Use | May 22, 2020 | August 5, 2020 | N/A | N/A | May 28, 2021 |
| Peatlands | June 25, 2020 | July 17, 2020 | N/A | N/A | May 28, 2021 |
| Physiography, Geology, Terrain and Soils | June 12, 2020 | N/A | September 18, 2020 | August 7, 2020 | June 11, 2021 |
| Social | May 22, 2020 | August 5, 2020 | N/A | August 18, 2020 | May 28, 2021 |
| Surface Water | June 5, 2020 | N/A | August 31, 2020 | August 5, 2020 | June 11, 2021 |
| Ungulates | May 22, 2020 | N/A | July 10, 2020 | July 23, 2020 | June 11, 2021 |
| Vegetation | May 22, 2020 | N/A | July 10, 2020 | July 23, 2020 | June 11, 2021 |
| Visual Aesthetics | June 2, 2020 | N/A | September 2, 2020 | August 10, 2020 | June 11, 2021 |
| Wildlife | May 22, 2020 | N/A | July 10, 2020 | July 23, 2020 | June 11, 2021 |

Comments Table

Proposal: Marten Falls Community Access Road Project – Draft Technical Study Plan

Proponent: Marten Falls First Nation

Study Plan Title: Peatland

Commenter Name, Job Title and Ministry: Kevin Green, Northern Species at Risk Specialist, Species at Risk Branch, MECP

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|--|---|--|
| 1. | <p>Pg. 29 – 30 / section 7.3.3 – Peatland Function</p> <p>And</p> <p>Pg. 32 / section 8.3 – Peatland Functional Assessment</p> | <p>It is unclear how, specifically, species at risk presence and habitat will be used to inform the functional assessment.</p> <p>Section 7.3.3 indicates that habitat suitability, and wildlife observations captured as described in the Bird, Ungulates and Wildlife Study Plans will be incorporated into the functional assessment. Section 8.3 indicates that <i>“Biodiversity, presence of sensitive species or species of cultural importance and habitat suitability”</i> will be considered when determining a ranking of peatland function (i.e., high, moderate, low). However, no further detail is provided (e.g., which species and/or species habitat will be considered ‘sensitive’ and therefore included in the functional assessment).</p> <p>It is strongly recommended that the Peatland Functional Assessment includes consideration</p> | <p>Update the Peatlands Study Plan to provide additional detail on the species and associated habitat that will be used in the Peatland Functional Assessment.</p> |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|---|--------------------------|
| | | <p>of all species at risk which rely on wetland ecosystems in this region and associated habitat (e.g., Caribou, etc.); and the Project Team is encouraged to provide additional details on which species and species habitat will be used in the assessment and determination of function ranking.</p> <p>It should be noted, the presence of sensitive species and habitat suitability should consider past and present presence, and current and future habitat suitability.</p> | |

Comments Table

Proposal: Marten Falls Community Access Road Project – Groundwater and Geochemistry Study Plan

Proponent: Marten Falls First Nation

Study Plan Title: Groundwater and Geochemistry Plan

Commenter Name, Job Title and Ministry: Sabrina Penfold, Hydrogeologist, MECP, Northern Region

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|---|--|--|
| 1. | <i>Groundwater and Geochemistry Study Plan (May 2021), Section 7.2.1 Study Area Reconnaissance & Determination of Key Groundwater Monitoring Locations</i> , p 24 | <p>In Subsection 7.2.1, the proponent states “Focused study will be conducted on a range of water crossings (small to large), wetlands and borrow source areas. The most culturally and ecologically sensitive locations will be selected.”</p> <p>The MECP’s interpretation is that, as written, the choice of 20 focused study locations is an assumption for planning / cost estimation purposes only. MECP does not interpret that this is a fixed cap. MECP requests that a consistent framework be developed and applied to assess and compare sensitivity at all potential groundwater disturbance locations. The work plan document should address this.</p> | The proponent must include a framework for the assessment and comparison of sensitive groundwater locations throughout the project footprint in the work plan. Rationale for selection of specific focused study locations must be provided. |
| 2. | <i>Groundwater and Geochemistry Study Plan (May 2021), Section 7.2.6.1 Water</i> | In Subsection 7.2.6.1 the proponent states “Groundwater levels are anticipated to be within 3 m of the groundwater surface across the project area.” | If amended, the Groundwater and Geochemistry Study Plan, Subsection 7.2.6.1 should provide clarification of this statement. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|---|---|---|
| | Level Measurements, p 29 | As written, this does not appear to be physically possible. Is this a typographical error? | |
| 3. | <i>Groundwater and Geochemistry Study Plan (May 2021), Section 7.2.6.2 Groundwater Quality Sampling,</i> p 30-32 | <p>In Subsection 7.2.6.2 the proponent provides a list of parameters that will be analyzed from samples collected from monitoring wells, drive-point piezometers, existing water supply wells and spring water sources. The analytical parameter list does not include hexavalent chromium.</p> <p>The project footprint extends through a mining claim area (OAF # 20000007482) that has identified natural deposits containing chromium. MECP requests that the analytical suite for groundwater baseline sampling include hexavalent chromium.</p> | If amended, the Groundwater and Geochemistry Study Plan, Subsection 7.2.6.2 Groundwater Quality Sampling must include hexavalent chromium in the analytical suite of parameters. Hexavalent chromium is detrimental to human health and is mobilized through soil disturbance. |
| 4. | <i>Groundwater and Geochemistry Study Plan (May 2021), Section 7.2.6.2 Groundwater Quality Sampling, Existing Water Supply Wells and Spring Water Sources</i> | <p>In Subsection 7.2.6.2 the proponent indicates that water supply samples will be collected from the point of consumption.</p> <p>Existing water supply wells should be sampled prior to any treatment, where possible, and also at the point of consumption. The Groundwater and Geochemistry work plan should address this.</p> | If the Groundwater and Geochemistry Study Plan is amended, Subsection 7.2.6.2 of the Groundwater and Geochemistry Study Plan must indicate that existing water supply wells will be sampled prior to any treatment as well as at the point of consumption for the user to verify the effectiveness of treatment. This is to determine if there have been any effects on the aquifer from the proposed project. MECP requires that the work plan address this. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|--|--|---|
| 5. | <i>Groundwater and Geochemistry Study Plan (May 2021)</i> , Subsection 8.2.2 Data Analysis and Reporting , p. 40 | <p>Subsection 8.2.2 states the groundwater collected from spring sources (discharges to surface water) will be compared to all applicable guidelines and standards for aquatic life and drinking water uses including Canadian Drinking Water Quality Guidelines (CDWQG), Ontario Groundwater Quality Standards (ODWQS) and the Ontario Soil, Groundwater and Sediment Standards (SGSS).</p> <p>The proponent must also compare groundwater discharging to surface water (spring sources) to the Provincial Water Quality Objectives (PWQO) as a part of the baseline characterization. Provincial Water Quality Objectives (PWQO) are numerical and narrative criteria which serve as chemical and physical indicators representing a satisfactory level for surface waters (i.e. lakes and rivers) and, where it discharges to the surface, the ground water of the Province.</p> <p>Ontario Groundwater Quality Standards should read "Ontario Drinking Water Quality Standards". This should be corrected.</p> | <p>If amended, the Groundwater and Geochemistry Study Plan, Subsection 8.2.2 Data Analysis and Reporting must be updated to include a comparison of groundwater spring quality to the Provincial Water Quality Objectives (PWQOs). The reference to the Ontario <i>Groundwater</i> Quality Standards should be corrected to the Ontario <i>Drinking Water</i> Quality Standards.</p> |
| 6. | <i>Groundwater and Geochemistry Study Plan (May 2021)</i> , General Comment | <p>The ECA (A-590005) of the Hanover Tower Road Landfill states that the site is approved to accept only domestic waste. Unless the ECA is amended, construction and/or industrial waste cannot be accepted at this facility. The current study plan does not provide details regarding</p> | <p>MECP recommends that the available domestic waste capacity at the Hanover Tower Road Landfill be confirmed by the proponent with respect to the estimated duration and volume of domestic waste production throughout development of the CAR. The ECA for the</p> |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|--|--|--|
| | | <p>the disposal of industrial and/or construction waste associated with the project. MECP is concerned that the ECA for the Hanover Tower Landfill may need to be amended or that a different waste disposal facility should be identified for these additional waste streams.</p> | <p>Hanover Tower Landfill may need to be amended to accommodate the new waste stream.</p> |
| 7. | <p><i>Groundwater and Geochemistry Study Plan (May 2021), General Comment</i></p> | <p>The project Terms of Reference mention the following potential water takings:</p> <ul style="list-style-type: none"> - Concrete batch plants - Water trucks <p>The current study plan is silent on the source for the expected water takings. This information must be included in the work plan for MECP review.</p> | <p>All expected water takings and uses must be clearly identified in the work plan. Sources of these water takings must sufficiently characterized to inform an application for a PTTW if expected takings are >50,000 L/day.</p> |

Comments Table

Proposal: Marten Falls Community Access Road Project – Draft Technical Study Plans

Proponent: Marten Falls First Nation

Study Plan Title: Aboriginal and Treaty Rights and Interests

Commenter Name, Job Title and Ministry: Peter Brown, Senior Advisor, EAPD

| Comment # | Study Plan/ Page/ Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|--|--|--|
| 1. | Aboriginal and Treaty Rights and Interests, Pages 36-37, Table 9-4 | Interactions identified in Table 9-4 do not match the list on page 36. | Please indicate in Table 9-4 all of the disciplines that have a potential interaction with Aboriginal and Treaty Rights, as indicated on page 36, or clarify what is shown in Table 9-4. |

Study Plan Title: Socio-community

Commenter Name, Job Title and Ministry: Peter Brown, Senior Advisor, EAPD

| Comment # | Study Plan/ Page/ Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|--|--|---|
| 2. | Social, Pages 46-47, Table 9-3 | Table 9-3 should include all potential interactions that will be considered in the impact assessment (e.g., example from page 46 of potential impacts of noise on community well-being). | Table 9-3 should be updated to reflect all potential interactions that will be considered in the impact assessment, or it should be clarified what is shown in Table 9-3. |

Study Plan Title: Land and Resource Use

Commenter Name, Job Title and Ministry: Peter Brown, Senior Advisor, EAPD

| Comment # | Study Plan/ Page/ Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|------------------|---|---|---|
| 3. | Land and Resource Use, Pages 39-40, Table 9-3 | Table 9-3 should include all potential interactions that will be considered in the impact assessment (e.g., potential impacts through noise and surface water on parks and recreation and tourism). | Table 9-3 should be updated to reflect all potential interactions that will be considered in the impact assessment, or it should be clarified what is shown in Table 9-3. |

D1.5.2 MECP SARB



Comments Table

Proposal: Marten Falls Community Access Road Project – Preliminary Wolverine Approach
(18108254_MFCAR_Wolverine_discussion_Feb23_2021.pdf)

Proponent: Marten Falls First Nation

Work Plan Title: Marten Falls Draft Wildlife Study Plan – Proposed Wolverine IS/EA Baseline field surveys for Wolverine

Commenter Name, Job Title and Ministry: Kevin Green, Northern Species at Risk Specialist, Species at Risk Branch, MECP;
Brienne Brothers, Management Biologist, Species at Risk Branch, MECP

| Comment # | Wolverine Proposal Component | Comments & Rationale | Proposed Action/Solution |
|-----------|------------------------------|--|---|
| 1. | General | <p>The proposed field surveys suggest the Aerial Transect Survey, Ground-based Winter Track Count Surveys and the Remote Camera Program will be used to identify species presence and estimate distribution and relative abundance. However, it is unclear how information collected from the various field surveys will be used separately or collectively to estimate distribution and relative abundance. Koen et al. (2008) recommends Aerial Transect Surveys as the most appropriate method for estimating distribution and relative abundance at small spatial scales.</p> <p>Thought should be given to the necessity of all three proposed field surveys; and which method/design will provide the necessary information to characterize species presence, distribution and relative abundance for Wolverine. This should include consideration for the potential for future Wolverine monitoring (over time) to inform compliance and effects monitoring associated with the EA; and effectiveness monitoring of mitigation actions and/or overall benefit/beneficial actions monitoring associated with an ESA authorization, should one be required.</p> | Update the draft Wildlife Study Plan to provide clarity on how the information from these proposed survey approaches will be used collectively to estimate distribution and relative abundance. |
| 2. | Aerial Transect Survey | The proposed timing for the Aerial Transect Survey is unlikely to provide sufficient information on the temporal distribution | Update the draft Wildlife Study Plan to describe how the proposed field studies |

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| | | <p>based on interannual variation (e.g., weather, snow conditions, etc.).</p> <p>Furthermore, should the Aerial Transect Survey results be used to estimate distribution and probability of occurrence, sample units should be surveyed repeatedly to derive estimates of detection probability (Koen et al., 2008).</p> | <p>will account for interannual variation in Wolverine distribution.</p> <p>Alternatively, update the draft Wildlife Study Plan to describe how interannual variation will be considered in the EA and why repeated aerial transect survey effort is not required.</p> |
| <p>3.</p> | <p>Ground-based winter track count surveys</p> | <p>Additional information is required on design of this field study (i.e., site selection and selection criteria, transect orientation, distribution of transect stations, timing, number of times each transect will be surveyed, etc.) and the rationale for the 1.5 km length transects and 15 transect stations (sample units). The above study design should include rationale describing how the proposed approach will be sufficient to estimate Wolverine distribution and relative abundance, recognizing the probability of detecting a low-density species like Wolverine.</p> <p>Koen et al. (2008) recommends triangular transect segment lengths of 3 km for a total transect length of 9 km. Furthermore, this survey method has not been tested in Ontario, making it difficult to predict how many sample units should be surveyed to provide enough statistical power to detect differences in track counts between areas (Koen et al., 2008). As such, the Study Plan should provide sufficient rationale for the proposed number of sample units.</p> <p>As per comment #6 below, Wolverine live at extremely low densities and, as such, the probability of detection decreases with low density species such as Wolverine. Accordingly, survey effort (i.e., number of stations, number of repeat visits, duration of study) should include a robust sampling density and sampling sessions conducted over an appropriate timeframe to increase the likelihood of detecting Wolverine.</p> | <p>Update the draft Wildlife Study Plan to include additional information on the survey design, including rationale.</p> |

Monday, March 8, 2021

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| 4. | Remote Camera Program (Camera Traps not Baited) | <p>Insufficient information has been provided to MECP SARB (i.e., May 2020 Wildlife Work Plan, May 2020 Ungulate Work Plan, MFCAR Wolverine Discussion summary on Feb. 23, 2021) to enable appropriate input.</p> <p>It is unclear whether the design of these field surveys (i.e., site selection, number and distribution of cameras, timing, etc.) are sufficient to inform species presence, seasonal and annual patterns in Wolverine distribution, or relative abundance.</p> | Update the draft Wildlife Study Plan to clearly describe survey design, how information collected from these surveys will be sufficient to inform stated objectives, and rationale. |
| 5. | Baited Hair Snag Traps Paired with Motion Sensitive Cameras - Objectives | The proposed objectives for this study are too limited given the potential for the study design to inform additional Wolverine indicators not identified in the proposal. In addition to demographic information (sex, reproductive status, identification of individuals), mark-recapture survey techniques using Baited Hair Snag Traps paired with Motion Sensitive Cameras can be effective, and are recommended, for estimating Wolverine abundance, density and temporal distribution (Koen et al., 2008). | Update the draft Wildlife Study Plan to include objectives related to abundance, density and temporal distribution. |
| 6. | Baited Hair Snag Traps Paired with Motion Sensitive Cameras - Details | <p>The proposed number of hair snag stations, sampling sessions (i.e., frequency of visits), and duration of study (i.e., mid-February to mid-April, a single field season) are insufficient to appropriately characterize baseline conditions for Wolverine based on the recommended indicators (i.e., demographic information [sex, reproductive status, identification of individuals], temporal distribution, abundance and density).</p> <p>As per previous comments provided to the Proponent on the draft Wildlife Study Plan on July 9, 2020, Wolverine live at extremely low densities and, as such, the probability of detection decreases with low density species such as Wolverine. Precise estimates of abundance with capture-recapture methods increases with higher probability of capture and more repeat surveys (Koen et al., 2008). Accordingly, survey effort (i.e., number of stations, number of</p> | Update the draft Wildlife Study Plan to identify an appropriate survey effort (i.e., number of hair snag stations distributed across the LSA, frequency of visits, and duration of study) and include rationale for the proposed number of hair snag stations, sampling sessions and duration of the study. |

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| | | <p>repeat visits, duration of study) should include a robust sampling station density and sampling sessions conducted over an appropriate timeframe to increase the likelihood of detecting Wolverine.</p> <p><i>The Surveying and Monitoring Wolverine in Ontario and Other Lowland, Boreal Forest Habitats: Recommendations and Protocols</i> (Koen et al., 2008) suggests establishing a grid of 100 km² hexagon sampling units across the study area and establishing three hair snag stations per 100 km² sampling unit. Given the size of MFFN's proposed LSA (i.e., 5435 km²) this would suggest an appropriate number of sample units with hair snag stations paired with cameras would be 162. Lofroth and Krebs (2007) divided their study areas into 100 km² sampling units, selected to ensure all Wolverines within the study area had opportunities to encounter a sampling site; where adult female home ranges were estimated to be 300-400 km² (note - similar to that of Dawson et al. (2010) in Ontario (438 km²)), and as such, each home range included 3-4 sampling stations.</p> <p>Recognizing access challenges associated with the Project study area, and consistent with other comparable projects in the region which have designed similar Wolverine studies aligned with Koen et al. 2008, it may be reasonable to consider fewer hair snag stations within each 100 km² sampling unit (i.e., one station per 100 km²). This would result in a total of 54 hair snag stations being established across MFFN's proposed LSA. However, it should be noted that this should be considered an absolute minimum and if possible, a greater snare density should be used (Koen et al., 2008). This approach is also consistent with the methods used by the Ontario Boreal Wolverine Project (unpublished) for conducting similar hair snag trap surveys paired with cameras (one or two camera stations set up within each of 20 100 km² hexagons), and Magoun et al. (2011) (29 stations established across a study area of 2140 km²).</p> | |
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| | | <p>Additionally, Koen et al. (2008) recommends checking the hair snares every 10 days for bait and the presence of hair. Increasing the number of capture sessions will increase the probability of capture and result in more precise population estimates (Koen et al., 2008). Again, recognizing access challenges associated with the Project study area, and consistent with other comparable projects in the region which have designed similar Wolverine studies aligned with Koen et al. 2008, it may be reasonable to extend the time frame between visits to the hair snag stations and camera traps (Magoun et al., 2011). It should also be noted that extending the timeframe between site visits increases the likelihood for a greater number of hair samples from multiple species. As such, it may be advisable to studying hair shaft morphology microscopically to make a preliminary species identification. However, the timeframe between site visits should not exceed 1 month (Koen et al., 2008), and should initial visits suggest an extended timeframe for station visits is insufficient (e.g., depleted bait, etc.), efforts should be made to increase the frequency of visits to check the bait and presence of hair.</p> <p>Additionally, based on the proposed methodology (i.e., sampling over a single season and once per month) each station will only be sampled twice (i.e., March and April), does not cover the denning period (January 15 – June 1) and does not account for interannual variation. The probability of detection decreases with low density species such as Wolverine. Short sampling sessions may fail to detect a species that is present and repeatedly surveying a sample unit will increase the likelihood of detecting a species that is actually present (Koen et al., 2008). With this in mind, and consistent with other comparable projects in the region undertaking similar studies, it is recommended that the sampling period for the proposed Baited Hair Snag Traps Paired with Motion Sensitive Cameras cover mid-February to late-May and over two separate field seasons to: (1) increase</p> | |
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Monday, March 8, 2021

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| | | <p>the likelihood that sufficient samples will be collected within and across multiple years, and (2) cover the denning period for Wolverine.</p> <p>The above recommendations are being provided with consideration for the appropriate characterization of baseline conditions and the assessment of impacts to Wolverine and their habitat in the EA; and may also be used to inform the activity review and assessment process for authorization for ESA authorization, should one be required.</p> | |
| 7. | General | <p>As per previous comments provided to the MFFN CAR Project Team on July 9, 2020, the EA should describe how Wolverine harvest rates (i.e., both incidental and intentional) will be affected by the Project. To that end, the Wildlife Study Plan should identify and describe baseline studies to appropriately characterize existing Wolverine harvest rates within the Study Areas.</p> <p>The literature suggests the largest source of Wolverine mortality is related to harvest (Krebs et al. 2004). The development of a road into an otherwise largely undisturbed landscape increases the risk of harvest as a result of easier access to these previously inaccessible areas.</p> | <p>Update the draft Wildlife Study Plan to include additional information on the Project Teams approach to determining current Wolverine harvest rates.</p> |

Comments Table

Proposal: Marten Falls Community Access Road Project – Draft Technical Study Plan

Proponent: Marten Falls First Nation

Study Plan Title: Aboriginal & Treaty Rights and Interests

Commenter Name, Job Title and Ministry: Nikki Boucher, Regional Species at Risk Specialist, MECP

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|--|--|
| 1. | General | In order to prevent delays with regards to any <i>Endangered Species Act</i> authorizations that may be required in the future for this project, Indigenous consultation regarding the project and alternatives should include potential impacts to all species at risk (SAR) and their respective habitats. | Update document to reference SAR as a specific topic for discussion with Indigenous communities. |

Comments Table

Proposal: Marten Falls Community Access Road Project – Draft Technical Study Plan

Proponent: Marten Falls First Nation

Study Plan Title: Land and Resource Use

Commenter Name, Job Title and Ministry: Kevin Green, Northern Species at Risk Specialist, Species at Risk Branch, MECP

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|---|--|--|
| 1. | Pg. 35 – 37 / Table 9-2: Land and Resource Use Indicators | <p>The proposed Valued Component (VC)/Criteria – Recreation and Tourism, identifies Resource Availability as an Indicator; and suggests that “<i>many recreation and tourism activities involve resource harvesting such as fishing, trapping and hunting</i>”. While this is appropriate for inclusion as a VC/Criteria, it does not appropriately reflect related fishing, trapping, and hunting activities which may be undertaken by Indigenous communities across the Study Area(s) as part of traditional practices, not recreation or tourism. In some cases, this may include the harvest or trapping of species at risk, such as Caribou (Boreal population) and/or Wolverine.</p> <p>As such, Table 9-2 should be amended to appropriately reflect and consider Indigenous</p> | <p>Update the draft Land and Resource Study Plan to either:</p> <ul style="list-style-type: none"> a) Amend the existing VC/Criteria in Table 9-2 to include “Indigenous Traditional” as part of the Recreation and Tourism VC/Criteria (i.e., ‘<i>Indigenous Traditional, Recreation and Tourism</i>’), update the Rationale for Selection as appropriate to reflect the inclusion of these Indigenous traditional practices, and include ‘<i>Aboriginal and Treaty Rights and Interests Study Plan</i>’ in the list of Study Plans identified under Information Sources; or b) Add an additional VC/Criteria specific to ‘Indigenous Traditional’ with appropriate Indicators, Rational and Information Sources. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|---|---|
| | | traditional fishing, trapping, and hunting practices. | Alternatively, provide a clear description of how potential impacts to these relevant land and resource use will be assessed. |

Comments Table

Proposal: Marten Falls Community Access Road Project – Draft Technical Study Plan

Proponent: Marten Falls First Nation

Study Plan Title: Peatland

Commenter Name, Job Title and Ministry: Kevin Green, Northern Species at Risk Specialist, Species at Risk Branch, MECP

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|--|---|--|
| 1. | <p>Pg. 29 – 30 / section 7.3.3 – Peatland Function</p> <p>And</p> <p>Pg. 32 / section 8.3 – Peatland Functional Assessment</p> | <p>It is unclear how, specifically, species at risk presence and habitat will be used to inform the functional assessment.</p> <p>Section 7.3.3 indicates that habitat suitability, and wildlife observations captured as described in the Bird, Ungulates and Wildlife Study Plans will be incorporated into the functional assessment. Section 8.3 indicates that <i>“Biodiversity, presence of sensitive species or species of cultural importance and habitat suitability”</i> will be considered when determining a ranking of peatland function (i.e., high, moderate, low). However, no further detail is provided (e.g., which species and/or species habitat will be considered ‘sensitive’ and therefore included in the functional assessment).</p> <p>It is strongly recommended that the Peatland Functional Assessment includes consideration</p> | <p>Update the Peatlands Study Plan to provide additional detail on the species and associated habitat that will be used in the Peatland Functional Assessment.</p> |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|---|--------------------------|
| | | <p>of all species at risk which rely on wetland ecosystems in this region and associated habitat (e.g., Caribou, etc.); and the Project Team is encouraged to provide additional details on which species and species habitat will be used in the assessment and determination of function ranking.</p> <p>It should be noted, the presence of sensitive species and habitat suitability should consider past and present presence, and current and future habitat suitability.</p> | |

Comments Table

Proposal: Marten Falls Community Access Road Project – Wolverine ESA B Permit Application (Aug. 27, 2021)

Proponent: Marten Falls First Nation

Commenter Name, Job Title and Ministry: Kevin Green, Northern Species at Risk Specialist, Species at Risk Branch, MECP;
 Brianna Brothers, Management Biologist, Species at Risk Branch, MECP

| Comment # | Page/Section # in Permit Application | Comments & Rationale | Proposed Action/Solution |
|-----------|--------------------------------------|--|--|
| 1. | Pg. 5 / Methodology & timelines | <p>It is recommended that the hair snag trap be designed using run poles as detailed in Magoun <i>et al.</i> 2011. The ESA B Permit applications proposes that up to 40% of the traps may be of a simpler design to allow deployment of traps in areas where no trees are present, but the modified design is not described. Additional details should be provided describing trap designs proven to be effective in collecting wolverine hairs during previous wolverine studies.</p> <p>Furthermore, these details should be added to the Wildlife Study Plan.</p> | Update the Wildlife Study Plan as appropriate. |
| 2. | Pg. 5-6 / Methodology & timelines | <p>Note: same comment provided on the Wildlife Study Plan. This comment should be addressed in the Wildlife Study Plan.</p> <p>Scent lures, on their own, may not be effective for attracting wolverine to the hair snag traps. Rather, Fisher 2004 found that stations baited with whole beavers were more successful at attracting mammals than scent-lure stations.</p> | Update the Wildlife Study Plan as appropriate. |

| Comment # | Page/Section # in Permit Application | Comments & Rationale | Proposed Action/Solution |
|-----------|--------------------------------------|--|--------------------------|
| | | <p>As such, it is recommended that hair snag/camera traps be baited with appropriate carrion that wolverines would be familiar with (e.g., beaver carcass, moose, bear, etc.) (Koen <i>et al.</i> 2008). Consideration should be given to also scent the bait and tree with scent lures (e.g., beaver castor) (Koen <i>et al.</i> 2008).</p> | |

Comments Table

Proposal: Marten Falls Community Access Road Project – Final Wildlife Study Plan (May 2021)

Proponent: Marten Falls First Nation

Study Plan Title: Wildlife Study Plan

Commenter Name, Job Title and Ministry: Kevin Green, Northern Species at Risk Specialist, Species at Risk Branch, MECP;
 Brianna Brothers, Management Biologist, Species at Risk Branch, MECP

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|---|--|--|
| 1. | Pg. 27 / Section 7.2.1.2.1 | It is recommended that maternity sites in natural communities (e.g., roosts of any type in forests) and their surrounding natural areas be described based on the ELC methods. The ecosite is recommended to be identified as the maternity habitat site as it is unlikely that all or most roosts used by individuals in a maternity colony will be identified without the use of radiotelemetry or other tracking methods. This approach recognizes that these species tend to be highly mobile, change roost sites frequently within an area, and that the likelihood of detecting all specific roosts being used is low. | Update the Wildlife Study Plan as appropriate. |
| 2. | Pg. 39 / Section 7.2.3.5 Wolverine Hair Snag Traps | Additional details should be provided regarding the timing of proposed field work (e.g., years in which traps will be deployed). | Update the Wildlife Study Plan as appropriate. |
| 3. | Pg. 39 / Section 7.2.3.5 | Scent lures, on their own, may not be effective for attracting wolverine to the hair snag traps. | Update the Wildlife Study Plan as appropriate. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|--|--------------------------|
| | Wolverine Hair Snag Traps | <p>Fisher 2004 found that stations baited with whole beavers were more successful at attracting mammals than scent-lure stations.</p> <p>As such, it is recommended that hair snag/camera traps be baited with appropriate carrion (e.g., beaver carcass). Consideration should also be given to scent the bait and run pole/tree with scent lures (e.g., beaver castor) (Koen <i>et al</i> 2008).</p> | |

Comments Table

Proposal: Marten Falls Community Access Road Project – Final Ungulates Study Plan (May 2021)

Proponent: Marten Falls First Nation

Study Plan Title: Ungulates Study Plan

Commenter Name, Job Title and Ministry: Kevin Green, Northern Species at Risk Specialist, Species at Risk Branch, MECP;
 Brianna Brothers, Management Biologist, Species at Risk Branch, MECP

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|---|---|--------------------------|
| 1. | Pg. 22 / section 7.1 Desktop Assessment | <p>The updated Ungulates Study Plan indicates that it is anticipated that the MECP will provide Caribou Screening Tool (CST) results of the route alternatives in relation to the Missisa, Ozhiski, Nipigon and Pagwachuan caribou ranges. Unfortunately, the CST is not operational at this time and it is unclear whether it will be available during the course of the MFFN CAR Environmental Assessment.</p> <p>As such, the proponent will need to undertake appropriate desktop analyses within the EA which would otherwise have been provided through the CST to assess baseline landscape conditions within each caribou range; and predict the quantitative changes to these landscape conditions within each caribou range as a result of the Project and all other reasonably foreseeable projects (i.e., cumulative disturbance consistent with Ontario's approach outlined in the <i>Integrated Assessment Protocol</i></p> | No action required. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|--|--------------------------|
| | | <p><i>for Woodland Caribou Ranges in Ontario</i> (2014), habitat amount and arrangement, and sub-range habitat features).</p> <p>Based on the information provided in sections 7.1 and 9.4.2 of the updated Ungulates Study Plan, it is MECP SARB's understanding that the project team will acquire the necessary information/data to enable the analyses described in section 7.1 and 9.4, including the necessary information to enable an assessment of current and predicted cumulative disturbance (section 9.4.2), habitat amount and arrangement (section 7.1 – landscape composition; Resource Selection Probability Function; Integrated Range Assessment Reports) and sub-range habitat features (section 7.1 – Caribou General Habitat Description).</p> | |

D1.5.3 MNRF



From: [Gauthier, Shannon \(MECP\)](#)
To: [Oasim Saddique](#); [REDACTED]; [Larissa Mikkelsen](#); [Lawrence Baxter](#); [Bob Baxter](#);
Cc: [McLeod, Sasha \(MECP\)](#); [Beaney, Jessalyn](#); [Cinnamon, Christine](#); [Soulliere, Kenndal](#)
Subject: [EXTERNAL] MHSTCI and MNRF Comments- MFCAR ToR
Date: Tuesday, December 22, 2020 2:47:51 PM
Attachments: [MHSTCI Comments- Dec 18-19.pdf](#)
[MNRF Comments table- Dec 21-20.pdf](#)

Hi Marten Falls Project Team, please find attached MNRF and MHSTCI's comments on the proposed MFCAR ToR. Please prepare a response in table format and provide that to myself and Sasha McLeod by January 29, 2021 (if additional time is required please let us know).

Thanks,
Shannon

Shannon Gauthier | Project Officer

Environmental Assessment Services Section | Environmental Assessment Branch

Ministry of the Environment, Conservation and Parks | 135 St. Clair Avenue West, 1st Floor,
Toronto, ON M4V 1P5

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| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
|---|--|---|---|
| Table 7-1: Environmental Disciplines to be Considered during the Environmental Assessment Page 22 | Note: 1. Cultural heritage resources include archaeological and built heritage sites, and cultural heritage landscapes | MHSTCI recommends that terminology be aligned with current framework. Therefore, the note should read as: <i>Cultural heritage resources include archaeological resources, built heritage resources and cultural heritage landscapes.</i> | Item partially resolved. Please remove “Sites and” from the entry for archaeology, as sites are included in the definition of “archaeological resources”, therefore becoming repetitive. |
| 7.1.4.12 – Description of the Existing Environment: Socio-Economic and Built Environment Page 41-42 | <i>Economy</i> | <p>This section acknowledges the importance of remoteness to resource-based tourism operators in the area (as does Section 2.1.8.4 of the Draft Alternatives Development supporting document).</p> <p>Page 41 indicates that resource-based tourism operations are operated by members of Marten Falls First Nation. Page 42 also indicates that approximately 10 tourism operators are identified as potentially overlapping their operating areas within 2.5 kilometres of the centreline of each alternative route under consideration. A map showing where these businesses are located will be helpful in the EA.</p> <p>A strong commitment to protect the interests of these remote operators should occur, consistent with protections within other government processes, such as forest management planning.</p> <p>MHSTCI has already suggested some modifications to the initial tourism operator contact list that was shared with us by AECOM. An updated spreadsheet was sent to Kenndal Soulliere on January 10, 2020.</p> | <p>Section 7.1.4.12 has become Section 7.1.4.10.</p> <p>Item resolved as it relates to mapping. Section 7.1.4.10 commits to mapping the location of tourism operators where practicable (page 60).</p> <p>Item partially resolved as it relates to protecting remote tourism interests. Language has been retained in Section 7.1.4.10 regarding the importance of remoteness to resource-based tourism, including on pages 60 and 61, but the request for a strong commitment to protect the interest of remote tourism operators is not included.</p> <p>Please provide a rationale as to why this suggestion was not incorporated or if the proponent feels it is addressed elsewhere in the ToR document.</p> |
| 7.1.4.12 – Description of the Existing Environment: Socio-Economic and Built Environment Page 42 | The Project occurs within the Ministry of Heritage, Sport, Tourism and Culture Industries Tourism Region 13c where \$108 million was spent in 2013 on pleasure tourism (MTCS 2017). Tourism in the region is generally resource based with outfitting as the primary tourism activity with 661,000 tourist identifying participating in an outdoor activity as the main purpose of their trip. | <p>Page 42 includes some outdated tourism data from 2013. Updated wording is suggested below. Note that the data referenced below does not include travellers from the United States (it is not available).</p> <p><i>The Project occurs within the Ministry of Heritage, Sport, Tourism and Culture Industries Tourism Region 13C where \$109 million was spent by tourists from Ontario, other places in Canada, and overseas in 2016 on pleasure tourism. Tourism in the region is generally resource-based, with outfitting as a key tourism activity, with 841,000 visits including participation in an outdoor/sports</i></p> | Item resolved. Suggested wording included in Section 7.1.4.10 (page 60) |

| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
|--|--|---|--|
| | | <i>activity (e.g., 368,600 visits included fishing, 343,600 visits included boating) as the main purpose of their trip. Most of these tourists come from Ontario.</i> | |
| 7.1.4.12 – Description of the Existing Environment: Socio-Economic and Built Environment | | Should the road be constructed it may open up potential tourism opportunities for the community, including cultural tourism. | Item resolved. Section 7.2.10 includes the following language: “Potential changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, <i>and/or enabling new tourism, including cultural tourism, through improved access.</i> ” |
| 7.1.4.13 Cultural Heritage Resources Page 44 | 1 st paragraph Cultural heritage resources include archaeological and built heritage sites, and cultural heritage landscapes. Existing cultural heritage resources will be identified and described within the EA. | MHSTCI recommends that terminology be aligned with the current framework. While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation. Therefore the 1 st paragraph should read as: <i>Cultural heritage resources include archaeological resources, built heritage resources and cultural heritage landscapes. <u>Known (previously recognized) and potential</u> cultural heritage resources will be identified and described within the EA.</i> | Section 7.1.4.13 has become Section 7.1.4.11 Item resolved. |
| 7.1.4.13 Cultural Heritage Resources Pages 44-47 | | Include subheadings to discuss: (1) Archaeological Resources - after 1 st paragraph and (2) Built heritage resources and cultural heritage landscapes | Item resolved. |
| 7.1.4.13 Cultural Heritage Resources Pages 45 | 2 nd paragraph: During this time, they established interior posts which included the Marten Falls House, Henley House, and Gloucester House which are in proximity to the Study Area. | The first paragraph on page 45 notes that the Marten Falls House is an archaeological site (Ejlp-1) but does not indicate whether the Henley House and the Gloucester House are archaeological resources or built heritage resources. Please clarify, as it this determines whether an archaeological assessment or a heritage impact assessment is the appropriate method for identifying potential impacts and determining mitigation measures. | Item resolved. |
| 7.1.4.13 Cultural Heritage Resources Page 45 | 3 rd Paragraph | MHSTCI has issued two Project Information Form (PIF) numbers for this project: P088-0092-2019 for a Stage 1 archaeological assessment and P088-0093-2019 for a Stage 2 archaeological assessment. As you know, archaeological assessments are required to be undertaken by an archaeologist licenced under the Ontario Heritage | Item resolved. |

| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
|--|--|---|--|
| | | <p>Act, who is responsible for submitting the report directly to MHSTCI for review.</p> <p>The EA Report must include specific information from the AA report(s). The Executive Summary of each AA report provides a brief summary of the work completed and the recommendations for next steps (whether further archaeological assessment is required; if so the report will include a map that identifies those areas). The EA report must also include clear commitments to undertake the recommended AA and a timeline for their completion. A commitment as to when a Stage 1 and 2 archaeological assessment will be undertaken should be included and MHSTCI recommends the 3rd paragraph read as:</p> <p><i>A Stage 1 archaeological assessment to identify areas of archaeological potential within the study area will be undertaken by a licensed archaeologist. The Stage 1 AA will be submitted for MHSTCI review during the environmental assessment process (pre-planning phase) but prior to the EA completion. (...) This information will be used to inform the evaluation of alternatives and any additional studies.</i></p> | |
| <p>7.1.4.13 Cultural Heritage Resources</p> <p>Page 45</p> | <p>4th Paragraph</p> <p>Should results of the Stage 1 archaeological assessment confirm archaeological potential within the study area, a Stage 2 archaeological assessment will be undertaken prior to construction for areas that are identified as part of the final Project footprint</p> | <p>If the Stage 1 AA recommends further AA(s), then MHSTCI recommends that further stages of AA be completed as early as possible during the planning or design phase of the project, and prior to the completion of detailed design. Therefore, MHSTCI recommends inserting the following:</p> <p><i>Should the results of the Stage 1 archaeological assessment recommend further archaeological assessment(s) within the final Project footprint (preferred alternative), then any further stages of archaeological assessment will be completed as early as possible during the planning or design phase of the project, and prior to the completion of detailed design.</i></p> | <p>Item resolved.</p> |
| <p>7.1.4.13 Cultural Heritage Resources</p> <p>Page 45</p> | <p>5th paragraph</p> <p>The Stage 2 archaeological assessment will be conducted to meet the requirements of the <i>Standards and Guidelines for Consultant Archaeologists</i> (MTCS 2011).</p> | <p>See above comments. MHSTCI recommends the following:</p> <p>Archaeological assessment(s) will be conducted by a licensed archaeologist and will meet the requirements of the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists (MTCS 2011).</p> | <p>Item resolved.</p> |

| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
|--|--|--|---|
| <p>7.1.4.13 Cultural Heritage Resources</p> <p>Page 45</p> | <p>6th paragraph In addition to archaeological resources, which focus on specific localities and material remains of past occupation (...) key information sources will be Indigenous knowledge and discussions.</p> | <p>Please note that Standards and Guidelines for Conservation of Provincial Heritage Properties apply to this project as some properties are owned or controlled by the Crown in right of Ontario or by a public body prescribed under Ontario Regulation 157/10. Given the size of the study area, MHSTCI recommends that a Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment be undertaken. Indigenous communities may have knowledge that can contribute to the identification of cultural heritage resources, and we suggest that any engagement with Indigenous communities includes a discussion about known or potential cultural heritage resources that are of value to them. Please note that definitions of built heritage resources and cultural heritage landscapes are from the Provincial Policy Statement. Therefore, MHSTCI recommends inserting the following:</p> <ul style="list-style-type: none"> - Include a subheading (2) Built Heritage Resources and Cultural Heritage Landscapes. - Replace the 6th paragraph with: <u>A Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment will be undertaken by a qualified person. The Report will:</u> <ul style="list-style-type: none"> o <i>Identify existing baseline cultural heritage conditions, including a historical summary of the development of the study area and all known or potential built heritage resources and cultural heritage landscapes in the study area based on research. Indigenous knowledge, MHSTCI screening checklist Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes and professional judgement.</i> o <i>Identify preliminary potential project-specific impacts on the known and potential built heritage resources and cultural heritage landscapes that have been identified.</i> o <i>Propose and recommend measures to avoid or mitigate potential negative impacts to known or potential built</i> | <p>Item resolved for creating sub-headings.</p> <p>Please provide a rationale as to why the recommendation to replace the 6th paragraph with the provided wording has not been undertaken in the final ToR document. As part of the EA process, the ToR should inform how it will identify, assess and document the cultural heritage environment.</p> <p>If this change has been made, please advise where in the document it can be found.</p> |

| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
|--|--|--|---|
| | | <p><i>heritage resources and cultural heritage landscapes.</i></p> <p><i>As part of this study, engagement with Indigenous communities is key. The Report will be completed during the environmental assessment and prior to the EA completion. The proposed mitigation measures will inform the selection of alternatives, next steps of project planning and design as well as additional studies).</i></p> | |
| <p>Table 7-4: Preliminary Identification of Potential Environmental Effects</p> <p>Page 48</p> | <p>Potential Effects on Cultural Heritage Resources</p> <ul style="list-style-type: none"> - Damage to, or loss of, archaeological or other sites. | <p>MHSTCI recommends that the description of potential effects be expanded as follow:</p> <ul style="list-style-type: none"> - <u>Disturbance or destruction of, archaeological resources.</u> - <u>Displacement of built heritage resources and/or cultural heritage landscape by removal and/or demolition and/or disruption by isolation</u> - <i>Impacts to registered and unregistered cemeteries which have been identified and documented.</i> - <i>Effects on cultural heritage landscapes</i> - <i>Disruption of cultural heritage resources by the introduction of physical, visual, audible or atmospheric elements that are not in keeping with the character and setting of cultural heritage resources</i> | <p>Table 7-4 has become Table 7-6</p> <p>Item resolved.</p> |
| <p>Table 7-4: Preliminary Identification of Potential Environmental Effects</p> <p>Page 48</p> | <p>Potential Effects on Recreation and Tourism</p> <ul style="list-style-type: none"> - Changes to recreational and commercial lands used for trapping hunting, fishing and other activities. | <p>The project could also result in a loss of economic activity due to access related impacts for those businesses that rely on remoteness for their product. That loss should also be highlighted as a potential effect. The interview process will identify whether tourism operators are concerned in this regard.</p> <p>There is also a potential for noise impacts, particularly at the construction stage, if accommodations (sensitive uses) are within the area of influence</p> | <p>Table 7-4 has become Table 7-6.</p> <p>Item is partially resolved. The previous potential effect remains. Nothing has been added to specifically address access-related impacts to businesses, though there is acknowledgement of the importance of remoteness to tourism in other sections of the ToR.</p> <p>Please provide a rationale as to why this suggestion was not incorporated or where the proponent feels it is addressed elsewhere in the ToR document.</p> <p>It is noted that Section 10.2.3 outlines that a link to the draft ToR was sent to interested persons in December 2019 and follow up calls were made to tourism operators to confirm if they received the documents and were planning to provide comments. Only one</p> |

| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
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| | | | <p>interested person commented on the draft ToR. This direct outreach to tourism stakeholders is appreciated.</p> <p>Changes to noise levels is captured under the environmental component “Natural (Physical and Environmental)” but not in the context of impacts to businesses.</p> |
| <p>Section 7.2.7 – Potential Environmental Effects: Wildlife</p> <p>Page 51</p> | <p>The CAR will provide year-round access to the Far North, which is likely to increase access for recreational use.</p> | <p>As noted earlier, potential impacts on remoteness are noted in Section 2.1.8.4 of the Draft Alternatives Development supporting document. This acknowledgement should be reflected in the final ToR as well.</p> | <p>Item resolved. There is language in Section 7.1.4.10 regarding the importance of remoteness to resource-based tourism, including on pages 60 and 61.</p> |
| <p>Section 7.2.11 - Potential Environmental Effects: Socio-Economic and Built Environment</p> <p>Pages 52-53</p> | | <p>This section acknowledges that the project may negatively impact the tourism sector. The resource-based tourism sector is compatible with traditional and cultural activities and supports jobs in the community. Any impacts to this sector from the project will need assessment and if there are unavoidable impacts, there should be mitigation proposed.</p> | <p>Section 7.2.11 has become Section 7.2.10.</p> <p>Item partially resolved.</p> <p>Section 11.8 outlines a high-level issue resolution process if concerns are not resolved during the development of the EA. The issue resolution process includes potential third-party mediation but does not offer additional mitigation (i.e. potential compensation for negative impacts) and instead outlines that if issues cannot be resolved they will be noted along with documentation of attempts to resolve the issue. Perhaps this could be considered as the EA is developed.</p> |
| <p>7.2.12 Cultural Heritage Resources</p> <p>Page 53</p> | <p>Potential Environmental Effects to Cultural Heritage Resources</p> <p>Should any archaeological or built heritage and cultural landscapes be identified in the are of the Project, there is a potential for damage to, or the loss of the cultural heritage resources through ground disturbance activities (e.g. blasting, grading). Any activity with the potential to cause ground disturbance may also inadvertently discover and/or disturb previously unknown resources. Vibration generated by heavy equipment.</p> | <p>This project has the potential to impact cultural heritage resources. This section should be expanded to indicate how potential environmental effects / impacts to cultural heritage resources will be identified and assessed. Therefore , MHSTCI recommends that the existing paragraph be replace with the following suggested text: <i>Cultural heritage resources (archaeological resources, built heritage resources and cultural heritage landscapes) may be impacted by the Project. Potential environmental effects as relates to cultural heritage resources are described in Table 7-4. Technical cultural heritage studies (i.e. archaeological assessment(s), Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment) will be undertaken during the EA process and will identify preliminary effect/impacts and recommend avoidance and/or mitigation measures, if any negative effects/impacts on cultural heritage resources.</i></p> | <p>Section 7.2.12 has become Section 7.2.11</p> <p>Item resolved.</p> <p>Since the definition of cultural heritage resources includes archaeology, MHSTCI recommends removing “archaeology and” from both paragraphs, as it is repetitive.</p> |

| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
|--|--|--|---|
| 9.1 Environmental Commitments Page 59 | The EA will include a comprehensive list of environmental commitments made by MFFN (...): - Completion of additional works and field studies, if required | Since the document does not currently specify which studies will be undertaken, the second bullet should be modified to read “undertaking and completing the required studies and following up on any report recommendations”. | MHSTCI continues to recommend that this wording be inserted, so as to illustrate the intention with respect to undertaking assessment activities, preparing reports stemming from those activities and implementing any recommendations of the report. |
| Table 13-1: Potential Permits and Approvals for the Proposed Project Page 83 | Ministry of Heritage, Sport, Tourism and Culture Industries Archaeological and Cultural Clearances | See above comments regarding technical cultural heritage studies. | Item partially resolved. For archaeological assessments, please change the entry to: “ <i>Archaeological Assessment(s) to be completed as part of the EA under the Ontario Heritage Act, 1990, and submitted to MHSTCI</i> ”. For built heritage resources and cultural heritage landscapes, please change the entry to: “ <i>Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment to be completed and submitted to MHSTCI for review under the EAA.</i> ” |
| Appendix A – Draft Criteria and Indicators for Alternatives Evaluation Page 5 | | Recreation and Tourism is identified as both an “environmental discipline” and a “criteria.” Associated potential data sources do not include tourism operators or the planned interviews/surveys of those operators as per Section 7.1.4.12 (see earlier comment), unless they are covered under the listing for “primary data.” | Item resolved. The potential data sources include “interest group information” and “information from Indigenous Tourism Operators.” Section 7.1.4.10 continues to note that interviews will be undertaken with tourism operators. |
| Appendix A – Draft Criteria and Indicators for Alternatives Evaluation Page 6 | Environmental Discipline: Cultural Environment/Cultural Heritage Resources | Based on the comments above, MHSTCI recommends the following text: <i>Criteria: <u>Built Heritage Resources and Cultural Heritage Landscapes</u></i> <i>Indicator:</i> - <i>Areas of significance to local communities</i> - <i>Areas of <u>known or potential cultural heritage value or interest</u></i> - <i>Areas of Religious or Spiritual Significance</i> <i>Potential Data Sources:</i> - <i>Indigenous Knowledge</i> - <i>Recent and historical maps of the study area</i> - <i><u>Primary and secondary documentary sources (both current and archival written accounts, maps, drawings, plans and images)</u></i> | Item mostly resolved. MHSTCI continues to recommend the following be inserted as written under the Indicator column: <u>Areas of known or potential cultural heritage value or interest</u> and under the Potential Data Sources column: <u>Site visits</u> |

| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
|-------------------|--|---|--|
| | | <ul style="list-style-type: none"> - <u>Site visits</u> - <u>Community Based Land Use Planning initiatives</u> | |
| General | | Throughout the draft ToR and supporting documents, our Ministry name should be updated to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) where appropriate. | Item resolved. |

Proposal: Marten Falls Community Access Road Project –Proposed Terms of Reference

Proponent: Marten Falls First Nation

MNRF Comments on Proposed Terms of Reference for the Marten Falls Community Access Road. December 21, 2020

| Document Reference | Section | Comments & Rationale | Recommendations/ Proposed Action/ Solution |
|--------------------|-------------------------|--|---|
| Main report | Section 5.2.1.2 Page 16 | <p>The proposed ToR states, “<i>Culverts will range from small diameter corrugated steel pipes for overland water drainage to large concrete box or steel arch culverts for smaller waterways</i>”.</p> <p>The meaning of this is unclear. Will corrugated pipe <u>only</u> be used for cross-drainage; whereas <u>only</u> open-bottomed crossing structures will be used in waterways? The potential for negative impacts, and MNRF’s approval requirements will differ depending on the options chosen.</p> | <p>The ToR should provide further clarity regarding when each water crossing method will be utilized so that MNRF can better understand potential impacts and permitting requirements.</p> <p>MNRF encourages use of open-bottomed crossing structures for waterways where possible.</p> |
| Main report | Section 5.2.1.4 Page 16 | <p>The proposed ToR states, “<i>temporary access roads will either be decommissioned, or blocked to discourage public use but facilitate access for ongoing road maintenance</i>”.</p> <p>The indication that some “temporary roads” will be accessed for ongoing road maintenance implies that those “temporary” roads will be permanent access roads. This would imply that water crossings on these maintenance access roads will necessitate permanent water crossing structures.</p> | <p>The ToR should provide clarification regarding the permanency of “temporary” access roads i.e. define what is meant by temporary.</p> <p>Also: identify any water crossings involved with “temporary” roads. Will the crossings be permanent? Permanent water crossings on “temporary” roads need to be considered in the same way as other permanent water crossings (i.e. such as those on the main road).</p> |
| Main report | Section 5.2.1.4 Page 16 | <p>Experience throughout Ontario has shown that blocking roads to discourage public use is generally ineffective. “Blocked” roads are frequently used to</p> | <p>The ToR should commit that the environmental assessment will consider the potential impact of increased access through use of access roads that are</p> |

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| | | <p>access resources, particularly with regard to hunting and fishing opportunities.</p> | <p>established to implement this project. This should include an assessment of the potential effectiveness of measures proposed to mitigate the anticipated effects.</p> |
| <p>Main Document</p> | <p>Section 5.2.1.3 Page 16</p> | <p>The potential impact and proposed mitigations associated with various alternatives for sourcing aggregates should be identified during the environmental assessment. Although the need to source aggregates for this project is recognized in the ToR, as is the availability of aggregates in the area (i.e. there is a high level description and map provided), it is unclear specifically what options for supply of aggregates will be considered, and how the impacts of using various sources will be assessed.</p> <p>It should be noted that development of new aggregate extraction areas can only begin after sites have been approved under the <i>Aggregate Resources Act (ARA)</i>. Further assessment may also be required under the <i>Far North Act</i>. Processing of these permit applications can take 6 months or longer.</p> | <p>The ToR should identify that the environmental assessment will include an assessment of potential impacts and proposed mitigation measures associated with sourcing and use of aggregates. This should include commitments that the environmental assessment will:</p> <ul style="list-style-type: none"> • describe estimated amounts of aggregate required and anticipated sources, including whether the development of new pits or quarries is planned; • assess the potential impacts of obtaining, using, and retirement of aggregate source areas; • identify any aggregate sources that will be required beyond the construction phase; and • determine appropriate decommissioning and rehabilitation approaches for aggregate sources which are developed but will not be needed once construction is completed. |

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| | | | <p>Please be aware that additional approvals under the Environmental Assessment Act may be required if these items are not adequately addressed as part of the Individual Environmental Assessment.</p> <p>ARA approvals from MNRF will be required if new aggregate sites will be developed (i.e. pits or quarries). Although inclusion of the need for ARA approvals is identified in Table 13-1, it is recommended that the need for ARA approvals also be identified in this section of the ToR.</p> |
| Main Report | Section 7.1.1, Page 27 | <p>The study area identified in the ToR includes a strip of land, 2.5 km on each side of the centreline of each alternative route. Given the range and movement of some fish and wildlife species, and the potential for impacts on remote tourism operations, limiting the study area in this way may not be adequate to assess the full range of impacts from the project.</p> | <p>Further rationale for the study area should be provided and/or there should be modifications to the approach described in the ToR in recognition that impacts may reach outside of the currently identified 2.5 area on each side of the centerline of each alternative route. Related: the ToR should commit to the identification of potential negative impacts outside of the currently described study area, intent to avoid negative impacts and, where avoidance is not possible, to identify appropriate mitigation of impacts that may occur.</p> |

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| Main Report | Section 7.1.4.8, Page 31 | The project description could be improved by including the size of the study area (e.g., in hectares) in this section. This would provide readers a better sense of the scope and scale of this project. This would be helpful within the ToR and during the environmental assessment phase. | It is recommended that the size of the study area be included (e.g. in section 7.1.1 and in the EA) to assist provision of full and complete information regarding the scope and scale of this proposal. |
| Main report | Section 7.1.4.5 Page 46 | This section (and others in the report) uses the terms “long span bridges” and “short span bridges” Typically, when referring to bridges, the term “clear span bridge” is used to denote a structure where no infrastructure is located below the high water mark. This is critical distinction when reviewing the environmental impacts of a bridge; the actual length of the bridge is less relevant. | Clarify the terms “long span” and “short span” bridges, and consider using the term “clear span bridge” to denote bridges with no infrastructure located below the high water mark. |
| Main report | Section 7.1.4.5 Page 47 | The ToR states, “ <i>The ground-based field survey will be used to obtain site-specific field data at a subset of water body crossings to verify or augment the results and assumptions from the desktop analysis</i> ”. Note that MNRF will require a ground-based field survey for any proposed water crossing requiring infrastructure or work (including fording) below the high water mark, prior to permitting. | Given the eventual need for ground-based field surveys for proposed water crossings, MNRF strongly suggests that these surveys be conducted as part of the environmental assessment rather than waiting until the permitting phase. Ground surveys provide more comprehensive information to reviewers; providing this information early will enable a more complete understanding of potential impacts and proposed mitigation measures, and will help to avoid delays or the need for realignments at the permitting phase. |

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| Main report | Section 7.1.4.9 Page 55 | <p><i>The ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings (approximately 10% of the total number of mapped and unmapped waterbody crossings)</i></p> <p>MNRF does not consider aerial and desktop assessments adequate approaches to evaluate fish and fish habitat. MNRF will require a ground-based field survey for any proposed water crossing requiring work or infrastructure (including fording) below the high water mark, prior to permitting.</p> | <p>As noted above, given the eventual need for ground-based field surveys for proposed water crossings, MNRF strongly suggests that these surveys be conducted as part of the environmental assessment rather than waiting until the permitting phase. Ground surveys provide more comprehensive information to reviewers and providing this information early will avoid unexpected delays or realignments at the permitting phase.</p> <p>It should also be noted that under the <i>MNR-DFO Fish Habitat Referral Protocol</i>, MNRF cannot permit works requiring DFO review until that review has been completed. Currently, DFO review is required for any proposal that cannot meet the <i>Measures to Protect Fish and Fish Habitat</i>, which include avoiding:</p> <ul style="list-style-type: none"> • conducting any work, undertaking or activity in water • placing fill or other temporary or permanent structures below the high water mark • fording of the watercourse |

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| | | | <p>Finally, in 2013, MNRF adopted a species-specific approach to timing windows for work in water. In the absence of species-specific information for individual crossing sites, MNRF will apply the most restrictive timing windows to work permits for water crossings (i.e. no work in water between September 1 and July 15).</p> |
| Main report | Section 7.1.4.9 Page 57 | <p>The ToR states, “<i>A preliminary list of fish species of importance for dietary needs, and / or cultural and spiritual needs has been identified based on available Indigenous Knowledge. Fish species include ... Chain Pickerel (Esox niger)...</i>”</p> <p>MNRF does not have evidence of “chain pickerel” in the study area. The only records for chain pickerel in Ontario are in Lake Ontario and the St. Lawrence River: http://www.ontariofishes.ca/fish_detail.php?FID=111</p> | <p>It is recommended that documentation be provided in the environmental assessment of chain pickerel in the study area, or that Indigenous communities (or other sources of this information) be asked for clarification as to what species may have been meant/in mind for what MNRF understands to be chain pickerel.</p> |
| Main Report | Section 7.1.4.10, Page 58 | <p>This section of the ToR indicates that economic development in the project area is predominantly led or in partnership with MFFN. Also, the description of economic activity in the area elaborates on this observation.</p> <p>The ToR should also provide information regarding economic activities occurring in the area which are not led or conducted in partnership with MMFN. Provision of this information would provide a more</p> | <p>Add a description of economic activities that are not led by, or conducted in partnership with, MFFN in this section.</p> |

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| | | complete understanding of economic activities in the study area. It would also provide confidence that all interested parties will be identified and consulted during assessment of the potential impacts of the project, and during determination of most appropriate mitigation measures. | |
| Main report | Section 7.2.5 Page 67 | <i>The Project will consider MNRF and DFO recommended practices outlined in Ministry of Natural Resources and Forestry / Fisheries and Oceans Canada Protocol for the Review and Approval of Forestry Water Crossings</i> | It is important to note that the Protocol for the Review and Approval of Forestry Water Crossings is specific to water crossings authorized under the <i>Crown Forest Sustainability Act (CFSA)</i> . Water crossings associated with this Project are anticipated to be permitted through the <i>Public Lands Act</i> , not the CFSA. The MNRF/DFO protocol does not apply to these water crossings. |
| Main Report | Table 13-1, Page 113 | Please note that there are two potential approaches to permitting harvesting of trees outside of the Area of the Undertaking. <ol style="list-style-type: none"> 1. Sale and Purchase Agreement 2. Permit to Remove | It is recommended that Table 13-1 be updated to accurately reflect these mechanisms for <i>Authorization from MNRF for the harvest of trees</i> . <i>For areas outside of Forest Management Units (as defined in the CFSA), authorization can be provided by a Permit to Remove or, where a Permit to Remove is not appropriate, a Sale and Purchase Agreement can be entered into.</i> |

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| | | | <p><i>Note that both a “Permit to Remove” and “Sale and Purchase Agreement” can only be obtained where the activity for which trees must be harvested (e.g. road construction, aggregate extraction) has received prior approval under the appropriate legislation.</i></p> <p><i>Also note: Forest Resource Licenses cannot be used outside of Forest Management Units in the Far North.</i></p> |
| MNRF #69 | Appendix A | <p>To assist MNRF in understanding the extent and potential significance of the impacts to our mandated areas of interest, it is important that the environmental assessment identify and describe significant features that may be impacted by the project. Examples of these may include Areas of Natural and Scientific Interest, Provincially Significant Wetlands (if they exist in the southern portion), and Significant Wildlife Habitat.</p> <p>Additionally, in order for MNRF to understand the potential for negative impacts to natural heritage, the environmental assessment process should expand upon the criteria and indicators that are identified in the ToR and develop indicators that can readily be quantified. Readily quantifiable indicators help to reduce ambiguity when comparing</p> | <p>Appendix A of the ToR should be revised by committing to the identification and description of significant features that may be impacted by the project, and to include indicators for the proposed criteria that are quantitative in nature.</p> |

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| | | <p>alternatives and assessing the relative potential for negative impacts among different options.</p> <p>Examples of natural heritage related quantitative indicators the ToR could include: the number of water crossings required, the number of wetlands, the number of kms of wetlands to be crossed, or the total area of sensitive features impacted.</p> | |
| MNRF #68 | Appendix A | <p>Missing source information: <i>MNRF Natural Heritage Reference Manual (NHRM), 2014, Significant Wildlife Habitat Technical Guide (1999), Significant Wildlife Habitat Mitigation Support Tool (2015)</i> and the <i>Ecoregional Criteria Schedule for Ecoregion 3W (Draft: 2018)</i>.</p> | <p>Please add MNRF Natural Heritage Reference Manual (2014), Significant Wildlife Habitat Technical Guide (1999), Significant Wildlife Habitat Mitigation Support Tool (2015) and the Ecoregional Criteria Schedule for 3W (Draft: 2018) to the list of published sources of information for existing conditions.</p> <p>The Natural Heritage Reference Manual can be referenced in conjunction with the Significant Wildlife Habitat Technical Guide (SWHTG) 2000. The NHRM outlines evaluation processes of habitat and other natural heritage features. The SWHTG offers guidance to evaluate and identify the significance of wildlife habitat. In addition, there is a usable ecoregional criteria schedule for 3W available on the environmental registry that is specific to a large area of the</p> |

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| | | | proposed project. The Significant Wildlife Habitat Mitigation Support Tool can be used to help inform mitigation options for Significant Wildlife Habitat in the environmental assessment. |



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| Government Review Team | | | |
| Ministry of Natural Resources and Forestry – December 21, 2020 | | | |
| MNRF-1 | <p>Document Reference: Main report Section: Section 5.2.1.2 Page 16 Comments & Rationale: The proposed ToR states, “<i>Culverts will range from small diameter corrugated steel pipes for overland water drainage to large concrete box or steel arch culverts for smaller waterways</i>”.</p> <p>The meaning of this is unclear. Will corrugated pipe only be used for cross-drainage; whereas only open-bottomed crossing structures will be used in waterways? The potential for negative impacts, and MNRF’s approval requirements will differ depending on the options chosen.</p> <p>Recommendations/Proposed Action/Solution: The ToR should provide further clarity regarding when each water crossing method will be utilized so that MNRF can better understand potential impacts and permitting requirements. MNRF encourages use of open-bottomed crossing structures for waterways where possible.</p> | <p>Corrugated steel pipe culverts will be recommended for embankment through-grade water drainage locations. Large concrete box culverts, steel arch culverts, or other open-bottomed crossings will be recommended for waterways, where possible. Moving forward, this revised language will be used in Project documentation (e.g. the Environmental Assessment [EA] Report) to improve clarity.</p> | Commitment for EA |
| MNRF-2 | <p>Document Reference: Main report Section: Section 5.2.1.4 Page 16 Comments & Rationale: The proposed ToR states, “<i>temporary access roads will either be decommissioned, or blocked to discourage public use but facilitate access for ongoing road maintenance</i>”.</p> <p>The indication that some “temporary roads” will be accessed for ongoing road maintenance implies that those “temporary” roads will be permanent access roads. This would imply that water crossings on these maintenance access roads will necessitate permanent water crossing structures.</p> <p>Recommendations/Proposed Action/Solution: The ToR should provide clarification regarding the permanency of “temporary” access roads i.e. define what is meant by temporary.</p> <p>Also: identify any water crossings involved with “temporary” roads. Will the crossings be permanent? Permanent water crossings on “temporary” roads need to be considered in the same way as other permanent water crossings (i.e. such as those on the main road).</p> | <p>The EA will clearly indicate if access roads associated with the Project will be temporary or permanent and provide associated appropriate water course crossing information.</p> | Commitment for EA |
| MNRF-3 | <p>Document Reference: Main report Section: Section 5.2.1.4 Page 16 Comments & Rationale: Experience throughout Ontario has shown that blocking roads to discourage public use is generally ineffective. “Blocked” roads are frequently used to access resources, particularly with regard to hunting and fishing opportunities.</p> <p>Recommendations/Proposed Action/Solution: The ToR should commit that the environmental assessment will consider the potential impact of increased access through use of access roads that are established to implement this project. This should include an assessment of the potential effectiveness of measures proposed to mitigate the anticipated effects.</p> | <p>Marten Falls First Nation (MFFN) acknowledges that increased access may arise in the future if the Community Access Road (CAR) is constructed. As mentioned in Section 7.2.10 of the Terms of Reference (ToR), the EA will consider the potential effects of the Project due to:</p> <ul style="list-style-type: none"> ▪ Changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods. ▪ Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access. <p>Section 7.2.1 of the ToR also identifies that the EA will also consider changes in the availability and / or quality of resources, including potential changes associated with increased access by non-Indigenous land users as a result of the Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, gathering) within the area of the Project.</p> <p>Changes in access will be assessed for both the construction (i.e., access roads) and operations and maintenance phases (i.e., CAR and access roads). The EA will recommend impact management measures to avoid or minimize potential effects of the Project to the environment and identify any potential net effects remaining after the application of impact management measures. Therefore, the effectiveness of the impact management measures will be evaluated as part of the identification of net effects outlined in Section 8.3 of the ToR.</p> | Section 7.2.1, pg. 66 Section 7.2.10, pg. 70 Section 8.3, pg. 73 |
| MNRF-4 | <p>Document Reference: Main report Section: Section 5.2.1.3 Page 16 Comments & Rationale: The potential impact and proposed mitigations associated with various alternatives for sourcing aggregates should be identified during the environmental assessment. Although the need to source aggregates for this project is recognized in the ToR, as is the availability of aggregates in the area (i.e. there is a high level description and map provided), it is unclear specifically what options for supply of aggregates will be considered, and how the impacts of using various sources will be assessed.</p> <p>It should be noted that development of new aggregate extraction areas can only begin after sites have been approved</p> | <p>Section 6.3 of the ToR identifies that the EA will consider the alternative methods of carrying out the undertaking, which includes the quarries, borrow areas and aggregate source areas. A preliminary identification of potential aggregate source areas in the area of the Project is shown on Figure 7-3; however, the locations that will be considered and assessed will be identified in the EA. This will include information on the amounts of aggregate required during construction and operations (Section 7.1.4.4), whether new pits / quarries are planned (Section 7.1.4.4), and whether any sources will require decommissioning following construction (Section 5.2.2).</p> <p>The method to assess the effects of the Project (including quarries, borrow areas and aggregate source areas) is outlined generally in Section 8. The assessment and evaluation method include identifying the potential effects and recommending impact management measures.</p> | Section 6.3, pg. 22 Section 5.2.2, pg. 20 Section 7.1.4.4, pg. 44 Section 8, pg. 72 |



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| | <p>under the Aggregate Resources Act (ARA). Further assessment may also be required under the Far North Act. Processing of these permit applications can take 6 months or longer.</p> <p>Recommendations/Proposed Action/Solution: The ToR should identify that the environmental assessment will include an assessment of potential impacts and proposed mitigation measures associated with sourcing and use of aggregates. This should include commitments that the environmental assessment will:</p> <ul style="list-style-type: none"> ▪ describe estimated amounts of aggregate required and anticipated sources, including whether the development of new pits or quarries is planned; ▪ assess the potential impacts of obtaining, using, and retirement of aggregate source areas; ▪ identify any aggregate sources that will be required beyond the construction phase; and ▪ determine appropriate decommissioning and rehabilitation approaches for aggregate sources which are developed but will not be needed once construction is completed. <p>Please be aware that additional approvals under the Environmental Assessment Act may be required if these items are not adequately addressed as part of the Individual Environmental Assessment.</p> <p>ARA approvals from MNRF will be required if new aggregate sites will be developed (i.e. pits or quarries). Although inclusion of the need for ARA approvals is identified in Table 13-1, it is recommended that the need for ARA approvals also be identified in this section of the ToR.</p> | <p>Thank you for sharing information about the <i>Aggregates Resources Act</i>. Where possible, the EA will be prepared in a manner to meet the items listed in this comment. The information has been noted so that, moving forward, it can be captured in Project documentation (e.g., the EA Report).</p> | |
| MNRF-5 | <p>Document Reference: Main report Section: Section 7.1.1, Page 27</p> <p>Comments & Rationale: The study area identified in the ToR includes a strip of land, 2.5 km on each side of the centreline of each alternative route. Given the range and movement of some fish and wildlife species, and the potential for impacts on remote tourism operations, limiting the study area in this way may not be adequate to assess the full range of impacts from the project.</p> <p>Recommendations/Proposed Action/Solution: Further rationale for the study area should be provided and/or there should be modifications to the approach described in the ToR in recognition that impacts may reach outside of the currently identified 2.5 area on each side of the centerline of each alternative route.</p> <p>Related: the ToR should commit to the identification of potential negative impacts outside of the currently described study area, intent to avoid negative impacts and, where avoidance is not possible, to identify appropriate mitigation of impacts that may occur.</p> | <p>The ToR identified a preliminary study area for the Project (i.e., the 5 km corridor) and committed to developing discipline-specific local and regional study areas during the EA. Local and regional study areas are defined as the areas where direct and indirect effects of the Project are likely to occur, respectively. Study areas are in the early stages of development and are being defined taking into consideration input received through the Consultation and Engagement Program, including comments on the ToR. The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, proposed local and regional study areas will also be based on the requirements set out in the Tailored Impacts Statement Guidelines developed by the Agency.</p> <p>Section 7.1.1 of the ToR also indicates that there may be benefits to siting Project components outside of the 5 km study area, and if so, the study area would be adjusted.</p> <p>As stated in Section 8 of the ToR, impact management measures to avoid or minimize identified potential effects will be recommended in the EA. The geographic extent of predicted effects will be taken into consideration when developing the impact management measures, so that where warranted, impact management measures are recommended for Project effects that are predicted to extend beyond the preliminary study area identified in the ToR.</p> | Section 7.1.1, pg. 27 Section 8, pg. 72 |
| MNRF-6 | <p>Document Reference: Main report Section: Section 7.1.4.8, Page 31</p> <p>Comments & Rationale: The project description could be improved by including the size of the study area (e.g., in hectares) in this section. This would provide readers a better sense of the scope and scale of this project. This would be helpful within the ToR and during the environmental assessment phase.</p> <p>Recommendations/Proposed Action/Solution: It is recommended that the size of the study area be included (e.g. in section 7.1.1 and in the EA) to assist provision of full and complete information regarding the scope and scale of this proposal.</p> | <p>The ToR identified a preliminary study area for the Project (i.e., the 5 km corridor with an approximate area of 1,640 km²) and committed to developing discipline-specific local and regional study areas during the EA. Study areas are in the early stages of development. The size of the discipline-specific study areas will be provided in the EA Report.</p> | Section 7.1.1, pg. 27 |
| MNRF-7 | <p>Document Reference: Main report Section: Section 7.1.4.5 Page 46</p> <p>Comments & Rationale: This section (and others in the report) uses the terms “long span bridges” and “short span bridges”</p> <p>Typically, when referring to bridges, the term “clear span bridge” is used to denote a structure where no infrastructure is located below the high water mark. This is critical distinction when reviewing the environmental impacts of a bridge; the actual length of the bridge is less relevant.</p> <p>Recommendations/Proposed Action/Solution: Clarify the terms “long span” and “short span” bridges, and consider using the term “clear span bridge” to denote bridges with no infrastructure located below the high water mark.</p> | <p>Throughout the ToR, the terms ‘short span bridge’ and ‘long span bridge’ were used to denote ‘clear span bridge’ and ‘multi-span bridge’, respectively. Moving forward, ‘clear span bridge’ and ‘multi-span bridge’ will be used consistently to refer to the various bridge types more accurately in Project documentation (e.g., the EA Report).</p> | Commitment for EA |
| MNRF-8 | <p>Document Reference: Main report Section: Section 7.1.4.5 Page 47</p> <p>Comments & Rationale: The ToR states, “The ground-based field survey will be used to obtain site-specific field data at a subset of water body crossings to verify or augment the results and assumptions from the desktop analysis”.</p> <p>Note that MNRF will require a ground-based field survey for any proposed water crossing requiring infrastructure or work</p> | <p>MFFN acknowledges the need for ground-based surveys at proposed water crossings prior to permitting. The EA will assess effects of the alternative methods, which may be adjusted throughout the environmental planning process as a result of the advancement of design, technical and environmental investigations and studies, information available through the Indigenous Knowledge Program and feed back from consultation activities. Since the approach of assessing multiple alternatives result in a high number of potential water crossings and the potential for adjustments to alternatives throughout the EA, MFFN has decided to conduct detailed assessments at a subset of water crossings. However,</p> | Commitment for EA |

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| | <p>(including fording) below the high water mark, prior to permitting.</p> <p>Recommendations/Proposed Action/Solution: Given the eventual need for ground-based field surveys for proposed water crossings, MNRF strongly suggests that these surveys be conducted as part of the environmental assessment rather than waiting until the permitting phase.</p> <p>Ground surveys provide more comprehensive information to reviewers; providing this information early will enable a more complete understanding of potential impacts and proposed mitigation measures, and will help to avoid delays or the need for realignments at the permitting phase.</p> | <p>photographs and documented waterbody type, habitat and bed substrate type, any observed potential fish passage barriers, and general aquatic and surface water conditions has been documented at each water crossing during aerial studies.</p> <p>The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, cultural importance, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project Environmental Assessment where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites.</p> | |
| MNRF-9 | <p>Document Reference: Main report Section: Section 7.1.4.9 Page 55</p> <p>Comments & Rationale: <i>The ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings (approximately 10% of the total number of mapped and unmapped waterbody crossings)</i></p> <p>MNRF does not consider aerial and desktop assessments adequate approaches to evaluate fish and fish habitat. MNRF will require a ground-based field survey for any proposed water crossing requiring work or infrastructure (including fording) below the high water mark, prior to permitting.</p> <p>Recommendations/Proposed Action/Solution: As noted above, given the eventual need for ground-based field surveys for proposed water crossings, MNRF strongly suggests that these surveys be conducted as part of the environmental assessment rather than waiting until the permitting phase. Ground surveys provide more comprehensive information to reviewers and providing this information early will avoid unexpected delays or realignments at the permitting phase.</p> <p>It should also be noted that under the MNR-DFO Fish Habitat Referral Protocol, MNRF cannot permit works requiring DFO review until that review has been completed. Currently, DFO review is required for any proposal that cannot meet the Measures to Protect Fish and Fish Habitat, which include avoiding:</p> <ul style="list-style-type: none"> ▪ conducting any work, undertaking or activity in water ▪ placing fill or other temporary or permanent structures below the high water mark ▪ fording of the watercourse <p>Finally, in 2013, MNRF adopted a species-specific approach to timing windows for work in water. In the absence of species-specific information for individual crossing sites, MNRF will apply the most restrictive timing windows to work permits for water crossings (i.e. no work in water between September 1 and July 15).</p> | <p>Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1 of the ToR). Since submission of the ToR in October 2020, MFFN has refined the approach to fish and fish habitat surveys as part of study plan development. Comments received from federal and provincial agencies as well as comments received through consultation and engagement on the ToR are being taken into consideration during study plan development. Based on these comments the MFFN has increased the coverage of the fish and fish habitat studies. All water crossings will be assessed from the air (as described in response to MNRF-8) and approximately 50% of the water crossings, across both Alternative 1 and Alternative 4, will be assessed during ground-based surveys. Additional information on the site selection is provided in the response to MNRF-8. Ground-based surveys are designed to meet Department of Fisheries and Oceans and the Ministry of Natural Resources and Forestry (MNRF) requirements. Timing windows and other relevant impact management measures will be identified in the EA.</p> | Section 7.2, pg. 65 Commitment for EA |
| MNRF-10 | <p>Document Reference: Main report Section: Section 7.1.4.9 Page 57</p> <p>Comments & Rationale: <i>The ToR states, “A preliminary list of fish species of importance for dietary needs, and / or cultural and spiritual needs has been identified based on available Indigenous Knowledge. Fish species include ... Chain Pickerel (Esox niger)...”</i></p> <p>MNRF does not have evidence of “chain pickerel” in the study area. The only records for chain pickerel in Ontario are in Lake Ontario and the St. Lawrence River: http://www.ontariofishes.ca/fish_detail.php?FID=111</p> <p>Recommendations/Proposed Action/Solution: It is recommended that documentation be provided in the environmental assessment of chain pickerel in the study area, or that Indigenous communities (or other sources of this information) be asked for clarification as to what species may have been meant/in mind for what MNRF understands to be chain pickerel.</p> | <p>MFFN will request clarification from the group that identified chain pickerel during the EA, and will be documented in the EA as appropriate.</p> | Commitment for EA |
| MNRF-11 | <p>Document Reference: Main report Section: Section 7.1.4.10, Page 58</p> <p>Comments & Rationale: This section of the ToR indicates that economic development in the project area is predominantly led or in partnership with MFFN. Also, the description of economic activity in the area elaborates on this observation.</p> <p>The ToR should also provide information regarding economic activities occurring in the area which are not led or conducted in partnership with MFFN. Provision of this information would provide a more complete understanding of economic activities in the study area. It would also provide confidence that all interested parties will be identified and consulted during assessment of the potential impacts of the project, and during determination of most appropriate</p> | <p>Section 7.1.4.10 of the ToR provides a high-level description of existing economic activity in the Region. And while the focus of the description is on the MFFN community, there is also reference to mining, forestry and resource-based tourism activities including the Agoke Development Corporation, as well as a high-level description of economic activities in Aroland First Nation and in Greenstone. Recognizing that this is a ToR, this information is provided for contextual purposes. A much more robust and detailed description of baseline economic conditions will be included in the EA that will also include the results of planned primary data collection activities.</p> | Section 7.1.4.10, pg. 58 to 59 |



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| | <p>mitigation measures.</p> <p>Recommendations/Proposed Action/Solution: Add a description of economic activities that are not led by, or conducted in partnership with, MFFN in this section.</p> | | |
| MNR-12 | <p>Document Reference: Main report Section: Section 7.2.5 Page 67 Comments & Rationale: <i>The Project will consider MNR and DFO recommended practices outlined in Ministry of Natural Resources and Forestry / Fisheries and Oceans Canada Protocol for the Review and Approval of Forestry Water Crossings</i> Recommendations/Proposed Action/Solution: It is important to note that the Protocol for the Review and Approval of Forestry Water Crossings is specific to water crossings authorized under the Crown Forest Sustainability Act (CFSA). Water crossings associated with this Project are anticipated to be permitted through the Public Lands Act, not the CFSA. The MNR/DFO protocol does not apply to these water crossings.</p> | <p>The Ministry of Natural Resources and Forestry / Fisheries and Oceans Canada Protocol for the Review and Approval of Forestry Water Crossings was added to the ToR based on a request from the MNR comments on the Draft ToR. Based on this comment from the MNR, MFFN understands that this protocol does not apply to the Project. This will be reflected in future EA documentation (i.e., the EA Report). MFFN will make note and follow the appropriate permitting protocols associated with the relevant Acts.</p> | Commitment for EA |
| MNR-13 | <p>Document Reference: Main report Section: Table 13-1, Page 113 Comments & Rationale: Please note that there are two potential approaches to permitting harvesting of trees outside of the Area of the Undertaking. 1. Sale and Purchase Agreement 2. Permit to Remove Recommendations/Proposed Action/Solution: It is recommended that Table 13-1 be updated to accurately reflect these mechanisms for Authorization from MNR for the harvest of trees. <i>For areas outside of Forest Management Units (as defined in the CFSA), authorization can be provided by a Permit to Remove or, where a Permit to Remove is not appropriate, a Sale and Purchase Agreement can be entered into.</i> Note that both a "Permit to Remove" and "Sale and Purchase Agreement" can only be obtained where the activity for which trees must be harvested (e.g. road construction, aggregate extraction) has received prior approval under the appropriate legislation. Also note: Forest Resource Licenses cannot be used outside of Forest Management Units in the Far North.</p> | <p>MFFN will make note and follow the appropriate permitting protocols associated with the relevant Acts. Wording in the EA will be updated to reflect the approach to permitting harvesting of trees.</p> | Commitment for EA |
| MNR-14 | <p>Document Reference: MNR #69 Section: Appendix A Comments & Rationale: To assist MNR in understanding the extent and potential significance of the impacts to our mandated areas of interest, it is important that the environmental assessment identify and describe significant features that may be impacted by the project. Examples of these may include Areas of Natural and Scientific Interest, Provincially Significant Wetlands (if they exist in the southern portion), and Significant Wildlife Habitat. Additionally, in order for MNR to understand the potential for negative impacts to natural heritage, the environmental assessment process should expand upon the criteria and indicators that are identified in the ToR and develop indicators that can readily be quantified. Readily quantifiable indicators help to reduce ambiguity when comparing alternatives and assessing the relative potential for negative impacts among different options. Examples of natural heritage related quantitative indicators the ToR could include: the number of water crossings required, the number of wetlands, the number of kms of wetlands to be crossed, or the total area of sensitive features impacted. Recommendations/Proposed Action/Solution: Appendix A of the ToR should be revised by committing to the identification and description of significant features that may be impacted by the project, and to include indicators for the proposed criteria that are quantitative in nature.</p> | <p>The EA will identify and describe significant features, such as Areas of Natural and Scientific Interest, Provincially Significant Wetlands and Significant Wildlife Habitat. As mentioned in Section 8.2 of the ToR, Appendix A Criteria and Indicators includes both quantitative and qualitative criteria. The criteria and indicators proposed in Appendix A are preliminary and will be confirmed during the EA. Consultation on criteria and indicators is identified as part of the targeted input for the Effects Assessment Methods milestone in the EA / IS Consultation and Engagement Plan (Appendix B). The final criteria and indicators for the Project will be confirmed during the EA and will be based on input received through the consultation and engagement program, including MNR's comments on the ToR.</p> | Section 8.2, pg. 73 Appendix B, Section 4.1.7, pg. 22 |
| MNR-15 | <p>Document Reference: MNR #68 Section: Appendix A Comments & Rationale: Missing source information: <i>MNR Natural Heritage Reference Manual (NHRM), 2014, Significant Wildlife Habitat Technical Guide (1999), Significant Wildlife Habitat Mitigation Support Tool (2015) and the Ecoregional Criteria Schedule for Ecoregion 3W (Draft: 2018).</i> Recommendations/Proposed Action/Solution: Please add MNR Natural Heritage Reference Manual (2014), Significant Wildlife Habitat Technical Guide (1999), Significant Wildlife Habitat Mitigation Support Tool (2015) and the Ecoregional Criteria Schedule for 3W (Draft: 2018) to the list of published sources of information for existing conditions. The Natural Heritage Reference Manual can be referenced in conjunction with the Significant Wildlife Habitat Technical</p> | <p>The intent of the data source column in Appendix A is not to capture every possible source but rather to provide the reader with a general idea of the types of resources that may be reviewed during the EA. MFFN will review the documents and, where applicable, reference to these resources as a data sources used to inform baseline conditions and the effects assessment will be added in the EA.</p> | Commitment for EA |

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| | <p>Guide (SWHTG) 2000. The NHRM outlines evaluation processes of habitat and other natural heritage features. The SWHTG offers guidance to evaluate and identify the significance of wildlife habitat. In addition, there is a usable ecoregional criteria schedule for 3W available on the environmental registry that is specific to a large area of the proposed project. The Significant Wildlife Habitat Mitigation Support Tool can be used to help inform mitigation options for Significant Wildlife Habitat in the environmental assessment.</p> | | |



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| Government Review Team | | | | |
| Ministry of Natural Resources and Forestry – December 21, 2020 | | | | Follow-up Comments |
| MNRF-1 | <p>Document Reference: Main report Section: Section 5.2.1.2 Page 16 Comments & Rationale: The proposed ToR states, “<i>Culverts will range from small diameter corrugated steel pipes for overland water drainage to large concrete box or steel arch culverts for smaller waterways</i>”.</p> <p>The meaning of this is unclear. Will corrugated pipe only be used for cross-drainage; whereas only open-bottomed crossing structures will be used in waterways? The potential for negative impacts, and MNRF’s approval requirements will differ depending on the options chosen.</p> <p>Recommendations/Proposed Action/Solution: The ToR should provide further clarity regarding when each water crossing method will be utilized so that MNRF can better understand potential impacts and permitting requirements. MNRF encourages use of open-bottomed crossing structures for waterways where possible.</p> | <p>Corrugated steel pipe culverts will be recommended for embankment through-grade water drainage locations. Large concrete box culverts, steel arch culverts, or other open-bottomed crossings will be recommended for waterways, where possible. Moving forward, this revised language will be used in Project documentation (e.g. the Environmental Assessment [EA] Report) to improve clarity.</p> | Commitment for EA | MNRF is unable to comment on this proposed approach because we are not familiar with the meaning of “embankment through-grade water drainage locations.” |
| MNRF-2 | <p>Document Reference: Main report Section: Section 5.2.1.4 Page 16 Comments & Rationale: The proposed ToR states, “<i>temporary access roads will either be decommissioned, or blocked to discourage public use but facilitate access for ongoing road maintenance</i>”.</p> <p>The indication that some “temporary roads” will be accessed for ongoing road maintenance implies that those “temporary” roads will be permanent access roads. This would imply that water crossings on these maintenance access roads will necessitate permanent water crossing structures.</p> <p>Recommendations/Proposed Action/Solution: The ToR should provide clarification regarding the permanency of “temporary” access roads i.e. define what is meant by temporary. Also: identify any water crossings involved with “temporary” roads. Will the crossings be permanent? Permanent water crossings on “temporary” roads need to be considered in the same way as other permanent water crossings (i.e. such as those on the main road).</p> | <p>The EA will clearly indicate if access roads associated with the Project will be temporary or permanent and provide associated appropriate water course crossing information.</p> | Commitment for EA | No further comment at this time |
| MNRF-3 | <p>Document Reference: Main report Section: Section 5.2.1.4 Page 16 Comments & Rationale: Experience throughout Ontario has shown that blocking roads to discourage public use is generally ineffective. “Blocked” roads are frequently used to access resources, particularly with regard to hunting and fishing opportunities.</p> <p>Recommendations/Proposed Action/Solution: The ToR should commit that the environmental assessment will consider the potential impact of increased access through use of access roads that are established to implement this project. This should include an assessment of the potential effectiveness of measures proposed to mitigate the anticipated effects.</p> | <p>Marten Falls First Nation (MFFN) acknowledges that increased access may arise in the future if the Community Access Road (CAR) is constructed. As mentioned in Section 7.2.10 of the Terms of Reference (ToR), the EA will consider the potential effects of the Project due to:</p> <ul style="list-style-type: none"> ▪ Changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods. ▪ Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access. <p>Section 7.2.1 of the ToR also identifies that the EA will also consider changes in the availability and / or quality of resources, including potential changes associated with increased access by non-Indigenous land users as a result of the Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, gathering) within the area of the Project.</p> <p>Changes in access will be assessed for both the construction (i.e., access roads) and operations and maintenance phases (i.e., CAR and access roads). The EA will recommend impact management measures to avoid or minimize potential effects of the Project to the environment and identify any potential net effects remaining after the application of impact management measures. Therefore, the effectiveness of the impact management measures will be evaluated as part of the identification of net effects outlined in Section 8.3 of the ToR.</p> | Section 7.2.1, pg. 66 Section 7.2.10, pg. 70 Section 8.3, pg. 73 | No further comment at this time |
| MNRF-4 | <p>Document Reference: Main report Section: Section 5.2.1.3 Page 16</p> | <p>Section 6.3 of the ToR identifies that the EA will consider the alternative methods of carrying out the undertaking, which includes the quarries, borrow areas and</p> | Section 6.3, pg. 22 Section 5.2.2, pg. 20 | MNRF acknowledges the commitment to include the items we have outlined in this comment in the EA where this is possible. |



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| | <p>Comments & Rationale: The potential impact and proposed mitigations associated with various alternatives for sourcing aggregates should be identified during the environmental assessment. Although the need to source aggregates for this project is recognized in the ToR, as is the availability of aggregates in the area (i.e. there is a high level description and map provided), it is unclear specifically what options for supply of aggregates will be considered, and how the impacts of using various sources will be assessed.</p> <p>It should be noted that development of new aggregate extraction areas can only begin after sites have been approved under the Aggregate Resources Act (ARA). Further assessment may also be required under the Far North Act. Processing of these permit applications can take 6 months or longer.</p> <p>Recommendations/Proposed Action/Solution: The ToR should identify that the environmental assessment will include an assessment of potential impacts and proposed mitigation measures associated with sourcing and use of aggregates. This should include commitments that the environmental assessment will:</p> <ul style="list-style-type: none"> ▪ describe estimated amounts of aggregate required and anticipated sources, including whether the development of new pits or quarries is planned; ▪ assess the potential impacts of obtaining, using, and retirement of aggregate source areas; ▪ identify any aggregate sources that will be required beyond the construction phase; and ▪ determine appropriate decommissioning and rehabilitation approaches for aggregate sources which are developed but will not be needed once construction is completed. <p>Please be aware that additional approvals under the Environmental Assessment Act may be required if these items are not adequately addressed as part of the Individual Environmental Assessment.</p> <p>ARA approvals from MNRFB will be required if new aggregate sites will be developed (i.e. pits or quarries). Although inclusion of the need for ARA approvals is identified in Table 13-1, it is recommended that the need for ARA approvals also be identified in this section of the ToR.</p> | <p>aggregate source areas. A preliminary identification of potential aggregate source areas in the area of the Project is shown on Figure 7-3; however, the locations that will be considered and assessed will be identified in the EA. This will include information on the amounts of aggregate required during construction and operations (Section 7.1.4.4), whether new pits / quarries are planned (Section 7.1.4.4), and whether any sources will require decommissioning following construction (Section 5.2.2).</p> <p>The method to assess the effects of the Project (including quarries, borrow areas and aggregate source areas) is outlined generally in Section 8. The assessment and evaluation method include identifying the potential effects and recommending impact management measures.</p> <p>Thank you for sharing information about the <i>Aggregates Resources Act</i>. Where possible, the EA will be prepared in a manner to meet the items listed in this comment. The information has been noted so that, moving forward, it can be captured in Project documentation (e.g., the EA Report).</p> | <p>Section 7.1.4.4, pg. 44 Section 8, pg. 72</p> | <p>It is recommended that the terms utilised to describe aggregate extraction be consistent with those provided in legislation/regulation in order to ensure clarity of expectations for all parties participating in this environmental assessment process.</p> <p>MNRFB notes that the term “borrow areas” is included in this response, however this term is not associated with approvals issued under the <i>Aggregate Resources Act (ARA)</i>, but instead relates to Forestry Aggregate Pits (FAPS) which the Forest Industry could utilise for construction of forestry roads. Borrow areas are to support forest operations and are governed by the <i>Crown Forest Sustainability Act (CFSA)</i>. This distinction is important for the current project because borrow areas may be exempt from the requirement for a permit under the <i>ARA</i> and the conditions for when this may occur are provided in Section 8 of Ontario Regulation 244/97. MNRFB’s current understanding is that this project does not fall under the O. Reg. 244/97 exemption, so the term borrow areas should not be used for this project.</p> <p>Aggregate Source Areas is also not the proper terminology for an operation under the <i>ARA</i>. The types of operations identified under the <i>ARA</i> include:</p> <ul style="list-style-type: none"> - “pit” means land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site or in relation to which an order has been made under subsection (3); (“puits d’extraction”) - “quarry” means land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site or in relation to which an order has been made under subsection (3); (“carrière”) |
| MNRFB-5 | <p>Document Reference: Main report Section: Section 7.1.1, Page 27</p> <p>Comments & Rationale: The study area identified in the ToR includes a strip of land, 2.5 km on each side of the centreline of each alternative route. Given the range and movement of some fish and wildlife species, and the potential for impacts on remote tourism operations, limiting the study area in this way may not be adequate to assess the full range of impacts from the project.</p> <p>Recommendations/Proposed Action/Solution: Further rationale for the study area should be provided and/or there should be modifications to the approach described in the ToR in recognition that impacts may reach outside of the currently identified 2.5 area on each side of the centerline of each alternative route.</p> <p>Related: the ToR should commit to the identification of potential negative impacts outside of the currently described study area, intent to avoid negative impacts and, where avoidance is not possible, to identify appropriate mitigation of impacts that may occur.</p> | <p>The ToR identified a preliminary study area for the Project (i.e., the 5 km corridor) and committed to developing discipline-specific local and regional study areas during the EA. Local and regional study areas are defined as the areas where direct and indirect effects of the Project are likely to occur, respectively. Study areas are in the early stages of development and are being defined taking into consideration input received through the Consultation and Engagement Program, including comments on the ToR. The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, proposed local and regional study areas will also be based on the requirements set out in the Tailored Impacts Statement Guidelines developed by the Agency.</p> <p>Section 7.1.1 of the ToR also indicates that there may be benefits to siting Project components outside of the 5 km study area, and if so, the study area would be adjusted.</p> <p>As stated in Section 8 of the ToR, impact management measures to avoid or minimize identified potential effects will be recommended in the EA. The geographic extent of predicted effects will be taken into consideration when developing the impact management measures, so that where warranted, impact management measures are recommended for Project effects that are predicted to extend beyond</p> | <p>Section 7.1.1, pg. 27 Section 8, pg. 72</p> | <p>No further comment at this time</p> |



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| | | the preliminary study area identified in the ToR. | | |
| MNRFF-6 | <p>Document Reference: Main report Section: Section 7.1.4.8, Page 31 Comments & Rationale: The project description could be improved by including the size of the study area (e.g., in hectares) in this section. This would provide readers a better sense of the scope and scale of this project. This would be helpful within the ToR and during the environmental assessment phase. Recommendations/Proposed Action/Solution: It is recommended that the size of the study area be included (e.g. in section 7.1.1 and in the EA) to assist provision of full and complete information regarding the scope and scale of this proposal.</p> | <p>The ToR identified a preliminary study area for the Project (i.e., the 5 km corridor with an approximate area of 1,640 km²) and committed to developing discipline-specific local and regional study areas during the EA. Study areas are in the early stages of development. The size of the discipline-specific study areas will be provided in the EA Report.</p> | Section 7.1.1, pg. 27 | No further comment at this time |
| MNRFF-7 | <p>Document Reference: Main report Section: Section 7.1.4.5 Page 46 Comments & Rationale: This section (and others in the report) uses the terms “long span bridges” and “short span bridges” Typically, when referring to bridges, the term “clear span bridge” is used to denote a structure where no infrastructure is located below the high water mark. This is critical distinction when reviewing the environmental impacts of a bridge; the actual length of the bridge is less relevant. Recommendations/Proposed Action/Solution: Clarify the terms “long span” and “short span” bridges, and consider using the term “clear span bridge” to denote bridges with no infrastructure located below the high water mark.</p> | <p>Throughout the ToR, the terms ‘short span bridge’ and ‘long span bridge’ were used to denote ‘clear span bridge’ and ‘multi-span bridge’, respectively. Moving forward, ‘clear span bridge’ and ‘multi-span bridge’ will be used consistently to refer to the various bridge types more accurately in Project documentation (e.g., the EA Report).</p> | Commitment for EA | No further comment at this time. |
| MNRFF-8 | <p>Document Reference: Main report Section: Section 7.1.4.5 Page 47 Comments & Rationale: The ToR states, “<i>The ground-based field survey will be used to obtain site-specific field data at a subset of water body crossings to verify or augment the results and assumptions from the desktop analysis.</i>” Note that MNRFF will require a ground-based field survey for any proposed water crossing requiring infrastructure or work (including fording) below the high water mark, prior to permitting. Recommendations/Proposed Action/Solution: Given the eventual need for ground-based field surveys for proposed water crossings, MNRFF strongly suggests that these surveys be conducted as part of the environmental assessment rather than waiting until the permitting phase. Ground surveys provide more comprehensive information to reviewers; providing this information early will enable a more complete understanding of potential impacts and proposed mitigation measures, and will help to avoid delays or the need for realignments at the permitting phase.</p> | <p>MFFN acknowledges the need for ground-based surveys at proposed water crossings prior to permitting. The EA will assess effects of the alternative methods, which may be adjusted throughout the environmental planning process as a result of the advancement of design, technical and environmental investigations and studies, information available through the Indigenous Knowledge Program and feed back from consultation activities. Since the approach of assessing multiple alternatives result in a high number of potential water crossings and the potential for adjustments to alternatives throughout the EA, MFFN has decided to conduct detailed assessments at a subset of water crossings. However, photographs and documented waterbody type, habitat and bed substrate type, any observed potential fish passage barriers, and general aquatic and surface water conditions has been documented at each water crossing during aerial studies. The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, cultural importance, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project Environmental Assessment where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites.</p> | Commitment for EA | <p>The rationale for this proposed approach has not been explained sufficiently for MNRFF to understand how the subset of potential water crossing sites will be selected for ground truthing, and how this data will be used to assess alternative routes for the project. It also remains unclear if the number of sites selected for ground truthing will result in data with sufficient statistical power to be useful for evaluation of different routing alternatives.</p> <p>In order to avoid unexpected delays or the need for realignments during the permitting stage for this project, MNRFF recommends that ground-based field surveys for proposed water crossings where work may be required below the high water mark be conducted as part of the environmental assessment, rather than waiting until the permitting phase. See MNRFF response to MNRFF-9 for further details on this issue.</p> |
| MNRFF-9 | <p>Document Reference: Main report Section: Section 7.1.4.9 Page 55 Comments & Rationale: <i>The ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings (approximately 10% of the total number of mapped and unmapped waterbody crossings)</i> MNRFF does not consider aerial and desktop assessments adequate approaches to evaluate fish and fish habitat. MNRFF will require a ground-based field survey for any proposed water crossing requiring work or infrastructure (including fording) below the high-water mark, prior to permitting. Recommendations/Proposed Action/Solution: As noted above, given the eventual need for ground-based field surveys for proposed water crossings, MNRFF strongly suggests that these surveys be conducted as part</p> | <p>Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1 of the ToR). Since submission of the ToR in October 2020, MFFN has refined the approach to fish and fish habitat surveys as part of study plan development. Comments received from federal and provincial agencies as well as comments received through consultation and engagement on the ToR are being taken into consideration during study plan development. Based on these comments the MFFN has increased the coverage of the fish and fish habitat studies. All water crossings will be assessed from the air (as described in response to MNRFF-8) and approximately 50% of the water crossings, across both Alternative 1 and Alternative 4, will be assessed during ground-based surveys. Additional information on the site selection is provided in the response to</p> | Section 7.2, pg. 65 Commitment for EA | <p>It is noted that the approach to fish and fish habitat surveys for this environmental assessment continue to be refined. However, there is a lack of clarity for MNRFF in the response provided regarding in-field assessment of water crossings, and determination of timing windows during the environmental assessment.</p> <p>The response provided, indicates that timing windows, will be identified during the environmental assessment. MNRFF advised that aerial assessment is considered insufficient to assess water crossings where work</p> |



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| | <p>of the environmental assessment rather than waiting until the permitting phase. Ground surveys provide more comprehensive information to reviewers and providing this information early will avoid unexpected delays or realignments at the permitting phase.</p> <p>It should also be noted that under the MNR-DFO Fish Habitat Referral Protocol, MNRF cannot permit works requiring DFO review until that review has been completed. Currently, DFO review is required for any proposal that cannot meet the Measures to Protect Fish and Fish Habitat, which include avoiding:</p> <ul style="list-style-type: none"> ▪ conducting any work, undertaking or activity in water ▪ placing fill or other temporary or permanent structures below the high-water mark ▪ fording of the watercourse <p>Finally, in 2013, MNRF adopted a species-specific approach to timing windows for work in water. In the absence of species-specific information for individual crossing sites, MNRF will apply the most restrictive timing windows to work permits for water crossings (i.e. no work in water between September 1 and July 15).</p> | <p>MNRF-8. Ground-based surveys are designed to meet Department of Fisheries and Oceans and the Ministry of Natural Resources and Forestry (MNRF) requirements. Timing windows and other relevant impact management measures will be identified in the EA.</p> | | <p>below the high-water mark is needed. In-field assessment would be necessary to determine any but the most restrictive timing window (i.e. from September 1 to July 15 the following year, leaving approximately 6 weeks for work activities at the water crossing). From the response provided, it appears that a commitment is being made to in-field work at only a subset of water crossings during this environmental assessment, yet there also appears to be a commitment to determining timing windows during the environmental assessment phase. Does this response intend to signal then that this project is comfortable with assuming the most restrictive timing window for all water crossings that require work below the high-water mark that do not receive in-field assessment during the environmental assessment stage?</p> |
| MNRF-10 | <p>Document Reference: Main report Section: Section 7.1.4.9 Page 57 Comments & Rationale: The ToR states, “A preliminary list of fish species of importance for dietary needs, and / or cultural and spiritual needs has been identified based on available Indigenous Knowledge. Fish species include ... Chain Pickerel (<i>Esox niger</i>)...” MNRF does not have evidence of “chain pickerel” in the study area. The only records for chain pickerel in Ontario are in Lake Ontario and the St. Lawrence River: http://www.ontariofishes.ca/fish_detail.php?FID=111 Recommendations/Proposed Action/Solution: It is recommended that documentation be provided in the environmental assessment of chain pickerel in the study area, or that Indigenous communities (or other sources of this information) be asked for clarification as to what species may have been meant/in mind for what MNRF understands to be chain pickerel.</p> | <p>MFFN will request clarification from the group that identified chain pickerel during the EA, and will be documented in the EA as appropriate.</p> | Commitment for EA | No further comment at this time |
| MNRF-11 | <p>Document Reference: Main report Section: Section 7.1.4.10, Page 58 Comments & Rationale: This section of the ToR indicates that economic development in the project area is predominantly led or in partnership with MFFN. Also, the description of economic activity in the area elaborates on this observation. The ToR should also provide information regarding economic activities occurring in the area which are not led or conducted in partnership with MFFN. Provision of this information would provide a more complete understanding of economic activities in the study area. It would also provide confidence that all interested parties will be identified and consulted during assessment of the potential impacts of the project, and during determination of most appropriate mitigation measures. Recommendations/Proposed Action/Solution: Add a description of economic activities that are not led by, or conducted in partnership with, MFFN in this section.</p> | <p>Section 7.1.4.10 of the ToR provides a high-level description of existing economic activity in the Region. And while the focus of the description is on the MFFN community, there is also reference to mining, forestry and resource-based tourism activities including the Agoke Development Corporation, as well as a high-level description of economic activities in Aroland First Nation and in Greenstone. Recognizing that this is a ToR, this information is provided for contextual purposes. A much more robust and detailed description of baseline economic conditions will be included in the EA that will also include the results of planned primary data collection activities.</p> | Section 7.1.4.10, pg. 58 to 59 | <p>MNRF acknowledges and supports the commitment to include an expanded description of baseline economic activity in the EA.</p> <p>The document, “Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario” indicates in section 5.2 that it is mandatory to consult with all interested persons while preparing the ToR.</p> <p>MNRF reiterates that it is important that all interested parties are identified early on in the process so that they have appropriate opportunities to express concerns, or otherwise provide input regarding this proposal.</p> <p>It should also be noted that some parties who utilise the area for economic benefit (such as some remote-tourism operators) may be in the area only during their operational season; opportunities for their involvement in the process should take this into account.</p> |
| MNRF-12 | <p>Document Reference: Main report Section: Section 7.2.5 Page 67 Comments & Rationale: The Project will consider MNRF and DFO recommended practices outlined in Ministry of Natural Resources and Forestry / Fisheries and Oceans Canada Protocol for the Review and</p> | <p>The Ministry of Natural Resources and Forestry / Fisheries and Oceans Canada Protocol for the Review and Approval of Forestry Water Crossings was added to the ToR based on a request from the MNRF comments on the Draft ToR. Based on this comment from the MNRF, MFFN understands that this protocol does not apply to the Project. This will be reflected in future EA documentation (i.e., the EA Report).</p> | Commitment for EA | No further comment at this time |



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| | <p><i>Approval of Forestry Water Crossings</i></p> <p>Recommendations/Proposed Action/Solution: It is important to note that the Protocol for the Review and Approval of Forestry Water Crossings is specific to water crossings authorized under the Crown Forest Sustainability Act (CFSA). Water crossings associated with this Project are anticipated to be permitted through the Public Lands Act, not the CFSA. The MNRF/DFO protocol does not apply to these water crossings.</p> | <p>MFFN will make note and follow the appropriate permitting protocols associated with the relevant Acts.</p> | | |
| MNRF-13 | <p>Document Reference: Main report Section: Table 13-1, Page 113</p> <p>Comments & Rationale: Please note that there are two potential approaches to permitting harvesting of trees outside of the Area of the Undertaking.</p> <ol style="list-style-type: none"> 1. Sale and Purchase Agreement 2. Permit to Remove <p>Recommendations/Proposed Action/Solution: It is recommended that Table 13-1 be updated to accurately reflect these mechanisms for Authorization from MNRF for the harvest of trees.</p> <p><i>For areas outside of Forest Management Units (as defined in the CFSA), authorization can be provided by a Permit to Remove or, where a Permit to Remove is not appropriate, a Sale and Purchase Agreement can be entered into.</i></p> <p>Note that both a "Permit to Remove" and "Sale and Purchase Agreement" can only be obtained where the activity for which trees must be harvested (e.g. road construction, aggregate extraction) has received prior approval under the appropriate legislation.</p> <p>Also note: Forest Resource Licenses cannot be used outside of Forest Management Units in the Far North.</p> | <p>MFFN will make note and follow the appropriate permitting protocols associated with the relevant Acts. Wording in the EA will be updated to reflect the approach to permitting harvesting of trees.</p> | Commitment for EA | No further comment at this time |
| MNRF-14 | <p>Document Reference: MNRF #69 Section: Appendix A</p> <p>Comments & Rationale: To assist MNRF in understanding the extent and potential significance of the impacts to our mandated areas of interest, it is important that the environmental assessment identify and describe significant features that may be impacted by the project. Examples of these may include Areas of Natural and Scientific Interest, Provincially Significant Wetlands (if they exist in the southern portion), and Significant Wildlife Habitat.</p> <p>Additionally, in order for MNRF to understand the potential for negative impacts to natural heritage, the environmental assessment process should expand upon the criteria and indicators that are identified in the ToR and develop indicators that can readily be quantified. Readily quantifiable indicators help to reduce ambiguity when comparing alternatives and assessing the relative potential for negative impacts among different options.</p> <p>Examples of natural heritage related quantitative indicators the ToR could include: the number of water crossings required, the number of wetlands, the number of kms of wetlands to be crossed, or the total area of sensitive features impacted.</p> <p>Recommendations/Proposed Action/Solution: Appendix A of the ToR should be revised by committing to the identification and description of significant features that may be impacted by the project, and to include indicators for the proposed criteria that are quantitative in nature.</p> | <p>The EA will identify and describe significant features, such as Areas of Natural and Scientific Interest, Provincially Significant Wetlands and Significant Wildlife Habitat.</p> <p>As mentioned in Section 8.2 of the ToR, Appendix A Criteria and Indicators includes both quantitative and qualitative criteria. The criteria and indicators proposed in Appendix A are preliminary and will be confirmed during the EA. Consultation on criteria and indicators is identified as part of the targeted input for the Effects Assessment Methods milestone in the EA / IS Consultation and Engagement Plan (Appendix B). The final criteria and indicators for the Project will be confirmed during the EA and will be based on input received through the consultation and engagement program, including MNRF's comments on the ToR.</p> | Section 8.2, pg. 73 Appendix B, Section 4.1.7, pg. 22 | No further comment at this time |
| MNRF-15 | <p>Document Reference: MNRF #68 Section: Appendix A</p> <p>Comments & Rationale: Missing source information: <i>MNRF Natural Heritage Reference Manual (NHRM), 2014, Significant Wildlife Habitat Technical Guide (1999), Significant Wildlife Habitat Mitigation Support Tool (2015) and the Ecoregional Criteria Schedule for Ecoregion 3W (Draft: 2018).</i></p> <p>Recommendations/Proposed Action/Solution: Please add MNRF Natural Heritage Reference Manual (2014), Significant Wildlife Habitat Technical Guide (1999), Significant Wildlife Habitat Mitigation Support Tool (2015) and the Ecoregional Criteria Schedule for 3W (Draft: 2018) to the list of published sources of information for existing conditions.</p> <p>The Natural Heritage Reference Manual can be referenced in conjunction with the Significant Wildlife Habitat Technical Guide (SWHTG) 2000. The NHRM outlines evaluation processes of habitat and other natural heritage features. The SWHTG offers guidance to evaluate and identify the significance of wildlife habitat. In addition, there is a usable ecoregional criteria schedule for 3W available on the environmental registry that is</p> | <p>The intent of the data source column in Appendix A is not to capture every possible source but rather to provide the reader with a general idea of the types of resources that the may be reviewed during the EA. MFFN will review the documents and, where applicable, reference to these resources as a data sources used to inform baseline conditions and the effects assessment will be added in the EA.</p> | Commitment for EA | MNRF recommends that the stated references be added to the ToR document as they are important sources for understanding MNRF direction on topics such as Natural heritage, wildlife, and ecoregional values. |

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| | specific to a large area of the proposed project. The Significant Wildlife Habitat Mitigation Support Tool can be used to help inform mitigation options for Significant Wildlife Habitat in the environmental assessment. | | | |



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| Government Review Team | | | |
| Ministry of Natural Resources and Forestry – December 21, 2020 | | | |
| MNRF-1 | <p>Document Reference: Main report Section: Section 5.2.1.2 Page 16 Comments & Rationale: The proposed ToR states, “<i>Culverts will range from small diameter corrugated steel pipes for overland water drainage to large concrete box or steel arch culverts for smaller waterways</i>”.</p> <p>The meaning of this is unclear. Will corrugated pipe only be used for cross-drainage; whereas only open-bottomed crossing structures will be used in waterways? The potential for negative impacts, and MNRF’s approval requirements will differ depending on the options chosen.</p> <p>Recommendations/Proposed Action/Solution: The ToR should provide further clarity regarding when each water crossing method will be utilized so that MNRF can better understand potential impacts and permitting requirements. MNRF encourages use of open-bottomed crossing structures for waterways where possible.</p> | <p>Flow characteristics and fish presence will be used during the detailed design phase of the Project to determine the required culvert configurations. It is anticipated that culverts will range from small corrugated steel pipes to large concrete box or steel arch culverts. Small culverts (i.e., 2’ to 3’ corrugated steel pipe culverts), will be recommended for embankment through-grade water drainage locations. That is, small culverts would be installed to maintain cross-drainage to accommodate overland water drainage from one side of the road to the other in order to prevent pooling of water at the side of the road during runoff events. Larger culverts will be installed at watercourses to take into account stream flow and hydraulics; these may include larger corrugated steel pipe culverts that are embedded in the substrate or open bottom culverts, such as concrete box culverts, or steel arch culverts.</p> <p>Culvert recommendations will also take into consideration fish presence and habitat within the watercourse. Where culverts are installed in fish-bearing watercourses, the culvert would be designed to allow fish movement as appropriate. Based on site-specific habitat considerations, open bottom culverts, such as concrete box culverts or steel arch culverts, may be recommended. The impact management measures in the Ministry of Natural Resources’ (MNRF’s) guidelines will also be considered for closed and open-bottomed crossings within fish-bearing waterbodies (i.e., MNRF / Fisheries and Oceans Canada [DFO] Protocol for the Review and Approval of Forestry Water Crossings).</p> <p>Moving forward, this revised language will be used in Project documentation (e.g., the Environmental Assessment [EA] Report) to improve clarity when identifying recommended culvert types.</p> | Commitment for EA |
| MNRF-4 | <p>Document Reference: Main report Section: Section 5.2.1.3 Page 16 Comments & Rationale: The potential impact and proposed mitigations associated with various alternatives for sourcing aggregates should be identified during the environmental assessment. Although the need to source aggregates for this project is recognized in the ToR, as is the availability of aggregates in the area (i.e. there is a high level description and map provided), it is unclear specifically what options for supply of aggregates will be considered, and how the impacts of using various sources will be assessed.</p> <p>It should be noted that development of new aggregate extraction areas can only begin after sites have been approved under the Aggregate Resources Act (ARA). Further assessment may also be required under the Far North Act. Processing of these permit applications can take 6 months or longer.</p> <p>Recommendations/Proposed Action/Solution: The ToR should identify that the environmental assessment will include an assessment of potential impacts and proposed mitigation measures associated with sourcing and use of aggregates. This should include commitments that the environmental assessment will:</p> <ul style="list-style-type: none"> ▪ describe estimated amounts of aggregate required and anticipated sources, including whether the development of new pits or quarries is planned; ▪ assess the potential impacts of obtaining, using, and retirement of aggregate source areas; ▪ identify any aggregate sources that will be required beyond the construction phase; and ▪ determine appropriate decommissioning and rehabilitation approaches for aggregate sources which are developed but will not be needed once construction is completed. <p>Please be aware that additional approvals under the Environmental Assessment Act may be required if these items are not adequately addressed as part of the Individual Environmental Assessment.</p> <p>ARA approvals from MNRF will be required if new aggregate sites will be developed (i.e. pits or quarries). Although inclusion of the need for ARA approvals is identified in Table 13-1, it is recommended that the need for ARA approvals also be identified in this section of the ToR.</p> | <p>Section 6.3 of the ToR identifies that the EA will consider the alternative methods of carrying out the undertaking, which includes the quarries, borrow areas and aggregate source areas. A preliminary identification of potential aggregate source areas in the area of the Project is shown on Figure 7-3; however, the locations that will be considered and assessed will be identified in the EA. This will include information on the amounts of aggregate required during construction and operations (Section 7.1.4.4), whether new pits / quarries are planned (Section 7.1.4.4), and whether any sources will require decommissioning following construction (Section 5.2.2).</p> <p>The method to assess the effects of the Project (including quarries, borrow areas and aggregate source areas) is outlined generally in Section 8. The assessment and evaluation method include identifying the potential effects and recommending impact management measures.</p> <p>Thank you for sharing information about the <i>Aggregates Resources Act</i>. Where possible, the EA will be prepared in a manner to meet the items listed in this comment. MNRF has also provided information regarding the appropriate terminology of the <i>Aggregates Resources Act</i> to be used to describe rock source materials that may be required for the Project. The terms “pits” and “quarries” are to be used in place of “borrow areas” and “aggregate source areas”. The information has been noted so that, moving forward, it can be captured in Project documentation (e.g., the EA Report).</p> | Section 6.3, pg. 22 Section 5.2.2, pg. 20 Section 7.1.4.4, pg. 44 Section 8. pg. 72 |
| MNRF-8 | <p>Document Reference: Main report Section: Section 7.1.4.5 Page 47 Comments & Rationale: The ToR states, “<i>The ground-based field survey will be used to obtain site-specific field data at a subset of water body crossings to verify or augment the results and assumptions from the desktop analysis</i>”.</p> <p>Note that MNRF will require a ground-based field survey for any proposed water crossing requiring infrastructure or work (including fording) below the high water mark, prior to permitting.</p> <p>Recommendations/Proposed Action/Solution: Given the eventual need for ground-based field surveys for proposed water crossings, MNRF strongly suggests that these surveys be conducted as part of the environmental assessment rather than waiting until the permitting phase.</p> | <p>MFFN acknowledges the need for ground-based surveys at proposed water crossings prior to permitting. The EA will assess effects of the alternative methods, which may be adjusted throughout the environmental planning process as a result of the advancement of design, technical and environmental investigations and studies, information available through the Indigenous Knowledge Program and feedback from consultation activities. Since the approach of assessing multiple alternatives result in a high number of potential water crossings and the potential for adjustments to alternatives throughout the EA, MFFN has decided to conduct detailed assessments at a subset of water crossings. However, photographs and documented waterbody type, habitat and bed substrate type, any observed potential fish passage barriers, and general aquatic and surface water conditions has been documented at each water crossing during aerial studies.</p> | Section 8, pg. 72 to 74 Section 9.1.1, pg. 76 Commitment for EA |

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| | <p>Ground surveys provide more comprehensive information to reviewers; providing this information early will enable a more complete understanding of potential impacts and proposed mitigation measures, and will help to avoid delays or the need for realignments at the permitting phase.</p> | <p>Based on available desktop information and previously completed field studies for the Project, it was determined that completing targeted field campaigns at a subset of representative waterbody crossings along both alternative routes would provide sufficient information for the purposes of the EA to reliably characterize the existing surface water and aquatic environment, and develop a robust effects assessment (with data of sufficient statistical power) to support the selection of the preferred alternative for the Project and to identify any required impact mitigation measures. The results from the completed and planned field campaigns (2019 to 2021) over multiple seasons and years provide a means to define the characteristic range of natural variation in flows and water quality. In addition, the ground-based field surveys conducted in 2011-2012 in support of the Cliffs Chromite Project (Project EA since terminated) will help to further augment this understanding of natural fluctuations of baseline surface water and aquatic conditions, both across seasons and years, given that these previous studies occurred in a similar geographic setting as the Project, and in many cases, the locations of waterbody crossings coincide.</p> <p>The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, cultural importance, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites.</p> <p>Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1 of the ToR). Since submission of the ToR in October 2020, the specific process and rationale for selecting the subset of waterbody crossings has been further detailed as part of study plan development, which proposes that multi-season field surveys will be targeted at approximately 35%-40% of the total number of waterbody crossing locations for surface water. Also, field surveys at a 50% subset of locations where the Project Development Area of Alternative 1 and Alternative 4 intersect potential fish habitat is proposed.</p> <p>Further clarification was requested by the Impact Assessment Agency of Canada (the Agency) and the DFO to inform their decision that the 50% subset approach was adequate to describe the existing environment for the purposes of the EA. Information was provided on timing, number of sites, location, and methods (including aerial reconnaissance and desktop review of LiDAR) of the sites assessed for fish and fish habitat to date. The purpose was to demonstrate the breadth of data that had been collected, collated, and reviewed either from field surveys or by desktop review since 2019. In addition, information was provided on upcoming field programs and locations that would be surveyed for fish and fish habitat to fulfill the 50% subset of all locations with fish habitat potential. Once the details were provided, DFO responded that the additional information satisfied their concern.</p> <p>Given the size of the Project Development Area, the number of waterbody crossings associated with assessing two alternative routes, and the potential for route refinements throughout the planning process, the Project Team is of the opinion that, for the purposes of the EA, ground-based field surveys should be focused at a subset of waterbody crossings along each alternative route. As noted above, the results from these field surveys, coupled with the results of the desktop review and analysis is expected to be sufficient to develop a strong and defensible alternative route analysis and corresponding EA.</p> <p>Section 8 of the ToR provides information on the assessment and evaluation process to be used in the EA to identify the preferred route. This will include an assessment of advantages and disadvantages, which will consist of reviewing the outcome of each discipline effects assessment and technical considerations, such as cost and constructability to identify the alternative that has comparatively more advantages and less disadvantages. Additional information on the method to assess effects and identify the preferred alternative are being prepared and will be available at the onset of the EA for technical review by agencies.</p> <p>Going forward, it is understood that, to support the design and permitting phase of the Project, site-specific information will be required at waterbody crossings along the preferred route where works are planned below the high water mark (both for the <i>Fisheries Act</i> and <i>Lakes and Rivers Improvement Act</i>). At the time of permitting, the Proponent will complete supplementary field surveys where works are planned below the high water mark to meet the requirements of MNR and DFO.</p> <p>MFFN is committed to protecting the environment. Commitments made throughout the EA process, such as those related to supplementary data collection and permitting, will become part of the approval for the Project should the Minister of the Environment, Conservation and Parks approve the EA for the Project.</p> | |



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| MNRF-9 | <p>Document Reference: Main report Section: Section 7.1.4.9 Page 55 Comments & Rationale: <i>The ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings (approximately 10% of the total number of mapped and unmapped waterbody crossings)</i> MNRF does not consider aerial and desktop assessments adequate approaches to evaluate fish and fish habitat. MNRF will require a ground-based field survey for any proposed water crossing requiring work or infrastructure (including fording) below the high water mark, prior to permitting. Recommendations/Proposed Action/Solution: As noted above, given the eventual need for ground-based field surveys for proposed water crossings, MNRF strongly suggests that these surveys be conducted as part of the environmental assessment rather than waiting until the permitting phase. Ground surveys provide more comprehensive information to reviewers and providing this information early will avoid unexpected delays or realignments at the permitting phase. It should also be noted that under the MNR-DFO Fish Habitat Referral Protocol, MNRF cannot permit works requiring DFO review until that review has been completed. Currently, DFO review is required for any proposal that cannot meet the Measures to Protect Fish and Fish Habitat, which include avoiding:</p> <ul style="list-style-type: none"> ▪ conducting any work, undertaking or activity in water ▪ placing fill or other temporary or permanent structures below the high water mark ▪ fording of the watercourse <p>Finally, in 2013, MNRF adopted a species-specific approach to timing windows for work in water. In the absence of species-specific information for individual crossing sites, MNRF will apply the most restrictive timing windows to work permits for water crossings (i.e. no work in water between September 1 and July 15).</p> | <p>Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1 of the ToR). Since submission of the ToR in October 2020, MFFN has refined the approach to fish and fish habitat surveys as part of study plan development. Comments received from federal and provincial agencies as well as comments received through consultation and engagement on the ToR are being taken into consideration during study plan development. Based on these comments the MFFN has increased the coverage of the fish and fish habitat studies.</p> <p>All water crossings have been assessed from the air (as described in response to MNRF-8). Aerial reconnaissance was one of the tools, in conjunction with desktop LiDAR review, used to evaluate the fish habitat potential of waterbodies and watercourses for the Project. Ground-based fish and fish habitat field surveys are still in progress to fulfill site-specific data collection at 50% of the water crossings, across both Alternative 1 and Alternative 4. This 50% subset, in addition to the data collected from the aerial and desktop assessments will provide sufficient information to reliably characterize the existing environment for fish and fish habitat and develop a robust effects assessment. Site-specific baseline information at every crossing is not necessary to predict and assess effects of the Project for the purposes of the EA. Supplementary data will be collected during permitting, where required, when the Project details are better understood (e.g., final alignment of the preferred route and crossing type). See response to MNRF-8 for the rationale of completing targeted field campaigns at a subset of representative waterbody crossings along both alternative routes for the purposes of the EA. Ground-based surveys are designed to meet DFO and MNRF requirements.</p> <p>Section 8 of the ToR provides information on the assessment and evaluation process to be used in the EA to identify the preferred route. This will include an assessment of advantages and disadvantages, which will consist of reviewing the outcome of each discipline effects assessment and technical considerations, such as cost and constructability to identify the alternative that has comparatively more advantages and less disadvantages. Additional information on the method to assess effects and identify the preferred alternative are being prepared and will be available at the onset of the EA for technical review by agencies.</p> <p>Timing windows and other relevant impact management measures will be identified in the EA. The Proponent understands and is aware of the implications surrounding construction and restrictive timing windows. Where possible, timing windows will be identified in the EA where ground-based field data have been collected. Where ground-based field data are not available during the EA, a conservative approach will be used to identify a preliminary timing window, recognizing that the site-specific timing window will be determined during the permitting phase when additional information is available. It is recognized that the MNRF will likely require ground-based field surveys for the permitting of proposed waterbody crossings requiring work or infrastructure below the high-water mark. Adhering to timing windows is typically a key impact management measure included within an EA to protect fish spawning and egg incubation during construction activities. The specific dates to be applied at each crossing location are not necessary at the EA stage since the EA can make a commitment for the timing window mitigation to be applied (i.e., that Project construction will adhere to in-water timing windows and that timing windows will be confirmed through permitting).</p> <p>MFFN is committed to protecting the environment. Commitments made throughout the EA process, such as those related to supplementary data collection and permitting, will become part of the approval for the Project should the Minister of the Environment, Conservation and Parks approve the EA for the Project.</p> | See response to MNRF-8 Section 8, pg. 72 to 74 Section 9.1.1, pg. 76 Section 7.2, pg. 65 Commitment for EA |
| MNRF-11 | <p>Document Reference: Main report Section: Section 7.1.4.10, Page 58 Comments & Rationale: This section of the ToR indicates that economic development in the project area is predominantly led or in partnership with MFFN. Also, the description of economic activity in the area elaborates on this observation. The ToR should also provide information regarding economic activities occurring in the area which are not led or conducted in partnership with MFFN. Provision of this information would provide a more complete understanding of economic activities in the study area. It would also provide confidence that all interested parties will be identified and consulted during assessment of the potential impacts of the project, and during determination of most appropriate mitigation measures. Recommendations/Proposed Action/Solution: Add a description of economic activities that are not led by, or conducted in partnership with, MFFN in this section.</p> | <p>Section 7.1.4.10 of the ToR provides a high-level description of existing economic activity in the Region. And while the focus of the description is on the MFFN community, there is also reference to mining, forestry and resource-based tourism activities including the Agoke Development Corporation, as well as a high-level description of economic activities in Aroland First Nation and in Greenstone. Recognizing that this is a ToR, this information is provided for contextual purposes. A much more robust and detailed description of baseline economic conditions will be included in the EA that will also include the results of planned primary data collection activities.</p> <p>A Project Contact List was developed during the ToR and is regularly updated to add additional contacts who express interest in the Project. This includes economic users such as remote-tourism operators that use the area seasonally. Individuals and groups on the Project Contact List have been contacted throughout the ToR (Section 10 of the ToR, Appendix C Record of Consultation) and continuing outreach throughout the EA will be made, taking into account possible communication limitations and availability constraints. Further, tourism operators included on the Project Contact List have been informed by consultation with the Ministry of Heritage, Sport, Tourism and Cultural Industries.</p> | Section 7.1.4.10, pg. 58 to 59 Section 10, pg. 78 to 101 Appendix C |
| MNRF-15 | <p>Document Reference: MNRF #68 Section: Appendix A Comments & Rationale: Missing source information: <i>MNRF Natural Heritage Reference Manual (NHRM), 2014, Significant Wildlife Habitat Technical Guide (1999), Significant Wildlife Habitat Mitigation Support Tool (2015) and the Ecoregional Criteria Schedule for Ecoregion 3W (Draft: 2018).</i> Recommendations/Proposed Action/Solution: Please add MNRF Natural Heritage Reference Manual (2014), Significant Wildlife Habitat Technical Guide (1999), Significant Wildlife Habitat Mitigation Support Tool (2015) and the</p> | <p>The intent of the data source column in Appendix A is not to capture every possible source but rather to provide the reader with a general idea of the types of resources that may be reviewed during the EA. MFFN will review the documents and, where applicable, reference to these resources as a data sources used to inform baseline conditions and the effects assessment will be added in the EA. These data sources will be included in the Preliminary List of Data Sources of the Wildlife Study Plan.</p> | Commitment for EA |

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| | <p>Ecoregional Criteria Schedule for 3W (Draft: 2018) to the list of published sources of information for existing conditions. The Natural Heritage Reference Manual can be referenced in conjunction with the Significant Wildlife Habitat Technical Guide (SWHTG) 2000. The NHRM outlines evaluation processes of habitat and other natural heritage features. The SWHTG offers guidance to evaluate and identify the significance of wildlife habitat. In addition, there is a usable ecoregional criteria schedule for 3W available on the environmental registry that is specific to a large area of the proposed project. The Significant Wildlife Habitat Mitigation Support Tool can be used to help inform mitigation options for Significant Wildlife Habitat in the environmental assessment.</p> | | |

D1.5.4 ENDM



From: [Gauthier, Shannon \(MECP\)](#)
To: [Oasim Saddique](#); [REDACTED]; [Larissa Mikkelsen](#); [Lawrence Baxter](#); [Bob Baxter](#);
Cc: [McLeod, Sasha \(MECP\)](#); [Beaney, Jessalyn](#); [Cinnamon, Christine](#); [Soulliere, Kenndal](#)
Subject: [EXTERNAL] ENDM Comments- MFCAR ToR
Date: Monday, December 21, 2020 9:13:03 AM
Attachments: [ENDM \(Ariane Heisey\)-Comments Dec 18-20.pdf](#)

Hello Marten Falls Project Team,

Please find attached ENDM's comments on the proposed Marten Falls Community Access Road ToR. Please provide written responses in table format to myself and Sasha McLeod by January 29, 2021 (or please let us know if more time is required).

Thanks,

Shannon Gauthier | Project Officer

Environmental Assessment Services Section | Environmental Assessment Branch

Ministry of the Environment, Conservation and Parks | 135 St. Clair Avenue West, 1st Floor,
Toronto, ON M4V 1P5



Please consider the environment before printing this email.

If you have any accommodation needs or require communication supports or alternate formats, please let me know.

Si vous avez des besoins en matière d'adaptation, ou si vous nécessitez des aides à la communication ou des médias substitués, veuillez me le faire savoir.

Comments Table

Proposal: Marten Falls Community Access Road Project – Proposed Terms of Reference

Proponent: Marten Falls First Nation

Commenter Name and Job Title: Ariane Heisey, Team Lead, Environmental Assessment and Land Use Planning

Ministry and Branch: Ministry of Energy, Northern Development and Mines (ENDM) consolidated comments from Energy, Mines and Minerals Division, Northern Development Division, Indigenous Consultation and Partnerships Branch and Ring of Fire Secretariat

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|------------------------|--|---|
| 1. PM | Section 1, Pg. 1 | Review statement in 3 rd paragraph which indicates “In 2016 ENDM confirmed financial support on permitting the Project (2017)...” ENDM did not provide financial support to permit the project. | Correct statement to align with text used in S. 6.3 (pg. 23) which more accurately references the purpose of the 2016 funding. “In the spring of 2016, MFFN secured provincial funding to research and explore options for connecting the community to the existing provincial transportation network, including permitting and approval support”. Please acknowledge in your response and moving forward please use correct language. If ToR is to be revised, include preferred language. |
| 2. AH | Section 3.4.2 Pg. 9 | Par. 2 Would the Indigenous communities be able to provide input into the determination of which baseline studies should be undertaken? | Please provide answer in your response. Beyond response, no further action is required at this time. |
| 3. PM | Section 3.4.2 Pg. 9 | Establishing Existing Conditions – “While baseline data collection has already commenced for several environmental | Please confirm whether to date, IK information has already been included in the baseline data collection. |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|--|--|---|
| | | disciplines.... IK shared and collected to support the EA will be used to guide future data collection | If so, moving forward, this should be included. |
| 4. PM | Section 3.4.2.1 Pg. 11 | "Knowledge Holders will be identified by MFFN community to participate in the studies" | <p>Remove MFFN. It should be the communities themselves that identify the Knowledge Holders within their communities who will provide IK. The changes would then align with remaining bullets in the section. Bullet should read "Knowledge Holders will be identified by their community to participate in the studies". Moving forward to the EA stage, please use revised language.</p> <p>Please confirm in response. Beyond response, no further action required at this time.</p> |
| 5. PM | Sect 5.2.1, Pg. 15 Sect. 5.2.1.4 Pg. 17 | <p>The CAR.... with additional temporary clearing occurring for camps, aggregate source areas quarry sties....</p> <p>Temporary construction camps...at various locations along the ROW and/or near other Project components</p> | <p>As part of the EA, clearly indicate that aggregate sites, quarries, temporary camps etc. will be outside of the 100 m corridor.</p> <p>Please acknowledge in your response. No further action required at this time.</p> <p>As part of the EA, please identify on maps the proposed locations of temporary roads, camps, aggregate sties etc. to ensure that consultation on their location occurs during the EA process. ENDM can share examples on how this can occur as it has been a requirement on other EAs.</p> <p>Please acknowledge in your response. Beyond response, no further action required at this time.</p> |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
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| 6. PM | Sect 5.2.2, Pg. 20 | Wastes: The closet waste management site to the Project is the MNRF Hanover Tower Road Waste Disposal Site (Certificate #A590005) | As part of the EA, please confirm this site is still permitted and available for use. Suggest looking at alternative sites in the EA. Please acknowledge in your response. No further work required at this time. |
| 7. PM | Sect 5.2.2, Pg. 20 | It is expected that the existing winter road will no longer be maintained.... | As part of EA, please confirm current and future direction and permitting related to the winter road. The approved Matawa Broadband Project is installing its fibre along the winter road for access and maintenance purposes. Suggest referencing wording from that project to include in this project. Please acknowledge in your response. Beyond response, no further action required at this time. |
| 8. PM | Sect 6.3, Pg. 23 | Par. 4 is not characterized in an accurately and does not align with the outreach and engagement messaging that has occurred to date and the information from consultation and engagement from Spring 2016 to May 2017 | First sentence of par. 4 is fine. Suggest the following wording starting on line 2.: "Following review of the report, the Province entered into discussions with MFFN about funding an EA process. The provincial government would provide funding to plan all-season road access to MFFN. The all-season road access to MFFN would create an opportunity to extend an all-season road to the Ring of Fire." The announcement by the province.... <i>continue as is. Last sentence in paragraph 4 is fine.</i> Please acknowledge in your response, if amending the ToR, change the wording, if not amending the ToR moving forward as part of EA |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-------------|-------------------------------|--|---|
| | | | <p>clearly and accurately reflect the contents of the paragraph.</p> <p>Beyond response, no further action is required at this time.</p> |
| 9. PM/AH | Treaty Boundary Map Pg. 32 | <p>Figure 7-2 The location of the Weenusk First Nation Reserve on the map is incorrect: it is further north (north of the first large bend in the river on the west bank).</p> <p>The Métis Nation of Ontario, Region 2 has been shown on the Treaty Boundary map which may suggest that this hatched area is the area of a Treaty. This is not the case.</p> <p>The MNO regions are administrative boundaries – the way that MNO organizes themselves for consultation and other purposes. Within each region there are a number of contemporary communities (community councils) and a regional consultation committee with membership drawn from each of those community councils. Including Region 2 on the Treaty map may appear to infer rights associated with the signing of a treaty. It is understood that the location of any Métis s. 35 rights has not yet been defined in this area.</p> | <p>As part of EA update, please update the map. In addition, it is recommended that as part of your next outreach on the project with Weenusk First Nation that you indicate that the community location was mapped incorrectly, and it will be corrected in all future products. Please acknowledge in your response.</p> <p>Please explain the thinking behind including the Métis Nation of Ontario, Region 2 on this particular map in your response. Suggest that moving forward, the MNO Region 2 be shown on its own map to avoid any misunderstandings or a better explanation is provided in the legend.</p> <p>Beyond your response, no further action required at this time.</p> |
| 10. PM | Sect 7.1.4, entire section | In Section 3.4.2 on page 9 it indicates “While baseline data collection has already | For each discipline, it should be clearly indicated, whether initial baseline studies have commenced |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
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| | | <p>commenced for several environmental disciplines....”</p> <p>While this is accurate, throughout the entire Section 7.1.4, for each discipline, it should clearly indicate what studies have occurred to date to support the ToR and EA and how it will be further assessed.</p> <p>Through the development of the Project Study Plans for each discipline the proponent has indicated the previous work completed, the findings and how it is being used to develop the new Project Study Plans.</p> | <p>or been undertaken, and that updated study plans are in the process of being developed. Engagement/notification of adjacent First Nations has occurred to date for many of these baseline studies. This should be noted.</p> <p>Please acknowledge in your response. Beyond response, no further action required at this time.</p> |
| 11. AH | Table 7-2 Pg. 35-40 | <p>The table does a really good job of providing similar information about Indigenous communities.</p> <p>On page 37, line 4 under Ginoogaming FN, it says that the community is accessible by road (Highway 1). It should be Highway 11.</p> <p>On page 39, lines 3 and 7 under Nibinamik FN. On line 3 it states “...the recently recognized reserve of the Summer Beaver Settlement...” On line 7, it states” However, the Summer Beaver Settlement is not a reserve...”</p> | <p>Please confirm in your response that the correct Highway is Highway 11. Beyond response, no further action is required at this time.</p> <p>Please explain this discrepancy in your response. Beyond response, no further action is required at this time.</p> |
| 12. PM | Sect 7.1.4.10, Pg. 58 | Economy | As part of the EA, since mineral exploration activities within the last 5 years has had a larger |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
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| | | <p>The primary economic activities in the region include mining, forestry and resource base tourism. Mining exploration and development is expanding....</p> | <p>impact on MFFN economy in terms of number of individuals employed, business relationships including joint ventures and partnership, it is suggested that this be emphasized as much as the forestry and remote based tourism activities.</p> <p>Please acknowledge in your response. Beyond response, no further action required at this time.</p> |
| 13. AH | Sect. 7.1.4.10 Pg. 59 | <p>Land and Resource Use – through this section mining exploration and mineral exploration are used interchangeably as are mining claim and mineral claim and mining and mineral development</p> <p>It should refer to mineral exploration if it at the exploration phase. The preference is for mineral claim as it speaks to the mineral rights. May also want to use CELL CLAIM or MLAS CLAIM under the new MLAS system of online staking. Use mining development when referring to an actual mining development (e.g. Hardrock) or mineral development when at the exploration stage (e.g. Juno or Wabassi)</p> | <p>Moving forward, try to use the appropriate language in the correct context. No further action required at this time.</p> |
| 14. PM | Sect 7.1.4.10, Pg. 60 | <p>First Par. Line 5. Please note that the MFFN CAR Project does not overlap with the Kenogami Forest.</p> <p>Par. 3 Resource harvesting.</p> | <p>Resource harvesting: suggest as part of the EA, indicating the location of current access restrictions in place through the Public Lands Act which restricts access for hunting, fishing and resource use purposes during the key tourism seasons. The restrictions are on the Anaconda</p> |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|-------------------------------------|--|--|
| | | | road and impact all road system north of the restriction. Please acknowledge in your response. No further action required at this time |
| 15. PM | Sect 7.2.1 pg 65 | The first bullet (see below) could apply to more First Nations, not just MFFN. <ul style="list-style-type: none"> • Change to the amount of available reserve lands for MFFN | Please acknowledge in your response, and during the EA, it is suggested that you include other First Nations. No further action is required at this time. |
| 16. AH | Sect. 10.2 Pg. 80 | Par. 2 Consultation and Engagement program undertaken from March 2019 to July 31, 2020. The ToR was not submitted until October 2020. Presumably, engagement was undertaken after July 31, 2020. | In your response, please provide an explanation of what engagement took place after July 31, 2020 and how that is or can be articulated to better understand the full extent of the engagement and consultation that has taken place in respect of the ToR. Beyond the response, no further action required at this time. |
| 17. LN | Section 10.2.1 Pg. 82. | The Draft ToR was also provided in print and / or on a USB drive to Indigenous communities, members of the EA Government Review Team, and at the following public viewing locations... | Were any of these locations temporarily inaccessible due to Covid-19 restrictions? If so, it may be worth noting what limitations existed and when. It would be helpful to include this in the RoC. Please address how this will be addressed in your response. |
| 18. AH | Location of Neighbouring Indigenous | Figure 10-3 The location of the Weenusk First Nation Reserve on the map is incorrect: it is | See comment 9. |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|----------------------------------|---|--|
| | Communities Map p. 85 | further north (north of the first large bend in the river on the west bank). | |
| 19. AH | Sect. 10.2.2 Pg. 87 | Bullet 3 Presentations to Matawa First Nations communities on three occasions. Not clear if this was to the communities individually or to the Tribal Council. | Please clarify in your response. Beyond response, no further action is required at this time. |
| 20. LSB | Sect. 10.2.2.1, Pg. 89 (116/152) | <p>Discusses plans for virtual engagement prior to submission of ToR. Indicates that online engagement activities are being offered prior to submission of ToR to MECP. Here are the excerpts:</p> <p>“Due to the continued restrictions on in-person gatherings associated with the COVID-19 pandemic, online virtual engagement to consult MFFN community on the Proposed ToR <u>is planned</u> as part of the community-led process to occur prior to the submission of the Proposed ToR to the MECP.</p> <p>To update MFFN on changes made to prepare the Proposed ToR, a series of online-based communications and engagement activities <u>are being offered prior to submission to the MECP.</u>” (emphasis added)</p> | <p>In your response, please confirm that these activities were offered up to submission of the ToR and whether any communities took up the offer.</p> <p>Beyond response, no further action required at this time.</p> |
| 21. AH | Table 10-3 Pg. 90-96 | <p>Aroland: Aroland-MFFN MOU</p> <p>Attawapiskat: Request for MOU</p> <p>Kingfisher Lake: if there were no meetings and no comments received, how does the Project Team know what the issues are?</p> <p>Neskantaga: Request for ENDM/MECP material to be included in Project meetings</p> | <p>Please provide clarity on the nature of the MOUs and the status for these communities.</p> <p>Please clarify the source of the issues/comments</p> |

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| | | | <p>Please provide clarity on what the material were provided.</p> <p>Beyond response, no further action is required at this time.</p> |
| 22. AH | Sect. 10.2.3 Pg. 98 | Par. 4 Why was the attendance at PIC#2 in Longlac so low? | <p>Please provide clarity in response.</p> <p>Beyond response, no further action is required at this time</p> |
| 23. AH | Appendix B Sect. 1.4.1 Pg. 6 | Inset on Neighbouring Indigenous Communities. This is a great explanation of what is meant by neighbouring Indigenous communities. Suggest that this be in the main body of the document when the community-led process is explained. | <p>At the EA stage, ensure that this definition is included in the main body of the document when the community-led process is explained.</p> <p>No further action is required at this time.</p> |
| 24. AH | Appendix B Sect. 2.3 Pg. 10 | Par. 3. It is important to note that the MOU on Shared Responsibilities was a cooperative effort with MFFN. This was something that was built together by MFFN and Ontario. | <p>Suggested wording Ontario (MECP and ENDM) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN (the proponent) and together with MFFN has developed... Please use this wording at the EA stage when referring to the MOU. Please acknowledge in response. See also Section 11.2 Duty to Consult on p. 103.</p> <p>Beyond response, no further action required.</p> |
| 25. AH | Appendix C ENDM Pg. 346-381 | Consultation Log: There are numerous entries in the Log where the contact name is an ENDM staff person, but the summary of the entry has to do with another ministry. E.g. Jul 03, 2019 email – the summary states The MECP advised the MFFN Project Team...this is a communication between the Project team and | <p>Please provide an explanation in your response to confirm the approach taken and moving forward in the EA, only include the entry once and in the summary include other ministries who may have been copied.</p> |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------|---|---|
| | | <p>MECP, yet it is logged as an ENDM entry. The same entry appears in the MECP Log. It appears that these entries were entered into the ENDM Log because ENDM was copied on the communication. It appears that this is a double entry which gives the impression that the consultation was much more extensive than it actually was. It may be better to just have the entry entered once with the ministry with whom the communication originated and, in the summary, include who was copied, rather than having the same entry in multiple ministry logs.</p> <p>There are also numerous entries when there is so little information in the summary to render the summaries not helpful. (e.g. saying that a meeting was held, but no indication of with whom the meeting was held)</p> <p>Pg. 359 Nov. 8, 2019 email – summary “The ENDM replied that they did not see it fit to provide funding... It is really important when summarizing communications, that they are summarized accurately. Nowhere in the email does it say that ENDM did not see it fit. Rather, it said that based on the information that ENDM had, it was not clear that Long Lake #58’s Treaty or Aboriginal rights may be adversely affected, and therefore they were not eligible for funding. The email also noted that if Long Lake</p> | <p>Beyond the response, no further action is required at this time.</p> <p>Moving forward, please ensure that the summaries contain sufficient detail to make them meaningful.</p> <p>Moving forward, please ensure that the summaries in the consultation logs are accurate in content and tone.</p> |

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------|--|---|
| | | <p>#58 had additional information, ENDM would reconsider. The contents and the tone of the email are different from the summary.</p> <p>Pg. 364 January 29, 2020 email - not sure why this entry is included. Please note that Christine Kaszycki was not the Deputy Minister.</p> <p>Please also note that if there were communications with ENDM with respect to reporting requirements for the Transfer Payment Agreement for the EA, they should not be included in the Consultation Log as it is not consultation, rather it is administration.</p> <p>Please also note that Lori Churchill is the Director of Indigenous Consultation and Partnerships Branch</p> | <p>Moving forward, please use Lori's correct title.</p> <p>Beyond responses, no action required at this time.</p> |

Please return completed table in Word format to: [REDACTED]

Marten Falls First Nation – Responses to Comments Received on the Terms of Reference



| ID # | Comment Received | Response to Comment | Reference ToR Section and Page # |
|---|---|---|--|
| Government Review Team | | | |
| Ministry of Energy, Northern Development and Mines – December 21, 2020 | | | |
| ENDM-1 | <p>Comment #: 1. PM Page/Section # in ToR: Section 1, Pg. 1 Comments and Rationale: Review statement in 3rd paragraph which indicates “In 2016 ENDM confirmed financial support on permitting the Project (2017)...” ENDM did not provide financial support to permit the project. Proposed Action/Solution: Correct statement to align with text used in S. 6.3 (pg. 23) which more accurately references the purpose of the 2016 funding. “In the spring of 2016, MFFN secured provincial funding to research and explore options for connecting the community to the existing provincial transportation network, including permitting and approval support”. Please acknowledge in your response and moving forward please use correct language. If ToR is to be revised, include preferred language.</p> | <p>The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the Environmental Assessment [EA] Report).</p> | <p>Commitment for EA</p> |
| ENDM-2 | <p>Comment #: 2. AH Page/Section # in ToR: Section 3.4.2, Pg. 9 Comments and Rationale: Par. 2 Would the Indigenous communities be able to provide input into the determination of which baseline studies should be undertaken? Proposed Action/Solution: Please provide answer in your response. Beyond response, no further action is required at this time.</p> | <p>Indigenous communities are able to provide input into the determination of which baseline studies should be undertaken for the Project. Marten Falls First Nation (MFFN) will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / Impact Statement [IS] Consultation and Engagement Plan). Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies and characterization of existing conditions. In addition, the results of field studies will be shared throughout the EA and will be documented in the EA Report.</p> | <p>Appendix B, Section 4.1.7, pg. 22</p> |
| ENDM-3 | <p>Comment #: 3. PM Page/Section # in ToR: Section 3.4.2, Pg. 9 Comments and Rationale: Establishing Existing Conditions – “While baseline data collection has already commenced for several environmental disciplines..... IK shared and collected to support the EA will be used to guide future data collection” Proposed Action/Solution: Please confirm whether to date, IK information has already been included in the baseline data collection. If so, moving forward, this should be included.</p> | <p>MFFN is currently working with Indigenous communities to develop community-specific Indigenous Knowledge Sharing Agreements that will outline how Indigenous Knowledge will be shared and used in the EA. These Sharing Agreements must be in place prior to the sharing and use of Indigenous Knowledge in the EA, including baseline studies. Efforts to finalize the Sharing Agreements are ongoing, and as a result the Indigenous Knowledge currently available to inform existing conditions and baseline studies is limited to that from MFFN and community knowledge shared through consultation and engagement to date. For example, the location of features or sites provided in available Indigenous knowledge have been included as sensitive receptors in the baseline of environmental disciplines.</p> <p>It is anticipated that an Indigenous Knowledge Sharing Agreement will be established with each potentially affected Indigenous community with interest in sharing Indigenous Knowledge, which will enable the inclusion of Indigenous Knowledge in additional baseline data collection efforts. Further information on the Indigenous Knowledge Program and how shared Indigenous Knowledge will be used in the EA, including in the establishment of baseline conditions, is provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p> <p>As stated in Sections 3.4.2 and 7.1.4 of the Terms of Reference (ToR), Indigenous Knowledge is an important information source that will contribute to the characterization of the existing environment and will be incorporated in the EA to inform baseline conditions.</p> | <p>Section 3.4.2, pg. 9 to 10 Section 7.1.4, pg. 31</p> |
| ENDM-4 | <p>Comment #: 4. PM Page/Section # in ToR: Section 3.4.2.1, Pg. 11 Comments and Rationale: “Knowledge Holders will be identified by MFFN community to participate in the studies” Proposed Action/Solution: Remove MFFN. It should be the communities themselves that identify the Knowledge Holders within their communities who will provide IK. The changes would then align with remaining bullets in the section. Bullet should read “Knowledge Holders will be identified by their community to participate in the studies”. Moving forward to the EA stage, please use revised language. Please confirm in response. Beyond response, no further action required at this time.</p> | <p>It is MFFN’s intent that Knowledge Holders will be identified by each Indigenous community for the purposes of their Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Study. The text in Section 3.4.2.1 should read ‘Knowledge Holders will be identified by each Indigenous community to participate in the studies’. The revised language has been noted so that, moving forward, it will be communicated accurately throughout the EA and referred to accurately in Project documentation (e.g., the EA Report).</p> | <p>Section 3.4.2.1, pg. 11 Commitment for EA</p> |
| ENDM-5 | <p>Comment #: 5. PM Page/Section # in ToR: Sect 5.2.1, Pg. 15; Sect. 5.2.1.4, Pg. 17 Comments and Rationale: The CAR.... with additional temporary clearing occurring for camps, aggregate source areas quarry sties.... Temporary construction camps....at various locations along the ROW and/or near other Project components Proposed Action/Solution: As part of the EA, clearly indicate that aggregate sites, quarries, temporary camps etc. will</p> | <p>In addition to Section 5.2.1 of the ToR which states “...additional temporary clearing...” is anticipated to occur, Section 5.2.1.3 of the ToR on quarries, borrow areas and aggregate source areas states “...potential sources further away, possibly outside the preliminary study area may need to be developed for constructing the Project.” The preliminary study area for the Project is defined as 2.5 km of each side of the centreline of each alternative route (i.e., larger than the 100 m right-of-way) MFFN will clearly state that these locations have the potential to occur outside of the 100 m right-of-way and identify all Project components on mapping in the EA. MFFN would greatly appreciate if the Ministry of Energy, Northern</p> | <p>Section 5.2.1.3, pg. 16 Commitment for EA</p> |



Marten Falls First Nation – Responses to Comments Received on the Terms of Reference

| ID # | Comment Received | Response to Comment | Reference ToR Section and Page # |
|--------|---|--|--|
| | <p>be outside of the 100 m corridor. Please acknowledge in your response. No further action required at this time.</p> <p>As part of the EA, please identify on maps the proposed locations of temporary roads, camps, aggregate sties etc. to ensure that consultation on their location occurs during the EA process. ENDM can share examples on how this can occur as it has been a requirement on other EAs.</p> <p>Please acknowledge in your response. Beyond response, no further action required at this time.</p> | <p>Development and Mines could share the examples mentioned in 'Comment # 5. PM'.</p> | |
| ENDM-6 | <p>Comment #: 6. PM Page/Section # in ToR: Sect 5.2.2, Pg. 20 Comments and Rationale: Wastes: The closet waste management site to the Project is the MNRH Hanover Tower Road Waste Disposal Site (Certificate #A590005) Proposed Action/Solution: As part of the EA, please confirm this site is still permitted and available for use. Suggest looking at alternative sites in the EA. Please acknowledge in your response. No further work required at this time.</p> | <p>Approved waste facilities in the vicinity of the Project will be considered and identified during the EA (Section 5.2.2). MFFN will confirm whether the Ministry of Natural Resources and Forestry Hanover Tower Road Waste Disposal Site is still operational and, if warranted, will seek to identify alternate sites. Section 9.1.1 of the ToR indicates that MFFN will engage with the waste site operator and the Municipality of Greenstone to understand what waste disposal options will be available to the Project. Should it be necessary, MFFN will engage other municipalities regarding waste disposal options.</p> | <p>Section 5.2.2, pg. 20 Section 9.1.1, pg. 77</p> |
| ENDM-7 | <p>Comment #: 7. PM Page/Section # in ToR: Sect 5.2.2, Pg. 20 Comments and Rationale: It is expected that the existing winter road will no longer be maintained.... Proposed Action/Solution: As part of EA, please confirm current and future direction and permitting related to the winter road. The approved Matawa Broadband Project is installing its fibre along the winter road for access and maintenance purposes. Suggest referencing wording from that project to include in this project. Please acknowledge in your response. Beyond response, no further action required at this time.</p> | <p>The EA will identify the current and future direction and permitting related to MFFN's winter road. It is anticipated that the road will no longer be maintained once the Community Access Road (CAR) is operational and will be left to revegetate naturally.</p> | <p>Commitment for EA</p> |
| ENDM-8 | <p>Comment #: 8. PM Page/Section # in ToR: Sect 6.3, Pg. 23 Comments and Rationale: Par. 4 is not characterized in an accurately and does not align with the outreach and engagement messaging that has occurred to date and the information from consultation and engagement from Spring 2016 to May 2017 Proposed Action/Solution: First sentence of par. 4 is fine. Suggest the following wording starting on line 2.: "Following review of the report, the Province entered into discussions with MFFN about funding an EA process. The provincial government would provide funding to plan all-season road access to MFFN. The all-season road access to MFFN would create an opportunity to extend an all-season road to the Ring of Fire." The announcement by the province.... continue as is. Last sentence in paragraph 4 is fine. Please acknowledge in your response, if amending the ToR, change the wording, if not amending the ToR moving forward as part of EA clearly and accurately reflect the contents of the paragraph. Beyond response, no further action is required at this time.</p> | <p>The revised language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | <p>Commitment for EA</p> |
| ENDM-9 | <p>Comment #: 9. PM/AH Page/Section # in ToR: Treaty Boundary Map, Pg. 32 Comments and Rationale: Figure 7-2 The location of the Weenusk First Nation Reserve on the map is incorrect: it is further north (north of the first large bend in the river on the west bank). The Métis Nation of Ontario, Region 2 has been shown on the Treaty Boundary map which may suggest that this hatched area is the area of a Treaty. This is not the case. The MNO regions are administrative boundaries – the way that MNO organizes themselves for consultation and other purposes. Within each region there are a number of contemporary communities (community councils) and a regional consultation committee with membership drawn from each of those community councils. Including Region 2 on the Treaty map may appear to infer rights associated with the signing of a treaty. It is understood that the location of any Métis s. 35 rights has not yet been defined in this area. Proposed Action/Solution: As part of EA update, please update the map. In addition, it is recommended that as part of your next outreach on the project with Weenusk First Nation that you indicate that the community location was mapped incorrectly, and it will be corrected in all future products. Please acknowledge in your response. Please explain the thinking behind including the Métis Nation of Ontario, Region 2 on this particular map in your response. Suggest that moving forward, the MNO Region 2 be shown on its own map to avoid any misunderstandings or</p> | <p>The information of this comment has been noted. The location of Weenusk First Nation will be adjusted in the EA figures that correspond to Figure 7-2 and Figure 10-3 of the ToR. MFFN will discuss this mapping error with Weenusk First Nation. It is recognized that mapping within the ToR was unclear in terms of displaying Métis organizations within the James Bay Treaty No. 9 boundaries. The depiction on Figure 7-2 of the ToR was not provided with proper context and Métis will be shown on their own map in the EA Report to avoid any misunderstandings.</p> | <p>Commitment for EA</p> |

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| | <p>a better explanation is provided in the legend. Beyond your response, no further action required at this time.</p> | | |
| <p>ENDM-10</p> | <p>Comment #: 10. PM Page/Section # in ToR: Sect 7.1.4, entire section Comments and Rationale: In Section 3.4.2 on page 9 it indicates “While baseline data collection has already commenced for several environmental disciplines....” While this is accurate, throughout the entire Section 7.1.4, for each discipline, it should clearly indicate what studies have occurred to date to support the ToR and EA and how it will be further assessed. Through the development of the Project Study Plans for each discipline the proponent has indicated the previous work completed, the findings and how it is being used to develop the new Project Study Plans. Proposed Action/Solution: For each discipline, it should be clearly indicated, whether initial baseline studies have commenced or been undertaken, and that updated study plans are in the process of being developed. Engagement/notification of adjacent First Nations has occurred to date for many of these baseline studies. This should be noted. Please acknowledge in your response. Beyond response, no further action required at this time.</p> | <p>The baseline studies that have occurred to date to support the EA process are:</p> <ul style="list-style-type: none"> ▪ Air Quality (ongoing): <ul style="list-style-type: none"> – One year of monitoring to characterize the seasonal variations in ambient air quality (NO_x, PM_{2.5}, PM₁₀, TSP, CO, SO₂ and BTX). The monitoring device will be located within the community of Marten Falls and is expected to be installed in Winter 2021. ▪ Wildlife and Vegetation: <ul style="list-style-type: none"> – Breeding Bird Point Counts, Marsh Bird Callback Surveys, Bank and Barn Swallow Surveys, Eastern Whip-poor-will Surveys, Remote Wildlife Camera Surveys, and Vegetation Surveys on Alternative 1 and Alternative 4 were completed in 2019. ▪ Acoustic Environment: <ul style="list-style-type: none"> – Baseline monitoring documenting existing ambient noise levels on Alternative 1 and Alternative 4 was completed in 2019. ▪ Surface Water, Groundwater, Physiography: <ul style="list-style-type: none"> – Desktop analysis and both aerial and ground field surveys for hydrology, water quality, (desktop only for groundwater and geology) to characterize existing baseline conditions at water body crossings along Alternative 1 and Alternative 4 was completed in 2019. – Surface and sediment sample collection was completed 2019. ▪ Fish and Fish Habitat: <ul style="list-style-type: none"> – Desktop analysis and both aerial and ground-based field surveys to characterize existing baseline conditions at water body crossings along Alternative 1 and Alternative 4 was completed in 2019. – Ground-based surveys on fish habitat surveys, benthic invertebrate collection, geomorphological assessment 2019 and 2020. ▪ Geotechnical: <ul style="list-style-type: none"> – Helicopter access development, peat probing, hand auguring, test hole drilling, visual assessment of five major water crossings (>10 m± width), site walkover of potential bedrock quarry sites on Alternative 1 and Alternative 4 was completed in 2019. <p>All past and future studies will be identified and summarized in the EA. MFFN will consult with Indigenous communities, agencies, and interested persons on baseline studies during the EA per the EA / IS Consultation and Engagement Plan provided as Appendix B of the ToR. Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1).</p> | <p>Section 7.1.3, pg. 31 Section 9.1.1, pg. 76 Appendix B, Section 4.1.7, pg. 21 to 24</p> |
| <p>ENDM-11</p> | <p>Comment #: 11. AH Page/Section # in ToR: Table 7-2, Pg. 35-40 Comments and Rationale: The table does a really good job of providing similar information about Indigenous communities. On page 37, line 4 under Ginoogaming FN, it says that the community is accessible by road (Highway 1). It should be Highway 11. On page 39, lines 3 and 7 under Nibinamik FN. On line 3 it states “...the recently recognized reserve of the Summer Beaver Settlement...” On line 7, it states” However, the Summer Beaver Settlement is not a reserve...” Proposed Action/Solution: Please confirm in your response that the correct Highway is Highway 11. Beyond response, no further action is required at this time. Please explain this discrepancy in your response. Beyond response, no further action is required at this time.</p> | <p>The text in Table 7-2 under Ginoogaming First Nation should read ‘Highway 11’ and not ‘Highway 1’. The revised text has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report). The text in Table 7-2 under Nibinamik First Nation should read that Nibinamik First Nation is comprised of the recently recognized reserve of the Summer Beaver Settlement and the later reference to the non-reserve status of the Sumer Beaver Settlement is outdated and should be removed. The revised text has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | <p>Commitment for EA</p> |
| <p>ENDM-12</p> | <p>Comment #: 12. PM Page/Section # in ToR: Sect 7.1.4.10, Pg. 58 Comments and Rationale: Economy The primary economic activities in the region include mining, forestry and resource base tourism. Mining exploration and development is expanding.... Proposed Action/Solution: As part of the EA, since mineral exploration activities within the last 5 years has had a larger</p> | <p>As part of the EA, MFFN will adequately describe the importance of mineral exploration activities to the economy of MFFN community members.</p> | <p>Commitment for EA</p> |



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| | <p>impact on MFFN economy in terms of number of individuals employed, business relationships including joint ventures and partnership, it is suggested that this be emphasized as much as the forestry and remote based tourism activities. Please acknowledge in your response. Beyond response, no further action required at this time.</p> | | |
| ENDM-13 | <p>Comment #: 13. AH Page/Section # in ToR: Sect. 7.1.4.10, Pg. 59 Comments and Rationale: Land and Resource Use – through this section mining exploration and mineral exploration are used interchangeably as are mining claim and mineral claim and mining and mineral development It should refer to mineral exploration if it at the exploration phase. The preference is for mineral claim as it speaks to the mineral rights. May also want to use CELL CLAIM or MLAS CLAIM under the new MLAS system of online staking. Use mining development when referring to an actual mining development (e.g. Hardrock) or mineral development when at the exploration stage (e.g. Juno or Wabassi) Proposed Action/Solution: Moving forward, try to use the appropriate language in the correct context. No further action required at this time.</p> | <p>The appropriate language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | Commitment for EA |
| ENDM-14 | <p>Comment #: 14. PM Page/Section # in ToR: Sect 7.1.4.10, Pg. 60 Comments and Rationale: First Par. Line 5. Please note that the MFFN CAR Project does not overlap with the Kenogami Forest. Par. 3 Resource harvesting. Proposed Action/Solution: Resource harvesting: suggest as part of the EA, indicating the location of current access restrictions in place through the Public Lands Act which restricts access for hunting, fishing and resource use purposes during the key tourism seasons. The restrictions are on the Anaconda road and impact all road system north of the restriction. Please acknowledge in your response. No further action required at this time</p> | <p>Thank you for clarifying the location of the Kenogami Forest relative to the Project. The appropriate language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report). Additionally, the EA will identify access restrictions in place through the <i>Public Lands Act</i> that restrict access for hunting, fishing and resource use purposes during the key tourism season.</p> | Commitment for EA |
| ENDM-15 | <p>Comment #: 15. PM Page/Section # in ToR: Sect 7.2.1, pg 65 Comments and Rationale: The first bullet (see below) could apply to more First Nations, not just MFFN. <ul style="list-style-type: none"> ▪ Change to the amount of available reserve lands for MFFN Proposed Action/Solution: Please acknowledge in your response, and during the EA, it is suggested that you include other First Nations. No further action is required at this time.</p> | <p>The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | Commitment for EA |
| ENDM-16 | <p>Comment #: 16. AH Page/Section # in ToR: Sect. 10.2, Pg. 80 Comments and Rationale: Par. 2 Consultation and Engagement program undertaken from March 2019 to July 31, 2020. The ToR was not submitted until October 2020. Presumably, engagement was undertaken after July 31, 2020. Proposed Action/Solution: In your response, please provide an explanation of what engagement took place after July 31, 2020 and how that is or can be articulated to better understand the full extent of the engagement and consultation that has taken place in respect of the ToR. Beyond the response, no further action required at this time.</p> | <p>The ToR and the Record of Consultation documents consultation up to July 31, 2020. The MFFN Project Team has conducted ongoing consultation since July 31, 2020 and continues to respond and track this ongoing effort. Section 6 of the EA / IS Consultation and Engagement Plan notes that a Record of Consultation will be created and maintained to document engagement and consultation undertaken during the EA. The Record of Consultation for the EA will include consultation as of August 1, 2020. A high-level summary of consultation from July 31, 2020 to January 13, 2021 is provided below. For more detailed information, it is recommended that Ontario review the Indigenous Engagement Reports that are provided on a monthly basis for detailed consultation and correspondence related to neighbouring Indigenous communities. Summary of consultation and engagement activities from July 31, 2020 to January 13, 2021 includes, but is not limited to:</p> <ul style="list-style-type: none"> ▪ Ongoing effort to work with limitations and collaborate on custom engagement solutions for Indigenous communities due to State of Emergencies and COVID-19 restrictions; ▪ Circulation of, and follow-up regarding, the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo, Preliminary Study Area Shapefiles, Indigenous Knowledge Program Guidance Document, Indigenous Knowledge Program Fact Sheet, and Update on the Proposed Aboriginal and Treaty Rights and Interests Study Areas Memo to neighbouring Indigenous communities as part of the Indigenous Knowledge Program; ▪ Constance Lake First Nation, Fort Albany First Nation, Ginoogaming First Nation, Eabametoong First Nation, Long Lake #58 First Nation and Neskantaga First Nation submitted comments on the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo; ▪ Teleconferences with Constance Lake First Nation, Ginoogaming First Nation and Long Lake #58 First Nation to discuss the Indigenous Knowledge Program; ▪ Teleconference with member of Kasabonika Lake First Nation to discuss the Indigenous Knowledge Program; ▪ Received email from Eabametoong First Nation requesting a four-week extension for comment on the IK Project | Commitment for EA |

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| | | <p>materials; extension was provided; however, comments were not received;</p> <ul style="list-style-type: none"> ▪ Distribution of the Notice of Submission of ToR and ToR by email and registered mail; ▪ Email notification of Submission of the ToR to the Ministry of Environment, Conservation and Parks (MECP), including the Notice of Submission, a Memo from MECP, Acknowledgement of Receipt of ToR Form and links to electronic documents; ▪ Follow-up phone calls and emails to confirm receipt of ToR documents, confirm intention to submit comments, offer meetings to discuss any questions, comments or concerns; ▪ Attended MFFN Chief and Council meeting to provide Project updates; ▪ Responded to Aroland First Nation's letter regarding concerns of the EA timelines and engagement; ▪ Received letter from Attawapiskat First Nation requesting an extension to the EA / Impact Assessment (IA) due to COVID-19; distributed letter response; ▪ Received letter from Attawapiskat First Nation providing comments on the Project study area; distributed letter response; ▪ Received letter from Attawapiskat First Nation providing additional comments on the Project study area and field studies; distributed letter response; ▪ Ongoing effort to coordinate meetings regarding the Indigenous Knowledge Program; ▪ Responded to Constance Lake First Nation's letter regarding comments received on the community-specific draft Record of Consultation, request for pause on the Project and confirmed future opportunities to provide comments on the ToR and Project; ▪ Responded to Fort Albany First Nation's letter and comment response table regarding additional ToR comments; ▪ Received letter from Kitchenuhmaykoosib Inninuwug First Nation requesting the EA be paused due to COVID-19; distributed letter response; ▪ Responded to Neskantaga First Nation's letter regarding consultation challenges due to COVID-19 and comments on the Aquatics Field Study Program; ▪ Supported and participated in Fort Albany First Nation's November 2020 community engagement event; ▪ Responded to Aroland First Nation's request to begin a custom consultation process in lieu of Memorandum of Understanding (MOU); ▪ Responded to Red Sky Métis Independent Nation and Ginoogaming First Nation's comments on the ToR; ▪ Circulation of the Aquatics and Air Monitoring Field Study Program Notices; and ▪ Received and responded to various information requests from interested persons. | |
| <p>ENDM-17</p> | <p>Comment #: 17. LN Page/Section # in ToR: Section 10.2.1, Pg. 82. Comments and Rationale: The Draft ToR was also provided in print and / or on a USB drive to Indigenous communities, members of the EA Government Review Team, and at the following public viewing locations... Proposed Action/Solution: Were any of these locations temporarily inaccessible due to Covid-19 restrictions? If so, it may be worth noting what limitations existed and when. It would be helpful to include this in the RoC. Please address how this will be addressed in your response.</p> | <p>MFFN had intended to make the ToR available for review at the public viewing locations used during the release of the Draft ToR. However, some of these locations were inaccessible for parts or all of the 126-day ToR review period due to COVID-19. The following viewing locations were inaccessible for the duration of the initial 60-day review period:</p> <ul style="list-style-type: none"> ▪ MECP Environmental Assessment and Permissions Branch (Toronto); ▪ MECP Thunder Bay District Office; ▪ Matawa First Nations Management Office; and ▪ Thunder Bay Public Library – Waverley Resource Library. <p>When Ontario announced a province-wide stay-at-home order in January 2021, the following viewing locations were also closed:</p> <ul style="list-style-type: none"> ▪ Greenstone Public Library (Longlac); ▪ Sioux Lookout Public Library; and ▪ Timmins Public Library. <p>Although the other locations were accessible throughout the review period, some limitations did exist (e.g., modified hours, maximum capacity, quarantine of materials). The EA will identify the public viewing locations for the ToR, including the limitations that were in place throughout the review period.</p> | <p>Commitment for EA</p> |
| <p>ENDM-18</p> | <p>Comment #: 18. AH Page/Section # in ToR: Location of Neighbouring Indigenous Communities Map, p. 85 Comments and Rationale: Figure 10-3 The location of the Weenusk First Nation Reserve on the map is incorrect: it is further north (north of the first large bend in the river on the west bank). Proposed Action/Solution: See comment 9.</p> | <p>The information in this comment has been noted. The location of Weenusk First Nation will be adjusted in the EA figures that correspond to Figure 7-2 and Figure 10-3 of the ToR. MFFN will discuss this mapping error with Weenusk First Nation.</p> | <p>Commitment for EA</p> |



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| ENDM-19 | <p>Comment #: 19. AH Page/Section # in ToR: Sect. 10.2.2, Pg. 87 Comments and Rationale: Bullet 3 Presentations to Matawa First Nations communities on three occasions. Not clear if this was to the communities individually or to the Tribal Council. Proposed Action/Solution: Please clarify in your response. Beyond response, no further action is required at this time.</p> | <p>As included in Section 3.3 of the ToR Record of Consultation, the three presentations were:</p> <ol style="list-style-type: none"> June 5, 2019: MFFN presented to the nine Matawa First Nations represented by their respective Community Communications Liaison Officers. June 7, 2019: MFFN Chief Bruce Achneepineskum provided Matawa Chiefs with a copy of the presentation from June 5, 2019 and a contact postcard. July 28-31, 2019: MFFN provided an update regarding the Project at the Matawa First Nation Annual General Meeting in Constance Lake. | N/A |
| ENDM-20 | <p>Comment #: 20. LSB Page/Section # in ToR: Sect. 10.2.2.1, Pg. 89, (116/152) Comments and Rationale: Discusses plans for virtual engagement prior to submission of ToR. Indicates that online engagement activities are being offered prior to submission of ToR to MECP. Here are the excerpts: “Due to the continued restrictions on in-person gatherings associated with the COVID-19 pandemic, online virtual engagement to consult MFFN community on the Proposed ToR <u>is planned</u> as part of the community-led process to occur prior to the submission of the Proposed ToR to the MECP. To update MFFN on changes made to prepare the Proposed ToR, a series of online-based communications and engagement activities <u>are being offered prior to submission</u> to the MECP.” (emphasis added) Proposed Action/Solution: In your response, please confirm that these activities were offered up to submission of the ToR and whether any communities took up the offer. Beyond response, no further action required at this time.</p> | <p>The section referenced in the comment relates to the MFFN community review (as Proponent) to support the release of the ToR.</p> <p>To support the release of the ToR, MFFN Chief and Council and the broader MFFN community (as the Proponent) were provided the ToR for review. The purpose of engaging on the ToR with MFFN was to:</p> <ul style="list-style-type: none"> Provide an advanced view of the ToR before submission to the MECP for Minister decision; Review the ToR, including content changes made in response to comments received on the Draft ToR, and introduce the new Ogoki River crossing not previously identified in the Draft ToR; and Allow MFFN Chief and Council and the broader community members opportunities to ask questions and provide additional comments. <p>Between September 16 – 30, 2020, MFFN community members reviewed the ToR through the following activities:</p> <ul style="list-style-type: none"> A printed notice was available in the Chief’s store, at the Thunder Bay satellite office and mailed to MFFN community members; An electronic notice and links to online materials to support the ToR were sent via email to MFFN Chief and Council and community members on September 16, 2020; the electronic notice was also shared in the MFFN Facebook group; Hard copy of the ToR and a USB with electronic copies were available in the Chief’s store and Thunder Bay satellite office; An online password-protected webpage was available and featured three videos, a ToR-specific fact sheet, an updated general Project fact sheet, a newsletter, electronic ToR and supporting documentation, opportunity to win a prize and a feedback form; and Ongoing opportunities to submit comments or questions to the MFFN Project Team through the website, email address and telephone hotline. <p>During the Chief and Council meeting, all three videos were played. The three videos were accompanied by the English and Ojibway script to accommodate visitors with low internet bandwidth or accessibility consideration.</p> <ul style="list-style-type: none"> Part One provided an overview of MFFN and the Community Access Road; Part Two described changes made to the ToR since the Draft ToR; and Part Three outlined next steps and consultation opportunities. <p>Once MFFN approved the ToR for submission and public release, the same webpage and materials (except for the prize) were made available starting October 23, 2020 to neighbouring Indigenous communities, government agencies and interested persons.</p> <p>The webpage has been visited a total of 2,020 times and 323 people have watched the videos.</p> | N/A |
| ENDM-21 | <p>Comment #: 21. AH Page/Section # in ToR: Table 10-3, Pg. 90-96 Comments and Rationale: Aroland: Aroland-MFFN MOU Attawapiskat: Request for MOU Kingfisher Lake: if there were no meetings and no comments received, how does the Project Team know what the issues are? Neskantaga: Request for ENDM/MECP material to be included in Project meetings Proposed Action/Solution: Please provide clarity on the nature of the MOUs and the status for these communities. Please clarify the source of the issues/comments.</p> | <p>Aroland First Nation: With regard to the MOU negotiations between Aroland First Nation and MFFN, the negotiations and discussions regarding the MOU were ongoing until mid-October of 2020, at which point the Nations agreed to halt these negotiations indefinitely. In lieu of an MOU, Aroland First Nation requested that MFFN begin working with their community to develop a custom consultation process and Aroland First Nation provided some preliminary principles and perspectives on which this process should be developed. MFFN has directed the Project Team to facilitate a Nation-to-Nation meeting to begin the development of a custom consultation process; these efforts are ongoing.</p> <p>Attawapiskat First Nation: A meeting was held in August 2019 with an Attawapiskat First Nation Community Representative, during which an MOU was requested by the community and advised to hold off developing the MOU until after their upcoming Chief and Council elections. MFFN has continued to offer meetings and discussion, but no further meetings have been held to-date with Attawapiskat First Nation. Discussions regarding an MOU with Attawapiskat First Nation will continue during the EA, if still appropriate.</p> <p>Kingfisher Lake First Nation: It is correct that we have not held any meetings or received any formal comments from Kingfisher Lake First Nation on the ToR. MFFN has not held any meetings, nor have they been requested by, Kingfisher Lake First Nation. Kingfisher Lake First Nation also did not submit formal ToR comments. However, during outreach</p> | Commitment for EA |



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| | | <p>efforts, Kingfisher Lake First Nation verbally communicated via telephone the noted key comments and issues. MFFN has and will continue to engage with Kingfisher Lake First Nation on the Project, via telephone and email communication.</p> <p>Neskantaga First Nation: During a conference call on January 21, 2020, Neskantaga First Nation requested the MECP and the Ministry of Energy, Northern Development and Mines' materials or information previously provided to or shared with other Indigenous communities during in-community meetings also be shared with Neskantaga First Nation (e.g., display board content, process maps). . It is MFFN's understanding that MECP shared the requested information with Neskantaga First Nation.</p> | |
| ENDM-22 | <p>Comment #: 22. AH Page/Section # in ToR: Sect. 10.2.3, Pg. 98 Comments and Rationale: Par. 4 Why was the attendance at PIC#2 in Longlac so low? Proposed Action/Solution: Please provide clarity in response. Beyond response, no further action is required at this time</p> | <p>During the first round of Public Information Centres (PIC), the second event was held at the Municipality of Greenstone (Geraldton). At this PIC, it was discussed between MFFN Project Team and attendees (i.e. ENDM, the mayor of Greenstone, and Local Workers Union representatives) holding the next PIC #2 in Longlac.</p> <p>Posters were distributed in-community, along with radio advertisements. The need for additional newspaper advertisements will be considered in the future. During the EA, Longlac as a PIC location will also be revisited due to the low attendance noted. Unfortunately, on the day of PIC #2, there was an extreme cold weather event that may have contributed to limited attendance at the event.</p> | Commitment for EA |
| ENDM-23 | <p>Comment #: 23. AH Page/Section # in ToR: Appendix B, Sect. 1.4.1, Pg. 6 Comments and Rationale: Inset on Neighbouring Indigenous Communities. This is a great explanation of what is meant by neighbouring Indigenous communities. Suggest that this be in the main body of the document when the community-led process is explained. Proposed Action/Solution: At the EA stage, ensure that this definition is included in the main body of the document when the community-led process is explained. No further action is required at this time.</p> | <p>MFFN will include the definition of 'Neighbouring Indigenous Communities' as described in the inset in Section 1.4.1 of Appendix B of the ToR within the main body of the EA.</p> | Commitment for EA |
| ENDM-24 | <p>Comment #: 24. AH Page/Section # in ToR: Appendix B, Sect. 2.3, Pg. 10 Comments and Rationale: Par. 3. It is important to note that the MOU on Shared Responsibilities was a cooperative effort with MFFN. This was something that was built together by MFFN and Ontario. Proposed Action/Solution: Suggested wording Ontario (MECP and ENDM) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN (the proponent) and together with MFFN has developed... Please use this wording at the EA stage when referring to the MOU. Please acknowledge in response. See also Section 11.2 Duty to Consult on p. 103. Beyond response, no further action required.</p> | <p>The revised language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | Commitment for EA |
| ENDM-25 | <p>Comment #: 25. AH Page/Section # in ToR: Appendix C, ENDM, Pg. 346-381 Comments and Rationale: Consultation Log: There are numerous entries in the Log where the contact name is an ENDM staff person, but the summary of the entry has to do with another ministry. E.g. Jul 03, 2019 email – the summary states The MECP advised the MFFN Project Team...this is a communication between the Project team and MECP, yet it is logged as an ENDM entry. The same entry appears in the MECP Log. It appears that these entries were entered into the ENDM Log because ENDM was copied on the communication. It appears that this is a double entry which gives the impression that the consultation was much more extensive than it actually was. It may be better to just have the entry entered once with the ministry with whom the communication originated and, in the summary, include who was copied, rather than having the same entry in multiple ministry logs. There are also numerous entries when there is so little information in the summary to render the summaries not helpful. (e.g. saying that a meeting was held, but no indication of with whom the meeting was held) Pg. 359 Nov. 8, 2019 email – summary "The ENDM replied that they did not see it fit to provide funding... It is really important when summarizing communications, that they are summarized accurately. Nowhere in the email does it say that ENDM did not see it fit. Rather, it said that based on the information that ENDM had, it was not clear that Long Lake #58's Treaty or Aboriginal rights may be adversely affected, and therefore they were not eligible for funding. The email also noted that if Long Lake #58 had additional information, ENDM would reconsider. The contents and the tone of the email are different from the summary. Pg. 364 January 29, 2020 email - not sure why this entry is included. Please note that Christine Kaszycki was not the Deputy Minister. Please also note that if there were communications with ENDM with respect to reporting requirements for the Transfer Payment Agreement for the EA, they should not be included in the Consultation Log as it is not consultation, rather it is</p> | <p>The Record of Consultation has been built to include a log for each Indigenous community, government agency, or interested persons including a line for each occurrence that group has been included in. For the Record of Consultation, MFFN will re-consider how to document those copied on communications versus those whom the communications were directed at.</p> <p>MFFN will also consider future summaries and their level of detail to enhance the EA Record of Consultation. Please note that meeting minutes are listed in the table of contents and the copies of finalized minutes are in the appendices as a reference.</p> <p>The November 8, 2019 log will be amended to suit the tone of the email. The January 29, 2020 email will be removed. Both Christine and Lori's titles have been corrected.</p> | Record of Consultation, Appendix C of ToR Commitment for EA |

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| | <p>administration.</p> <p>Please also note that Lori Churchill is the Director of Indigenous Consultation and Partnerships Branch</p> <p>Proposed Action/Solution: Please provide an explanation in your response to confirm the approach taken and moving forward in the EA, only include the entry once and in the summary include other ministries who may have been copied. Beyond the response, no further action is required at this time.</p> <p>Moving forward, please ensure that the summaries contain sufficient detail to make them meaningful.</p> <p>Moving forward, please ensure that the summaries in the consultation logs are accurate in content and tone.</p> <p>Moving forward, please use Lori's correct title.</p> <p>Beyond responses, no action required at this time.</p> | | |



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| Government Review Team | | | |
| Ministry of Energy, Northern Development and Mines – December 21, 2020 | | | |
| ENDM-1 | <p>Comment #: 1. PM Page/Section # in ToR: Section 1, Pg. 1 Comments and Rationale: Review statement in 3rd paragraph which indicates “In 2016 ENDM confirmed financial support on permitting the Project (2017)...” ENDM did not provide financial support to permit the project. Proposed Action/Solution: Correct statement to align with text used in S. 6.3 (pg. 23) which more accurately references the purpose of the 2016 funding. “In the spring of 2016, MFFN secured provincial funding to research and explore options for connecting the community to the existing provincial transportation network, including permitting and approval support”. Please acknowledge in your response and moving forward please use correct language. If ToR is to be revised, include preferred language.</p> | <p>The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the Environmental Assessment [EA] Report).</p> | <p>Commitment for EA</p> |
| ENDM-2 | <p>Comment #: 2. AH Page/Section # in ToR: Section 3.4.2, Pg. 9 Comments and Rationale: Par. 2 Would the Indigenous communities be able to provide input into the determination of which baseline studies should be undertaken? Proposed Action/Solution: Please provide answer in your response. Beyond response, no further action is required at this time.</p> | <p>Indigenous communities are able to provide input into the determination of which baseline studies should be undertaken for the Project. Marten Falls First Nation (MFFN) will consult with Indigenous communities, agencies and interested persons on baseline field studies during the Effects Assessment Methods milestone identified in Table 4-2 of Appendix B (EA / Impact Statement [IS] Consultation and Engagement Plan). Input and feedback received through the Consultation and Engagement Program will be used to inform baseline studies and characterization of existing conditions. In addition, the results of field studies will be shared throughout the EA and will be documented in the EA Report.</p> | <p>Appendix B, Section 4.1.7, pg. 22</p> |
| ENDM-3 | <p>Comment #: 3. PM Page/Section # in ToR: Section 3.4.2, Pg. 9 Comments and Rationale: Establishing Existing Conditions – “While baseline data collection has already commenced for several environmental disciplines..... IK shared and collected to support the EA will be used to guide future data collection” Proposed Action/Solution: Please confirm whether to date, IK information has already been included in the baseline data collection. If so, moving forward, this should be included.</p> | <p>MFFN is currently working with Indigenous communities to develop community-specific Indigenous Knowledge Sharing Agreements that will outline how Indigenous Knowledge will be shared and used in the EA. These Sharing Agreements must be in place prior to the sharing and use of Indigenous Knowledge in the EA, including baseline studies. Efforts to finalize the Sharing Agreements are ongoing, and as a result the Indigenous Knowledge currently available to inform existing conditions and baseline studies is limited to that from MFFN and community knowledge shared through consultation and engagement to date. For example, the location of features or sites provided in available Indigenous knowledge have been included as sensitive receptors in the baseline of environmental disciplines.</p> <p>It is anticipated that an Indigenous Knowledge Sharing Agreement will be established with each potentially affected Indigenous community with interest in sharing Indigenous Knowledge, which will enable the inclusion of Indigenous Knowledge in additional baseline data collection efforts. Further information on the Indigenous Knowledge Program and how shared Indigenous Knowledge will be used in the EA, including in the establishment of baseline conditions, is provided in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p> <p>As stated in Sections 3.4.2 and 7.1.4 of the Terms of Reference (ToR), Indigenous Knowledge is an important information source that will contribute to the characterization of the existing environment and will be incorporated in the EA to inform baseline conditions.</p> | <p>Section 3.4.2, pg. 9 to 10 Section 7.1.4, pg. 31</p> |
| ENDM-4 | <p>Comment #: 4. PM Page/Section # in ToR: Section 3.4.2.1, Pg. 11 Comments and Rationale: “Knowledge Holders will be identified by MFFN community to participate in the studies” Proposed Action/Solution: Remove MFFN. It should be the communities themselves that identify the Knowledge Holders within their communities who will provide IK. The changes would then align with remaining bullets in the section. Bullet should read “Knowledge Holders will be identified by their community to participate in the studies”. Moving forward to the EA stage, please use revised language. Please confirm in response. Beyond response, no further action required at this time.</p> | <p>It is MFFN’s intent that Knowledge Holders will be identified by each Indigenous community for the purposes of their Project-specific Indigenous Knowledge and Indigenous Land and Resource Use Study. The text in Section 3.4.2.1 should read ‘Knowledge Holders will be identified by each Indigenous community to participate in the studies’. The revised language has been noted so that, moving forward, it will be communicated accurately throughout the EA and referred to accurately in Project documentation (e.g., the EA Report).</p> | <p>Section 3.4.2.1, pg. 11 Commitment for EA</p> |
| ENDM-5 | <p>Comment #: 5. PM Page/Section # in ToR: Sect 5.2.1, Pg. 15; Sect. 5.2.1.4, Pg. 17 Comments and Rationale: The CAR.... with additional temporary clearing occurring for camps, aggregate source areas quarry sties.... Temporary construction camps....at various locations along the ROW and/or near other Project components Proposed Action/Solution: As part of the EA, clearly indicate that aggregate sites, quarries, temporary camps etc. will</p> | <p>In addition to Section 5.2.1 of the ToR which states “...additional temporary clearing...” is anticipated to occur, Section 5.2.1.3 of the ToR on quarries, borrow areas and aggregate source areas states “...potential sources further away, possibly outside the preliminary study area may need to be developed for constructing the Project.” The preliminary study area for the Project is defined as 2.5 km of each side of the centreline of each alternative route (i.e., larger than the 100 m right-of-way) MFFN will clearly state that these locations have the potential to occur outside of the 100 m right-of-way and identify all Project components on mapping in the EA. MFFN would greatly appreciate if the Ministry of Energy, Northern</p> | <p>Section 5.2.1.3, pg. 16 Commitment for EA</p> |



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| | <p>be outside of the 100 m corridor. Please acknowledge in your response. No further action required at this time.</p> <p>As part of the EA, please identify on maps the proposed locations of temporary roads, camps, aggregate sties etc. to ensure that consultation on their location occurs during the EA process. ENDM can share examples on how this can occur as it has been a requirement on other EAs. Please acknowledge in your response. Beyond response, no further action required at this time.</p> | <p>Development and Mines could share the examples mentioned in 'Comment # 5. PM'.</p> | |
| ENDM-6 | <p>Comment #: 6. PM Page/Section # in ToR: Sect 5.2.2, Pg. 20 Comments and Rationale: Wastes: The closet waste management site to the Project is the MNRF Hanover Tower Road Waste Disposal Site (Certificate #A590005) Proposed Action/Solution: As part of the EA, please confirm this site is still permitted and available for use. Suggest looking at alternative sites in the EA. Please acknowledge in your response. No further work required at this time.</p> | <p>Approved waste facilities in the vicinity of the Project will be considered and identified during the EA (Section 5.2.2). MFFN will confirm whether the Ministry of Natural Resources and Forestry Hanover Tower Road Waste Disposal Site is still operational and, if warranted, will seek to identify alternate sites. Section 9.1.1 of the ToR indicates that MFFN will engage with the waste site operator and the Municipality of Greenstone to understand what waste disposal options will be available to the Project. Should it be necessary, MFFN will engage other municipalities regarding waste disposal options.</p> | <p>Section 5.2.2, pg. 20 Section 9.1.1, pg. 77</p> |
| ENDM-7 | <p>Comment #: 7. PM Page/Section # in ToR: Sect 5.2.2, Pg. 20 Comments and Rationale: It is expected that the existing winter road will no longer be maintained.... Proposed Action/Solution: As part of EA, please confirm current and future direction and permitting related to the winter road. The approved Matawa Broadband Project is installing its fibre along the winter road for access and maintenance purposes. Suggest referencing wording from that project to include in this project. Please acknowledge in your response. Beyond response, no further action required at this time.</p> | <p>The EA will identify the current and future direction and permitting related to MFFN's winter road. It is anticipated that the road will no longer be maintained once the Community Access Road (CAR) is operational and will be left to revegetate naturally.</p> | <p>Commitment for EA</p> |
| ENDM-8 | <p>Comment #: 8. PM Page/Section # in ToR: Sect 6.3, Pg. 23 Comments and Rationale: Par. 4 is not characterized in an accurately and does not align with the outreach and engagement messaging that has occurred to date and the information from consultation and engagement from Spring 2016 to May 2017 Proposed Action/Solution: First sentence of par. 4 is fine. Suggest the following wording starting on line 2.: "Following review of the report, the Province entered into discussions with MFFN about funding an EA process. The provincial government would provide funding to plan all-season road access to MFFN. The all-season road access to MFFN would create an opportunity to extend an all-season road to the Ring of Fire." The announcement by the province.... continue as is. Last sentence in paragraph 4 is fine. Please acknowledge in your response, if amending the ToR, change the wording, if not amending the ToR moving forward as part of EA clearly and accurately reflect the contents of the paragraph. Beyond response, no further action is required at this time.</p> | <p>The revised language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | <p>Commitment for EA</p> |
| ENDM-9 | <p>Comment #: 9. PM/AH Page/Section # in ToR: Treaty Boundary Map, Pg. 32 Comments and Rationale: Figure 7-2 The location of the Weenusk First Nation Reserve on the map is incorrect: it is further north (north of the first large bend in the river on the west bank). The Métis Nation of Ontario, Region 2 has been shown on the Treaty Boundary map which may suggest that this hatched area is the area of a Treaty. This is not the case. The MNO regions are administrative boundaries – the way that MNO organizes themselves for consultation and other purposes. Within each region there are a number of contemporary communities (community councils) and a regional consultation committee with membership drawn from each of those community councils. Including Region 2 on the Treaty map may appear to infer rights associated with the signing of a treaty. It is understood that the location of any Métis s. 35 rights has not yet been defined in this area. Proposed Action/Solution: As part of EA update, please update the map. In addition, it is recommended that as part of your next outreach on the project with Weenusk First Nation that you indicate that the community location was mapped incorrectly, and it will be corrected in all future products. Please acknowledge in your response. Please explain the thinking behind including the Métis Nation of Ontario, Region 2 on this particular map in your response. Suggest that moving forward, the MNO Region 2 be shown on its own map to avoid any misunderstandings or</p> | <p>The information of this comment has been noted. The location of Weenusk First Nation will be adjusted in the EA figures that correspond to Figure 7-2 and Figure 10-3 of the ToR. MFFN will discuss this mapping error with Weenusk First Nation. It is recognized that mapping within the ToR was unclear in terms of displaying Métis organizations within the James Bay Treaty No. 9 boundaries. The depiction on Figure 7-2 of the ToR was not provided with proper context and Métis will be shown on their own map in the EA Report to avoid any misunderstandings.</p> | <p>Commitment for EA</p> |



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| | <p>a better explanation is provided in the legend. Beyond your response, no further action required at this time.</p> | | |
| <p>ENDM-10</p> | <p>Comment #: 10. PM Page/Section # in ToR: Sect 7.1.4, entire section Comments and Rationale: In Section 3.4.2 on page 9 it indicates “While baseline data collection has already commenced for several environmental disciplines....” While this is accurate, throughout the entire Section 7.1.4, for each discipline, it should clearly indicate what studies have occurred to date to support the ToR and EA and how it will be further assessed. Through the development of the Project Study Plans for each discipline the proponent has indicated the previous work completed, the findings and how it is being used to develop the new Project Study Plans. Proposed Action/Solution: For each discipline, it should be clearly indicated, whether initial baseline studies have commenced or been undertaken, and that updated study plans are in the process of being developed. Engagement/notification of adjacent First Nations has occurred to date for many of these baseline studies. This should be noted. Please acknowledge in your response. Beyond response, no further action required at this time.</p> | <p>The baseline studies that have occurred to date to support the EA process are:</p> <ul style="list-style-type: none"> ▪ Air Quality (ongoing): <ul style="list-style-type: none"> – One year of monitoring to characterize the seasonal variations in ambient air quality (NO_x, PM_{2.5}, PM₁₀, TSP, CO, SO₂ and BTX). The monitoring device will be located within the community of Marten Falls and is expected to be installed in Winter 2021. ▪ Wildlife and Vegetation: <ul style="list-style-type: none"> – Breeding Bird Point Counts, Marsh Bird Callback Surveys, Bank and Barn Swallow Surveys, Eastern Whip-poor-will Surveys, Remote Wildlife Camera Surveys, and Vegetation Surveys on Alternative 1 and Alternative 4 were completed in 2019. ▪ Acoustic Environment: <ul style="list-style-type: none"> – Baseline monitoring documenting existing ambient noise levels on Alternative 1 and Alternative 4 was completed in 2019. ▪ Surface Water, Groundwater, Physiography: <ul style="list-style-type: none"> – Desktop analysis and both aerial and ground field surveys for hydrology, water quality, (desktop only for groundwater and geology) to characterize existing baseline conditions at water body crossings along Alternative 1 and Alternative 4 was completed in 2019. – Surface and sediment sample collection was completed 2019. ▪ Fish and Fish Habitat: <ul style="list-style-type: none"> – Desktop analysis and both aerial and ground-based field surveys to characterize existing baseline conditions at water body crossings along Alternative 1 and Alternative 4 was completed in 2019. – Ground-based surveys on fish habitat surveys, benthic invertebrate collection, geomorphological assessment 2019 and 2020. ▪ Geotechnical: <ul style="list-style-type: none"> – Helicopter access development, peat probing, hand auguring, test hole drilling, visual assessment of five major water crossings (>10 m± width), site walkover of potential bedrock quarry sites on Alternative 1 and Alternative 4 was completed in 2019. <p>All past and future studies will be identified and summarized in the EA. MFFN will consult with Indigenous communities, agencies, and interested persons on baseline studies during the EA per the EA / IS Consultation and Engagement Plan provided as Appendix B of the ToR. Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1).</p> | <p>Section 7.1.3, pg. 31 Section 9.1.1, pg. 76 Appendix B, Section 4.1.7, pg. 21 to 24</p> |
| <p>ENDM-11</p> | <p>Comment #: 11. AH Page/Section # in ToR: Table 7-2, Pg. 35-40 Comments and Rationale: The table does a really good job of providing similar information about Indigenous communities. On page 37, line 4 under Ginoogaming FN, it says that the community is accessible by road (Highway 1). It should be Highway 11. On page 39, lines 3 and 7 under Nibinamik FN. On line 3 it states “...the recently recognized reserve of the Summer Beaver Settlement...” On line 7, it states” However, the Summer Beaver Settlement is not a reserve...” Proposed Action/Solution: Please confirm in your response that the correct Highway is Highway 11. Beyond response, no further action is required at this time. Please explain this discrepancy in your response. Beyond response, no further action is required at this time.</p> | <p>The text in Table 7-2 under Ginoogaming First Nation should read ‘Highway 11’ and not ‘Highway 1’. The revised text has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report). The text in Table 7-2 under Nibinamik First Nation should read that Nibinamik First Nation is comprised of the recently recognized reserve of the Summer Beaver Settlement and the later reference to the non-reserve status of the Sumer Beaver Settlement is outdated and should be removed. The revised text has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | <p>Commitment for EA</p> |
| <p>ENDM-12</p> | <p>Comment #: 12. PM Page/Section # in ToR: Sect 7.1.4.10, Pg. 58 Comments and Rationale: Economy The primary economic activities in the region include mining, forestry and resource base tourism. Mining exploration and development is expanding.... Proposed Action/Solution: As part of the EA, since mineral exploration activities within the last 5 years has had a larger</p> | <p>As part of the EA, MFFN will adequately describe the importance of mineral exploration activities to the economy of MFFN community members.</p> | <p>Commitment for EA</p> |



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| | <p>impact on MFFN economy in terms of number of individuals employed, business relationships including joint ventures and partnership, it is suggested that this be emphasized as much as the forestry and remote based tourism activities. Please acknowledge in your response. Beyond response, no further action required at this time.</p> | | |
| ENDM-13 | <p>Comment #: 13. AH Page/Section # in ToR: Sect. 7.1.4.10, Pg. 59 Comments and Rationale: Land and Resource Use – through this section mining exploration and mineral exploration are used interchangeably as are mining claim and mineral claim and mining and mineral development It should refer to mineral exploration if it at the exploration phase. The preference is for mineral claim as it speaks to the mineral rights. May also want to use CELL CLAIM or MLAS CLAIM under the new MLAS system of online staking. Use mining development when referring to an actual mining development (e.g. Hardrock) or mineral development when at the exploration stage (e.g. Juno or Wabassi) Proposed Action/Solution: Moving forward, try to use the appropriate language in the correct context. No further action required at this time.</p> | <p>The appropriate language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | Commitment for EA |
| ENDM-14 | <p>Comment #: 14. PM Page/Section # in ToR: Sect 7.1.4.10, Pg. 60 Comments and Rationale: First Par. Line 5. Please note that the MFFN CAR Project does not overlap with the Kenogami Forest. Par. 3 Resource harvesting. Proposed Action/Solution: Resource harvesting: suggest as part of the EA, indicating the location of current access restrictions in place through the Public Lands Act which restricts access for hunting, fishing and resource use purposes during the key tourism seasons. The restrictions are on the Anaconda road and impact all road system north of the restriction. Please acknowledge in your response. No further action required at this time</p> | <p>Thank you for clarifying the location of the Kenogami Forest relative to the Project. The appropriate language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report). Additionally, the EA will identify access restrictions in place through the <i>Public Lands Act</i> that restrict access for hunting, fishing and resource use purposes during the key tourism season.</p> | Commitment for EA |
| ENDM-15 | <p>Comment #: 15. PM Page/Section # in ToR: Sect 7.2.1, Pg. 65 Comments and Rationale: The first bullet (see below) could apply to more First Nations, not just MFFN. <ul style="list-style-type: none"> ▪ Change to the amount of available reserve lands for MFFN Proposed Action/Solution: Please acknowledge in your response, and during the EA, it is suggested that you include other First Nations. No further action is required at this time.</p> | <p>The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | Commitment for EA |
| ENDM-16 | <p>Comment #: 16. AH Page/Section # in ToR: Sect. 10.2, Pg. 80 Comments and Rationale: Par. 2 Consultation and Engagement program undertaken from March 2019 to July 31, 2020. The ToR was not submitted until October 2020. Presumably, engagement was undertaken after July 31, 2020. Proposed Action/Solution: In your response, please provide an explanation of what engagement took place after July 31, 2020 and how that is or can be articulated to better understand the full extent of the engagement and consultation that has taken place in respect of the ToR. Beyond the response, no further action required at this time.</p> | <p>The ToR and the Record of Consultation documents consultation up to July 31, 2020. The MFFN Project Team has conducted ongoing consultation since July 31, 2020 and continues to respond and track this ongoing effort. Section 6 of the EA / IS Consultation and Engagement Plan notes that a Record of Consultation will be created and maintained to document engagement and consultation undertaken during the EA. The Record of Consultation for the EA will include consultation as of August 1, 2020. A high-level summary of consultation from July 31, 2020 to January 13, 2021 is provided below.</p> <p>Summary of consultation and engagement activities from July 31, 2020 to January 13, 2021 includes, but is not limited to:</p> <ul style="list-style-type: none"> ▪ Ongoing effort to work with limitations and collaborate on custom engagement solutions for Indigenous communities due to State of Emergencies and COVID-19 restrictions; ▪ Circulation of, and follow-up regarding, the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo, Preliminary Study Area Shapefiles, Indigenous Knowledge Program Guidance Document, Indigenous Knowledge Program Fact Sheet, and Update on the Proposed Aboriginal and Treaty Rights and Interests Study Areas Memo to neighbouring Indigenous communities as part of the Indigenous Knowledge Program; ▪ Constance Lake First Nation, Fort Albany First Nation, Ginoogaming First Nation, Eabametoong First Nation, Long Lake #58 First Nation and Neskantaga First Nation submitted comments on the Preliminary Aboriginal and Treaty Rights and Interests Study Areas Memo; ▪ Teleconferences with Constance Lake First Nation, Ginoogaming First Nation and Long Lake #58 First Nation to discuss the Indigenous Knowledge Program; ▪ Teleconference with member of Kasabonika Lake First Nation to discuss the Indigenous Knowledge Program; ▪ Received email from Eabametoong First Nation requesting a four-week extension for comment on the IK Project materials; extension was provided; however, comments were not received; | Commitment for EA |



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| | | <ul style="list-style-type: none"> ▪ Distribution of the Notice of Submission of ToR and ToR by email and registered mail; ▪ Email notification of Submission of the ToR to the Ministry of Environment, Conservation and Parks (MECP), including the Notice of Submission, a Memo from MECP, Acknowledgement of Receipt of ToR Form and links to electronic documents; ▪ Follow-up phone calls and emails to confirm receipt of ToR documents, confirm intention to submit comments, offer meetings to discuss any questions, comments or concerns; ▪ Attended MFFN Chief and Council meeting to provide Project updates; ▪ Responded to Aroland First Nation's letter regarding concerns of the EA timelines and engagement; ▪ Received letter from Attawapiskat First Nation requesting an extension to the EA / Impact Assessment (IA) due to COVID-19; distributed letter response; ▪ Received letter from Attawapiskat First Nation providing comments on the Project study area; distributed letter response; ▪ Received letter from Attawapiskat First Nation providing additional comments on the Project study area and field studies; distributed letter response; ▪ Ongoing effort to coordinate meetings regarding the Indigenous Knowledge Program; ▪ Responded to Constance Lake First Nation's letter regarding comments received on the community-specific draft Record of Consultation, request for pause on the Project and confirmed future opportunities to provide comments on the ToR and Project; ▪ Responded to Fort Albany First Nation's letter and comment response table regarding additional ToR comments; ▪ Received letter from Kitchenuhmaykoosib Inninuwug First Nation requesting the EA be paused due to COVID-19; distributed letter response; ▪ Responded to Neskantaga First Nation's letter regarding consultation challenges due to COVID-19 and comments on the Aquatics Field Study Program; ▪ Supported and participated in Fort Albany First Nation's November 2020 community engagement event; ▪ Responded to Aroland First Nation's request to begin a custom consultation process in lieu of Memorandum of Understanding (MOU); ▪ Responded to Red Sky Métis Independent Nation and Ginoogaming First Nation's comments on the ToR; ▪ Circulation of the Aquatics and Air Monitoring Field Study Program Notices; and ▪ Received and responded to various information requests from interested persons. | |
| <p>ENDM-17</p> | <p>Comment #: 17. LN Page/Section # in ToR: Section 10.2.1, Pg. 82. Comments and Rationale: The Draft ToR was also provided in print and / or on a USB drive to Indigenous communities, members of the EA Government Review Team, and at the following public viewing locations... Proposed Action/Solution: Were any of these locations temporarily inaccessible due to Covid-19 restrictions? If so, it may be worth noting what limitations existed and when. It would be helpful to include this in the RoC. Please address how this will be addressed in your response.</p> | <p>MFFN had intended to make the ToR available for review at the public viewing locations used during the release of the Draft ToR. However, some of these locations were inaccessible for parts or all of the 126-day ToR review period due to COVID-19. The following viewing locations were inaccessible for the duration of the initial 60-day review period:</p> <ul style="list-style-type: none"> ▪ MECP Environmental Assessment and Permissions Branch (Toronto); ▪ MECP Thunder Bay District Office; ▪ Matawa First Nations Management Office; and ▪ Thunder Bay Public Library – Waverley Resource Library. <p>When Ontario announced a province-wide stay-at-home order in January 2021, the following viewing locations were also closed:</p> <ul style="list-style-type: none"> ▪ Greenstone Public Library (Longlac); ▪ Sioux Lookout Public Library; and ▪ Timmins Public Library. <p>Although the other locations were accessible throughout the review period, some limitations did exist (e.g., modified hours, maximum capacity, quarantine of materials). The EA will identify the public viewing locations for the ToR, including the limitations that were in place throughout the review period.</p> | <p>Commitment for EA</p> |
| <p>ENDM-18</p> | <p>Comment #: 18. AH Page/Section # in ToR: Location of Neighbouring Indigenous Communities Map, p. 85 Comments and Rationale: Figure 10-3 The location of the Weenusk First Nation Reserve on the map is incorrect: it is further north (north of the first large bend in the river on the west bank). Proposed Action/Solution: See comment 9.</p> | <p>The information in this comment has been noted. The location of Weenusk First Nation will be adjusted in the EA figures that correspond to Figure 7-2 and Figure 10-3 of the ToR. MFFN will discuss this mapping error with Weenusk First Nation.</p> | <p>Commitment for EA</p> |



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| ENDM-19 | <p>Comment #: 19. AH Page/Section # in ToR: Sect. 10.2.2, Pg. 87 Comments and Rationale: Bullet 3 Presentations to Matawa First Nations communities on three occasions. Not clear if this was to the communities individually or to the Tribal Council. Proposed Action/Solution: Please clarify in your response. Beyond response, no further action is required at this time.</p> | <p>As included in Section 3.3 of the ToR Record of Consultation, the three presentations were:</p> <ol style="list-style-type: none"> June 5, 2019: MFFN presented to the nine Matawa First Nations represented by their respective Community Communications Liaison Officers. June 7, 2019: MFFN Chief Bruce Achneepineskum provided Matawa Chiefs with a copy of the presentation from June 5, 2019 and a contact postcard. July 28-31, 2019: MFFN provided an update regarding the Project at the Matawa First Nation Annual General Meeting in Constance Lake. | N/A |
| ENDM-20 | <p>Comment #: 20. LSB Page/Section # in ToR: Sect. 10.2.2.1, Pg. 89, (116/152) Comments and Rationale: Discusses plans for virtual engagement prior to submission of ToR. Indicates that online engagement activities are being offered prior to submission of ToR to MECP. Here are the excerpts: “Due to the continued restrictions on in-person gatherings associated with the COVID-19 pandemic, online virtual engagement to consult MFFN community on the Proposed ToR <u>is planned</u> as part of the community-led process to occur prior to the submission of the Proposed ToR to the MECP. To update MFFN on changes made to prepare the Proposed ToR, a series of online-based communications and engagement activities <u>are being offered prior to submission</u> to the MECP.” (emphasis added) Proposed Action/Solution: In your response, please confirm that these activities were offered up to submission of the ToR and whether any communities took up the offer. Beyond response, no further action required at this time.</p> | <p>The section referenced in the comment relates to the MFFN community review (as Proponent) to support the release of the ToR.</p> <p>To support the release of the ToR, MFFN Chief and Council and the broader MFFN community (as the Proponent) were provided the ToR for review. The purpose of engaging on the ToR with MFFN was to:</p> <ul style="list-style-type: none"> Provide an advanced view of the ToR before submission to the MECP for Minister decision; Review the ToR, including content changes made in response to comments received on the Draft ToR, and introduce the new Ogoki River crossing not previously identified in the Draft ToR; and Allow MFFN Chief and Council and the broader community members opportunities to ask questions and provide additional comments. <p>Between September 16 – 30, 2020, MFFN community members reviewed the ToR through the following activities:</p> <ul style="list-style-type: none"> A printed notice was available in the Chief’s store, at the Thunder Bay satellite office and mailed to MFFN community members; An electronic notice and links to online materials to support the ToR were sent via email to MFFN Chief and Council and community members on September 16, 2020; the electronic notice was also shared in the MFFN Facebook group; Hard copy of the ToR and a USB with electronic copies were available in the Chief’s store and Thunder Bay satellite office; An online password-protected webpage was available and featured three videos, a ToR-specific fact sheet, an updated general Project fact sheet, a newsletter, electronic ToR and supporting documentation, opportunity to win a prize and a feedback form; and Ongoing opportunities to submit comments or questions to the MFFN Project Team through the website, email address and telephone hotline. <p>During the Chief and Council meeting, all three videos were played. The three videos were accompanied by the English and Ojibway script to accommodate visitors with low internet bandwidth or accessibility consideration.</p> <ul style="list-style-type: none"> Part One provided an overview of MFFN and the Community Access Road; Part Two described changes made to the ToR since the Draft ToR; and Part Three outlined next steps and consultation opportunities. <p>Once MFFN approved the ToR for submission and public release, the same webpage and materials (except for the prize) were made available starting October 23, 2020 to neighbouring Indigenous communities, government agencies and interested persons.</p> <p>The webpage has been visited a total of 2,020 times and 323 people have watched the videos.</p> | N/A |
| ENDM-21 | <p>Comment #: 21. AH Page/Section # in ToR: Table 10-3, Pg. 90-96 Comments and Rationale: Aroland: Aroland-MFFN MOU Attawapiskat: Request for MOU Kingfisher Lake: if there were no meetings and no comments received, how does the Project Team know what the issues are? Neskantaga: Request for ENDM/MECP material to be included in Project meetings Proposed Action/Solution: Please provide clarity on the nature of the MOUs and the status for these communities. Please clarify the source of the issues/comments.</p> | <p>Aroland First Nation: With regard to the MOU negotiations between Aroland First Nation and MFFN, the negotiations and discussions regarding the MOU were ongoing until mid-October of 2020, at which point the Nations agreed to halt these negotiations indefinitely. In lieu of an MOU, Aroland First Nation requested that MFFN begin working with their community to develop a custom consultation process and Aroland First Nation provided some preliminary principles and perspectives on which this process should be developed. MFFN has directed the Project Team to facilitate a Nation-to-Nation meeting to begin the development of a custom consultation process; these efforts are ongoing.</p> <p>Attawapiskat First Nation: A meeting was held in August 2019 with an Attawapiskat First Nation Community Representative, during which an MOU was requested by the community and advised to hold off developing the MOU until after their upcoming Chief and Council elections. MFFN has continued to offer meetings and discussion, but no further meetings have been held to-date with Attawapiskat First Nation. Discussions regarding an MOU with Attawapiskat First Nation will continue during the EA, if still appropriate.</p> <p>Kingfisher Lake First Nation: It is correct that we have not held any meetings or received any formal comments from Kingfisher Lake First Nation on the ToR. MFFN has not held any meetings, nor have they been requested by, Kingfisher Lake First Nation. Kingfisher Lake First Nation also did not submit formal ToR comments. However, during outreach</p> | Commitment for EA |



Marten Falls First Nation – Responses to Comments Received on the Terms of Reference

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| | | <p>efforts, Kingfisher Lake First Nation verbally communicated via telephone the noted key comments and issues. MFFN has and will continue to engage with Kingfisher Lake First Nation on the Project, via telephone and email communication.</p> <p>Neskantaga First Nation: During a conference call on January 21, 2020, Neskantaga First Nation requested the MECP and the Ministry of Energy, Northern Development and Mines' materials or information previously provided to or shared with other Indigenous communities during in-community meetings also be shared with Neskantaga First Nation (e.g., display board content, process maps). . It is MFFN's understanding that MECP shared the requested information with Neskantaga First Nation.</p> | |
| ENDM-22 | <p>Comment #: 22. AH Page/Section # in ToR: Sect. 10.2.3, Pg. 98 Comments and Rationale: Par. 4 Why was the attendance at PIC#2 in Longlac so low? Proposed Action/Solution: Please provide clarity in response. Beyond response, no further action is required at this time</p> | <p>During the first round of Public Information Centres (PIC), the second event was held at the Municipality of Greenstone (Geraldton). At this PIC, it was discussed between MFFN Project Team and attendees (i.e. ENDM, the mayor of Greenstone, and Local Workers Union representatives) holding the next PIC #2 in Longlac.</p> <p>Posters were distributed in-community, along with radio advertisements. The need for additional newspaper advertisements will be considered in the future. During the EA, Longlac as a PIC location will also be revisited due to the low attendance noted. Unfortunately, on the day of PIC #2, there was an extreme cold weather event that may have contributed to limited attendance at the event.</p> | Commitment for EA |
| ENDM-23 | <p>Comment #: 23. AH Page/Section # in ToR: Appendix B, Sect. 1.4.1, Pg. 6 Comments and Rationale: Inset on Neighbouring Indigenous Communities. This is a great explanation of what is meant by neighbouring Indigenous communities. Suggest that this be in the main body of the document when the community-led process is explained. Proposed Action/Solution: At the EA stage, ensure that this definition is included in the main body of the document when the community-led process is explained. No further action is required at this time.</p> | <p>MFFN will include the definition of 'Neighbouring Indigenous Communities' as described in the inset in Section 1.4.1 of Appendix B of the ToR within the main body of the EA.</p> | Commitment for EA |
| ENDM-24 | <p>Comment #: 24. AH Page/Section # in ToR: Appendix B, Sect. 2.3, Pg. 10 Comments and Rationale: Par. 3. It is important to note that the MOU on Shared Responsibilities was a cooperative effort with MFFN. This was something that was built together by MFFN and Ontario. Proposed Action/Solution: Suggested wording Ontario (MECP and ENDM) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN (the proponent) and together with MFFN has developed... Please use this wording at the EA stage when referring to the MOU. Please acknowledge in response. See also Section 11.2 Duty to Consult on p. 103. Beyond response, no further action required.</p> | <p>The revised language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | Commitment for EA |
| ENDM-25 | <p>Comment #: 25. AH Page/Section # in ToR: Appendix C, ENDM, Pg. 346-381 Comments and Rationale: Consultation Log: There are numerous entries in the Log where the contact name is an ENDM staff person, but the summary of the entry has to do with another ministry. E.g. Jul 03, 2019 email – the summary states The MECP advised the MFFN Project Team...this is a communication between the Project team and MECP, yet it is logged as an ENDM entry. The same entry appears in the MECP Log. It appears that these entries were entered into the ENDM Log because ENDM was copied on the communication. It appears that this is a double entry which gives the impression that the consultation was much more extensive than it actually was. It may be better to just have the entry entered once with the ministry with whom the communication originated and, in the summary, include who was copied, rather than having the same entry in multiple ministry logs. There are also numerous entries when there is so little information in the summary to render the summaries not helpful. (e.g. saying that a meeting was held, but no indication of with whom the meeting was held) Pg. 359 Nov. 8, 2019 email – summary "The ENDM replied that they did not see it fit to provide funding... It is really important when summarizing communications, that they are summarized accurately. Nowhere in the email does it say that ENDM did not see it fit. Rather, it said that based on the information that ENDM had, it was not clear that Long Lake #58's Treaty or Aboriginal rights may be adversely affected, and therefore they were not eligible for funding. The email also noted that if Long Lake #58 had additional information, ENDM would reconsider. The contents and the tone of the email are different from the summary. Pg. 364 January 29, 2020 email - not sure why this entry is included. Please note that Christine Kaszycki was not the Deputy Minister. Please also note that if there were communications with ENDM with respect to reporting requirements for the Transfer Payment Agreement for the EA, they should not be included in the Consultation Log as it is not consultation, rather it is</p> | <p>The Record of Consultation has been built to include a log for each Indigenous community, government agency, or interested persons including a line for each occurrence that group has been included in. For the Record of Consultation, MFFN will re-consider how to document those copied on communications versus those whom the communications were directed at.</p> <p>MFFN will also consider future summaries and their level of detail to enhance the EA Record of Consultation. Please note that meeting minutes are listed in the table of contents and the copies of finalized minutes are in the appendices as a reference.</p> <p>The November 8, 2019 log will be amended to suit the tone of the email. The January 29, 2020 email will be removed. Both Christine and Lori's titles have been corrected.</p> | Record of Consultation, Appendix C of ToR Commitment for EA |

Marten Falls First Nation – Responses to Comments Received on the Terms of Reference



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| | <p>administration.</p> <p>Please also note that Lori Churchill is the Director of Indigenous Consultation and Partnerships Branch</p> <p>Proposed Action/Solution: Please provide an explanation in your response to confirm the approach taken and moving forward in the EA, only include the entry once and in the summary include other ministries who may have been copied. Beyond the response, no further action is required at this time.</p> <p>Moving forward, please ensure that the summaries contain sufficient detail to make them meaningful.</p> <p>Moving forward, please ensure that the summaries in the consultation logs are accurate in content and tone.</p> <p>Moving forward, please use Lori's correct title.</p> <p>Beyond responses, no action required at this time.</p> | | |

D1.5.5 NDMNRF (MNRF and ENDM merged on June 18, 2021)



Comments Table

Proposal: Marten Falls Community Access Road Project – Draft Technical Study Plan

Proponent: Marten Falls First Nation

Study Plan Title: Peatlands

Commenter Name, Job Title and Ministry: Natural Resources and Forestry (NRF) arm of the Ministry of Northern Development, Mines, Natural Resources and Forestry

Note: Page numbers indicated are Adobe Page numbers, not document page numbers.

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| 1. | Page 13, Table 1-2 | <p>Comment not specific to the Peatlands Work Plan: Provincially Significant Wetlands (PSWs) are not identified under Designated Areas in the Valued Components addressed by the Vegetation Study Plan.</p> <p>PSWs, Areas of Natural and Scientific Interests (ANSIs) and Significant Wildlife Habitat (SWH) are mandated natural heritage values of interest for NRF. As such, recognizing and considering these areas in the study plans and future project documentation, where applicable, will allow NRF to provide informed comment regarding potential impacts from the project.</p> | Recommend PSWs (and ANSIs, and SWH) be identified as a designated area in the Valued Components for either “Wetland and Riparian Ecosystems” section or under the “Designated Areas” section of the Vegetation Study Plan. |
| 2. | Page 13, Table 1-2 | The Vegetation Study Plan lists Species at Risk (SAR) and conservation concern species together in one grouping but they are different categories with different direction in the form of | Recommend not grouping conservation concern species and SAR but rather address them separately. Some species may fall under both categories, however many do not. |

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| | | policy and guidelines as well as legislative requirements. | |
| 3. | Page 15, Table 1-2 | Comment not specific to the Peatlands Work Plan: Table 1-2 does not identify trapping. In which In Work Plan(s) is trapping being considered? | Please identify where consideration of trapping is included within the study plans |
| 4. | Page 31, Section 7.1 | The text in this section indicates that peatlands have high acidity; however, not all of them do. For instance, fen-water can be circum-neutral (pH 6 to 8). | The description of peatlands should be revised to more accurately reflect characteristics exhibited by peatlands. |
| 5. | Page 32, Section 7.1 | This section indicates that methane emissions tend to be lower with higher water tables in peatlands; however, this is not always true. For instance, net primary production can increase where there is a lower water table, with the peatlands being net carbon dioxide sinks. Also, methane emissions tend to be lower, with some peatlands functioning as a net methane sink when the water table is lowered. | Please revise the description of peatland to accurately reflect the relationships that can occur between water table depth and the function of peatlands as a carbon or methane source vs sink. |
| 6. | Page 35, Section 7.2.2 | This section references McLaughlin et al. 2018, as the source for the regression equation to estimate peat carbon storage, however this equation was produced by Packalen et al. (2016). | Consider changing citing to Packalen, M.S., Finkelstein, S.A., and McLaughlin, J.W. (2016). <i>Climate and peat type in relation to the spatial distribution of the peat carbon mass in the Hudson Bay Lowland, Canada</i> . J. Geophysical Research – Biogeosciences 121:1104–1117. |
| 7. | Page 35, Section 7.2.2 and Page 40, Section 7.3.2 | Peat depth can exceed 3 meters below the peat surface. Why will sampling only occur to 2 meters? If sampling is limited to 2 meters below the peat surface then carbon storage will likely be underestimated. The equation proposed for | It is recommended that the protocol for assessment of peatlands be modified to allow for determination of total depth of peat. A peat probe could be used for rapid measurement of peat depth to improve the carbon storage estimates. |

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| | | use was developed for when the total depth of peat is known. Additionally, in order to understand sampling methods please provide the increments being used to assess peat profiles. | Additionally, it is important to understand the increments being used to assess peat profiles in order to interpret results (e.g. what increments are from above vs below the water table). |
| 8. | Page 35, Section 7.2.2 | It is unclear what parameters are being measured in this section, making it difficult to understand and provide comment regarding sampling methodologies. | Please specify what parameters will be measured during assessment of the peatlands. |
| 9. | Page 35, Section 7.2.2 | It appears that no greenhouse gas measurements from natural areas are included as part of the peatlands study plan, or in the Atmospheric Environment and Greenhouse Gases (GHG) Study Plan. Peatlands have accumulated carbon for 100s of years, and draining of peatlands can result in increased release of greenhouse gases from these natural areas. | <p>Consider adding carbon dioxide and methane release assessment from reference areas or natural areas to the peatland study plan.</p> <p>Additionally, the eddy covariance tower measurements on carbon dioxide and methane from the Victor Mine and Kinojje Lake could be considered to inform baseline understanding of releases in the Far North. Information from these sites (and others) in regard to carbon dioxide flux data are available from the Ameriflux network.</p> <p>The following papers could be reviewed to establish emission factors for a regional assessment of carbon dioxide and methane emissions:</p> <p>Helbig et al. (2019). Contrasting temperature sensitivity of CO₂ exchange in peatlands of the Hudson Bay Lowlands, Canada. Journal of</p> |

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| | | | <p><i>Geophysical Research Biogeosciences</i> 124, 2126–2143.</p> <p>Humphreys et al. (2014). Two bogs in the Canadian Hudson Bay Lowlands and a temperate bog reveal similar annual net ecosystem exchange of CO₂. <i>Arctic, Antarctic, and Alpine Research</i> 46:103–113.</p> <p>Picket-Heaps et al. (2011). Magnitude and seasonality of wetland methane emissions from the Hudson Bay Lowlands (Canada). <i>Atmospheric Chemistry and Physics</i>. 11:3773–3779, 2011</p> <p>Webster et al. (2018). Spatially-integrated estimates of net ecosystem exchange and methane fluxes from Canadian peatlands. <i>Carbon Balance Management</i> 13:16 doi:10.101186/s13021-018-0105-5</p> |
| 10. | Page 37, Section 7.3.2 | This section indicates that, “there will be no ground surveys within the broader RSA” to assess for Peatland Composition. However, this study plan does not indicate why this is the case. | <p>It is recommended that ground surveys be conducted during verification of satellite imagery in classifying peatlands (including within the RSA).</p> <p>If ground survey work will not be completed in the RSA, the rationale for this approach should be provided in the study plan.</p> |

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| | | | Further, If this is the case, NRF suggests that the MF CAR Project Team consider using information from the ground surveys carried out within the PDA and LSA to inform interpretation of satellite data for those areas, to also support methods used to describe and assess peatland composition in the broader RSA. |
| 11. | Page 38, Section 7.3.2 | Use of the Ontario Wetland Evaluation System for the classification of peatland formations is supported, however, there is no commitment in the study plan regarding the qualifications of individuals who complete peatland classifications for the project. The Ontario Wetland Evaluation System is sufficiently detailed that individuals should be qualified to use this system. They should be trained and have an Ontario Wetland Evaluation System Certificate. | It is recommended that the study plan stipulate that that individuals classifying peatlands using the Ontario Wetland Evaluation System for the project will have sufficient training and will hold an Ontario Wetland Evaluation System Certificate. |
| 12. | Page 39, Section 7.3.2 | It is noted that a 1 m x 1 m grid will be utilised to measure Sphagnum. This procedure may not be the most time efficient approach to use for estimation of Sphagnum. | Consider using a smaller grid size, such as 0.25 x 0.25 m and additional sampling locations to account for variability and improve estimations of Sphagnum. |
| 13. | Page 42, Section 8.3 | This section indicates that there will be a mix of qualitative and quantitative data but gives little indication regarding how these data will be handled. | Please describe the methods that will be used to consider both qualitative and quantitative data during this assessment. |
| 14. | Page 44, Table 9-1 Project – | This table indicates no interaction between peatlands and construction site restoration even though restoration will be occurring along many | The study plan should explain why there is no interaction noted between peatlands and construction activities. Please clarify if peatland |

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| | Environment Interactions | project activities listed as having an interaction with peatlands. Is this because restoration of lost/impacted peatland areas will not be attempted? Will peatlands impacted by construction activities not be rehabilitated? | areas impacted by construction activities will be rehabilitated. If no attempt will be made to rehabilitate these peatland areas, then there should be an explanation regarding why this is the case. |
| 15. | Page 44, Table 9-1 Project – Environment Interactions | This table indicates there is no interaction between aggregate pits and quarries and peatlands. Is this based on an assumption that peatlands will not occur where aggregate pits and quarries are to be developed? If so, this assumption should be clearly stated in the study plan. | Revise the study plan to better explain why there is not considered to be an interaction between peatlands, and aggregate pits and quarries. |
| 16. | Page 46, Table 9-2 Peatland Indicators | Disturbance to peatland areas in the Far North could potentially impact the permafrost layer, potentially through ponding and increased water/ground temperatures in the area of the project. It is not clear from the study plan how potential impacts to permafrost are being considered, or if active permafrost areas occur within the project footprint. | Please provide a description of how the study plan addresses the identification, and potential impacts of this project on, permafrost in the area. Permafrost should be incorporated into Table 9-2 if active permafrost areas are likely to be encountered. |
| 17. | Page 48, Table 9-3 | This table indicates that there is no pathway for indirect effects as a result of the Project between peatlands and archaeological and cultural heritage. How was this determination made? Is it possible that there is a risk of changes in surface hydrology or hydrological connections that could dry or flood an area with cultural or archaeological significance? | The study plan should describe how the determination was made that there would be no pathway for indirect effects as a result of the Project between peatlands and archaeological and cultural heritage. |
| 18. | Page 49, Section 9.4 | This study plan indicates that assessments will consider whether peatlands within the study | The proponent should be able to demonstrate where other suitable peatland is available to |

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| | Methods for Predicting Future Conditions | area are within a geographic area of Canada where wetland loss or degradation has reached critical levels, or are considered ecologically, socially, or economically important to the region. Although it is beneficial to consider the current status of peatlands in relation to other areas of Canada, it is important that reasonable avoidance and/or mitigation strategies be determined for disturbances within the project area during this environmental assessment process. It would be incorrect to assume that suitable habitat is available for disturbed wildlife, or to meet ecological/social/economic functions currently satisfied by the disturbed area simply because there is an abundance of peatland in close proximity to the disturbed area. | <p>satisfy the role of any peatland areas disturbed as a result of the project. For instance, if peatland habitat for wildlife is disturbed by the project, it will be important that the proponent demonstrate where other suitable habitat is located, that wildlife will be able to access it, and that the areas are not at carrying capacity.</p> <p>The study plan should demonstrate how appropriate information/data will be collected to support assessment of the impact of this project on the ecological/social/economic/cultural functions of peatlands. Sufficient information will be needed in both the RSA and LSA/PDA areas to differentiate between when peatland disturbance resulting from the project represents a net negative impact for the area, or if another portion of the peatlands within the RSA or otherwise, will sufficiently compensate for impacted peatland areas lost within the LSA or PDA.</p> |
| 19. | Page 51 and 52 Section 9.5.1 | The document indicates that, in relation to wetlands, mitigation measures should be developed in collaboration with federal authorities and included in the Impact Statement. It should also recognize / state that provincial agencies should also be consulted as appropriate. | Include NDMNRF on the list of provincial agencies that should be included in discussions where they may impact our mandated areas of concern such as for offsets for SAR, determination of mitigation and/or avoidance of impacts to peatland or wetland areas. |

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| 20. | Page 55 Section 9.9 | NRF supports the development of follow-up monitoring/assessment programs for the study areas impacting our mandate. | Please include NDMNRF in consultation efforts to determine follow-up monitoring and assessment programs e.g. considering offsets on Crown land for SAR; or considering species listed as Special Concern under the <i>Endangered Species Act</i> as related to Significant Wildlife Habitat. (Note: species listed as endangered or threatened under the ESA, and their habitat, are within the mandate of the Ministry of Environment, Conservation and Parks). |
| 21. | Page 59 Table 11-1 ID#3 TISG | This table directs readers to the Wildlife Study Plan for a description of how the project may impact the structure and functioning of biotic and abiotic components of the ecosystem. | To allow for more effective understanding of the works to be undertaken and review of these components, it is recommended the text includes a summary of the referenced study details that relate to peatlands in the Peatlands Study Plan, and directing readers to the applicable section(s) of the Wildlife Study Plan (or other plans as appropriate) for more detailed information. |
| 22. | Page 59 Table 11-1 ID#6 | When baseline data is extrapolated or otherwise manipulated to depict environmental conditions it is recommended that the models be validated using field data from appropriate local and regional levels. | Recommend including the RSA within field data collection studies to allow for verification of habitat classification efforts at the RSA scale. |
| 23. | Pg.60 Peatlands Table 11-1: ID#12 TISG | Surveys and analyses should be conducted by qualified experts. | Commitments as to the level of experience or expertise are not always provided (e.g. OWES assessments). Recommend more detail be provided on who will be carrying out specific assessments. For example, OWES training certification should be a requirement for |

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| | | | individuals using the protocol to make wetland habitat determinations and delineations. |
| 24. | Pg.61 Peatlands Table 11-1: ID#10 and 13 TISG | These sections refer to information sources and data collection. Another potential source of information would be to connect with forest license holders to obtain information/data that may inform understanding of the project area. | Recommend that the project team consult with forestry licence [(Sustainable Forestry License (SFL), Forest Resource Licensees (FRL)] holders where the study area overlaps with Forest Management Units designated under the <i>Crown Forest Sustainability Act</i> . |
| 25. | Pg.62 Peatlands Table 11-1: ID#17 TISG | Factors to be considered. | Reference to Section 9 should also be provided in the far right column of this table. |
| 26. | Pg.65 Peatlands Table 11-1: ID#34, 35 & 36 TISG | According to this table, contaminants of concern, and hydrological or drainage changes along with their anticipated consequences on peatlands, will be discussed in the Surface Water Study Plan, and the Groundwater and Geochemistry Study Plan. | It is recommended that a summary of these concerns and changes be included in the Peatlands Study Plan. Applicable sections from the specified study plans should be referenced in the Peatlands Study Plan to ensure traceability for readers who require further detail than what is provided in the summary. |
| 27. | Pg.65 Peatlands Table 11-1: ID#37 TISG | Methodology used to identify effects. | Parameters used to make the effect determination should be described so that the methodologies being utilized by the study plans can be understood by agencies and other parties. |
| 28. | Pg.77 Peatlands Appendix A | Baseline Data Methodology | Additional sources recommended for baseline data collection include: Ecoregional Criteria Schedule 3W, if applicable <ul style="list-style-type: none"> - https://ero.ontario.ca/notice/013-2018 - https://apps.mnr.gov.on.ca/ebr/docs/ecs-3w-draft.pdf |

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| | | | <p>GeoHub</p> <ul style="list-style-type: none"> - https://geohub.lio.gov.on.ca/ <p>Natural Heritage Information Centre (NHIC) data</p> <ul style="list-style-type: none"> - currently only listed as a wetland database – much broader data is available) - https://www.ontario.ca/page/get-natural-heritage-information - https://www.ontario.ca/page/natural-heritage-information-centre <p>Ontario Wetland Evaluation System (OWES) Northern Manual</p> <ul style="list-style-type: none"> - OWES is currently listed under wetlands, however the manual to be used is not specified - https://www.ontario.ca/page/wetlands-evaluation - https://files.ontario.ca/environment-and-energy/parks-and-protected-areas/ontario-wetland-evaluation-system-northern-manual-2014.pdf <p>Ecological Land Classification Manual 2015</p> <ul style="list-style-type: none"> - This document can be provided on request. |
| 29. | Pg.84 Peatlands Appendix A | Mapping | <p>Recommend including:</p> <p>Digital reference to GeoHub</p> |

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| | | | <ul style="list-style-type: none"> - https://geohub.lio.gov.on.ca/ <p>NHIC</p> <ul style="list-style-type: none"> - https://www.ontario.ca/page/get-natural-heritage-information <p>FMP and AWS maps, where applicable</p> <ul style="list-style-type: none"> - https://nrp.mnr.gov.on.ca/s/fmp-online?language=en_US <p>EDDMapS Ontario for invasive species along with the Land and Information Ontario (LIO) Species Observation Locally Tracked layer</p> <ul style="list-style-type: none"> - https://geohub.lio.gov.on.ca/documents/lion-species-observation-locally-tracked/about - https://www.eddmaps.org/ontario/ |
| 30. | Pg.88 Peatlands Appendix A | Vegetation | <p>Recommend including: NHIC Species Lists</p> <ul style="list-style-type: none"> - list of all species in the database, including species of conservation concern (tracked species) in Ontario - a list of plant communities, including tracked communities, is available as well - https://www.ontario.ca/page/get-natural-heritage-information |

Comments Table

Proposal: Marten Falls Community Access Road Project – Draft Technical Study Plan_Birds
Proponent: Marten Falls First Nation

Study Plan Title: [Bird Study Plan – May 2021]

Commenter Name, Job Title and Ministry: [Natural Resources and Forestry (NRF) arm of the Ministry of Northern Development, Mines, Natural Resources and Forestry]

Note: Page numbers indicated are overall Adobe Page numbers, not page numbers on the document pages.

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| 1. | Pg.14 Birds Table 1-2 | <p>Comment not specific to the Birds Work Plan: Provincially Significant Wetlands (PSWs) are not identified under Designated Areas in the Valued Components addressed by the Vegetation Study Plan.</p> <p>PSWs, Areas of Natural and Scientific Interests (ANSIs) and Significant Wildlife Habitat (SWH) are mandated natural heritage values of interest for NRF. As such, recognizing and considering these areas in the study plans and future project documentation will allow NRF to provide informed comment regarding potential impacts from the project.</p> | Recommend PSWs (and ANSIs, and SWH) be identified as designated areas in the Valued Components for either the “Wetland and Riparian Ecosystems” section or under the “Designated Areas” section of the Vegetation Study Plan. |
| 2. | Pg.14 Birds Table 1-2 | The Birds Study plan indicates that the Vegetation Study Plan lists Species at Risk (SAR) and conservation concern species | Recommend not grouping conservation concern species with SAR but rather address them separately. Some species may fall under both |

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| | | together in one grouping. However, these are different categories with different direction in the form of policy and guidelines as well as legislative requirements. | categories, however many do not. It would be better to speak of them as separate groups. |
| 3. | Pg. 14-16 Birds Table 1-2 | Comment not specific to the Birds Study Plan: Table 1-2 of the Birds Study Plan does not identify that trapping is covered in any Study Plan. In which In Study Plan(s) is trapping being considered? | Please identify where consideration of trapping is included within the study plans |
| 4. | Pg.27 Birds 6.2.1 General Information | <p>The following text was presented in the Peatland Study Plan and <u>not</u> in the Birds Study Plan.</p> <p><i>“Location for Project components other than the route itself (e.g., temporary construction access roads, work areas, worker camps, and pits, quarries and associated access road) are unknown at this time; however, the PDA and LSA will be adjusted accordingly as the Project design progresses and as required.”</i></p> <p>The described approach would benefit the Bird Study Plan in the same manner as the Peatlands plan. Inclusion would allow better consistency between plans.</p> | Include the quoted sentences in the Birds Study Plan in the way they were presented in the Peatlands Study Plan. |
| 5. | Pg.28 Birds 6.2.1 General Information | The following text was presented in the Peatland Study Plan and the Birds Study Plan, but it has been shifted to different section in the Birds Study Plan. | <p>Please place the following text in Section 6.2.1 of the Birds Study Plan to assist consistency with the other Plan (i.e. Peatlands).</p> <p><i>“As further detailed in Section 4, the Proponent</i></p> |

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| | | | <i>will continue to provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, including the LSAs and RSAs."</i> |
| 6. | Pg.33 Birds 7.2 Study Methods | The Study Plan indicates that, " <i>The two fen specialists (i.e., LeConte's Sparrow and Sedge Wren) are not included at this time because preliminary data indicates that there are insufficient observations of these species to allow for future modeling</i> ". What will happen if future information includes more fen species? | Will this decision be revisited if future field surveys indicate sufficient numbers of fen species for future modeling? What would be considered a sufficient number in this case? Alternatively, was this decision finalized based on only the first year of bird indicator data? |
| 7. | Pg.34 Birds 7.2.1.1 Breeding Bird Point Count | Assessing consistency over time at locations during Bird Studies is helpful for determining some important ecological factors (e.g. fecundity). | It is recommended that you target a portion of the previously surveyed sites during subsequent field visits in order to determine consistency over time. Please clarify your approach in the Study Plan. |
| 8. | Pg.32-49 Birds 7.2 Study Methods General Comment | NRF notes that there are no ground surveys proposed within the broader RSA. Are there any habitat features that may be impacted by the project where, as a result of their disturbance, species will need to rely on similar habitat in the RSA? NRF would be particularly interested in situations where this may occur for Conservation Concern Species | Recommend assessment of habitat presence <u>and availability</u> for Conservation Concern Species, including Special Concern Species at Risk in the RSA where this habitat may be needed by displaced birds. |

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| | | including Special Concern Species at Risk (e.g. Peregrine Falcon and others). In order to describe the potential for negative environmental effects of the project on Birds, it may be necessary to evaluate Significant Wildlife habitat in with in the RSA (i.e. with regard to both occurrence and carrying capacity). | |
| 9. | Pg.40 & 42 Birds 7.2.1.2.2 ARU Survey Protocol | There is a discrepancy between deployment dates listed in the survey protocol in Section 7.2.1.2.2 versus the dates provided in Table 7-3. | Please clarify the inconsistency in sampling windows so your procedure is clear to readers (and readers can consider if sampling windows were sufficient for all species of interest to them). |
| 10. | Pg.43 & 44 Birds 7.2.1.2.3 ARU Data Collection | <p>This section covers some species of interest to the NRF (e.g. Short-eared Owl and Yellow Rail which are both species of Special Concern) but it also indicates that the number and location of survey stations will be provided in an upcoming work plan.</p> <p>It is NRF's understanding that the work plans will not be made available for agency review and comment. As such NRF is not able to confirm if proposed methods are adequate to inform our comments regarding the potential for negative impacts of the project on our mandate at this time.</p> | It is recommended that the number and methodology of survey location selection be included so that NRF may provide guidance regarding if the proposed approach is sufficient to inform our understanding of the potential impacts of this project. |

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| 11. | Pg.48 Birds 7.2.1.5.2 Survey Protocol | It is unclear from the description provided if a second stick nest survey be carried out in the late winter, or if the full area was surveyed in 2018? | It is recommended that this section be clarified with regard to the area covered by surveys as well as regarding the timing of surveys. |
| 12. | Pg. 48 Birds 7.2.1.5.2 Survey Protocol | The nests of specially protected raptors or specially protected birds may be found during road alignment requiring tree removal. Removal of such nests requires approval under the Fish and Wildlife Conservation Act 1997 (FWCA) (e.g. see O. Reg. 669/98: Wildlife Schedules). Project delay could occur if nests are not identified prior to tree clearing along the ROW, or otherwise where FWCA authorizations to destroy specific nests are required. In this study plan, stick nest surveys appear to only focus on shoreline habitats; however, forested regions within the LSA must be surveyed to account for forest nesting species protected under the FWCA. | A FWCA authorization to remove the nest (tree) of specially protected raptors or specially protected birds could be required during tree clearing of the selected route and associated work areas. Nest removal would be authorized only for times outside of the critical breeding period. As such, forest nesting raptors and herons should be included in the stick nest surveys design. For ease of locating nests, these surveys should be flown during winter when accumulated snow in nest bowls make nests more obvious. |
| 13. | Pg.51 Birds 8.1 Species at Risk | It is unclear from this section how distribution and abundance data will be extrapolated to the RSA scale, especially given our understanding that no field bird surveys are proposed within the RSA. | It is recommended that a description of how distribution and abundance data will be extrapolated to the RSA scale be provided. NRF will need to understand the approach utilized when considering the strength of conclusions provided during the environmental assessment. |
| 14. | Pg.53 Birds 9.2 Valued Components and Indicators | The footnote on this page indicates that information from the Regional Assessment(s) may be used inform and finalize the VCs for the Project where the information is relevant, and where it becomes available within a timeline that | Provide in the EA a sufficiently detailed description of all information sources used to inform and finalize the VCs to enable NRF to evaluate the appropriateness of the final VCs as |

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| | | allows for its incorporation. NRF supports the consideration of any additional, relevant information that is used and asks that a sufficiently detailed description of this and all other information sources used to inform the VCs be provided in the EA. | related to NRF's interests in birds and bird habitat. |
| 15. | Pg.54 Birds Table 9-2: Bird Indicators | Table 9-2 lacks a row dedicated specifically to Conservation Concern Species (subnational ranking S1-S3). Understanding the proposed approach to assessment for these species is important for NRF to comment regarding potential influences of the project on these species. | Recommend including a separate VC for Conservation Concern Species (subnational ranking S1-S3) in addition to what is already listed in this table. |
| 16. | Pg.56 Birds Table 9-3: Potential Discipline Interactions | Table 9-3 lacks specific mention of Conservation Concern Species. | Include Conservation Concern Species in the Discipline and Associated VCs. |
| 17. | Pg.57 Birds 9.4.1 Birds Habitat Model Development | The Study Plan does not discuss how model outputs will be field verified? | NRF recommends field verifying a certain percentage of the habitat model outputs to gauge consistency and accuracy of predictions with occurrences on the ground. |
| 18. | Pg.59/60 Birds 9.4.1.2 Predictor Variables | This Study Plan provides information regarding the proposed approach to modeling of bird presence/absence on the landscape based on both biotic and abiotic features. NRF is currently considering this information and may | NRF may provide further comment regarding the approach to modelling of bird presence/absence later in the environmental assessment process. |

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| | 9.4.1.3 Model Fit and Selection | have comments later in the environmental assessment process. | |
| 19. | Pg.61 Birds 9.4.2 Predicted Effects of the Project | It is unclear how permanent changes to habitat (e.g. the road ROW) will be identified and assessed in contrast to temporary changes (e.g. such as changes to allow for laydown areas, temporary aggregate pits, work camps). How will the resulting decision be determined in response (e.g. avoidance, vs minimization of impacts, vs mitigation of impacts). In order to explain approaches brought forward it may be necessary to differentiate between permanent and temporary changes. | Recommend a method to differentiate potential impacts from temporary versus from permanent changes in this section of the Study Plan. |
| 20. | Pg.62 Birds 9.5 Mitigation and Enhancement Measures | This portion of the report indicates that only technically and economically feasible avoidance and mitigation measures will be assessed. How the technical and economic feasibility will be determined is unclear from the Study Plan. For instance, will the relative importance of potentially disturbed features be considered when determining the feasibility of options to avoid them? Will the technical or economic feasibility of avoiding Significant Wildlife Habitat, or habitats that are rare on the landscape be considered differently than for more common features? | Please provide transparency regarding how the technical and economic feasibility of avoidance and mitigation options will be determined. |
| 21. | Pg.63 Birds 9.5.1 TISG Section 20 Requirements | This section concentrates on the need to address Federal requirements for the project. It should be noted in the Study Plan that additional considerations may be necessary to meet provincially mandated interests (e.g. provincially mandated | Update the Study Plan to reflect that additional considerations may be required to address provincially mandated interests. The approach suggested in comment #23 below would help address this concern. |

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| | | timing windows are expected to apply to some of the work associated with the project). | |
| 22. | Pg.65 Birds Table 9-5: Birds Magnitude Definition | There is substantial detail provided in this table regarding what potential impact levels will be considered negligible, low, medium and high. This approach is, however, general in nature. There may be a much larger level of concern if for instance 10% of the habitat or population of a Special Concern species will be impacted as opposed to the same level of impact to a more common species. What rationale was utilised to determine the criteria in this table? | It is recommended that a description be provided to explain how the magnitudes in the level of impact table were determined. What standards and guidelines were utilized and does this approach apply regardless of the rarity of a species or habitat? |
| 23. | Pg.66 Birds 9.7 Consideration of Meeting Canada's Environmental Obligations | It would be very beneficial to have a similar section for "Consideration of Meeting Ontario's Environmental Obligations" | Add a section to address the steps necessary to meet Provincial requirements and mandated interests. |
| 24. | Pg.67 Birds 9.8 Consideration of Sustainability Principles | Sustainability is a concept considered also by provincial agencies such as NRF. As such it is recommended that provincial interests also be described in this section of the Study Plan. | To reflect that additional considerations related to sustainability may be necessary to address provincial interests, consider adding to this section by indicating that additional considerations may be necessary to meet provincial interests. Also, "and agencies" should be added to the first sentence in the last paragraph (i.e. identified by Indigenous communities, interested persons, and agencies). |

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| 25. | Pg.68 Birds 9.10 Follow-up Programs | This paragraph seems to concentrate only on Federal requirements. NRF may also an interest in follow-up programs which verify the accuracy of effects assessment and mitigation measures. | Recommend including a commitment to consider and address provincial interests in follow-up programs which assess the effectiveness of mitigation measures, and the verify the accuracy of predictions regarding environmental impacts of the project. |
| 26. | Pg.71 Birds Table 11-1: TISG ID #2, 3 & 4 Also Pg.80 Birds Table 11-1: TISG ID #55 | From a NRFs standpoint, the following are some of our mandated interests that need to be considered (many in relation to bird studies): <ul style="list-style-type: none"> - mapped streams - Significant Wildlife Habitat - Conservation concern species and plant communities - Provincially Significant Wetlands - Trapline Areas and Bait Harvest Areas - Fish and Fish Habitat - Wildlife Activity Sites and Areas - Winter Concentration Areas - Fish Activity Areas - Significant Ecological Areas - Wild Rice Stands - Caribou Range Boundary - Aquatic Resource Area Survey Points and Water Segments - Provincially Tracked Data Layers - Lake Trout Lakes - Brook Trout fisheries - ANSIs - Crown Land Use Policy Atlas | It is recommended that the listed topics be considered and discussed where they may relate to birds in the Birds Study Plan, and/or in the IS/EA Report. |

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| | | <ul style="list-style-type: none"> - Species Observations Local - Aggregates Existing Linear Features | |
| 27. | Pg.72 Birds Table 11-1: TISG ID #8 | No RSA field work is proposed in the second round of surveying. The avoidance of field verification in the RSA may hinder confidence in conclusions of the environmental assessment for this project as this relates to bird studies. | The RSA should be included in field verification efforts related to the proposed modelling/habitat classification assumptions (i.e. for results predicted at the RSA scale). If use of surrogate data is the preferred option, greater demonstration of how the data is representative of site conditions is necessary. |
| 28. | Pg.72 Birds Table 11-1: TISG ID #10 | More qualitative and quantitative descriptions of proposed data collection, sampling, survey and research protocols and methods would better inform commenting agencies regarding the applicability of proposed sampling and analysis approaches. | <p>Currently, it appears the list of specific data sources is incomplete given the wealth of information regarding environmentally sensitive features/observations available that are not currently referenced in the Appendix. A more thorough list is welcomed.</p> <p>Alternatively, provision of why additional sources were considered inappropriate to inform this project would assist NRF understanding of why they are not being utilized (e.g. reference current comments rows 34-43).</p> |
| 29. | Pg.72 Birds Table 11-1: TISG ID #12 | With the material provided to date, it is unclear what proportion of the baseline data collection will inform the extrapolations and predictions, and what, if any, future field surveys will be carried out to determine the accuracy of the model and analysis outputs. | Additional discussion within the Study Plan is requested to explain how accuracy and bias of model and analysis outputs will be assessed. |
| 30. | Pg.73 Birds | Although data sources are provided in the Study Plan, it is unclear which sources have been | Clarification is required. Of the wealth of data layers available, very few are listed within the |

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| | Table 11-1: TISG ID #13 | reviewed versus what has been selected for use, and how these decisions have been determined. | Appendix. It is unclear if sources were not considered or, considered and rejected as useful to inform the current project. |
| 31. | Pg.73 Birds Table 11-1: TISG ID #14 | It is unclear whether the modeling and simulations will be completed in advance of the second round of field surveys yet understanding the approach utilised in this portion of survey design is important for understanding the strength of conclusions generated. | Will the second round of field surveys be used to build the baseline condition models and simulations? Will these be used to verify the accuracy of the model and simulation assumptions and outputs? Please clarify the approach to be taken in the Study Plan. |
| 32. | Pg.74 Birds Table 11-1: TISG ID #17 | Contact with the Ministry of Environment, Conservation and Parks is indicated in this response, but it is important that NRF be engaged regarding topic areas impacting our mandate. | It is recommended that NRF be engaged regarding the list of valued ecosystem components that relate to birds. |
| 33. | Pg.76 Birds Table 11-1: TISG ID #28 | Federal wetland function assessment requirements are described, however there is no indication regarding provincial wetland assessment requirements. | NRF recommends that wetland function assessment methodology also align with the Ontario Wetland Evaluation System. |
| 34. | Pg.77 Birds Table 11-1: TISG ID #40 | It is unclear from the response provided if an increased survey effort will be implemented for rare species. | Please clarify if an increased survey effort will be implemented for rare species. NRF recommends that increased surveys for rare species be implemented instead of strictly addressing rarity of species only through consideration of relative rarity during statistical analysis. |
| 35. | Pg.78 Birds Table 11-1: TISG ID #49 | These comments discuss a need to consider the relative rarity of habitats for nesting birds in relation to the character of the wider landscape. Also indicated is that baseline data should provide evidence that there is enough | NRF recommends that baseline data from multiple years be utilized in order to assess annual variability, especially for rare species. |

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| | <p>And</p> <p>Pg.81 Birds</p> <p>Table 11-1: TISG ID #83</p> | <p>equivalent habitat available to accommodate displaced nesting birds.</p> | <p>Additionally, when equivalent habitat is being considered, provision of sufficient evidence demonstrating enough carrying capacity for both the local and displaced populations within the equivalent habitat, is necessary. If sufficient carrying capacity cannot not be demonstrated, then any adverse effects need to be captured in the effect assessment. The occurrence of “equivalent habitat” does not guarantee the existing population in that habitat is below carrying capacity.</p> |
| 36. | <p>Pg.80 Birds</p> <p>Table 11-1: TISG ID #56</p> | <p>A commitment that all criteria used to choose plot locations in the Impact Statement will be provided in the IS/EA Report is provided. However, once field work is complete, and the EA Report is developed, it will be challenging to address any inadequacies in field evaluations if plot locations chosen were inappropriate.</p> | <p>It is recommended that the criteria used to choose plot locations be provided, or at minimum summarized, in the Study Plans. This approach would assist NRF with providing guidance to the Project Team that may assist in development of the most effective approach to field surveys and data assessment.</p> |
| 37. | <p>Pg.80 Birds</p> <p>Table 11-1: TISG ID #57</p> | <p>There is potential for year-round adverse effects on non-migratory bird species as a result of this project.</p> | <p>Migratory <u>and non-migratory</u> bird species need to be considered if the potential for negative environmental impacts on the bird population is to be fully assessed during this environmental assessment process.</p> |
| 38. | <p>Pg.81 Birds</p> <p>Table 11-1: TISG ID #61</p> | <p>It is important that the effects of this project on non-migratory species is adequately considered. Avian surveys will likely differ somewhat from non-migratory species as a portion of the surveying will need to consider year-round occupancy and habitat use.</p> | <p>It is recommended that a description of survey efforts designed to describe the potential effects of this project on non-migratory birds, specifically, be provided.</p> |
| 39. | <p>Pg.81 Birds</p> <p>Table 11-1:</p> | <p>This section commits to provision of a list of all species at risk listed under federal Schedule 1</p> | <p>It is recommended that a similar list of Provincially Listed species be provided in addition to the list of Federally regulated species.</p> |

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| | TISG ID #82 | Species at Risk Act which may be directly, or indirectly, impacted by the project. | |
| 40. | Pg.83 Birds Table 11-1: TISG ID #93 | Although this section indicates that a summary of any modifications to standardized sampling protocols, as well as rationale for such changes and a description of whom was consulted when these determinations were made will be provided in the IS/EA Report, waiting until this late stage to share such information carries with it a risk that the implemented approach may be considered insufficient by a concerned party. | It is recommended that a summary of any such changes to standard protocols, and the rationale for them be provided earlier (e.g. in the Study Plans) in order to allow for review of protocols and methods prior to field surveys. |
| 41. | Pg.84 Birds Table 11-1: TISG ID #105 | Here migratory bird species are considered when assessing changes in mortality risk. | Changes to mortality risk for non-migratory bird species should also be considered. |
| 42. | Pg.86 Birds Table 11-1: TISG ID #130 & 131 | Mitigation measures will be informed by best management practices, applicable resource management and/or recovery plan, Indigenous input, and industry standards. | NRF should be engaged regarding mitigation measures for birds as well where proposed actions may impact NRF's mandate. |
| 43. | Pg.88 Birds Table 11-2: MECP ID #11 | It remains unclear to NRF regarding when the work plan for Birds will be provided for comment, and how the related comment timeline will correspond with field assessments (will this information only be provided after field assessments are complete or will comments on the work plan be expected to inform field visits). | It is recommended that consultation with NRF regarding sampling assessment approaches be completed before field evaluation is initiated. Consultation with NRF requires sharing of proposed approaches in sufficient detail, and with sufficient time to allow for evaluation and comment by our ministry so the resulting guidance can inform field assessments practices, and data evaluation approaches. |

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| 44. | Pg.94 Birds Table 11-1: MNRF ID# 32 | NRF indicated in earlier comments that criteria and indicators should be expanded upon through development of quantitative descriptions (e.g. number of water crossings required, number of kms of wetlands to be crossed). NRF recommends this approach. | Recommend that quantifiable criteria and indicators be developed. |
| 45. | Birds General | It is unclear from the Birds Study Plan how items such as the Ecoregional Criteria Schedules, and the Significant Wildlife Habitat Technical Guide and the Natural Heritage Reference Manual will be utilised during assessments to identify the significance of features, or to determine study locations. | Recommend that a section be included in the Birds Study Plan which describes how appropriate provincial direction will be utilized to inform assessment approaches, and conclusions. |
| 46. | Birds General | Currently, large increases in species observation reports are recorded every 6 months to NHIC. This results in changes to lists on a frequent basis. | In order to consider updated information available at NHIC during this project, it is recommended that data cuts be updated for future work plans and EA work. |
| 47. | Birds 12. References | NHIC Conservation Concern Species list should be listed in the References section as well. | List NHIC Conservation Concern Species. They can be found on NHIC's website: https://www.ontario.ca/page/get-natural-heritage-information |
| 48. | Pg.98+ Birds 12. References | Some of the references likely will have changed with SAR going to MECP. | It is recommended that document references should be confirmed to ensure any changes that have occurred as a result of the switch of responsibility from MNRF (now NRF) to MECP for SAR are accurately reflected. |
| 49. | Pg. 101 Birds 12. References | It is noted the Canadian classification system and the Alberta wetland policy are referenced. Given that this project is proposed in Ontario it | List Ontario's guidance for wetlands of this project. |

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| | | is recommend that Ontario's guidance be referenced and utilised. | Ontario Wetland Evaluation System, Northern Manual should be referenced in relation to wetland habitat considerations being made for bird species. https://www.ontario.ca/page/wetlands-evaluation |
| 50. | Pg.104 Birds 12. References | Indicates Ontario GeoHub reference will be used for watercourses. | Ontario GeoHub should be used for more than just watercourses (ex. Ontario Flow Assessment Tool, Land Inventory Ontario information, Forest Resource Inventory etc.). |
| 51. | Pg.110 Birds Appendix A | GeoHub should be listed as a publicly available data source. See original request listed in Table 11-1 MNR ID#31 (Pg.93). GeoHub provides all open data digital layer files in addition to web applications. | Include reference to Ontario's GeoHub in data source list: https://geohub.lio.gov.on.ca/ |
| 52. | Pg.110 Birds Appendix A | NHIC tracked data layers are different than the NHIC Make a Map website because the latter is updated only every six months, and it may restrict more sensitive postings. | Include NHIC tracked data layers independently of the NHIC Make a Map website. The Data layers should be the primary source of information. |
| 53. | Pg.110 Birds Appendix A | This section includes only the ANSI layer of Land Information Ontario (LIO), but there is much additional information available in LIO that is relevant to this project. | Include LIO independently here (i.e. additional layers beyond the ANSI layer will be of use in modeling and for the effects assessment). |
| 54. | Pg.110 Birds Appendix A | The Significant Wildlife Habitat (SWH) Criteria Schedules are referenced here but not the Ontario SWH Technical Guide. | Update this section to indicate that SWH Ecoregional Criteria Schedules will be applied in tandem with Ontario's SWH Technical Guide. |
| 55. | Pg.110 Birds Appendix A | Enhanced Forest Resource Inventory data is available and should be considered. | Enhanced Forest Resource Inventory imagery is a Land Inventory Ontario (LIO) byproduct and will need to be specifically requested, otherwise forestry related spatial information can be found in the GeoHub under Forest Resources Inventory |

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| 56. | Pg.110 Birds Appendix A | Part of this project is situated in the section of Ontario where active commercial forestry is ongoing. | Include consideration of applicable current Forest Management Plans and Annual Work Schedules in the reference list. |
| 57. | Pg.110 Birds Appendix A | Early Detection and Distribution Mapping System (EDDMaps Ontario) should be considered as well for invasive species observation information. | Include this reference source in this list available at: https://www.eddmaps.org/ontario/ |
| 58. | Pg.111 Birds Appendix A | “Important Habitats to include” should also list Significant Wildlife Habitat, candidate and approved ANSIs and Provincially Significant Wetlands. | Include the following in the “Important Habitats to include” list: <ul style="list-style-type: none"> • Significant Wildlife Habitat • Candidate and approved ANSIs • Provincially Significant Wetlands |
| 59. | Pg. 111 Birds Appendix A | The Significant Wildlife Habitat Mitigation Tool includes excellent descriptions of potential impacts on wildlife (including bird) habitat. | Consider adding the Significant Wildlife Habitat Mitigation Tool as a reference to this Study Plan. This document can be obtained at: https://www.ontario.ca/document/significant-wildlife-habitat-mitigation-support-tool |
| 60. | Pg.111 Birds Appendix A | This list makes no mention of identified Far North Land Use Planning Designations, yet these are important considerations when planning projects in the Far North. | Include consideration of Identified Far North Land Use Planning Designations. |

Comments Table

Proposal: Marten Falls Community Access Road Project – Draft Technical Study Plan _ Wildlife

Proponent: Marten Falls First Nation

Study Plan Title: [Wildlife – May 2021]

Commenter Name, Job Title and Ministry: [Natural Resources and Forestry arm of the Ministry of Northern Development and Mines, Natural Resources and Forestry]

General Comment (applies to more than just this study plan):

Although at the start of the reports, both the Wildlife and the Vegetation Study Plans reference the definition of Significant Wildlife Habitat (SWH), the term and consideration of its defined features are not carried forward well throughout the study plans. Overall, SWH related items (e.g., Species of Conservation Concern and other associated features) seem to receive little consideration in the Vegetation and Wildlife Study Plans. The features lack coverage in desktop analysis, modelling and effects assessment (e.g., S1-S3 species except for Special Concern SAR and some limited discussion of rare vegetation communities). NRF would like to see a more thorough discussion of SWH across all applicable study plans. The Natural Heritage Reference Manual and the Ecoregional Criterion Schedule 3W and 3E are mentioned, but the direction therein regarding SWH needs to be considered more clearly in the study plans. Candidate habitat could be modelled and mapped to improve field surveying efforts, and to assist in identifying these features on the ground.

Page or Section Specific Comments

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| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| 1. | Pg.15 Table 1-2 | Vegetation Study Plan valued components does not specifically name Provincially Significant Wetlands (PSWs) under Designated Areas. | Recommend PSWs be identified as a designated area, whether within the “Wetland and Riparian Ecosystem” section or under the “Designated Areas” section. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| 2. | | Vegetation Study Plan VCs | Recommend not grouping conservation concern species with SAR. Although there is some crossover, species in these categories do not always occur together. They may also need to be treated differently. As such it would be better to speak to them as separate groups. |
| 3. | Pg. 15 Table 1-2 | It is not clear where trapping is considered in the Study Plans. | Please list trapping and where it is covered within the Study Plans. Since this table is likely presented in all the study plans, please also update this table in the other plans with this information regarding where trapping is considered. |
| 4. | Pg. 19 2.1.2 Species at Risk | Species at Risk (SAR) and Species of Conservation Concern (SOCC) flagged together. | <p>Recommend separately addressing SAR (Endangered and Threatened) and SOCC (including SC SAR) as they are considered and addressed through different policies and Ministries.</p> <p>This table should also identify any other SOCC species that exist in the area, including any known invertebrates, vertebrates</p> |
| 5. | Pg. 29 6.2.1 General Information | <p>Following text included in Peatland Study Plan, but excluded from Wildlife Study Plan:</p> <p>“Location for Project components other than the route itself (e.g., temporary construction access roads, work areas, worker camps, and pits, quarries and associated access roads) are unknown at this time; however, the PDA and</p> | Ensure commitments between study plans are the same. For consistency among study plans, and to demonstrate that disturbance from activities other than the route itself will be considered appropriately during the environmental assessment, it is recommended this text be added back into the Wildlife study plan. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | | LSA will be adjusted accordingly as the Project design progresses and as required.” | |
| 6. | Pg. 33 Table 6-2 | LSA and RSA, including a wolverine specific LSA and RSA, are identified as study areas. Why is PDA not included in this table? | Recommend including the PDA, as it will have the greatest direct impacts on wildlife. |
| 7. | Pg. 36 7.1 Desktop Assessment | SOCC are not identified and neither is Significant Wildlife Habitat, where it would be applicable. | SOCC and SWH should be considered as part of the wildlife study plan, where their values correspond. |
| 8. | Pg. 36 7.2 Study Methods | No mention of consideration or identification of Significant Wildlife Habitat (SWH). | Recommend the Study Methods be expanded to also consider Significant Wildlife Habitat, including its identification where it aligns with wildlife species (excluding birds and ungulates, as those study plans should address the identification of their own applicable SWH features). |
| 9. | Pg. 37 7.2.1 Bats | What about acoustic recordings? Have those been considered for how they could be used to help inform bat species presence, abundance and distribution? | Summary should also address any acoustic efforts being considered. |
| 10. | Pg. 38 7.2.1.2.1 Maternity Roost Habitat Survey | Will snag density survey information be provided in the forthcoming work plans? | It is requested that it be specified how further information will be captured and provided to reviewing agencies. If efforts are to be discussed in the upcoming work plans, this should be specified in the study plan. |
| 11. | Pg. 39 | Will the timing and survey locations for future acoustic data collection work be provided in the forthcoming work plans? | It is requested that the study plan specify how further information will be captured and provided to reviewing agencies. If efforts are to be |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | 7.2.1.2.1 Maternity Roost Habitat Survey | | discussed in the upcoming work plans, this should be specified in the study plan. |
| 12. | Pg. 41 7.2.1.2.2 Acoustic Surveys | “Further information regarding timing and survey locations for future work will be provided at a later date.” | Specify how this information will be received by reviewing agencies. Will it be in the forthcoming work plan or in an alternative document? |
| 13. | Pg. 42 7.2.2.1 Amphibians | Has any thought been given to checking waterbodies without fish presence for amphibian breeding activity if they are encountered in the field exercises during the appropriate timing window? | Consideration of amphibian breeding activity in waterbodies without fish presence during field exercises could enhance understanding of project impacts. Will such surveys be considered by the project? If so, they should be included in this section. |
| 14. | Pg. 55 8.3.3 Aerial and Winter Ground Track Surveys | How will this data be combined with Harvest data when determining distribution, abundance and density? Will they be weighted equally, or will one be rated more highly than the other? | More details regarding how the different data will be combined is needed between the various furbearer survey types. |
| 15. | Pg. 58 8.6 GIS | “information will be provided to the Agency” “all baseline data available in GID format will also be provided to the MECP’s SAR Branch and the MNRF’s NHIC as complete data sets from all surveys” | Request first quotation be changed to “agencies” to reflect provincial interest in receiving these files along with federal government. |
| 16. | Pg. 69 9.5 Mitigation and | Following text included in Peatland Study Plan, but excluded from Wildlife Study Plan: “Proposed mitigation measures will be clearly linked to the extent possible to mitigating | Recommend keeping applicable sections of text the same between study plans for consistency. For example: |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | Enhancement Measures | potential effects on Peatlands resulting from specific Project components or activities (e.g., vegetation removal, design of equalization culverts, maintenance of hydrological functions) and will be updated as appropriate based on comments received from federal and provincial agencies and stakeholders through the engagement activities.” | “Proposed mitigation measures will be clearly linked to the extent possible to mitigating potential effects on Wildlife resulting from specific Project components or activities (e.g., vegetation removal) and will be updated as appropriate based on comments received from federal and provincial agencies and stakeholders through the engagement activities.” |
| 17. | Pg. 69 9.5.1 TISG Section 20 Requirements | Bullet One and Five “mitigation measures should be developed in collaboration with federal authorities” | Consultation with provincial agencies regarding appropriate mitigation measures is also encouraged. |
| 18. | Pg. 71 9.5.1 TISG Section 20 Requirements | Bullet 7: does not recognize Significant Wildlife Habitat. Also, SOCC are not listed beneath this bullet. | Request Significant Wildlife Habitat also be addressed alongside fish and fish habitat, wetland functions, etc. For example, SOCC should be listed. |
| 19. | Pg. 72 9.6 Residual Effects | Following text included in Peatland Study Plan, but excluded from Wildlife Study Plan: “In this context, direction indicates the positive or negative change from existing conditions. Magnitude indicates the expected change from existing conditions. The geographic extent indicates the spatial area that the effect is expected to occur within. Duration is the period of time an effect occurs, and frequency is how often an effect occurs over time. The reversibility of an effect defines its ability to return to existing conditions and the | Recommend keeping applicable sections of text the same between study plans for consistency (i.e. so this section which appears in the Peatland Study Plan should be added here in the Wildlife Study Plan).. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | | likelihood indicates the probability that an effect will occur.” | |
| 20. | Pg. 72 Table 9-5 | There is substantial detail provided in this table regarding what potential impact levels will be considered negligible, low, medium and high. This approach is, however, general in nature. There may be a much larger level of concern if for instance 10% of the habitat or population of a Special Concern Species will be impacted as opposed to the same level of impact to a more common species. What rationale was utilised to determine the criteria in this table? | It is recommended that a description be provided to explain how the magnitudes in the level of impact table were determined. What standards and guidelines were utilized and does this approach apply regardless of the rarity of a species or habitat? |
| 21. | Pg. 73 Consideration of Meeting Canada’s Environmental Obligations | This section is new and not included in all study plans. | Recommend adding this section to all applicable study plans to ensure consistency between documents. |
| 22. | Pg. 102 Table 11-2 | ID# 38 and 40 are repeats. | Remove the duplicate. |
| 23. | Pg. 110 12. References | Ontario’s GeoHub is listed as a reference for fire disturbance areas only. | GeoHub can be used for numerous other data layers beyond the listed Fire Disturbance Area, including the Forest Resource Inventory. This site could be utilized as a broader resource. |
| 24. | Pg. 112 12. References | Natural Heritage Information Centre provides tracked species records in addition to the Make-a-Map (MaM) website. | Recommend utilizing and referencing the http://www.ontario.ca/page/get-natural-heritage-information website in the wildlife study plan. The data available in the MaM website does not |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | | | house the most current and comprehensive list of tracked species. NHIC should be contacted directly for provincially tracked species and plant community data. |
| 25. | 12. References | The references could be cleaned up a bit to reduce some unnecessary overlap in relation to references regarding GeoHub and NHIC records. | |
| 26. | Pg. 84 Appendix A | This appendix lists information sources between NHIC MaM application and provincially tracked data. | Recommend adding Ontario GeoHub to this list. Also, the NHIC, the MaM application, and provincially tracked data should be listed as separate sources. |
| 27. | Pg. 105 12. References | Several references that should be included in this list are absent. | The following references should also be considered: <ul style="list-style-type: none"> - Ontario Wetland Evaluation System (Northern Edition), 2014. - Selected Wildlife and Habitat Features: Inventory Manual. Ranta, 1997. - Moose Aerial Observation Manual. NEST Technical Manual TM-008. Ontario, 1998. - Standards and Guidelines for Moose Population Inventory in Ontario. SSI Technical Report #121. Ontario, 2006. |

Comments Table

Proposal: Marten Falls Community Access Road Project – Draft Technical Study Plan_Ungulates

Proponent: Marten Falls First Nation

Study Plan Title: Ungulates

Commenter Name, Job Title and Ministry: : [Natural Resources and Forestry arm of the Ministry of Northern Development and Mines, Natural Resources and Forestry]

Note: Page numbers indicated are overall Adobe Page numbers, not page numbers on the document pages.

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|--|--|---|
| 1. | Pg. 12 Table 1-2 | Vegetation Study Plan valued components does not specifically name Provincially Significant Wetlands (PSWs) under Designated Areas. | Recommend PSWs be identified as a designated area, whether within the “Wetland and Riparian Ecosystem” section or under the “Designated Areas” section. |
| 2. | Pg. 12 Table 1-2 | Vegetation Study Plan VCs does not have conservation concern species listed separately from Species at Risk (SAR). | Recommend not grouping conservation concern species with SAR. Although there is some crossover, one doesn’t always come with the other. It would be better to speak to them as separate groups. |
| 3. | Pg. 27-28 6.2.1 General Information | Following text is included in Peatland Study Plan, but excluded from Ungulate Study Plan: “Location for Project components other than the route itself (e.g., temporary construction access roads, work areas, worker camps, and pits, quarries and associated access roads) are unknown at this time; however, the PDA and LSA will be adjusted accordingly as the Project design progresses and as required.” | Ensure commitments between study plans are the same. For consistency among study plans, and to demonstrate that disturbance from activities other than the route itself will be considered appropriately during the environmental assessment, it is recommended this text be added back into the ungulate study plan. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| 4. | Pg. 32 7.1 Desktop Assessment | <p>The electronic Forest Resource Inventory may also be useful in determining landscape composition in the southern stretches of the LSA.</p> <p>Additional moose seasonal use habitat might be identified in the Wildlife Activity Area and Wildlife Activity Site layers available in Ontario's GeoHub, including Moose Aquatic Feeding Areas, Migration Corridors, and known Mineral Licks.</p> | Recommend including the Wildlife Activity Area and Wildlife Activity Site layers from Ontario's GeoHub as resources in the desktop assessment if applicable. |
| 5. | Pg. 36 7.3.1 Moose Habitat Assessment | <p>There are some additional resources that could be used to support moose habitat assessment:</p> <ul style="list-style-type: none"> • Standards and Guidelines for Moose Population Inventory in Ontario (SSI Technical Report #121) • Moose Aerial Observation Manual (NEST Technical Manual TM-008) | Recommend considering these documents when carrying out the moose habitat assessment. |
| 6. | Pg. 42 7.3.2.3 Remote Camera Monitoring Program | <p>Wolves and moose are listed as target species for the remote camera monitoring program. However, the text suggests camera locations will be selected based on caribou study areas.</p> <p>Will moose habitat features and study areas be selected for camera locations as well or is the focus strictly caribou?</p> | Please clarify what species the remote camera monitoring program is targeting and how camera locations will be selected. |
| 7. | Pg. 44 | MNRF may have additional comment to provide at a later date regarding this section. | |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | 8.1.2 Data Analysis | | |
| 8. | Pg. 50 Table 9-2: Ungulates (moose and caribou) Indicators | Table 9-2 does not consider the potential influence of a cleared corridor(s) on habitat fragmentation and the potential for new predator/prey dynamics. | Consider adding Habitat Fragmentation and predator/prey dynamics |
| 9. | Pg. 51 Table 9-3: Potential Discipline Interactions | Might 'Social' also be triggered? For both public and Indigenous groups. | Consider if changes to ungulate populations would impact Social aspects for the area of this project. |
| 10. | Pg. 52 9.4 Methods for Predicting Future Conditions | <p>Bullet – “Changes in species population state ... will be estimated quantitatively using the results from changes in habitat, recruitment rates, and predation risk ...”</p> <p>Does this mean there will be follow-up aerial surveys and studies during the construction of the project? Or will these changes all be based on model predictions?</p> | It is unclear if further field assessments (e.g. follow-up aerial surveys and studies) will be utilized, or if these changes will be determined based only on though model predictions. Please clarify. |
| 11. | Pg. 53 Table 9-4 | <p>Footnote #1 and “Young Forest – Provincial Wildfire Data” table descriptions are not consistent.</p> <p>The foot note states: “Land Cover 2000 types of coniferous, treed fen, treed bog, coniferous</p> | <p>Please provide the rationale for why the Provincial Wildfire Data is treating the listed Land Cover 2000 types as ‘young forest’.</p> <p>Need to clarify in the table that not all Land Cover 2000 dense coniferous forest, treed fen and treed</p> |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | | <p>swamp and mixed forest are assumed to represent mature forest stands”.</p> <p>In contrast, the “Provincial Wildfire Data” column describes “young forest” as “Land Cover 2000 dense coniferous forest, treed fen, and treed bog were also reclassified as ‘young forest’.”</p> <p>Are the Land Cover 2000 mature forest classifications being added to “young forest” when they strictly overlap with the burn age classification?</p> | <p>bog are being reclassified; only the portions that overlap with the burn age polygons are being impacted.</p> |
| 12. | Pg. 53 Table 9-4 | <p>The age ranges and years presented in this table do not align. For instance, a 10 to 20 year old burn would have occurred between 2011 and 2001. Why does the table indicate 2016?</p> | <p>Rectify the age ranges for burns with the years presented for time of burns in this table. Ensure the resulting data assessment aligns with the approach described in the Study Plan once this is corrected.</p> |
| 13. | Pg. 57 9.5.1 TISG Section 20 Requirements | <p>This section states “provide offsetting or compensation plans to address all residual effects to species at risk, and their critical habitat, migratory birds, fish and fish habitat and / or wetland functions (if applicable) for review during the impact assessment process [...]”</p> | <p>Consider including Significant Wildlife Habitat here as well.</p> |
| 14. | Pg. 60 Table 9-5 | <p>Footnote 1: “disturbance management thresholds”.</p> <p>Is the same threshold being applied to moose as caribou?</p> | <p>Clarify the placement of moose in reference to the magnitude levels.</p> <p>A substantial decrease in habitat or habitat function or impacts to a population that bring levels closer to the disturbance management</p> |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | | | threshold is of concern and may warrant being considered at a high magnitude level even though the threshold has not been exceeded. |
| 15. | Pg. 62 9.9 Follow-up Programs | Follow-up Programs should also identify actions to be taken if mitigation measures are not meeting the expected results. | Provide additional guidance within the environmental assessment process that describes the approach which will be taken if mitigation measures are not achieving expected results. |
| 16. | Pg. 62 TISG Section 26 Requirements | This section describes TISG Section 26 recommendations in relation to caribou only, however moose are also ungulates. Are there recommendations related to moose which can be included in this section? How will moose be considered? | Recommend that a description of the steps which will be taken regarding moose be described in this section. Similar steps as those described for caribou in this section may be appropriate. |
| 17. | Pg. 95 Appendix A | <p>Numerous data layers are now available via Ontario's GeoHub, including wildlife activity areas and wildlife activity sites.</p> <p>Other references may also need to be updated to reflect the switch of Ontario's open data to one online platform (GeoHub).</p> <p>Medium sensitive data must still be requested from MNRF.</p> | Update the appendix to accurately reflect data available at Ontario's GeoHub which may be of benefit for informing the project. |
| 18. | Pg. 96 Appendix A | NHIC reference should also include tracked plant communities. | Add a sub-bullet for tracked plant communities to the NHIC entry. |

Comments Table

Proposal: Marten Falls Community Access Road Project – Draft Technical Study Plan _ Vegetation

Proponent: Marten Falls First Nation

Study Plan Title: [Vegetation – May 2021]

Commenter Name, Job Title and Ministry: [Natural Resources and Forestry arm of the Ministry of Northern Development and Mines, Natural Resources and Forestry]

General Comment (applies to more than just this study plan):

Although at the start of the reports, both the Wildlife and the Vegetation Study Plans reference the definition of Significant Wildlife Habitat (SWH), the term and consideration of its defined features are not carried forward well throughout the study plans. Overall, SWH related items (e.g., Species of Conservation Concern and other associated features) seem to receive little consideration in the Vegetation and Wildlife Study Plans. The features lack coverage in desktop analysis, modelling and effects assessment (e.g., S1-S3 species except for Special Concern SAR and some limited discussion of rare vegetation communities). NRF would like to see a more thorough discussion of SWH across all applicable study plans. The Natural Heritage Reference Manual and the Ecoregional Criterion Schedule 3W and 3E are mentioned, but the direction therein regarding SWH needs to be considered more clearly in the study plans. Candidate habitat could be modelled and mapped to improve field surveying efforts, and to assist in identify these features on the ground.

Page or Section Specific Comments:

Note: Page numbers indicated in this table are overall Adobe Page numbers, not page numbers on the document pages.

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|---|---|
| 1. | Pg.14 Table 1-2 | Vegetation Study Plan valued components does not specifically name Provincially Significant Wetlands (PSWs) under Designated Areas. | Recommend PSWs be identified as a designated area, whether within the “Wetland and Riparian Ecosystem” section or under the “Designated Areas” section. |
| 2. | Pg.14 | Vegetation Study Plan VCs | Recommend not grouping conservation concern |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | Table 1-2 | | species with SAR. Although there is some crossover, species in these categories do not always occur together. They may also need to be treated differently. As such it would be better to speak to them as separate groups. |
| 3. | Pg. 27 6.2.1 General Information | The following text included in Peatland Study Plan, but excluded from Vegetation Study Plan: “Location for Project components other than the route itself (e.g., temporary construction access roads, work areas, worker camps, and pits, quarries and associated access roads) are unknown at this time; however, the PDA and LSA will be adjusted accordingly as the Project design progresses and as required.” | Ensure commitments between study plans are the same. For consistency among study plans, and to demonstrate that disturbance from activities other than the route itself will be considered appropriately during the environmental assessment, it is recommended this text be added back into the vegetation study plan. |
| 4. | Pg. 32 7.1 Desktop Assessment | This section does not list provincially significant wetlands, or significant wildlife habitat as a potential designated area. | Designated areas may also include provincially significant wetlands. The desktop assessment should also look to identify any potential significant wildlife habitat features that may be present within the study area. |
| 5. | Pg. 32 7.2 Recent Field Investigations | Point 1 on page 32 indicates a 5 km buffer around the center line was considered the study area, however previously on page 29 a 3 km buffer on each side of the centre line is noted. Although this change seem to be related to some kind of assessment, it is unclear what was considered when changing this buffer area. | Include more a more detailed description of how it was determined that the buffer area should change from 5 km to 3 km on either side of the centerline. |
| 6. | Pg. 34 | There are several instances where this Study Plan makes reference to other study plans, in this section for instance direct reference to the Birds Study Plan is provided. When referencing material from other | Cross-reference study plans where connections are listed. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | 7.3.1 Field Survey Site Selection | study plans, the sections/subsections should be included and referenced to allow for easier cross-referencing by the reader. | |
| 7. | Pg. 34 7.3.1 Field Survey Site Selection | This section does provide a description of how sample sites will be selected, however some key items for understanding the study remain absent. For instance, there is no estimate of the number sites that will be surveyed. Also, it remains unclear if the sampling will be strictly to visit randomly selected plots or a portion of these site will be chosen to verify suspected candidate features. | This section could be modified to address question such as: <ul style="list-style-type: none"> • Can a rough estimate of the number of sites to be surveyed be provided or perhaps a range? • Will sites be confirming suspected candidate features or strictly visiting randomly selected plots? |
| 8. | Pg. 35 7.3.1.1 Regional Study Area | Limited information is provided regarding the data available for the RSA and about why this level of information is sufficient for the needs of this project. | Please provide more detail as to why existing information within the RSA is deemed sufficient to meet assessment needs. Describe the existing information and what information will be derived. If described elsewhere, reference the appropriate section. |
| 9. | Pg. 38 7.3.2.1.2 Field Surveys | Visual Checks The description of sampling methods provided in the section on visual checks is limited so it is difficult to understand the level of effort that will be dedicated to this work. | Please describe what percentages of visual checks will be fly-overs compared to photo interpretation. The number of sampling sites should also be provided here, or a direct reference to this information in the Birds Study Plan should be provided to allow readers a clear understanding of proposed methods. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| 10. | Pg. 39 7.3.2.2.1 Pre-typing | Wetlands This section does not mention the Ontario Wetland Evaluation System for pre-typing wetlands, yet this would seem to be an appropriate tool for the study. | Recommend Ontario Wetland Evaluation System be used as a resource as well when delineating and classifying the wetlands. |
| 11. | Pg. 39 7.3.2.2.1 Pre-typing | Riparian This section seems to indicate that information available to a desktop review will be utilised to describe riparian areas. Will any unmapped streams or waterways spotted be mapped during aerial surveying? | Please clarify if unmapped streams or waterways otherwise spotted will be mapped during aerial surveying efforts. |
| 12. | Pg. 39 7.3.2.2.2 Field Surveys | Wetlands The Ontario Wetland Evaluation System is not mentioned as providing methods that can be used to assess wetland function, or as a source of appropriate terminology. | Recommend the Ontario Wetland Evaluation System be used as a resource when assessing wetland function and classifying wetland type for areas where applicable. |
| 13. | Pg. 41 7.3.2.2.2 Field Surveys | Wetlands A high-level description of a function ranking/scoring system for wetlands is provided, however insufficient detail is provided to understand weightings, or otherwise how different functions will be considered during assignment of rankings. | Please provide more detail regarding how ranking scores will be assigned and weighted along with the associated rationale which will be used. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| 14. | Pg. 42 7.3.2.2.2 Field Surveys | Riparian A high-level description of a function ranking/scoring system for riparian areas is provided, however insufficient detail is provided to understand weightings, or otherwise how different functions will be considered during assignment of rankings. | Please provide more detail regarding how ranking scores will be assigned and weighted along with the associated rationale that will be used. |
| 15. | Pg. 43 7.4 Traditional Use Plants and SAR Plant Populations | This section does not indicate that surveys for rare plants will include conservation concern plant communities (S1-S3). | This approach should be updated to indicate that surveys for rare plants will also look for conservation concern species and plant communities (S1-S3). |
| 16. | Pg. 44 8.2 GIS | This section indicates that baseline data will be provided to the Agency as electronic geospatial data files. | Request baseline data be shared with provincial authorities as well. |
| 17. | Pg. 47 9.2 Valued Components and Indicators | Following text is included in Peatland Study Plan, but excluded from Vegetation Study Plan: “VCs are the environmental, health, social, economic or additional elements or conditions of the natural and human environment that may be impacted by a proposed project and are of concern or value to the public, Indigenous peoples, federal authorities and interested parties (the Agency 2020b).” | Recommend keeping applicable sections of text the same between study plans for consistency (i.e. so this section which appears in the Peatland Study Plan should be added here in the Vegetation Study Plan). |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| 18. | Pg. 48 Table 9-2 | Designated Areas should include Significant Wildlife Habitat features and Provincial Significant Wetlands. | Recommend adding Significant Wildlife Habitat features and Provincial Significant Wetlands to the list of Designated Areas on Table 9-2. |
| 19. | Pg. 48 Table 9-2 (and generally, in this study plan) | It is unclear if Species of Conservation Concern will be considered separately from SAR. Although there may be some overlap with these categories, they are different and should be considered separately. | Request Species of Conservation Concern be addressed separately from SAR, rather than always grouping them together. |
| 20. | Pg. 48 Table 9-2 | Rationale for Selection: Wetland and Riparian Ecosystems Upland Ecosystems Recommend also considering instances where the habitat may support provincially or regionally rare species or vegetation communities | Include a bullet indicating that selection will occur when, “habitat supports provincially or regionally rare species or vegetation communities”. |
| 21. | Pg. 51 9.5 Mitigation and Enhancement Measures | Following text included in Peatland Study Plan, but excluded from Vegetation Study Plan: “Proposed mitigation measures will be clearly linked to the extent possible to mitigating potential effects on Peatlands resulting from specific Project components or activities (e.g., vegetation removal, design of equalization culverts, maintenance of hydrological functions) and will be updated as appropriate based on comments received from federal and provincial | Recommend keeping applicable sections of text the same between study plans for consistency. Recommend treating vegetative areas in the same manner as described for peatlands in the Peatlands Study Plan. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | | agencies and stakeholders through the engagement activities.” | |
| 22. | Pg. 52 9.5.1 TISG Section 20 Requirements | It is unclear what is included as “biodiversity offsets in Bullet 4 | Please describe or provide an example of what is meant by biodiversity offsets. |
| 23. | Pg. 52 9.5.1 TISG Section 20 Requirements | Significant Wildlife Habitat and Species of Conservation Concern are not mentioned in this section. | Request Significant Wildlife Habitat be considered as well, where applicable to this study plan, such as Species of Conservation Concern. For example, Bullet 5. |
| 24. | Pg. 53 9.6 Residual Effects | Following text is included in Peatland Study Plan, but excluded from Vegetation Study Plan: “In this context, direction indicates the positive or negative change from existing conditions. Magnitude indicates the expected change from existing conditions. The geographic extent indicates the spatial area that the effect is expected to occur within. Duration is the period of time an effect occurs, and frequency is how often an effect occurs over time. The reversibility of an effect defines its ability to return to existing conditions and the likelihood indicates the probability that an effect will occur.” | Recommend maintaining a consistent approach among the study plans. For consistency we suggest keeping applicable sections of text the same between study plans. |
| 25. | Pg. 54 Table 9-4 | There is substantial detail provided in this table regarding what potential impact levels will be considered negligible, low, medium and high. | It is recommended that a description be provided to explain how the magnitudes in the level of impact table were determined. What standards |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
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| | | This approach is, however, general in nature. There may be a much larger level of concern if for instance 10% of the habitat or population of a Special Concern Species will be impacted as opposed to the same level of impact to a more common species. What rationale was utilised to determine the criteria in this table? | and guidelines where utilized and does this approach apply regardless of the rarity of a species or habitat? |
| 26. | Pg. 74 Table 11-2 MNR 19/20 | Inclusion of ecoregion and ecozone boundaries on a map of the study area would be beneficial for understanding proposed study methodologies and ecological considerations. | Recommend including these maps in the Study Plans in addition to in the ToR and IS/EA Report. |
| 27. | Pg. 75 Table 11-2 MNR 24 | While the Ontario Wetland Evaluation System is not appropriate for evaluating extensive wetlands in the Hudson Bay Lowlands, the system should be used as a resource when considering wetland features within the Canadian Shield. | Recommend that the Ontario Wetland Classification System be used as a reference where applicable while maintaining the necessary consistency of methodology for the entire project study area. |
| 28. | Pg. 79 12. References | Ontario's GeoHub is listed as a reference for fire disturbance areas only. | GeoHub can be used for numerous other data layers beyond the listed Fire Disturbance Area, including the Forest Resource Inventory. GeoHub could be referenced with this broader application in mind. |
| 29. | Pg. 81 12. References | Natural Heritage Information Centre provides tracked species records in addition to the Make-a-Map (MaM) website | Recommend utilizing and referencing the http://www.ontario.ca/page/get-natural-heritage-information website in the vegetation study plan. The data available in the MaM website does not house the most comprehensive list of tracked species. NHIC should be contacted directly for provincially tracked species and plant community data. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|---|---|
| 30. | Pg. 84 Appendix A | This appendix lists information sources | <p>Recommend adding the Ontario GeoHub to this list.</p> <p>Also, the NHIC, the Make a Map application, and provincially tracked data should be listed as separate sources.</p> |

Comments Table

Proposal: Marten Falls Community Access Road Project – Draft Technical Study Plan _ Cultural Heritage
Proponent: Marten Falls First Nation

Study Plan Title: [Cultural Heritage – May 2021]

Commenter Name, Job Title and Ministry: [Natural Resources and Forestry arm of the Ministry of Northern Development and Mines, Natural Resources and Forestry]

Note: Page numbers indicated are overall Adobe Page numbers, not page numbers on the document pages.

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|---|--|--|
| 1. | Pg. 37 Table 9-2: Cultural Heritage Indicators | <p>“Community Based Land Use Planning initiatives” are listed under the columns <i>Rationale for Selection for Archaeology and Cultural Heritage</i>. Additionally, this table indicates that Archaeology sites “Retains high archaeological potential because of: Community Based Land Use Planning initiatives”.</p> <p>Note that land use direction in the Marten Falls First Nation Community Based Land Use Plan (CBLUP) is not yet publicly available. Archaeology and Cultural Heritage information resides with the community.</p> | Remove reference to “CBLUP initiatives” which are not publicly available. |
| 2. | Pg. 48 Concordance with Federal and Provincial Guidance | <p>This section provides a general description of the <i>Far North Act</i> (FNA) and objectives for planning. Aspects of the Act that are most applicable to the road project are, however, not included. For example:</p> <ul style="list-style-type: none"> • development authorizations are required under the FNA for any development within the Far | Recommend including aspects of the Far North Act that are most relevant to the Marten Falls Community Access Road Project. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|------------------------------------|---|--|
| | | <p>North boundary where a community based land use plan has not been approved (s.12)</p> <ul style="list-style-type: none"> • duty to consult requirements for developments being authorized/permitted through the FNA • development authorizations must be consistent with land use direction in approved CBLUPs (s.14(1)) <p>The MFCAR project team should be aware that, as with all authorizations required from NRF under other legislation in order to implement the project, FNA authorizations are not issued until approval has been granted for the project/undertaking under the <i>Environmental Assessment Act</i>. Further, should authorization be required under the FNA for the MFCAR, NRF issues the FNA Approval first, before issuing others required to implement the project.</p> | |
| 3. | Pg. 49 11.1 Archaeology, | <p>This section includes the following sentence in relation to the need for meaningful consultation about the project:</p> <p><i>“This will be achieved through meaningful consultation and engagement with each Nation in order to incorporate other specific protocols that may be implemented on First Nations Reserve land. This is reflected in the Far North Act (Ontario Government 2010), a legislative foundation of land use planning in the Far</i></p> | <p>Recommend removing reference to the Far North Act. The purpose of the Far North Act is to provide for community based land use planning, not to set out consultation requirements for developments.</p> |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|--|--|---|
| | | <p><i>North using consensus-based decision making between First Nations and Ontario.”</i></p> <p>It is not clear what is being referred to as reflected in the Far North Act.</p> | |
| 4. | Pg. 51 11.2 Cultural (Built) Heritage | <p>The following statement is included in this section of the document: <i>“Additionally, the Planning Act (Ontario Government 1990c) and related Provincial Policy Statement (Ontario Government 2020), make a number of provisions relating to heritage conservation. It is important to note that while these policies are not necessarily applicable under the Far North Act ... ”.</i></p> <p>The Provincial Policy Statement related to the Planning Act is not applicable under the Far North Act.</p> | Change “ <i>not necessarily applicable</i> ” to “ <i>not applicable</i> ”. Consider specifying the Far North Act applies north of the Far North boundary. |

Comments Table

Proposal: Marten Falls Community Access Road Project – Draft Technical Study Plan

Proponent: Marten Falls First Nation

Study Plan Title: [Land and Resource Use May 28-21]

Commenter Name, Job Title and Ministry: [Natural Resources and Forestry arm of the Ministry of Northern Development and Mines, Natural Resources and Forestry]

Note: Page numbers indicated are overall Adobe Page numbers, not page numbers on the document pages.

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|---|---|---|
| 1. | Pg. 26-32, Section 6.2 Spatial Boundaries: Study Areas | In which study area will pits and quarries be situated (i.e. will pits and quarries actually be located within the 5km wide study area of the PDA?). | NRF strongly recommends evaluating aggregate sources early to establish accurate study area boundaries to confirm if all pits and quarries will be located within the intended study area (i.e. PDA). |
| 2. | Pg. 34-35 Section 7.2.1 Secondary Data Collection | There is no mention of Community Based Land Use Plans (CBLUP) as a data source in <i>Baseline Study Design</i> section. | Include the following in the list of secondary data sources: <ul style="list-style-type: none"> • Joint First Nation / Provincial Plans <ul style="list-style-type: none"> ○ Approved Draft or Final Community Based Land Use Plans |
| 3. | Pg. 42 Table 9-2: Land and Resource Use Indicators | The following is listed as an information source for “Land Use Compatibility” and “Parks and Protected Areas”: <ul style="list-style-type: none"> • “Community-based land use planning <ul style="list-style-type: none"> ○ Marten Falls Community Based Land Use Plan Terms of Reference” | Note that the portion of the MFCAR Project Development Area that is within the Far North boundary, falls within the Marten Falls proposed planning area. A draft CBLUP for this area is currently being developed by Marten Falls and Ontario. It is the CBLUP that will contain land use direction for the area. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|--|--|---|
| | | However, the CBLUP Terms of Reference does not contain any land use direction. | Proposed protected areas have been withdrawn from mineral claim staking and can be viewed on MLAS. |
| 4. | Pg. 42-46 Table 9-2: Land and Resource Use Indicators | No mention of natural heritage areas or Areas of Natural and Scientific Interest (ANSI) is made in this table. | It is recommended that reference to natural heritage areas/Areas of Natural and Scientific Interest (ANSI) be included in this table as an information source where appropriate. |
| 5. | Pg. 43 Table 9-2: Recreation and Tourism | This table does not reference the Ogoki Forest Management Plan as a source for information regarding recreation and tourism. | Consider adding the Ogoki Forest Management Plan as a source for information related to Recreation and Tourism (e.g. this document may have several Resource Based Tourism Operators identified). |
| 6. | Pg. 46 Table 9-2: Energy and Linear Infrastructure | This portion of the table indicates that “web-based” data will be used as an information source for Energy and Linear Infrastructure. There are several substantial and publicly identified projects proposed or ongoing in the general vicinity of the Marten Falls Community Access Road Project (e.g. Northern Road Link , Rapid Lynx Broadband Project). Are these and information sources associated with them included in “web-based” information sources? | For clarity, it would be helpful to identify by name energy and linear infrastructure projects where development is recent or ongoing, and is related to or in the vicinity of the Marten Falls Community Access Road. These projects would likely contribute to consideration of cumulative effects. |

D1.5.6 MHSTCI



From: [Gauthier, Shannon \(MECP\)](#)
To: [Oasim Saddique](#); [Larissa Mikkelsen](#); [Lawrence Baxter](#); [Bob Baxter](#);
Cc: [McLeod, Sasha \(MECP\)](#); [Beany, Jessalyn](#); [Cinnamon, Christine](#); [Soulliere, Kenndal](#)
Subject: [EXTERNAL] MHSTCI and MNRF Comments- MFCAR ToR
Date: Tuesday, December 22, 2020 2:47:51 PM
Attachments: [MHSTCI Comments- Dec 18-19.pdf](#)
[MNRF Comments table- Dec 21-20.pdf](#)

Hi Marten Falls Project Team, please find attached MNRF and MHSTCI's comments on the proposed MFCAR ToR. Please prepare a response in table format and provide that to myself and Sasha McLeod by January 29, 2021 (if additional time is required please let us know).

Thanks,
Shannon

Shannon Gauthier | Project Officer

Environmental Assessment Services Section | Environmental Assessment Branch

Ministry of the Environment, Conservation and Parks | 135 St. Clair Avenue West, 1st Floor,
Toronto, ON M4V 1P5

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| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
|---|--|---|---|
| Table 7-1: Environmental Disciplines to be Considered during the Environmental Assessment Page 22 | Note: 1. Cultural heritage resources include archaeological and built heritage sites, and cultural heritage landscapes | MHSTCI recommends that terminology be aligned with current framework. Therefore, the note should read as: <i>Cultural heritage resources include archaeological resources, built heritage resources and cultural heritage landscapes.</i> | Item partially resolved. Please remove “Sites and” from the entry for archaeology, as sites are included in the definition of “archaeological resources”, therefore becoming repetitive. |
| 7.1.4.12 – Description of the Existing Environment: Socio-Economic and Built Environment Page 41-42 | <i>Economy</i> | <p>This section acknowledges the importance of remoteness to resource-based tourism operators in the area (as does Section 2.1.8.4 of the Draft Alternatives Development supporting document).</p> <p>Page 41 indicates that resource-based tourism operations are operated by members of Marten Falls First Nation. Page 42 also indicates that approximately 10 tourism operators are identified as potentially overlapping their operating areas within 2.5 kilometres of the centreline of each alternative route under consideration. A map showing where these businesses are located will be helpful in the EA.</p> <p>A strong commitment to protect the interests of these remote operators should occur, consistent with protections within other government processes, such as forest management planning.</p> <p>MHSTCI has already suggested some modifications to the initial tourism operator contact list that was shared with us by AECOM. An updated spreadsheet was sent to Kenndal Soulliere on January 10, 2020.</p> | <p>Section 7.1.4.12 has become Section 7.1.4.10.</p> <p>Item resolved as it relates to mapping. Section 7.1.4.10 commits to mapping the location of tourism operators where practicable (page 60).</p> <p>Item partially resolved as it relates to protecting remote tourism interests. Language has been retained in Section 7.1.4.10 regarding the importance of remoteness to resource-based tourism, including on pages 60 and 61, but the request for a strong commitment to protect the interest of remote tourism operators is not included.</p> <p>Please provide a rationale as to why this suggestion was not incorporated or if the proponent feels it is addressed elsewhere in the ToR document.</p> |
| 7.1.4.12 – Description of the Existing Environment: Socio-Economic and Built Environment Page 42 | The Project occurs within the Ministry of Heritage, Sport, Tourism and Culture Industries Tourism Region 13c where \$108 million was spent in 2013 on pleasure tourism (MTCS 2017). Tourism in the region is generally resource based with outfitting as the primary tourism activity with 661,000 tourist identifying participating in an outdoor activity as the main purpose of their trip. | <p>Page 42 includes some outdated tourism data from 2013. Updated wording is suggested below. Note that the data referenced below does not include travellers from the United States (it is not available).</p> <p><i>The Project occurs within the Ministry of Heritage, Sport, Tourism and Culture Industries Tourism Region 13C where \$109 million was spent by tourists from Ontario, other places in Canada, and overseas in 2016 on pleasure tourism. Tourism in the region is generally resource-based, with outfitting as a key tourism activity, with 841,000 visits including participation in an outdoor/sports</i></p> | Item resolved. Suggested wording included in Section 7.1.4.10 (page 60) |

| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
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| | | <i>activity (e.g., 368,600 visits included fishing, 343,600 visits included boating) as the main purpose of their trip. Most of these tourists come from Ontario.</i> | |
| 7.1.4.12 – Description of the Existing Environment: Socio-Economic and Built Environment | | Should the road be constructed it may open up potential tourism opportunities for the community, including cultural tourism. | Item resolved. Section 7.2.10 includes the following language: “Potential changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and/or enabling new tourism, including cultural tourism, through improved access.” |
| 7.1.4.13 Cultural Heritage Resources Page 44 | 1 st paragraph Cultural heritage resources include archaeological and built heritage sites, and cultural heritage landscapes. Existing cultural heritage resources will be identified and described within the EA. | MHSTCI recommends that terminology be aligned with the current framework. While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation. Therefore the 1 st paragraph should read as: <i>Cultural heritage resources include archaeological resources, built heritage resources and cultural heritage landscapes. <u>Known (previously recognized) and potential</u> cultural heritage resources will be identified and described within the EA.</i> | Section 7.1.4.13 has become Section 7.1.4.11 Item resolved. |
| 7.1.4.13 Cultural Heritage Resources Pages 44-47 | | Include subheadings to discuss: (1) Archaeological Resources - after 1 st paragraph and (2) Built heritage resources and cultural heritage landscapes | Item resolved. |
| 7.1.4.13 Cultural Heritage Resources Pages 45 | 2 nd paragraph: During this time, they established interior posts which included the Marten Falls House, Henley House, and Gloucester House which are in proximity to the Study Area. | The first paragraph on page 45 notes that the Marten Falls House is an archaeological site (Ejlp-1) but does not indicate whether the Henley House and the Gloucester House are archaeological resources or built heritage resources. Please clarify, as it this determines whether an archaeological assessment or a heritage impact assessment is the appropriate method for identifying potential impacts and determining mitigation measures. | Item resolved. |
| 7.1.4.13 Cultural Heritage Resources Page 45 | 3 rd Paragraph | MHSTCI has issued two Project Information Form (PIF) numbers for this project: P088-0092-2019 for a Stage 1 archaeological assessment and P088-0093-2019 for a Stage 2 archaeological assessment. As you know, archaeological assessments are required to be undertaken by an archaeologist licenced under the Ontario Heritage | Item resolved. |

| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
|--|--|---|--|
| | | <p>Act, who is responsible for submitting the report directly to MHSTCI for review.</p> <p>The EA Report must include specific information from the AA report(s). The Executive Summary of each AA report provides a brief summary of the work completed and the recommendations for next steps (whether further archaeological assessment is required; if so the report will include a map that identifies those areas). The EA report must also include clear commitments to undertake the recommended AA and a timeline for their completion. A commitment as to when a Stage 1 and 2 archaeological assessment will be undertaken should be included and MHSTCI recommends the 3rd paragraph read as:</p> <p><i>A Stage 1 archaeological assessment to identify areas of archaeological potential within the study area will be undertaken by a licensed archaeologist. The Stage 1 AA will be submitted for MHSTCI review during the environmental assessment process (pre-planning phase) but prior to the EA completion. (...) This information will be used to inform the evaluation of alternatives and any additional studies.</i></p> | |
| <p>7.1.4.13 Cultural Heritage Resources</p> <p>Page 45</p> | <p>4th Paragraph</p> <p>Should results of the Stage 1 archaeological assessment confirm archaeological potential within the study area, a Stage 2 archaeological assessment will be undertaken prior to construction for areas that are identified as part of the final Project footprint</p> | <p>If the Stage 1 AA recommends further AA(s), then MHSTCI recommends that further stages of AA be completed as early as possible during the planning or design phase of the project, and prior to the completion of detailed design. Therefore, MHSTCI recommends inserting the following:</p> <p><i>Should the results of the Stage 1 archaeological assessment recommend further archaeological assessment(s) within the final Project footprint (preferred alternative), then any further stages of archaeological assessment will be completed as early as possible during the planning or design phase of the project, and prior to the completion of detailed design.</i></p> | <p>Item resolved.</p> |
| <p>7.1.4.13 Cultural Heritage Resources</p> <p>Page 45</p> | <p>5th paragraph</p> <p>The Stage 2 archaeological assessment will be conducted to meet the requirements of the <i>Standards and Guidelines for Consultant Archaeologists</i> (MTCS 2011).</p> | <p>See above comments. MHSTCI recommends the following:</p> <p>Archaeological assessment(s) will be conducted by a licensed archaeologist and will meet the requirements of the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists (MTCS 2011).</p> | <p>Item resolved.</p> |

| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
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| <p>7.1.4.13 Cultural Heritage Resources</p> <p>Page 45</p> | <p>6th paragraph In addition to archaeological resources, which focus on specific localities and material remains of past occupation (...) key information sources will be Indigenous knowledge and discussions.</p> | <p>Please note that Standards and Guidelines for Conservation of Provincial Heritage Properties apply to this project as some properties are owned or controlled by the Crown in right of Ontario or by a public body prescribed under Ontario Regulation 157/10. Given the size of the study area, MHSTCI recommends that a Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment be undertaken. Indigenous communities may have knowledge that can contribute to the identification of cultural heritage resources, and we suggest that any engagement with Indigenous communities includes a discussion about known or potential cultural heritage resources that are of value to them. Please note that definitions of built heritage resources and cultural heritage landscapes are from the Provincial Policy Statement. Therefore, MHSTCI recommends inserting the following:</p> <ul style="list-style-type: none"> - Include a subheading (2) Built Heritage Resources and Cultural Heritage Landscapes. - Replace the 6th paragraph with: <u>A Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment will be undertaken by a qualified person. The Report will:</u> <ul style="list-style-type: none"> o <i>Identify existing baseline cultural heritage conditions, including a historical summary of the development of the study area and all known or potential built heritage resources and cultural heritage landscapes in the study area based on research. Indigenous knowledge, MHSTCI screening checklist Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes and professional judgement.</i> o <i>Identify preliminary potential project-specific impacts on the known and potential built heritage resources and cultural heritage landscapes that have been identified.</i> o <i>Propose and recommend measures to avoid or mitigate potential negative impacts to known or potential built</i> | <p>Item resolved for creating sub-headings.</p> <p>Please provide a rationale as to why the recommendation to replace the 6th paragraph with the provided wording has not been undertaken in the final ToR document. As part of the EA process, the ToR should inform how it will identify, assess and document the cultural heritage environment.</p> <p>If this change has been made, please advise where in the document it can be found.</p> |

| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
|--|--|--|---|
| | | <p><i>heritage resources and cultural heritage landscapes.</i></p> <p><i>As part of this study, engagement with Indigenous communities is key. The Report will be completed during the environmental assessment and prior to the EA completion. The proposed mitigation measures will inform the selection of alternatives, next steps of project planning and design as well as additional studies).</i></p> | |
| <p>Table 7-4: Preliminary Identification of Potential Environmental Effects</p> <p>Page 48</p> | <p>Potential Effects on Cultural Heritage Resources</p> <ul style="list-style-type: none"> - Damage to, or loss of, archaeological or other sites. | <p>MHSTCI recommends that the description of potential effects be expanded as follow:</p> <ul style="list-style-type: none"> - <u>Disturbance or destruction of, archaeological resources.</u> - <u>Displacement of built heritage resources and/or cultural heritage landscape by removal and/or demolition and/or disruption by isolation</u> - <i>Impacts to registered and unregistered cemeteries which have been identified and documented.</i> - <i>Effects on cultural heritage landscapes</i> - <i>Disruption of cultural heritage resources by the introduction of physical, visual, audible or atmospheric elements that are not in keeping with the character and setting of cultural heritage resources</i> | <p>Table 7-4 has become Table 7-6</p> <p>Item resolved.</p> |
| <p>Table 7-4: Preliminary Identification of Potential Environmental Effects</p> <p>Page 48</p> | <p>Potential Effects on Recreation and Tourism</p> <ul style="list-style-type: none"> - Changes to recreational and commercial lands used for trapping hunting, fishing and other activities. | <p>The project could also result in a loss of economic activity due to access related impacts for those businesses that rely on remoteness for their product. That loss should also be highlighted as a potential effect. The interview process will identify whether tourism operators are concerned in this regard.</p> <p>There is also a potential for noise impacts, particularly at the construction stage, if accommodations (sensitive uses) are within the area of influence</p> | <p>Table 7-4 has become Table 7-6.</p> <p>Item is partially resolved. The previous potential effect remains. Nothing has been added to specifically address access-related impacts to businesses, though there is acknowledgement of the importance of remoteness to tourism in other sections of the ToR.</p> <p>Please provide a rationale as to why this suggestion was not incorporated or where the proponent feels it is addressed elsewhere in the ToR document.</p> <p>It is noted that Section 10.2.3 outlines that a link to the draft ToR was sent to interested persons in December 2019 and follow up calls were made to tourism operators to confirm if they received the documents and were planning to provide comments. Only one</p> |

| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
|--|---|---|--|
| | | | <p>interested person commented on the draft ToR. This direct outreach to tourism stakeholders is appreciated.</p> <p>Changes to noise levels is captured under the environmental component “Natural (Physical and Environmental)” but not in the context of impacts to businesses.</p> |
| <p>Section 7.2.7 – Potential Environmental Effects: Wildlife</p> <p>Page 51</p> | <p>The CAR will provide year-round access to the Far North, which is likely to increase access for recreational use.</p> | <p>As noted earlier, potential impacts on remoteness are noted in Section 2.1.8.4 of the Draft Alternatives Development supporting document. This acknowledgement should be reflected in the final ToR as well.</p> | <p>Item resolved. There is language in Section 7.1.4.10 regarding the importance of remoteness to resource-based tourism, including on pages 60 and 61.</p> |
| <p>Section 7.2.11 - Potential Environmental Effects: Socio-Economic and Built Environment</p> <p>Pages 52-53</p> | | <p>This section acknowledges that the project may negatively impact the tourism sector. The resource-based tourism sector is compatible with traditional and cultural activities and supports jobs in the community. Any impacts to this sector from the project will need assessment and if there are unavoidable impacts, there should be mitigation proposed.</p> | <p>Section 7.2.11 has become Section 7.2.10.</p> <p>Item partially resolved.</p> <p>Section 11.8 outlines a high-level issue resolution process if concerns are not resolved during the development of the EA. The issue resolution process includes potential third-party mediation but does not offer additional mitigation (i.e. potential compensation for negative impacts) and instead outlines that if issues cannot be resolved they will be noted along with documentation of attempts to resolve the issue. Perhaps this could be considered as the EA is developed.</p> |
| <p>7.2.12 Cultural Heritage Resources</p> <p>Page 53</p> | <p>Potential Environmental Effects to Cultural Heritage Resources</p> <p>Should any archaeological or built heritage and cultural landscapes be identified in the are of the Project, there is a potential for damage to, or the loss of the cultural heritage resources through ground disturbance activities (e.g. blasting, grading). Any activity with the potential to cause ground disturbance may also inadvertently discover and/or disturb previously unknown resources. Vibration generated by heavy equipment.</p> | <p>This project has the potential to impact cultural heritage resources. This section should be expanded to indicate how potential environmental effects / impacts to cultural heritage resources will be identified and assessed. Therefore , MHSTCI recommends that the existing paragraph be replace with the following suggested text: <i>Cultural heritage resources (archaeological resources, built heritage resources and cultural heritage landscapes) may be impacted by the Project. Potential environmental effects as relates to cultural heritage resources are described in Table 7-4. Technical cultural heritage studies (i.e. archaeological assessment(s), Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment) will be undertaken during the EA process and will identify preliminary effect/impacts and recommend avoidance and/or mitigation measures, if any negative effects/impacts on cultural heritage resources.</i></p> | <p>Section 7.2.12 has become Section 7.2.11</p> <p>Item resolved.</p> <p>Since the definition of cultural heritage resources includes archaeology, MHSTCI recommends removing “archaeology and” from both paragraphs, as it is repetitive.</p> |

| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
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| 9.1 Environmental Commitments Page 59 | The EA will include a comprehensive list of environmental commitments made by MFFN (...): - Completion of additional works and field studies, if required | Since the document does not currently specify which studies will be undertaken, the second bullet should be modified to read “undertaking and completing the required studies and following up on any report recommendations”. | MHSTCI continues to recommend that this wording be inserted, so as to illustrate the intention with respect to undertaking assessment activities, preparing reports stemming from those activities and implementing any recommendations of the report. |
| Table 13-1: Potential Permits and Approvals for the Proposed Project Page 83 | Ministry of Heritage, Sport, Tourism and Culture Industries Archaeological and Cultural Clearances | See above comments regarding technical cultural heritage studies. | Item partially resolved. For archaeological assessments, please change the entry to: “ <i>Archaeological Assessment(s) to be completed as part of the EA under the Ontario Heritage Act, 1990, and submitted to <u>MHSTCI</u>”.</i> For built heritage resources and cultural heritage landscapes, please change the entry to: “ <u>Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment to be completed and submitted to MHSTCI for review under the EAA.</u> ” |
| Appendix A – Draft Criteria and Indicators for Alternatives Evaluation Page 5 | | Recreation and Tourism is identified as both an “environmental discipline” and a “criteria.” Associated potential data sources do not include tourism operators or the planned interviews/surveys of those operators as per Section 7.1.4.12 (see earlier comment), unless they are covered under the listing for “primary data.” | Item resolved. The potential data sources include “interest group information” and “information from Indigenous Tourism Operators.” Section 7.1.4.10 continues to note that interviews will be undertaken with tourism operators. |
| Appendix A – Draft Criteria and Indicators for Alternatives Evaluation Page 6 | Environmental Discipline: Cultural Environment/Cultural Heritage Resources | Based on the comments above, MHSTCI recommends the following text: <i>Criteria: <u>Built Heritage Resources and Cultural Heritage Landscapes</u></i> <i>Indicator:</i> - <i>Areas of significance to local communities</i> - <i>Areas of <u>known or potential cultural heritage value or interest</u></i> - <i>Areas of Religious or Spiritual Significance</i> <i>Potential Data Sources:</i> - <i>Indigenous Knowledge</i> - <i>Recent and historical maps of the study area</i> - <i><u>Primary and secondary documentary sources (both current and archival written accounts, maps, drawings, plans and images)</u></i> | Item mostly resolved. MHSTCI continues to recommend the following be inserted as written under the Indicator column: <u>Areas of known or potential cultural heritage value or interest</u> and under the Potential Data Sources column: <u>Site visits</u> |

| Section/Item Page | Text in the Draft ToR (September 2019) | MHSTCI Comments | Final ToR (September 2020) – MHSTCI Comments |
|-------------------|--|---|--|
| | | <ul style="list-style-type: none"> - <u>Site visits</u> - <u>Community Based Land Use Planning initiatives</u> | |
| General | | Throughout the draft ToR and supporting documents, our Ministry name should be updated to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) where appropriate. | Item resolved. |

Proposal: Marten Falls Community Access Road Project –Proposed Terms of Reference

Proponent: Marten Falls First Nation

MNRF Comments on Proposed Terms of Reference for the Marten Falls Community Access Road. December 21, 2020

| Document Reference | Section | Comments & Rationale | Recommendations/ Proposed Action/ Solution |
|--------------------|-------------------------|--|---|
| Main report | Section 5.2.1.2 Page 16 | <p>The proposed ToR states, “<i>Culverts will range from small diameter corrugated steel pipes for overland water drainage to large concrete box or steel arch culverts for smaller waterways</i>”.</p> <p>The meaning of this is unclear. Will corrugated pipe <u>only</u> be used for cross-drainage; whereas <u>only</u> open-bottomed crossing structures will be used in waterways? The potential for negative impacts, and MNRF’s approval requirements will differ depending on the options chosen.</p> | <p>The ToR should provide further clarity regarding when each water crossing method will be utilized so that MNRF can better understand potential impacts and permitting requirements.</p> <p>MNRF encourages use of open-bottomed crossing structures for waterways where possible.</p> |
| Main report | Section 5.2.1.4 Page 16 | <p>The proposed ToR states, “<i>temporary access roads will either be decommissioned, or blocked to discourage public use but facilitate access for ongoing road maintenance</i>”.</p> <p>The indication that some “temporary roads” will be accessed for ongoing road maintenance implies that those “temporary” roads will be permanent access roads. This would imply that water crossings on these maintenance access roads will necessitate permanent water crossing structures.</p> | <p>The ToR should provide clarification regarding the permanency of “temporary” access roads i.e. define what is meant by temporary.</p> <p>Also: identify any water crossings involved with “temporary” roads. Will the crossings be permanent? Permanent water crossings on “temporary” roads need to be considered in the same way as other permanent water crossings (i.e. such as those on the main road).</p> |
| Main report | Section 5.2.1.4 Page 16 | Experience throughout Ontario has shown that blocking roads to discourage public use is generally ineffective. “Blocked” roads are frequently used to | The ToR should commit that the environmental assessment will consider the potential impact of increased access through use of access roads that are |

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| | | access resources, particularly with regard to hunting and fishing opportunities. | established to implement this project. This should include an assessment of the potential effectiveness of measures proposed to mitigate the anticipated effects. |
| Main Document | Section 5.2.1.3 Page 16 | <p>The potential impact and proposed mitigations associated with various alternatives for sourcing aggregates should be identified during the environmental assessment. Although the need to source aggregates for this project is recognized in the ToR, as is the availability of aggregates in the area (i.e. there is a high level description and map provided), it is unclear specifically what options for supply of aggregates will be considered, and how the impacts of using various sources will be assessed.</p> <p>It should be noted that development of new aggregate extraction areas can only begin after sites have been approved under the <i>Aggregate Resources Act (ARA)</i>. Further assessment may also be required under the <i>Far North Act</i>. Processing of these permit applications can take 6 months or longer.</p> | <p>The ToR should identify that the environmental assessment will include an assessment of potential impacts and proposed mitigation measures associated with sourcing and use of aggregates. This should include commitments that the environmental assessment will:</p> <ul style="list-style-type: none"> • describe estimated amounts of aggregate required and anticipated sources, including whether the development of new pits or quarries is planned; • assess the potential impacts of obtaining, using, and retirement of aggregate source areas; • identify any aggregate sources that will be required beyond the construction phase; and • determine appropriate decommissioning and rehabilitation approaches for aggregate sources which are developed but will not be needed once construction is completed. |

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| | | | <p>Please be aware that additional approvals under the Environmental Assessment Act may be required if these items are not adequately addressed as part of the Individual Environmental Assessment.</p> <p>ARA approvals from MNRF will be required if new aggregate sites will be developed (i.e. pits or quarries). Although inclusion of the need for ARA approvals is identified in Table 13-1, it is recommended that the need for ARA approvals also be identified in this section of the ToR.</p> |
| Main Report | Section 7.1.1, Page 27 | <p>The study area identified in the ToR includes a strip of land, 2.5 km on each side of the centreline of each alternative route. Given the range and movement of some fish and wildlife species, and the potential for impacts on remote tourism operations, limiting the study area in this way may not be adequate to assess the full range of impacts from the project.</p> | <p>Further rationale for the study area should be provided and/or there should be modifications to the approach described in the ToR in recognition that impacts may reach outside of the currently identified 2.5 area on each side of the centerline of each alternative route. Related: the ToR should commit to the identification of potential negative impacts outside of the currently described study area, intent to avoid negative impacts and, where avoidance is not possible, to identify appropriate mitigation of impacts that may occur.</p> |

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| Main Report | Section 7.1.4.8, Page 31 | The project description could be improved by including the size of the study area (e.g., in hectares) in this section. This would provide readers a better sense of the scope and scale of this project. This would be helpful within the ToR and during the environmental assessment phase. | It is recommended that the size of the study area be included (e.g. in section 7.1.1 and in the EA) to assist provision of full and complete information regarding the scope and scale of this proposal. |
| Main report | Section 7.1.4.5 Page 46 | This section (and others in the report) uses the terms “long span bridges” and “short span bridges” Typically, when referring to bridges, the term “clear span bridge” is used to denote a structure where no infrastructure is located below the high water mark. This is critical distinction when reviewing the environmental impacts of a bridge; the actual length of the bridge is less relevant. | Clarify the terms “long span” and “short span” bridges, and consider using the term “clear span bridge” to denote bridges with no infrastructure located below the high water mark. |
| Main report | Section 7.1.4.5 Page 47 | The ToR states, “ <i>The ground-based field survey will be used to obtain site-specific field data at a subset of water body crossings to verify or augment the results and assumptions from the desktop analysis</i> ”. Note that MNRF will require a ground-based field survey for any proposed water crossing requiring infrastructure or work (including fording) below the high water mark, prior to permitting. | Given the eventual need for ground-based field surveys for proposed water crossings, MNRF strongly suggests that these surveys be conducted as part of the environmental assessment rather than waiting until the permitting phase. Ground surveys provide more comprehensive information to reviewers; providing this information early will enable a more complete understanding of potential impacts and proposed mitigation measures, and will help to avoid delays or the need for realignments at the permitting phase. |

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| Main report | Section 7.1.4.9 Page 55 | <p><i>The ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings (approximately 10% of the total number of mapped and unmapped waterbody crossings)</i></p> <p>MNRF does not consider aerial and desktop assessments adequate approaches to evaluate fish and fish habitat. MNRF will require a ground-based field survey for any proposed water crossing requiring work or infrastructure (including fording) below the high water mark, prior to permitting.</p> | <p>As noted above, given the eventual need for ground-based field surveys for proposed water crossings, MNRF strongly suggests that these surveys be conducted as part of the environmental assessment rather than waiting until the permitting phase. Ground surveys provide more comprehensive information to reviewers and providing this information early will avoid unexpected delays or realignments at the permitting phase.</p> <p>It should also be noted that under the <i>MNR-DFO Fish Habitat Referral Protocol</i>, MNRF cannot permit works requiring DFO review until that review has been completed. Currently, DFO review is required for any proposal that cannot meet the <i>Measures to Protect Fish and Fish Habitat</i>, which include avoiding:</p> <ul style="list-style-type: none"> • conducting any work, undertaking or activity in water • placing fill or other temporary or permanent structures below the high water mark • fording of the watercourse |

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| | | | <p>Finally, in 2013, MNRF adopted a species-specific approach to timing windows for work in water. In the absence of species-specific information for individual crossing sites, MNRF will apply the most restrictive timing windows to work permits for water crossings (i.e. no work in water between September 1 and July 15).</p> |
| Main report | Section 7.1.4.9 Page 57 | <p>The ToR states, “<i>A preliminary list of fish species of importance for dietary needs, and / or cultural and spiritual needs has been identified based on available Indigenous Knowledge. Fish species include ... Chain Pickerel (Esox niger)...</i>”</p> <p>MNRF does not have evidence of “chain pickerel” in the study area. The only records for chain pickerel in Ontario are in Lake Ontario and the St. Lawrence River: http://www.ontariofishes.ca/fish_detail.php?FID=111</p> | <p>It is recommended that documentation be provided in the environmental assessment of chain pickerel in the study area, or that Indigenous communities (or other sources of this information) be asked for clarification as to what species may have been meant/in mind for what MNRF understands to be chain pickerel.</p> |
| Main Report | Section 7.1.4.10, Page 58 | <p>This section of the ToR indicates that economic development in the project area is predominantly led or in partnership with MFFN. Also, the description of economic activity in the area elaborates on this observation.</p> <p>The ToR should also provide information regarding economic activities occurring in the area which are not led or conducted in partnership with MMFN. Provision of this information would provide a more</p> | <p>Add a description of economic activities that are not led by, or conducted in partnership with, MFFN in this section.</p> |

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| | | complete understanding of economic activities in the study area. It would also provide confidence that all interested parties will be identified and consulted during assessment of the potential impacts of the project, and during determination of most appropriate mitigation measures. | |
| Main report | Section 7.2.5 Page 67 | <i>The Project will consider MNRF and DFO recommended practices outlined in Ministry of Natural Resources and Forestry / Fisheries and Oceans Canada Protocol for the Review and Approval of Forestry Water Crossings</i> | It is important to note that the Protocol for the Review and Approval of Forestry Water Crossings is specific to water crossings authorized under the <i>Crown Forest Sustainability Act (CFSA)</i> . Water crossings associated with this Project are anticipated to be permitted through the <i>Public Lands Act</i> , not the CFSA. The MNRF/DFO protocol does not apply to these water crossings. |
| Main Report | Table 13-1, Page 113 | Please note that there are two potential approaches to permitting harvesting of trees outside of the Area of the Undertaking. <ol style="list-style-type: none"> 1. Sale and Purchase Agreement 2. Permit to Remove | It is recommended that Table 13-1 be updated to accurately reflect these mechanisms for <i>Authorization from MNRF for the harvest of trees</i> . <i>For areas outside of Forest Management Units (as defined in the CFSA), authorization can be provided by a Permit to Remove or, where a Permit to Remove is not appropriate, a Sale and Purchase Agreement can be entered into.</i> |

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| | | | <p><i>Note that both a “Permit to Remove” and “Sale and Purchase Agreement” can only be obtained where the activity for which trees must be harvested (e.g. road construction, aggregate extraction) has received prior approval under the appropriate legislation.</i></p> <p><i>Also note: Forest Resource Licenses cannot be used outside of Forest Management Units in the Far North.</i></p> |
| MNRF #69 | Appendix A | <p>To assist MNRF in understanding the extent and potential significance of the impacts to our mandated areas of interest, it is important that the environmental assessment identify and describe significant features that may be impacted by the project. Examples of these may include Areas of Natural and Scientific Interest, Provincially Significant Wetlands (if they exist in the southern portion), and Significant Wildlife Habitat.</p> <p>Additionally, in order for MNRF to understand the potential for negative impacts to natural heritage, the environmental assessment process should expand upon the criteria and indicators that are identified in the ToR and develop indicators that can readily be quantified. Readily quantifiable indicators help to reduce ambiguity when comparing</p> | <p>Appendix A of the ToR should be revised by committing to the identification and description of significant features that may be impacted by the project, and to include indicators for the proposed criteria that are quantitative in nature.</p> |

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| | | <p>alternatives and assessing the relative potential for negative impacts among different options.</p> <p>Examples of natural heritage related quantitative indicators the ToR could include: the number of water crossings required, the number of wetlands, the number of kms of wetlands to be crossed, or the total area of sensitive features impacted.</p> | |
| MNRF #68 | Appendix A | <p>Missing source information: <i>MNRF Natural Heritage Reference Manual (NHRM), 2014, Significant Wildlife Habitat Technical Guide (1999), Significant Wildlife Habitat Mitigation Support Tool (2015)</i> and the <i>Ecoregional Criteria Schedule for Ecoregion 3W (Draft: 2018)</i>.</p> | <p>Please add MNRF Natural Heritage Reference Manual (2014), Significant Wildlife Habitat Technical Guide (1999), Significant Wildlife Habitat Mitigation Support Tool (2015) and the Ecoregional Criteria Schedule for 3W (Draft: 2018) to the list of published sources of information for existing conditions.</p> <p>The Natural Heritage Reference Manual can be referenced in conjunction with the Significant Wildlife Habitat Technical Guide (SWHTG) 2000. The NHRM outlines evaluation processes of habitat and other natural heritage features. The SWHTG offers guidance to evaluate and identify the significance of wildlife habitat. In addition, there is a usable ecoregional criteria schedule for 3W available on the environmental registry that is specific to a large area of the</p> |

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| | | | proposed project. The Significant Wildlife Habitat Mitigation Support Tool can be used to help inform mitigation options for Significant Wildlife Habitat in the environmental assessment. |

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| Ministry of Heritage, Sport, Tourism and Culture Industries – December 21, 2020 | | | |
| MHSTCI-1 | <p>Section/Item/Page: Table 7-1: Environmental Disciplines to be Considered during the Environmental Assessment Page 22</p> <p>Text in the Draft ToR (September 2019): Note: 1. Cultural heritage resources include archaeological and built heritage sites, and cultural heritage landscapes</p> <p>MHSTCI Comments: MHSTCI recommends that terminology be aligned with current framework. Therefore, the note should read as: <i>Cultural heritage resources include archaeological resources, built heritage resources and cultural heritage landscapes.</i></p> <p>Final ToR (September 2020) – MHSTCI Comments: Item partially resolved.</p> <p>Please remove “Sites and” from the entry for archaeology, as sites are included in the definition of “archaeological resources”, therefore becoming repetitive.</p> | <p>The revised language has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the Environmental Assessment [EA] Report).</p> | <p>Commitment for EA</p> |
| MHSTCI-2 | <p>Section/Item/Page: 7.1.4.12 – Description of the Existing Environment: Socio-Economic and Built Environment Page 41-42</p> <p>Text in the Draft ToR (September 2019): <i>Economy</i></p> <p>MHSTCI Comments: This section acknowledges the importance of remoteness to resource-based tourism operators in the area (as does Section 2.1.8.4 of the Draft Alternatives Development supporting document).</p> <p>Page 41 indicates that resource-based tourism operations are operated by members of Marten Falls First Nation. Page 42 also indicates that approximately 10 tourism operators are identified as potentially overlapping their operating areas within 2.5 kilometres of the centreline of each alternative route under consideration. A map showing where these businesses are located will be helpful in the EA.</p> <p>A strong commitment to protect the interests of these remote operators should occur, consistent with protections within other government processes, such as forest management planning.</p> <p>MHSTCI has already suggested some modifications to the initial tourism operator contact list that was shared with us by AECOM. An updated spreadsheet was sent to Kenndal Soulliere on January 10, 2020.</p> <p>Final ToR (September 2020) – MHSTCI Comments: Section 7.1.4.12 has become Section 7.1.4.10.</p> <p>Item resolved as it relates to mapping. Section 7.1.4.10 commits to mapping the location of tourism operators where practicable (page 60).</p> <p>Item partially resolved as it relates to protecting remote tourism interests. Language has been retained in Section 7.1.4.10 regarding the importance of remoteness to resource-based tourism, including on pages 60 and 61, but the request for a strong commitment to protect the interest of remote tourism operators is not included.</p> <p>Please provide a rationale as to why this suggestion was not incorporated or if the proponent feels it is addressed elsewhere in the ToR document.</p> | <p>Marten Falls First Nation (MFFN) acknowledges the importance of remoteness to resource-based tourism operators in the area of the Project. MFFN appreciates the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) review and input to the initial tourism operator contact list since it is important that MFFN is aware of the presence of businesses in proximity to the Project so that they are considered in the EA process. The EA will identify and assess potential effects of the Project on all tourism operators in the study area by evaluating predicted changes on the basis of the ‘Recreation and Tourism’ criterion (see Appendix A of the Terms of Reference [ToR]). While it is the objective to minimize effects of the Project as much as possible, some effects may result including potentially on remote tourism operations. As part of the assessment, impact management measures will be recommended to protect the interests of these remote operators. This could include measures to minimize effects that could disturb operations of existing tourism outfitters, or as part of design development of alternative route alignments and watercourse crossing locations. Further, MFFN will contact remote tourism operators during the EA to discuss potential effects of the Project and impact management measures.</p> | <p>Section 7.1.4.10, pg. 60 Appendix A, pg. 7 Commitment for EA</p> |
| MHSTCI-3 | <p>Section/Item/Page: 7.1.4.12 – Description of the Existing Environment: Socio-Economic and Built Environment Page 42</p> <p>Text in the Draft ToR (September 2019): The Project occurs within the Ministry of Heritage, Sport, Tourism and Culture Industries Tourism Region 13c where \$108 million was spent in 2013 on pleasure tourism (MTCS 2017). Tourism in the region is generally resource based with outfitting as the primary tourism activity with 661,000 tourist identifying participating in an outdoor activity as the main purpose of their trip.</p> <p>MHSTCI Comments: Page 42 includes some outdated tourism data from 2013. Updated wording is suggested below. Note that the data referenced below does not include travellers from the United States (it is not available).</p> <p><i>The Project occurs within the Ministry of Heritage, Sport, Tourism and Culture Industries Tourism Region 13C where \$109 million was spent by tourists from Ontario, other places in Canada, and overseas in 2016 on pleasure tourism. Tourism in the region is generally resource-based, with outfitting as a key tourism activity, with 841,000 visits including participation in an outdoor/sports activity (e.g., 368,600 visits included fishing, 343,600 visits included boating) as the main purpose of their trip. Most of these tourists come from Ontario.</i></p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved. Suggested wording included in Section 7.1.4.10 (page 60)</p> | <p>MFFN appreciates your time in reviewing the information and your continued interest in the Project.</p> | <p>Section 7.1.4.10, pg. 60</p> |
| MHSTCI-4 | <p>Section/Item/Page: 7.1.4.12 – Description of the Existing Environment: Socio-Economic and Built Environment</p> <p>Text in the Draft ToR (September 2019): [BLANK]</p> <p>MHSTCI Comments: Should the road be constructed it may open up potential tourism opportunities for the community,</p> | <p>MFFN appreciates your time in reviewing the information and your continued interest in the Project.</p> | <p>Section 7.2.10, pg.70</p> |



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| | <p>including cultural tourism.</p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved. Section 7.2.10 includes the following language: “Potential changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and/or enabling new tourism, including cultural tourism, through improved access.”</p> | | |
| MHSTCI-5 | <p>Section/Item/Page: 7.1.4.13 Cultural Heritage Resources Page 44</p> <p>Text in the Draft ToR (September 2019): 1st paragraph</p> <p>Cultural heritage resources include archaeological and built heritage sites, and cultural heritage landscapes. Existing cultural heritage resources will be identified and described within the EA.</p> <p>MHSTCI Comments: MHSTCI recommends that terminology be aligned with the current framework. While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.</p> <p>Therefore the 1st paragraph should read as:</p> <p><i>Cultural heritage resources include archaeological resources, built heritage resources and cultural heritage landscapes. Known (previously recognized) and potential cultural heritage resources will be identified and described within the EA.</i></p> <p>Final ToR (September 2020) – MHSTCI Comments: Section 7.1.4.13 has become Section 7.1.4.11 Item resolved.</p> | MFFN appreciates your time in reviewing the information and your continued interest in the Project. | Section 7.1.4.11, pg. 62 |
| MHSTCI-6 | <p>Section/Item/Page: 7.1.4.13 Cultural Heritage Resources Pages 44-47</p> <p>Text in the Draft ToR (September 2019): [BLANK]</p> <p>MHSTCI Comments: Include subheadings to discuss: (1) Archaeological Resources - after 1st paragraph and (2) Built heritage resources and cultural heritage landscapes</p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved.</p> | MFFN appreciates your time in reviewing the information and your continued interest in the Project. | Section 7.1.4.11, pg. 62 to 63 |
| MHSTCI-7 | <p>Section/Item/Page: 7.1.4.13 Cultural Heritage Resources Pages 45</p> <p>Text in the Draft ToR (September 2019): 2nd paragraph:</p> <p>During this time, they established interior posts which included the Marten Falls House, Henley House, and Gloucester House which are in proximity to the Study Area</p> <p>MHSTCI Comments: The first paragraph on page 45 notes that the Marten Falls House is an archaeological site (Ejlp-1) but does not indicate whether the Henley House and the Gloucester House are archaeological resources or built heritage resources. Please clarify, as it this determines whether an archaeological assessment or a heritage impact assessment is the appropriate method for identifying potential impacts and determining mitigation measures</p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved.</p> | MFFN appreciates your time in reviewing the information and your continued interest in the Project. | Section 7.1.4.11, pg. 62 |
| MHSTCI-8 | <p>Section/Item/Page: 7.1.4.13 Cultural Heritage Resources Page 45</p> <p>Text in the Draft ToR (September 2019): 3rd Paragraph</p> <p>MHSTCI Comments: MHSTCI has issued two Project Information Form (PIF) numbers for this project: P088-0092-2019 for a Stage 1 archaeological assessment and P088-0093-2019 for a Stage 2 archaeological assessment. As you know, archaeological assessments are required to be undertaken by an archaeologist licenced under the Ontario Heritage Act, who is responsible for submitting the report directly to MHSTCI for review.</p> <p>The EA Report must include specific information from the AA report(s). The Executive Summary of each AA report provides a brief summary of the work completed and the recommendations for next steps (whether further archaeological assessment is required; if so the report will include a map that identifies those areas). The EA report must also include clear commitments to undertake the recommended AA and a timeline for their completion.</p> <p>A commitment as to when a Stage 1 and 2 archaeological assessment will be undertaken should be included and MHSTCI recommends the 3rd paragraph read as:</p> <p><i>A Stage 1 archaeological assessment to identify areas of archaeological potential within the study area will be undertaken by a licensed archaeologist. The Stage 1 AA will be submitted for MHSTCI review during the environmental assessment process (pre-planning phase) but prior to the EA completion. (...) This information will be used to inform the evaluation of alternatives and any additional studies.</i></p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved.</p> | MFFN appreciates your time in reviewing the information and your continued interest in the Project. | Section 7.1.4.11, pg. 62 to 63 |



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| MHSTCI-9 | <p>Section/Item/Page: 7.1.4.13 Cultural Heritage Resources Page 45</p> <p>Text in the Draft ToR (September 2019): 4th Paragraph</p> <p>Should results of the Stage 1 archaeological assessment confirm archaeological potential within the study area, a Stage 2 archaeological assessment will be undertaken prior to construction for areas that are identified as part of the final Project footprint</p> <p>MHSTCI Comments: If the Stage 1 AA recommends further AA(s), then MHSTCI recommends that further stages of AA be completed as early as possible during the planning or design phase of the project, and prior to the completion of detailed design. Therefore, MHSTCI recommends inserting the following:</p> <p><i>Should the results of the Stage 1 archaeological assessment recommend further archaeological assessment(s) within the final Project footprint (preferred alternative), then any further stages of archaeological assessment will be completed as early as possible during the planning or design phase of the project, and prior to the completion of detailed design.</i></p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved.</p> | <p>MFFN appreciates your time in reviewing the information and your continued interest in the Project.</p> | <p>Section 7.1.4.11, pg. 63</p> |
| MHSTCI-10 | <p>Section/Item/Page: 7.1.4.13 Cultural Heritage Resources Page 45</p> <p>Text in the Draft ToR (September 2019): 5th paragraph</p> <p>The Stage 2 archaeological assessment will be conducted to meet the requirements of the Standards and Guidelines for Consultant Archaeologists (MTCS 2011).</p> <p>MHSTCI Comments: See above comments. MHSTCI recommends the following:</p> <p><i>Archaeological assessment(s) will be conducted by a licensed archaeologist and will meet the requirements of the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists (MTCS 2011).</i></p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved.</p> | <p>MFFN appreciates your time in reviewing the information and your continued interest in the Project.</p> | <p>Section 7.1.4.11, pg. 63</p> |
| MHSTCI-11 | <p>Section/Item/Page: 7.1.4.13 Cultural Heritage Resources Page 45</p> <p>Text in the Draft ToR (September 2019): 6th paragraph</p> <p>In addition to archaeological resources, which focus on specific localities and material remains of past occupation (...) key information sources will be Indigenous knowledge and discussions</p> <p>MHSTCI Comments: Please note that Standards and Guidelines for Conservation of Provincial Heritage Properties apply to this project as some properties are owned or controlled by the Crown in right of Ontario or by a public body prescribed under Ontario Regulation 157/10. Given the size of the study area, MHSTCI recommends that a Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment be undertaken. Indigenous communities may have knowledge that can contribute to the identification of cultural heritage resources, and we suggest that any engagement with Indigenous communities includes a discussion about known or potential cultural heritage resources that are of value to them. Please note that definitions of built heritage resources and cultural heritage landscapes are from the Provincial Policy Statement.</p> <p>Therefore, MHSTCI recommends inserting the following:</p> <ul style="list-style-type: none"> ▪ Include a subheading (2) Built Heritage Resources and Cultural Heritage Landscapes. ▪ Replace the 6th paragraph with: <p><u>A Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment will be undertaken by a qualified person. The Report will:</u></p> <ul style="list-style-type: none"> ▪ <i>Identify existing baseline cultural heritage conditions, including a historical summary of the development of the study area and all known or potential built heritage resources and cultural heritage landscapes in the study area based on research. Indigenous knowledge, MHSTCI screening checklist Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes and professional judgement.</i> ▪ <i>Identify preliminary potential project-specific impacts on the known and potential built heritage resources and cultural heritage landscapes that have been identified.</i> ▪ <i>Propose and recommend measures to avoid or mitigate potential negative impacts to known or potential built heritage resources and cultural heritage landscapes.</i> <p><i>As part of this study, engagement with Indigenous communities is key. The Report will be completed during the environmental assessment and prior to the EA completion. The proposed mitigation measures will inform the selection of alternatives, next steps of project planning and design as well as additional studies).</i></p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved for creating sub-headings.</p> <p>Please provide a rationale as to why the recommendation to replace the 6th paragraph with the provided wording has not</p> | <p>This comment has been noted so that, moving forward, it will be documented more clearly in Project documentation (e.g., the EA Report). MFFN confirms that the Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment (CHR) will:</p> <ul style="list-style-type: none"> ▪ Identify existing baseline cultural heritage conditions, including a historical summary of the development of the study area and all known or potential built heritage resources and cultural heritage landscapes in the study area based on research. Indigenous knowledge, Ministry of Heritage, Sport, Tourism and Culture Industries screening checklist Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes and professional judgement. ▪ Identify preliminary potential project-specific impacts on the known and potential built heritage resources and cultural heritage landscapes that have been identified. ▪ Propose and recommend measures to avoid or mitigate potential negative impacts to known or potential built heritage resources and cultural heritage landscapes. | <p>Commitment for EA</p> |



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| | <p>been undertaken in the final ToR document. As part of the EA process, the ToR should inform how it will identify, assess and document the cultural heritage environment.</p> <p>If this change has been made, please advise where in the document it can be found.</p> | | |
| MHSTCI-12 | <p>Section/Item/Page: Table 7-4: Preliminary Identification of Potential Environmental Effects Page 48</p> <p>Text in the Draft ToR (September 2019): Potential Effects on Cultural Heritage Resources</p> <ul style="list-style-type: none"> ▪ Damage to, or loss of, archaeological or other sites. <p>MHSTCI Comments: MHSTCI recommends that the description of potential effects be expanded as follow:</p> <ul style="list-style-type: none"> ▪ <u>Disturbance or destruction of, archaeological resources.</u> ▪ <u>Displacement of built heritage resources and/or cultural heritage landscape by removal and/or demolition and/or disruption by isolation</u> ▪ <i>Impacts to registered and unregistered cemeteries which have been identified and documented.</i> ▪ <i>Effects on cultural heritage landscapes</i> ▪ <i>Disruption of cultural heritage resources by the introduction of physical, visual, audible or atmospheric elements that are not in keeping with the character and setting of cultural heritage resources</i> <p>Final ToR (September 2020) – MHSTCI Comments: Table 7-4 has become Table 7-6</p> <p>Item resolved.</p> | MFFN appreciates your time in reviewing the information and your continued interest in the Project. | Section 7.2, Table 7-6, pg. 64 |
| MHSTCI-13 | <p>Section/Item/Page: Table 7-4: Preliminary Identification of Potential Environmental Effects Page 48</p> <p>Text in the Draft ToR (September 2019): Potential Effects on Recreation and Tourism</p> <ul style="list-style-type: none"> ▪ Changes to recreational and commercial lands used for trapping hunting, fishing and other activities <p>MHSTCI Comments: The project could also result in a loss of economic activity due to access related impacts for those businesses that rely on remoteness for their product. That loss should also be highlighted as a potential effect. The interview process will identify whether tourism operators are concerned in this regard.</p> <p>There is also a potential for noise impacts, particularly at the construction stage, if accommodations (sensitive uses) are within the area of influence</p> <p>Final ToR (September 2020) – MHSTCI Comments: Table 7-4 has become Table 7-6.</p> <p>Item is partially resolved. The previous potential effect remains. Nothing has been added to specifically address access-related impacts to businesses, though there is acknowledgement of the importance of remoteness to tourism in other sections of the ToR.</p> <p>Please provide a rationale as to why this suggestion was not incorporated or where the proponent feels it is addressed elsewhere in the ToR document.</p> <p>It is noted that Section 10.2.3 outlines that a link to the draft ToR was sent to interested persons in December 2019 and follow up calls were made to tourism operators to confirm if they received the documents and were planning to provide comments. Only one interested person commented on the draft ToR. This direct outreach to tourism stakeholders is appreciated.</p> <p>Changes to noise levels is captured under the environmental component “Natural (Physical and Environmental)” but not in the context of impacts to businesses.</p> | <p>Table 7-6 is a high-level summary of potential effects of the Project, with additional detail provided in the Potential Environmental Effects subsections (Sections 7.2.1 to 7.2.11). As mentioned in Section 7.2.10 of the ToR, the EA will consider the following potential effects of the Project:</p> <ul style="list-style-type: none"> ▪ Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access. ▪ Changes to the regional economy including the labour market. Additional access may affect the local economy through new opportunities for businesses, a lower price of goods and new development. <p>Therefore, the EA will consider the potential for effects on remote based tourism operations from improved road access as a result of the Project. Additionally, the EA will identify and assess the indirect effects of the Project as stated in Section 7.2. This will include considering how environmental changes, such as noise, may indirectly affect remote business operators. The MFFN Project Team will continue to engage with tourism operators, including for example, to receive their input on receptor locations for future noise assessment modelling work to be completed as part of the EA.</p> | Section 7.2, pg. 63 Section 7.2, Table 7-6, pg. 64 Section 7.2.10, pg. 70 Commitment for EA |
| MHSTCI-14 | <p>Section/Item/Page: Section 7.2.7 – Potential Environmental Effects: Wildlife Page 51</p> <p>Text in the Draft ToR (September 2019): The CAR will provide year-round access to the Far North, which is likely to increase access for recreational use.</p> <p>MHSTCI Comments: As noted earlier, potential impacts on remoteness are noted in Section 2.1.8.4 of the Draft Alternatives Development supporting document. This acknowledgement should be reflected in the final ToR as well.</p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved. There is language in Section 7.1.4.10 regarding the importance of remoteness to resource-based tourism, including on pages 60 and 61.</p> | MFFN appreciates your time in reviewing the information and your continued interest in the Project. | Section 7.1.4.10, pg. 50 to 61 |
| MHSTCI-15 | <p>Section/Item/Page: Section 7.2.11 - Potential Environmental Effects: Socio-Economic and Built Environment Pages 52-53</p> <p>Text in the Draft ToR (September 2019): [BLANK]</p> <p>MHSTCI Comments: This section acknowledges that the project may negatively impact the tourism sector. The resource-based tourism sector is compatible with traditional and cultural activities and supports jobs in the community.</p> | Where individuals are willing, MFFN will conduct interviews with tourism operators to better understand their concerns with regard to the construction and operation of the Project (Section 7.1.4.10). As stated throughout the ToR (Section 7.2, 8 and 9.1), the EA is committed to recommending impact management measures to avoid or minimize potential environmental effects, including on the social and economic environment, and information gathered during interviews will help inform these recommended impact management measures. Should these measures not adequately address the concerns of tourism operators, the issue resolution process highlighted in Section 11.8 of the ToR, includes third party | Section 7.1.4.10, pg. 62 Section 7.2, pg. 65 Section 8, pg. 72 Section 9.1, pg. 76 |



Marten Falls First Nation – Responses to Comments Received on the Terms of Reference

| ID # | Comment Received | Response to Comment | Reference ToR Section and Page # |
|------------------|---|--|----------------------------------|
| | <p>Any impacts to this sector from the project will need assessment and if there are unavoidable impacts, there should be mitigation proposed.</p> <p>Final ToR (September 2020) – MHSTCI Comments: Section 7.2.11 has become Section 7.2.10.</p> <p>Item partially resolved.</p> <p>Section 11.8 outlines a high-level issue resolution process if concerns are not resolved during the development of the EA. The issue resolution process includes potential third-party mediation but does not offer additional mitigation (i.e. potential compensation for negative impacts) and instead outlines that if issues cannot be resolved they will be noted along with documentation of attempts to resolve the issue. Perhaps this could be considered as the EA is developed.</p> | <p>mediation, if warranted. It is anticipated that any additional impact management measures identified during the issue resolution process will be considered during completion of the EA.</p> | <p>Section 11.8, pg. 109</p> |
| <p>MHSTCI-16</p> | <p>Section/Item/Page: 7.2.12 Cultural Heritage Resources Page 53</p> <p>Text in the Draft ToR (September 2019): Potential Environmental Effects to Cultural Heritage Resources</p> <p>Should any archaeological or built heritage and cultural landscapes be identified in the are of the Project, there is a potential for damage to, or the loss of the cultural heritage resources through ground disturbance activities (e.g. blasting, grading). Any activity with the potential to cause ground disturbance may also inadvertently discover and/or disturb previously unknown resources. Vibration generated by heavy equipment.</p> <p>MHSTCI Comments: This project has the potential to impact cultural heritage resources. This section should be expanded to indicate how potential environmental effects / impacts to cultural heritage resources will be identified and assessed. Therefore , MHSTCI recommends that the existing paragraph be replace with the following suggested text:</p> <p><i>Cultural heritage resources (archaeological resources, built heritage resources and cultural heritage landscapes) may be impacted by the Project. Potential environmental effects as relates to cultural heritage resources are described in Table 7-4. Technical cultural heritage studies (i.e. archaeological assessment(s), Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment) will be undertaken during the EA process and will identify preliminary effect/impacts and recommend avoidance and/or mitigation measures, if any negative effects/impacts on cultural heritage resources.</i></p> <p>Final ToR (September 2020) – MHSTCI Comments: Section 7.2.12 has become Section 7.2.11</p> <p>Item resolved.</p> <p>Since the definition of cultural heritage resources includes archaeology, MHSTCI recommends removing “archaeology and” from both paragraphs, as it is repetitive</p> | <p>MFFN appreciates your time in reviewing the information and your continued interest in the Project.</p> | <p>Section 7.2.11, pg.71</p> |
| <p>MHSTCI-17</p> | <p>Section/Item/Page: 9.1 Environmental Commitments Page 59</p> <p>Text in the Draft ToR (September 2019): The EA will include a comprehensive list of environmental commitments made by MFFN (...):</p> <ul style="list-style-type: none"> - Completion of additional works and field studies, if required <p>MHSTCI Comments: Since the document does not currently specify which studies will be undertaken, the second bullet should be modified to read “undertaking and completing the required studies and following up on any report recommendations”.</p> <p>Final ToR (September 2020) – MHSTCI Comments: MHSTCI continues to recommend that this wording be inserted, so as to illustrate the intention with respect to undertaking assessment activities, preparing reports stemming from those activities and implementing any recommendations of the report.</p> | <p>The comprehensive list of commitments that will be included in the EA will include the commitment to complete required studies and report recommendations that arise from studies / investigations undertaken in support of the EA. Although this exact wording is not included within the bullet list in Section 9.1 of the ToR, the list is inclusive of the suggestion made in this comment. Archaeological investigations undertaken during the EA will likely include a report with recommendations included within the bullet list in Section 9.1. For example, Bullet 1) implementation of impact management measures; Bullet 2) completion of additional studies where archaeological potential exists; Bullet 4) implementation of archaeological monitoring where warranted; Bullet 5) continued consultation with the MHSTCI and Indigenous communities if identified as a recommendation of the report; and Bullet 6) documentation and correspondence following investigation and / or archaeological monitoring per report recommendations. Additionally, ground disturbance activities associated with construction cannot begin until the area is cleared of archaeological potential / archaeological reports have been entered into the Registry. As such, the completion of studies and follow-up to report recommendations is considered Bullet 3) a regulatory approval.</p> | <p>Section 9, pg. 76</p> |
| <p>MHSTCI-18</p> | <p>Section/Item/Page: Table 13-1: Potential Permits and Approvals for the Proposed Project Page 83</p> <p>Text in the Draft ToR (September 2019): Ministry of Heritage, Sport, Tourism and Culture Industries</p> <p>Archaeological and Cultural Clearances</p> <p>MHSTCI Comments: See above comments regarding technical cultural heritage studies.</p> <p>Final ToR (September 2020) – MHSTCI Comments: Item partially resolved.</p> <p>For archaeological assessments, please change the entry to:</p> <p><i>“Archaeological Assessment(s) to be completed as part of the EA under the Ontario Heritage Act, 1990, and submitted to MHSTCI”.</i></p> <p>For built heritage resources and cultural heritage landscapes, please change the entry to:</p> <p><i>“Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment to be completed and submitted to MHSTCI for review under the EAA.”</i></p> | <p>The corrected information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | <p>Commitment for EA</p> |



Marten Falls First Nation – Responses to Comments Received on the Terms of Reference

| ID # | Comment Received | Response to Comment | Reference ToR Section and Page # |
|-----------|---|--|--|
| MHSTCI-19 | <p>Section/Item/Page: Appendix A – Draft Criteria and Indicators for Alternatives Evaluation Page 5</p> <p>Text in the Draft ToR (September 2019): [BLANK]</p> <p>MHSTCI Comments: Recreation and Tourism is identified as both an “environmental discipline” and a “criteria.” Associated potential data sources do not include tourism operators or the planned interviews/surveys of those operators as per Section 7.1.4.12 (see earlier comment), unless they are covered under the listing for “primary data.”</p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved. The potential data sources include “interest group information” and “information from Indigenous Tourism Operators.” Section 7.1.4.10 continues to note that interviews will be undertaken with tourism operators.</p> | <p>MFFN appreciates your time in reviewing the information and your continued interest in the Project.</p> | <p>Appendix A, pg. 7 Section 7.1.4.10, pg.62</p> |
| MHSTCI-20 | <p>Section/Item/Page: Appendix A – Draft Criteria and Indicators for Alternatives Evaluation Page 6</p> <p>Text in the Draft ToR (September 2019): Environmental Discipline: Cultural Environment/Cultural Heritage Resources</p> <p>MHSTCI Comments: Based on the comments above, MHSTCI recommends the following text:</p> <p><i>Criteria: <u>Built Heritage Resources and Cultural Heritage Landscapes</u></i></p> <p><i>Indicator:</i></p> <ul style="list-style-type: none"> ▪ Areas of significance to local communities ▪ Areas of <u>known or potential cultural heritage value or interest</u> ▪ Areas of Religious or Spiritual Significance <p><i>Potential Data Sources:</i></p> <ul style="list-style-type: none"> ▪ Indigenous Knowledge ▪ Recent and historical maps of the study area ▪ <u>Primary and secondary documentary sources (both current and archival written accounts, maps, drawings, plans and images)</u> ▪ <u>Site visits</u> ▪ <u>Community Based Land Use Planning initiatives</u> <p>Final ToR (September 2020) – MHSTCI Comments: Item mostly resolved.</p> <p>MHSTCI continues to recommend the following be inserted as written under the Indicator column: <u>Areas of known or potential cultural heritage value or interest</u></p> <p>and under the Potential Data Sources column: <u>Site visits</u></p> | <p>The criteria and indicators proposed in the ToR are preliminary, and have been provided for the purposes of gathering feedback for refinement in the EA. Technical and environmental investigations and studies, information available through the Indigenous Knowledge Program, feedback from consultation activities, and input received from government agencies will be used to confirm the criteria and indicators in the EA. That is, the final criteria and indicators for the Project will be confirmed during the EA and will be based on input received through the consultation and engagement program, including suggested criteria and indicators in the MHSTCI's comments on the ToR.</p> | <p>Commitment for EA</p> |
| MHSTCI-21 | <p>Section/Item/Page: General</p> <p>Text in the Draft ToR (September 2019): [BLANK]</p> <p>MHSTCI Comments: Throughout the draft ToR and supporting documents, our Ministry name should be updated to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) where appropriate.</p> <p>Final ToR (September 2020) – MHSTCI Comments: Item resolved.</p> | <p>MFFN appreciates your time in reviewing the information and your continued interest in the Project.</p> | <p>Commitment for EA</p> |

D1.5.7 MTO



**Comments Table: Draft Atmospheric Environment Work Plan
Marten Falls Community Access Road Project**

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|---|------------------------------------|---|---|
| Environmental Assessment Branch, MECP | | | |
| 1. | N/A | Please review EAB comments on the Wildlife, Ungulates and Vegetation work plans that may apply to this work plan. | Please review EAB comments on the Wildlife, Ungulates and Vegetation work plans that may apply to this work plan. |
| 2. | General | Ontario's Guide for Considering Climate Change in the Environmental Assessment Process (MOECC, 2017) was not included in the draft work plan. | Please indicate that Ontario's Guide for Considering Climate Change in the Environmental Assessment Process (MOECC, 2017) will be considered and applied in this work plan as it pertains to climate change. |
| Guowang Qiu, Air Quality Analyst, MECP | | | |
| 1. | Section 4.2.1 | <p>One year of ambient air quality data will be collected within the Community to characterize baseline air quality as stated in the Draft Work Plan, and an airpointer is proposed to be located at the community's nursing station. Please ensure that the proposed ambient air quality monitoring will meet the minimum requirements specified in the Operations Manual for Air Quality Monitoring in Ontario.</p> <p>The Draft Work Plan states that the collection of one full year of data may not be possible due to unforeseen circumstances such as power outages or equipment failure. For continuous air monitoring, a minimum target of 90% valid data collection per quarter per parameter can be routinely attained, and at least 75% of valid data</p> | <p>To ensure that the data collected is accurate and acceptable to the MECP, please include a discussion on how the proposed air quality monitoring activities will meet the requirements of the Operations Manual for Air Quality Monitoring in Ontario.</p> <p>Describe how the baseline concentrations of TSP and PM₁₀ will be estimated for the proposed project site if these contaminants will not be monitored.</p> |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|---|---|
| | | <p>is required to calculate the valid mean. Please ensure enough valid data to be obtained from the proposed air monitoring program to establish baseline air quality for the project site.</p> <p>The work plan provides approaches that will be used to estimate baseline air quality for some contaminants if these contaminants cannot be sampled for due to equipment limitations, i.e., PAH, diesel PM, and some VOC compounds, etc. How about TSP and PM₁₀?</p> | |
| 2. | Section 6.1 | There is a typo in Table 6-1: Atmospheric Environment Indicator. It should be SO ₂ instead of SO. | Please correct the typo in Table 6-1. |
| 3. | Section 6.2.2 | Project-specific meteorological data, generated from US Weather Research and Forecasting Model (WRF), will be used in the air dispersion modelling assessments as indicated in the Draft Work Plan. Air Dispersion Modelling Guideline for Ontario (ADMGO) states that <i>if data other than the ministry's Regional Meteorological data sets are used in air dispersion modelling assessments, careful quality control must be used throughout the entire processing phase to ensure that the data set is complete and representative of the site being modelled.</i> Section 6.4.1 of the ADMGO also lists the ministry's expectations for local meteorological data use, and there are different expectations for raw data obtained from Environment Canada, on-site | It is strongly recommended that the modeller consult with Environmental Monitoring and Reporting Branch (EMRB) for guidance in advance of running the meteorological model. Please copy Sasha McLeod and Shannon Gauthier on this outreach, and please contact us if you need a contact name. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|---|-----------------------------|--|---|
| | | meteorological stations, or data generated by advanced meteorological models. | |
| 4. | Section 6.3 | <p>Air quality magnitude definition is proposed and listed in Table 6-2. The draft work plan indicates that the air quality magnitude definition is aligned with the IAAC evaluation criteria presented in the Tailored Impact Statement Guidelines. It should be noted that these criteria are used for evaluating species and ecosystem risk.</p> <p>It may be more appropriate to describe the definition of air quality magnitude using the general approach as follows, i.e., the magnitude is low if the air quality level is well below the applicable criteria, and moderate if the air quality level is close to the criteria, but still below the criteria, and high if the air quality level is well above the criteria. In addition, the frequency of exceedances should also be included to assess the residue effects if the air quality level is well above the criteria.</p> | Please describe the air quality magnitude definition using an appropriate approach. |
| Transportation Infrastructure Management Division, MTO | | | |
| 1. | Section 4.2.1, page 6 | The list of contaminants to be monitored is appropriate. The study plan notes that diesel particulate matter is of interest. Please clarify how results related to diesel particulate matter will be interpreted given that there are no provincial or federal ambient air quality standards. | The Near-Road Air Pollution Pilot Study by the University of Toronto includes a discussion on potential standards for diesel exhaust. Consider consulting this or any other relevant documents. |

| Comment # | Page/Section # in Work Plan | Comments & Rationale | Proposed Action/Solution |
|-----------|-----------------------------|--|--|
| 2. | Section 6.2.1.2, page 8 | It is recommended that non-tailpipe emissions such as brake and tire wear are also included. | Include non-tailpipe emissions into the air quality analysis. These are readily available through the MOVES model. |

D1.5.8 IAO



Comments Table

Proposal: Marten Falls Community Access Road– Proposed Terms of Reference

Proponent: Marten Falls First Nation

Commenter Name and Job Title: Manna Sainju, Advisor

Ministry and Branch: Ministry of Indigenous Affairs, Indigenous Relations and Programs Division

| Comment # | Page/Section # in ToR | Comments & Rationale | Proposed Action/Solution |
|-----------|--|---|--|
| 1. | 19/Appendix B/4.1.5 – Summary of Consultation Activities | The section outlines the COVID-19 related considerations such as using virtual platforms for undertaking consultation with potentially impacted Indigenous communities. | Need to consider that some community members may not be used to working with virtual platforms due to a lack of reliable broadband access and because they do not trust the technology. It will be important to seek respective communities' feedback on what would work best for them to provide input in a COVID-19 context. |
| 2. | 22/Appendix B/ 4.1.7 – Schedule, Table 4-2 | Table 4-2 lays out the Consultation and Engagement Milestones, Schedule, Activities and Targeted Input. | Recommend seeking feedback on the consultation and engagement approach at the Notice of Commencement stage (in addition to the Effects Assessment Methods stage), particularly for those communities that do not opt for community-specific consultation plans. |

Please return completed table to: [REDACTED]

Marten Falls First Nation – Responses to Comments Received on the Terms of Reference



| ID # | Comment Received | Response to Comment | Reference ToR Section and Page # |
|---|---|---|--|
| Government Review Team | | | |
| Ministry of Indigenous Affairs – December 17, 2020 | | | |
| IAO-1 | <p>Appendix B/Section 4.1.5/Page 19 – Summary of Consultation Activities</p> <p>Comments and Rationale: The section outlines the COVID-19 related considerations such as using virtual platforms for undertaking consultation with potentially impacted Indigenous communities.</p> <p>Proposed Action / Solution: Need to consider that some community members may not be used to working with virtual platforms due to a lack of reliable broadband access and because they do not trust the technology. It will be important to seek respective communities’ feedback on what would work best for them to provide input in a COVID-19 context.</p> | <p>Marten Falls First Nation (MFFN) agrees that not all community members will want to use virtual platforms. As noted in the Environmental Assessment (EA) / Impact Statement (IS) Consultation and Engagement Plan, the approach outlined is designed to provide flexibility and adaptability to evolving Project needs and may involve community-specific consultation and engagement plans. It is also noted that MFFN will consider using online platforms that a community is most familiar and comfortable with and will also offer low-technology options (e.g., telephone) and in-person consultation and engagement that respects physical distancing – both of which do not require the internet. As part of the development of community-specific consultation and engagement plans and the Community Coordinator program, MFFN will collaborate with communities to find the best solution for consultation and engagement during the pandemic. MFFN is hopeful that the Community Coordinators will be able to provide support to the consultation and engagement program to help to ensure that the activities that attract the most participants are held.</p> <p>To-date, plain language summaries, videos and factsheets have been provided in hard copy to communities, and these types of materials will also continue to be developed during the EA.</p> | <p>Appendix B, Section 4.1.5, pg. 19 Commitment for EA</p> |
| IAO-2 | <p>Appendix B/Section 4.1.7/Page 22 – Schedule, Table 4-2</p> <p>Comments and Rationale: Table 4-2 lays out the Consultation and Engagement Milestones, Schedule, Activities and Targeted Input.</p> <p>Proposed Action / Solution: Recommend seeking feedback on the consultation and engagement approach at the Notice of Commencement stage (in addition to the Effects Assessment Methods stage), particularly for those communities that do not opt for community-specific consultation plans.</p> | <p>MFFN agrees that the Notice of Commencement milestone should include seeking feedback on the consultation and engagement approach. Under the Targeted Input column of Table 4-2, “How Indigenous communities would like to be kept informed during the EA / Impact Assessment (IA) processes” and “Level of interest in creating Indigenous community-specific Engagement Plan(s) as they relate to the EA / IS” are already attributed to the Notice of Commencement milestone. Both of these targeted inputs include seeking input on the proposed consultation and engagement approach for the EA and determining if the community would like modifications. Indigenous communities have also had the opportunity to review the EA / IS Consultation and Engagement Plan during the Terms of Reference review period.</p> | <p>Appendix B, Section 4.1.7, Table 4-2, pg. 22</p> |

D2. Federal Agencies

D2.1 Letters (LTR)

D2.2 Meeting Minutes and Materials (MIN)

D2.3 Comments Received / Responses to Comments (CRT)

D2.3.1 IAAC

D2.3.2 Health Canada



D2.1 Letters (LTR)





To: Russ Weeber, Ph.D
Head, Terrestrial Assessment
Environment and Climate Change Canada



Date: November 20, 2020

Project #: 60593122

From: Douglas Baldwin, Ph.D

Hugo Gee, Ph.D

AECOM Canada Ltd.

Memorandum

Subject: Marten Falls First Nation Community Access Road Breeding Bird Sampling Design and Modelling

1. Summary

The breeding bird sampling design will be informed by: (1) an initial power analysis of abundance from an existing historical dataset with respect to habitat; (2) how distributions of historic and proposed sample sets match potential covariate distributions of the entire local study area (LSA), and (3) preliminary modelling using a 'test set' or validation approach.

(1) A one-way ANOVA power analysis (80% statistical power; $p < 0.05$) indicates that the minimum sampling rate required to capture the distribution of a suite of nine common to rare species is 27 points per habitat type.

(2) The distributions of important covariates associated with the spread of the historic dataset closely match distributions of these covariates across the LSA, indicating that the 'point cloud' design used to collect the historic dataset will be effective for further modelling. Note: the areal proportion of each habitat type in the LSA is similar to the greater regional study area (RSA).

(3) Modelling indicates that further refinement is necessary, additional variables (i.e. 'time of day', 'breeding period', etc) are required, but there are sufficient data in the historic dataset to preliminarily train and test an abundance model for a common species (White-throated Sparrow)(*Zonotrichia albicollis*) and a Species at Risk (SAR; Olive-sided Flycatcher [*Contopus cooperi*]) without temporal variables.

2. Introduction

Marten Falls First Nation (the Community) is proposing an all-season Community Access Road (the Project) that will connect the Community to the Ontario's provincial highway network (Highway 643) to the south via the existing Painter Lake Road. The Community has retained AECOM Canada Ltd. (AECOM) to assist with the Impact Assessment (IA) required for Project review by the Impact Assessment Agency of Canada (IAAC) under the federal *Impact Assessment Act* and Environmental Assessment (EA) for Project review by the Ministry of the Environment, Conservation and Parks (MECP) under the Ontario *Environmental Assessment Act*. This memorandum is a follow-up on the discussion meeting of October 16, 2020 and outlines the ability of the

Project's breeding bird sampling design to provide reliable data that is robust and effective for model extrapolation beyond the project development area (PDA) and within and beyond the local study area (LSA)

3. Breeding Bird Sampling Design

The objective of breeding bird point count surveys is to determine the presence/absence, abundance (percentage of survey points), density, and distribution (location-based counts) of breeding birds. The breeding bird point count sampling design was developed through discussions with Environment and Climate Change Canada (ECCC)/Canadian Wildlife Service (CWS), in particular Russ Weeber (Head, Terrestrial Assessment Unit, CWS). The sampling design takes into consideration limited site accessibility combined with a Project that is expected to impact less common geologic features (i.e. eskers) and associated habitat types in greater proportion to their availability. Oversampling of less common habitat types was planned due to the Project's expected bias towards these habitat types. Our preliminary 'covariate representativeness' assessment for extrapolation across the LSA and modelling use a historic dataset (Zoetica 2018, Golder 2019) with a 'point cloud' type sampling design.

Selection of breeding bird point count stations for the historic dataset was conducted using a Generalized Random Tessellation Stratified (GRTS) survey design which ensures spatial coverage of the entire survey area (Stevens and Olsen 2004). GRTS incorporated stratification, unequal probabilities for habitat types, and oversample GRTS. An advantage of GRTS is that survey stations can be added dynamically to sample if pre-selected survey stations are discovered to be non-target or inaccessible while maintaining a spatially well-balanced sample.

A GRTS survey design was established using the R Package 'spsurvey' (Kincaid and Olsen 2011). Samples were stratified by land cover categories in the Far North Land Cover (FNLC) data set as well as recently burned areas from the Fire Disturbance Area data set. Sample allocation was based on the proportions of each habitat type within the LSA. Land cover categories with similar characteristics were combined if a habitat type comprised <1% of the total LSA because allocation of sufficient samples in these rare habitats was not feasible. Treed bog was combined with open bog, and treed fen was combined with open fen, following the rationale of ECCC that "treed" is a continuum, rather than a discrete characteristic of these wetlands (May 18, 2018, pers. comm. with Zoetica)

Habitat types were given unequal probabilities (i.e. weighted values) using three qualitative values based on their importance to breeding bird species in the region. ECCC recommended a general and defensible ranking of High, Medium and Low species richness for each habitat type. Deciduous and mixed wood forests were classified as high species richness; coniferous, second-growth/regenerating, and burned/disturbed forests were classified as medium species richness; and swamp, bog, and fen were classified as low species richness. These qualitative rankings were converted into values of 3 = high; 2 = medium; and 1 = low; for GRTS sampling.

In addition to FNLC categories, riparian habitats were distinguished amongst the FNLC spatial data because many bird species utilize the riparian areas of wooded habitats. Riparian habitat was designated by establishing a 100 m buffer surrounding each water body using the Ontario Hydro Network 1:100,000 watercourse and waterbody data sets, within each "forest" category of the FNLC spatial data. These riparian habits were given the same unequal probability as the associated non-riparian forest habitats. Samples were allocated in proportion to the total area of each forest habitat that was classified as riparian.

Three additional constraints were applied to the point count selection procedures: 1) minimum of 200 m between points to avoid double counting birds; 2) minimum of 100 m from existing human-made features (e.g.

settlements, corridors) that may influence results; and 3) contiguous habitat within 100 m point count radius to allow for analysis of bird-habitat relationships and habitat-dependent density calculations. GRTS was able to enforce the first criterion, but not the latter two. The Tailored Impact Statement Guidelines' (TISG; IAAC 2020) requirement for edge-associated species also needed to be considered. However, randomized sampling of GRTS resulted in selection of some points near habitat edges; therefore, data collected at these sites can be included in the analysis of bird species and edge habitats.

Breeding bird point counts were conducted by Zoetica from June 5 to June 14, 2018 and June 28 to July 7, 2018. Zoetica (2018) surveys examined the original five alternative routes, which have since been narrowed down to two route options for a total of 131 survey stations. Golder (2019) conducted a single round of surveys at 40 stations from June 13 to June 17, 2019 to fill data gaps along the two remaining route options and minor realignments. Due to safety concerns from helicopter pilots or limited time in 2019, only 100 of the 171 survey stations were visited twice as per Environment Canada (2009) guidelines (**Table 3-1**). Breeding bird point counts were conducted before the TISG was finalized in February 2020.

Table 3-1 Breeding Bird Sampling in the Local Study Area (Unique Stations by Number of Visits)

| Habitat Type | Area (ha) | % of Total Area | CWS Rank | Zoetica Stations Visited 1x | Zoetica Stations Visited 2x | Zoetica Stations Visited 3x | Golder Stations Visited 1x | Total Survey Stations |
|---|------------------|-----------------|----------|-----------------------------|-----------------------------|-----------------------------|----------------------------|-----------------------|
| Coniferous Treed | 21,142.3 | 10.9 | 2 | 7 | 17 | 0 | 6 | 30 |
| Coniferous/Thicket Swamp | 50,938.8 | 26.4 | 1 | 7 | 15 | 0 | 8 | 30 |
| Deciduous Treed | 2,878.1 | 1.5 | 3 | 2 | 4 | 0 | 0 | 6 |
| Disturbance – Non and Sparse Woody/2012 Fire | 16,288.3 | 8.4 | 2 | 3 | 15 | 0 | 6 | 24 |
| Disturbance – Treed and/or Shrub/Sparse Treed | 14,071.0 | 7.3 | 2 | 1 | 12 | 0 | 2 | 15 |
| Mixed Treed | 7,359.0 | 3.8 | 3 | 0 | 12 | 1 | 3 | 16 |
| Treed/Open Bog | 34,149.0 | 17.7 | 1 | 5 | 12 | 0 | 7 | 24 |
| Treed/Open Fen | 35,095.0 | 18.2 | 1 | 5 | 13 | 0 | 8 | 26 |
| Total | 182,363.7 | 94.2 | | 30 | 100 | 1 | 40 | 171 |

4. Preliminary Power Analysis

Habitat is an important factor for modelling species distribution across the landscape, and the delineation of habitat across large areas involves multiple variables that could be used as separate covariates in rare species distribution models where 'habitat' takes too many degrees of freedom (e.g. one bird count per habitat is detected). We used habitat in a one-factor ANOVA power analysis on the historic dataset to estimate the minimum sample size per habitat required to achieve 80% statistical power in detecting a significant ($p < 0.05$) effect on bird distributions with habitat. The test is based on Smith et al (1995) approach, where we have one hierarchical level (habitat). Bird counts were aggregated by location and date to represent bird distribution across the landscape, and all 'visits' were included in the analysis. Nine species were analyzed including two (2) rarer SAR (Canada Warbler [*Cardellina canadensis*], and Olive-sided Flycatcher).

The minimum amount of statistical power to achieve in a sampling design is typically 80%, and our analysis shows that 27 counts per habitat are necessary to achieve an 80% power. This is driven by the relatively low mean count and low cross-habitat variance of Olive-sided Flycatcher (**Error! Not a valid bookmark self-reference.**).

Table 4-1 Results of ANOVA based power analysis on Historic Bird Count Data

| Variable | MSE (Within Group Variance) | Mean | Range | Minimum Sample Size per Habitat across all Visits (Power = 85%; Alpha = 0.05) |
|--|-----------------------------------|------|-------|---|
| White-throated Sparrow Habitat (All Visits) | 0.51 | 1.5 | 0.94 | 13 |
| Ruby-crowned Kinglet Habitat (All Visits) | 0.27 | 1.3 | 0.45 | 21 |
| Hermit Thrush Habitat (All Visits) | 0.3 | 1.4 | 0.63 | 15 |
| Dark-eyed Junco Habitat (All Visits) | 0.32 | 1.2 | 0.62 | 14 |
| Nashville Warbler Habitat (All Visits) | 0.38 | 1.3 | 1 | 8 |
| Alder Flycatcher Habitat (All Visits) | 0.26 | 1.3 | 0.56 | 19 |
| Canada Warbler Habitat (All Visits) | 0.50 | 1.3 | 1 | 8 |
| Olive-sided Flycatcher Habitat (All Visits) | 0.12 | 1.1 | 0.2 | 27 |

5. Historic Data Representativeness

The historic dataset utilized a ‘point cloud’ approach (Sauer et al, 1995), and this approach must be examined carefully with attention to future distribution modelling, so that bias may be proactively avoided as much as possible. **1** shows the ‘point cloud’ of historic sampling locations utilized by Zoetica (2018) and Golder (2019) across the LSA along with habitat type. From a qualitative, LSA-scale vantage, the distribution seems random but also spatially extensive across the LSA area with the exception of a 20.7-km route option added in August 2020 (southern portion of proposed route). A qualitative assessment is not enough, and we have started a quantitative assessment of the historic dataset that will also guide the Project’s breeding bird sampling design.

There are multiple covariates that have been used in other bird distribution modelling studies that can be assessed with the historic dataset (**Table 5-1**). The listed variables indicate primary components of a species-specific distribution model with discrete (e.g. land cover) and continuous (e.g. biomass) variables represented. Our primary goal for an effective sampling design across the LSA that provides extrapolatory power for future species-specific bird distribution models is to ensure that the distribution of each primary covariate in the sample set closely matches the overall proportion or distribution of discrete or continuous variables, respectively across the LSA. It should be noted that the proportion of area for each habitat represented by the LSA is close to the greater regional study area (RSA), so habitat comparisons from the historic dataset to the LSA would closely correspond to the RSA, as well.

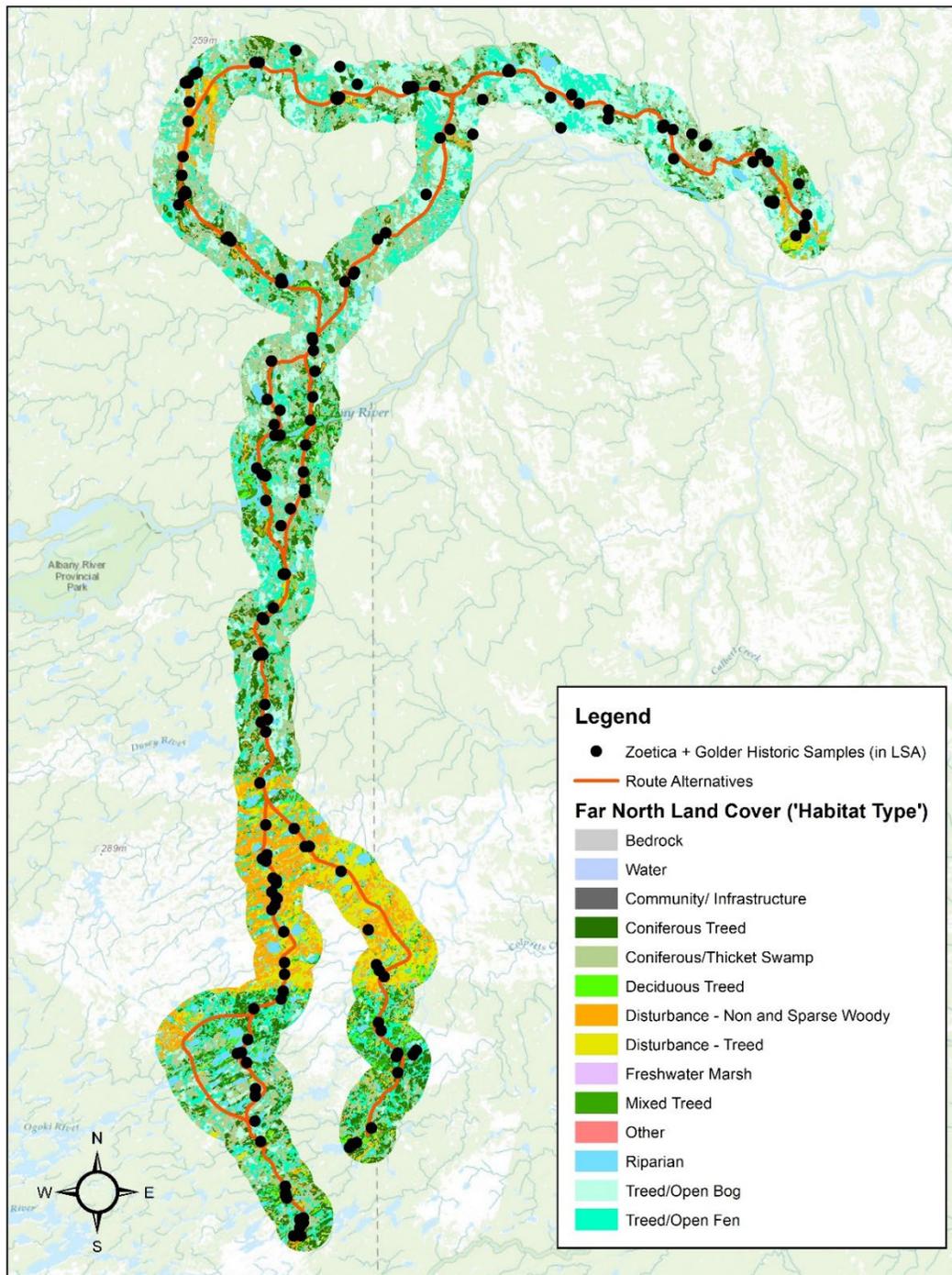


Figure 5-1 Spatial Distribution of Zoetica and Golder Samples across the Local Study Area (LSA)

Table 5-1: Predictor Variables

| Dependent Variables | Independent Variables | |
|---|--|---|
| | Biotic | Abiotic |
| Distribution^{1,2}, presence/absence³, abundance³, | Land Cover^{1,2}: <ul style="list-style-type: none"> bedrock clear open water community/infrastructure coniferous treed coniferous/thicket swamp deciduous treed disturbance – non and sparse woody disturbance – treed and/or shrub/sparse treed disturbance – treed and/or shrub/sparse treed freshwater marsh mixed treed | Digital Elevation Model (m)² <ul style="list-style-type: none"> local slope aspect surface roughness |
| | Aboveground Biomass² | Disturbance Type and Year (1985-2010)² |
| | Distance to nearest recorded nesting location² | Climatic variability³: <ul style="list-style-type: none"> temperature (°C) cloud cover (%) wind velocity (Beaufort scale) |
| | | Time³ <ul style="list-style-type: none"> year survey time of year survey time season (dummy variable: breeding season or not breeding season) |
| | | Other Effects³ <ul style="list-style-type: none"> Observer |
| | | Location (UTM easting and northing)⁴ |

¹ Variable used in a power analysis

² Variable featured in preliminary modeling

³ Variable that will likely be featured in modeling

⁴ Location will be featured in a spatial model residual analysis

The historic sample design does not deviate from representing any of the land cover classes by more than 10% of its sampling proportion relative to the habitat area proportion across the LSA (**Table 5-2**). The distributions of coordinates (easting, northing), digital elevation values, estimated aboveground biomass, and the proportion of disturbance types in the historic sample set are closely related to distributions of these variables across the entire LSA (**Figure 5-2**). Although other variables will need to be assessed, the comparison of these primary variables indicate that the historic dataset is a good starting point for developing and testing the extrapolation capability of species-specific distribution models.

Table 5-2: Proportion of Historic Sampling Points and Land Cover Areas within the Local Study Area (LSA)

| Habitat | Historic Point Proportion | LSA Area Proportion | Absolute Difference |
|---|---------------------------|---------------------|---------------------|
| Coniferous Treed | 0.18 | 0.11 | 0.06 |
| Coniferous/Thicket Swamp | 0.18 | 0.27 | 0.09 |
| Deciduous Treed | 0.04 | 0.02 | 0.02 |
| Disturbance - Non and Sparse Woody | 0.14 | 0.09 | 0.05 |
| Disturbance - Treed and/or Shrub/Sparse Treed | 0.09 | 0.07 | 0.01 |
| Mixed Treed | 0.09 | 0.04 | 0.05 |
| Treed/Open Bog | 0.14 | 0.18 | 0.04 |
| Treed/Open Fen | 0.15 | 0.19 | 0.03 |
| Riparian | 0.00 | 0.04 | 0.04 |
| Marsh | 0.00 | 0.00 | 0.00 |

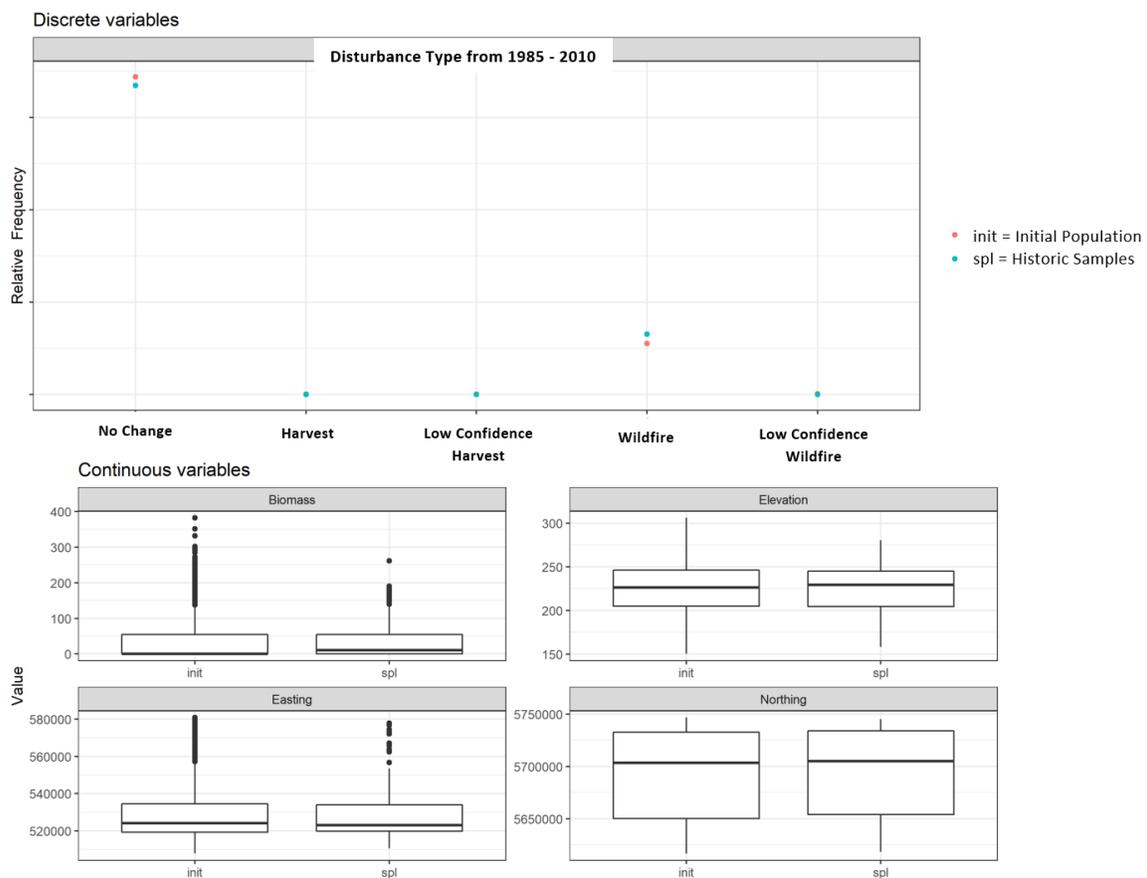


Figure 5-2: Comparison of Primary Variable Distributions Represented by Historic Sampling Points and the Entire Local Study Area (LSA)

6. Preliminary Species-specific Bird Distribution Modelling

Distribution models (i.e. station-specific, date-specific bird counts) were developed for a common bird species; White-throated Sparrow; and two relatively rare SAR; Canada Warbler and Olive-sided Flycatcher. Our current plan is to use boosted regression trees for future modelling efforts, but there is insufficient data in the historic dataset to conduct proper training and testing of boosted regression trees. Instead, we used generalized additive models (GAMs) for preliminary modelling, which may extend into the final modelling analysis.

6.1 Methods

Generalized additive models (GAMs) are ‘semi-parametric’, in that the response linearly depends upon smoothing functions for each covariate. The modeler may adjust the degree of complexity in the smoothing functions, where higher complexity leads to a greater chance of over-fitting the data. Given that our response is not continuous (counts are discrete), a non-normal distribution must be assigned for the response, and we tested multiple distribution functions for each model (zero-inflated Poisson, negative binomial, ‘tweedie’). The flexibility and capability of dealing with non-normal responses supports the need for GAMs in this modelling effort, and our primary objective at this stage is to demonstrate our process, rather than model predictive power, which we can improve upon. Other research has made use of GAMs in bird distribution modelling, as well (Clarke et al, 2003). We used both abiotic and biotic variables in this assessment.

Biotic variables for breeding bird survey points focused on land cover based on the Ministry of Natural Resources and Forestry (MNR) Far North Landcover (FNLC) database (MNR 2014) modified to describe fire disturbed habitats using Ontario’s Provincial Satellite Derived Disturbance Mapping digital resource (**Table 5-1**). Abiotic variables for breeding bird survey points included elevation (m) based on the Provincial Digital Elevation Model (DEM) with calculations made for local slope (degrees), aspect (degrees), and surface roughness (**Table 5-1**).

The modelling process was conducted as follows:

1. The dataset was randomly separated into a ‘training’ and ‘testing’ set, where rarer species had a 70% training – 30% testing split, while more common species had an 80% training – 20% testing split.
2. The model performance diagnostics were assessed, such as ‘deviance explained’ (essentially an R^2 for non-normal distributions) on the training set and Spearman correlation coefficient between observed and predicted on the test and entire datasets. **Note: we ran Steps 1-2 with multiple random number seeds to get a fairer sense of model generalizability.**
3. The model was trained on the entire dataset and assessed the relative importance of each variable with a sensitivity analysis (see Wood et al, 2013). **Note: p-values for smoothing terms are approximations and less meaningful when smoothing terms are highly uncertain.** ‘Non-important’ variables (variables that do not explain a significant [$p < 0.05$] portion of variance or have highly uncertain smoothing terms) have been removed, and were repeated in Steps 1-3. **Note: if variables are removed, we will track the Akaike’s Information Criterion of each model to make sure we are improving the model structure by removing covariates.**
4. A model residual analysis was conducted to determine whether spatial autocorrelation exists among residuals or whether the model out- or under-performs exclusively in specific habitats or covariate ranges.

6.2 Results and Discussion

Our preliminary assessment shows that we can develop a moderately useful model for a common species White-throated Sparrow, but that we need to add additional variables, collect more bird count data, or adjust the model structure to improve the models overall (**Table 6-1**). The White-throated Sparrow model consisted of aboveground biomass, elevation, slope, aspect, distance to nearest recorded sensitive species nest, distance to nearest water body, and distance to nearest park land, habitat as a factor, and disturbance type as a factor. It is possible to conduct our thorough Steps 1-4 analysis on the Olive-sided Flycatcher, but not the Canada Warbler. The Olive-sided Flycatcher model included the same covariates as White-throated Sparrow excluding disturbance type as a factor. The Canada Warbler model could only include biomass and disturbance type as a factor, given the low available degrees of freedom. Habitat type and the complexity of smoothing terms tend to take a high amount of degrees of freedom, so a modeling approach that incorporates random effects may have to be explored in greater detail. It is challenging to gauge how these models compare to others in literature, given the regional nature of the dataset and the modeling approach.

Table 6-1 : General Additive Model performance diagnostics for preliminary assessment

| Species Model | Link Distribution | Deviance Explained | Correlation of Obs vs. Pred: Test Set | Correlation of Obs vs. Pred: Whole Set |
|------------------------|-----------------------|--------------------|---------------------------------------|--|
| White-Throated Sparrow | Zero-inflated Poisson | 35.4% | 0.347 | 0.488 |
| Olive-sided Flycatcher | Negative Binomial | 9.8% | 0.11 | 0.21 |
| Canada Warbler | Negative Binomial | 4.7% | Not Enough Data | 0.085 |

In general, the models tend to under-predict observations, even among the more common species (**Figure 6-3**). A thorough residual analysis will help us identify any structural biases and potential variables that may improve the modeling predictions as they become available. The preliminary ‘important’ variables include habitat, aboveground biomass, and surface roughness.

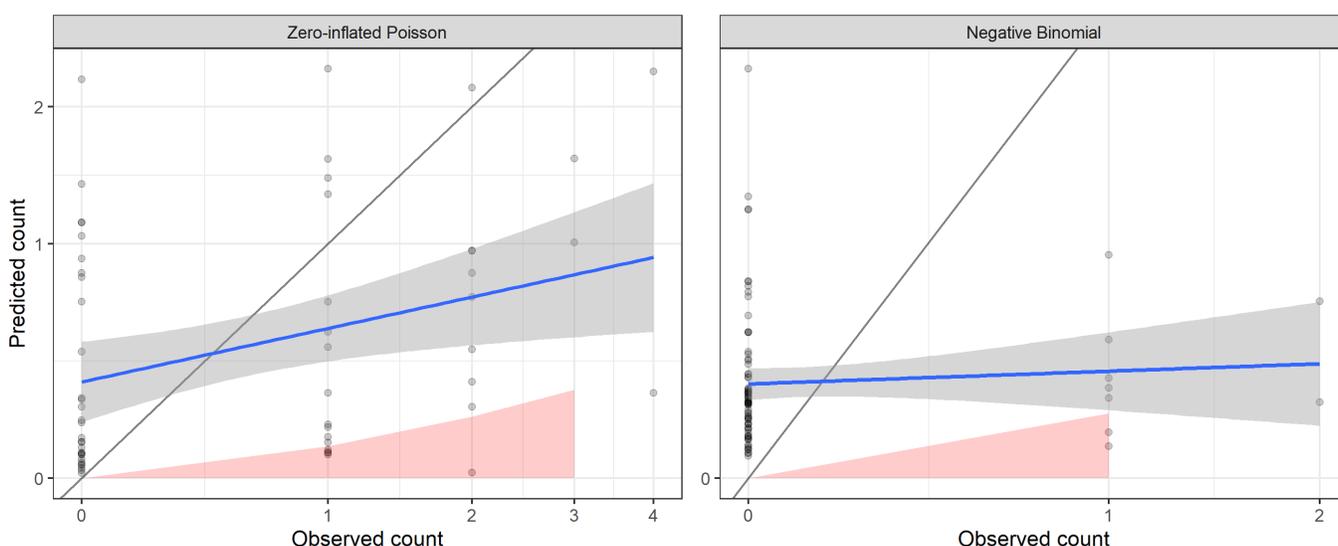


Figure 6-3: Observed vs. Predicted plots for the testing sets of White-throated Sparrow model (left) and Olive-sided Flycatcher model (right). Red areas indicate highly biased predictions.

6.3 Future Plans

GAM models will be refined as additional breeding bird data is collected. The models will incorporate a greater diversity of bird species data as described in the upcoming *Marten Falls First Nation Community Access Road Wildlife Study Plan*. This data will provide data for a wider range of bird species including rare and/or difficult to detect SAR. In addition, temporal variation in the dataset will be more robust with data collected among seasons (late winter, spring migration, breeding season, fall migration) and years. Given the similarities in habitat proportion between the LSA and greater RSA, we may also incorporate points outside of the LSA from the historic Zoetica (2018) and Golder (2019) datasets to enhance this modelling effort with additional data.

We also started developing and testing Bayesian mixed effect models, where assigning random effects could be useful for representing higher-level spatial or temporal variability that is not correlated with independent variables used in the model. Bayesian inference in mixed effect modelling is also useful at quantifying the uncertainty of parameters associated with fixed effects and can output a posterior probability distribution of modeled bird counts. Incorporating a mixed effect modelling approach may also be essential for dealing with relatively rare SAR, where a more flexible “random effect” could potentially replace the Habitat and Disturbance Type factors, if incorporated into the model properly.

Future plans to enhance models require more time to process additional abiotic variables specially those that are climate-related. For instance, temporal patterns of climatic variability may be examined by year, survey date, and survey time (i.e. hour of day). Specific variables include weather data such as temperature (°C), cloud cover, and wind velocity (Beaufort scale). Extrapolation using GAM models beyond the location of breeding bird survey points with climate data can be conducted using Daily Surface Weather and Climatological Summaries (DAYMET) datasets (Thornton et al. 2018).

Models will include additional biotic variables for the landscape at finer spatial scales using Ecosystem Land Classification (ELC) ecosites based on models as described in the upcoming *Marten Falls First Nation Community Access Road Vegetation VC Study Plan*. To avoid multi-collinearity of landscape pattern metrics, GAM models will be simplified to exclude unrelated factors. Habitat arrangement and connectivity will be examined through GIS measurements of landscape pattern metrics of fragmentation and may include core area, shape, proximity/isolation, contrast, and contagion/interspersion (Wang et al. 2014). Abiotic variables to be added to models will also include surficial geology collected by KGS Group (2019).

The common covariates we identify in modelling will help guide our sampling plan, and we will develop a sampling plan with the GRTS algorithm with the objective of choosing sampling locations that are well representative of habitats, our primary covariates, and the general spatial extent of the LSA.

We hope this memorandum meets your expectations for future discussion. If you have any further questions, please do not hesitate to contact the undersigned.

Sincerely,
AECOM Canada Ltd.

Douglas Baldwin, Ph.D.
GIS Specialist

Hugo Gee, Ph.D., P.Biol., RPBio
Wildlife Biologist

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April 30, 2021

Sent by email

Chief Bruce Achneepineskum
Marten Falls First Nation
General Delivery



Dear Chief Bruce Achneepineskum:

Subject: Update to Include Weenusk First Nation in the Indigenous Engagement Requirements for the Impact Assessment of the Marten Falls Community Access Road Project

On February 24, 2020, the Impact Assessment Agency of Canada (the Agency) posted the Indigenous Engagement and Partnership Plan (IEPP) for the Marten Falls Community Access Road Project (the Project). During a federal impact assessment process, the list of Indigenous groups provided in the IEPP may change as more is understood about the potential adverse effects, additional information is received from Indigenous groups, or if a project or project components change.

The objective of this letter is to inform you that the IEPP for the Project will be updated in the coming weeks to include Weenusk First Nation in the list of Indigenous groups for the purposes of good governance.

During recent consultation activities, Weenusk First Nation advised the Agency that the community is concerned about potential impacts of the Project on migrating caribou herds. In addition, Weenusk First Nation also shared concerns regarding potential impacts on fish and fish habitat, including trout, as well as migrating small game birds.

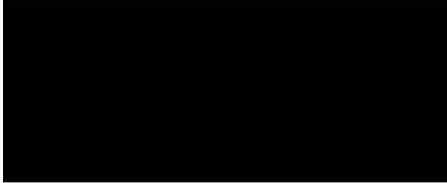
Effective as of the date of this letter, Weenusk First Nation must be included in proponent-led engagement activities as appropriate to meet the requirements of the Tailored Impact Statement Guidelines, including where called upon to engage with Indigenous groups identified in the IEPP.

.../2



If you have any questions, please feel free to contact me at [REDACTED] or at [REDACTED]. The Agency looks forward to a continued, positive working relationship with your community.

Sincerely,

A large black rectangular redaction box covering the signature area.

Chiara Calabrese
Project Manager

c.c.: Bob Baxter, Marten Falls First Nation
Lawrence Baxter, Marten Falls First Nation
Jack Moonias, Marten Falls First Nation
Qasim Saddique, Project Director
Christine Cinnamon, AECOM
Sasha McLeod, Ministry of the Environment, Conservation and Parks
Dorothy Moszynski, Ministry of the Environment, Conservation and Parks
Ariane Heisey, Ministry of Energy, Northern Development and Mines

D2.2 Meeting Minutes and Materials (MIN)





Project Name: Marten Falls First Nation (MFFN) Community Access Road

Date of Meeting: March 11, 2020

Time: 3:05 pm to 4:00 pm (EST)

Project #: 60593122

Location: Call in

Prepared By: Kenndal Soulliere

Attendees: Robin Reese
Christine Cinnamon
Leah Deveaux
Shawna Kjartanson
Kenndal Soulliere
Avril Fisken
Don McKinnon (Dillon)
Caroline Wrobel (Dillon)
Andrea Nokleby (Dillon)
Jennifer Bruin (Project Team)
Qasim Saddique (Project Team)
Larissa Mikkelsen (Project Team)
Lawrence Baxter (Project Team)
Alexandra Oakes (IAAC)
Chiara Calabrese (IAAC)
Anjala Puvananathan (IAAC)
Jamie (IAAC)
Debra Miles (IAAC – RA Panel Manager)
Steve Bonnell (IAAC – Manager, Strategic and Regional Assessments)
Dave Bell (IAAC)
Craig Wallace (SNC – Webequie Supply Road PM)
Michael Fox (SNC – Webequie)
Marian Tibor-McMahon (SNC - Webequie)
Don Parkinson (SNC – Webequie Consultation Lead)
Ian Upjohn (SNC – Webequie EA)
Stephen Lindley (Stephen Lindley Consulting Inc - Webequie)

Absent:

Regarding: Regional Assessment,

Internal Questions (Aecom / Dillon requested) before the meeting

- The timing of the Regional Assessment
- High-level overview of the scope
- Has a committee been struck yet and who do they anticipate being involved?
- Do they have a sense of methodology in undertaking the Regional Assessment, at least high level?
- Does IAAC or Province anticipate regulatory delay (federal, provincial or both) regarding the MFFN CAR Project regulatory review process until such time as the Regional Assessment is completed?
 - Projects we need to consider in the MFFN CAR EA
 - Timing and Approval from our Project

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

- Understanding what the expected outcome of this RA is?
 - Is it a more policy based assessment that will provide direction to the project specific IAs?
 - Will it help to define all the various major projects to inform future CEAs?
 - Or might the RIA take on a regional level CEA of sorts?

Minutes of Meeting

| | Action |
|--|--|
| <p>Steve Bonnell</p> <ul style="list-style-type: none"> - Based in St. Johns – worked on IAAC’s first regional assessment - RoF RA is the newest one - Fairly new line of business with regional assessments under IAAC – every RA is very different regarding issues. Objectives and planned uses of the area - Higher end / broader look at the EA - Very early at the planning stage of the Regional Assessment for the EA. - Can speak to the objectives but will not have technical answers | |
| <p>Debra Miles</p> <ul style="list-style-type: none"> - RA for RoF was Initiated from Aroland FN, Environmental Justice Sustainability Clinic Osgood and Wildlife Conservation Society - Followed a document on the IAAC website on who they are and why - Minister has 90 days to consider and respond (February 10th was the date he accepted this) - Fact Sheet on Regional Assessment on IAAC’s website - Purpose is to inform future EAs – provide information or suggest where information is to develop standard mitigation for projects - McMan Offshore Oil and Gas Exploratory Drilling was the original RA under IAAC <ul style="list-style-type: none"> o Might be more of a CEA - Looking for potential effects that could be caused by the project, that would be felt in federal jurisdiction (Fisheries) - Opportunities for collaboration with another jurisdiction (i.e. Ontario) - The Minister would like to partner with Ontario - RE: the letter – the minister instructed the agency to meet with all requesters and all other bodies / FN’s / NGO’s / Gen Public for advice / perspective on what the assessment should be and what the spatial and temporal boundaries would be - Minister will have to decide what the Terms of Reference (time frame) will be <ul style="list-style-type: none"> o Right now, they are hoping this will be with Ontario. Depending on if they will have a committee and undertake it. o If Ontario does not participate IAAC will proceed. The decision on the ToR will go back to the Minister this fall (2020) | <ul style="list-style-type: none"> - Recommendation to review the RA fact sheet from IAAC’s website |
| <p>Webequie Questions (Craig Wallace)</p> <ul style="list-style-type: none"> - Is there a formal ToR phase – would this be available for public / stakeholder / indigenous review? | |

| | |
|--|--|
| <ul style="list-style-type: none"> ○ Debra: Yes – absolutely the Minister will provide this as per the Act. Right now, they are working on answering the questions referenced. They will probably have a comment period depending on what is appropriate. The agency / committee (depending on what happens) will address them and submit to the Minister ○ There will be an opportunity to comment - Will there be a cumulative effects analysis in the review of the RA? <ul style="list-style-type: none"> ○ Debra: Recommendation to look at the fact sheet – cumulative affects are at the higher part of the assessment, if the RA is on one VEC or many. They do not know but it could be a factor for inclusion - Craig follow up: is there a steering committee to lead the Regional Assessment / a standing committee to direct the activities in the RA? <ul style="list-style-type: none"> ○ Debra: The Agency will be leading – with whoever wants to be involved in the RA. the Minister may appoint a committee (will happen if there is a partner from another jurisdiction) ○ Suggestion to review the Act (this section is very small) ○ Steve: Will determine the governance. The NFLD assessment was completed by a committee – and the Minister appointed a 5 member independent committee and then provided an agency led task team to assist (DFO, ECC, Indigenous groups, stakeholder groups). We don't know if that what it will look like for RoF but expects this is what it would look like if it comes from a committee - Was there a public advisory committee for the NFLD RA? Or was input sought only during comment periods once the committee was established? <ul style="list-style-type: none"> ○ Not a separate committee but a work plan ○ TAG (Technical Advisory Group) | |
| <p>Qasim / Christine</p> <ul style="list-style-type: none"> - Related to the potential committee that could be formed – mentioned there were 5 in the NFLD case, as an example of who these members are. What should we expect in regards of membership? <ul style="list-style-type: none"> ○ Steve: Not to say the model would be used exactly in the RoF RA But members were independent and appointed (no one was a representative of a particular group) <ul style="list-style-type: none"> ● Retired senior Government of Canada employee (ECC); ● Retired provincial environmental employee; ● Indigenous representative; ● Retired university professor; and, ● Person with experience with fisheries related issues / consultation. | |
| <p>Webequie</p> <ul style="list-style-type: none"> - What was the duration of the NFLD RA? <ul style="list-style-type: none"> ○ Less than 1 year. The appointee was committed and announced in April 2019. ToR was to submit the final report by Fall 2019. ○ Lesson learnt: This was recognized to be very short. Hard start ○ Final report was submitted by the end of February ○ Different RAs will vary on timing depending on the situation | |

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| <p>Christine</p> <ul style="list-style-type: none"> - Topic of the Webequie / MFFN / NLR EA's if there is any discussion related to the EA's underway how these will be accommodated or is there any interaction with the project EAs into the RA <ul style="list-style-type: none"> o Debra: not sure how they will be integrated. The motivation is to make both meaningful. Looking at both options. Looking at what factors should be considered. Seeing what the RA can address, making sure they are clear about what they are going to consult on. Looking to find a set up o Steve: rationale for the RA is that there are some perceived benefits to looking at this from a regional scale <ul style="list-style-type: none"> ▪ Interplay between the RA and EA's – deal with issues better. Main driver is to deal with issues on a larger scale instead of working through them in project IA's – how they can compliment o Angela: Qualifier - Everything outlined in the TISG's are the guidelines for the project EAs and we shouldn't sway from this. | |
| <p>Qasim</p> <ul style="list-style-type: none"> - Next steps – timing idea with Ontario <ul style="list-style-type: none"> o Instructions to go back to the Minister this fall. Expect they will be able to provide a Draft ToR for the minister to consider – but there is not a target on what to go back to the minister with. o One of the components of the ToR will be the timeline for the agency to commit to discuss | |
| <p>Request from IAAC</p> <ul style="list-style-type: none"> - Development of a Regional Assessment distribution list for communication on this RA – could they send an email to [REDACTED] – <ul style="list-style-type: none"> o will have a generic Canada email address at some point but for now email Debra directly o Full contact information would be helpful as well | <p>**Anyone interested in being on this distribution list needs to reach out to Debra</p> |
| <p>Michael Fox</p> <ul style="list-style-type: none"> - Given the fact the FN's have a duo role with the communities and as the proponents. Will there be a special consideration given their physical proximity? <ul style="list-style-type: none"> o *Internal note: this question was mistakenly swept over / not answered* - Consultation – is the proponent expected to engage on this? Or is it purely the federal crown? Context Webequie is planning their next go around for engagement with 22 communities and they need to know what their role is. <ul style="list-style-type: none"> o Steve: the RA and EAs are moving forward in parallel – being mindful that there will be some overlap. Thinking about synergy and fatigue from the communities – but they are quite separate - What is the role of the proponent to scope out of additional studies – if there are additional studies. Are they expected to pay for baseline studies? <ul style="list-style-type: none"> o IAAC does not see that project baselines will increase for the RA baseline. o If something is relevant from the project EAs, we need to ensure its in the RA and vice versa if the RA finds something for the EAs | <p>•</p> |

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| <p>they will provide information to us. But the consultation is quite separate.</p> <ul style="list-style-type: none"> - Is there cost on the proponent based on the RA? <ul style="list-style-type: none"> o Debra – no there will not be. o Steve – does not foresee any cost coming to proponents with active EAs / IAs - Regarding regulations under the IAA Cost Recovery and Indigenous engagement – will there be anything in parallel for the RA? <ul style="list-style-type: none"> o Debra: Two regulations under the IAA that have yet to be developed. Cost recovery are for projects not regional / strategic assessments. Belief that this regulation is underway o Indigenous Jurisdiction Guidelines. Not sure the status in the development of this regulation and can get back to the commenter (Michael Fox) | |
| <p>Robin</p> <ul style="list-style-type: none"> - Timing of the RA, will this impact the project EAs? <ul style="list-style-type: none"> o The project specific EAs will proceed with their legislative timelines. They do not know how long the RA will take o Similar questions were asked of the Eastern NFLD RA: “what is the outcome?” and “what it would look like for ongoing EAs? do they start, or do they wait?” Those project specific EAs were not affected by the RA | |

D2.3 Comments Received / Responses to Comments (CRT)



Comments on the Marten Falls Community Access Road Project Peatland Study Plan – August 4, 2021

It is essential that the Impact Statement for the Marten Falls Community Access Road Project (the Project) address all requirements outlined in the Tailored Impact Statement Guidelines (the Guidelines), and that the study plans outline a clear approach to achieving these requirements. The Impact Assessment Agency of Canada (the Agency) has highlighted sections of the Guidelines where requirements for the Impact Statement may not be met, based on content of the study plan submitted to the Agency. Note that this table does not provide an exhaustive list of the requirements described in the Guidelines. The Guidelines should be reviewed in their entirety, including the sections identified below.

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
|--|---|--|---|---|--|
| # | Tailored Impact Statement Guidelines Section¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| GC-01 | Section 5 - Public Participation and views (including 5.1, 5.2) | <p>Provide a clear description in the study plans of how public engagement opportunities have been and/or will be integrated into the impact statement phase. This must include detail on how the public will have opportunities to provide input to contribute to the development of the Impact Statement, as required in Section 5 of the Guidelines.</p> <p>Describe what engagement with the members of the public listed in the Public Participation Plan has been done in the development of the study plans, and/or any planned engagement with members of the public on the proposed study plans.</p> | <p>Section 4: describes how the Proponent will provide Project notices and opportunities with members of the public listed in the Public Partnership Plan. This will also include the opportunity to provide input on the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures as applicable. A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.</p> <p>The study plans have recognized public and agency input received on the Project to date.</p> | Section 4.1 “A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.” | <p>Section 4.1 of the study plan mentions that “a variety of activities will be offered”, however, no details on the likely engagement activities are provided.</p> <p>As required by Sections 5 and 6 of the Guidelines, the Impact Statement must provide a record of engagement that describes all efforts taken to seek the views of local communities and other stakeholders with respect to the Project, including on the study plans. This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement, including prior to and during the planning phase, and in the preparation of the Impact Statement.</p> <p>Provide details on the timeline for public engagement relative to the project workplan, including engagement relative to the schedule for baseline work, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> |
| GC-02 | Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3) | <p>Provide a clear description in the study plans of how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will have opportunities to provide Indigenous knowledge, including the validation of how information they provided was applied. The study plan should include a description of the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that the guidance outlined in Section 6.2 of the Guidelines has been incorporated into the study plans.</p> <p>Describe what engagement with all the Indigenous groups listed in the Indigenous Engagement and Partnership Plan has been done in the development of the study plans, and/or any planned</p> | <p>In Section 4.2 it is noted that the Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in the Indigenous Partnership and Engagement Plan. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input. Section 2.1.1 outlines the approach to handling confidential information, by means of permission from Indigenous communities to include Indigenous Knowledge in the IS / EA Report, regardless of the source of the Indigenous Knowledge.</p> <p>The study plans have recognized Indigenous community input received on the Project to date.</p> | Section 4.2 “...A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input...” “...Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process...” | <p>Section 4.2 of the study plan states that “a variety of activities will be offered”, however, no details on the planned engagement activities are provided.</p> <p>Section 4.2 of the study plan also states that “Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process”, however, it is unclear on which components of the study plans the project team plans to engage. It is also unclear whether Indigenous groups will be provided with a meaningful opportunity to provide input on a preliminary approach/method for baseline data collection, as required in Section 6 of the Guidelines, or if engagement will take place after the baseline data collection is complete. Provide details on the timeline for Indigenous engagement on the peatlands study plan, including engagement relative to the schedule for baseline work, and spatial and temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> |

¹ Refer to complete sections of the Guidelines for more context.

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| | | engagement with Indigenous groups on the proposed study plans, particularly in relation to collection of Indigenous knowledge (i.e. develop the work plan in collaboration with those Indigenous groups that would need to provide knowledge). | | | |
| GC-03 | Section 6.2 - Analysis and response to questions, comments, and issues raised | Revise the study plans to include an approach to handling confidential information that demonstrates adherence to the guidance provided in Section 6.2 of the Guidelines. | <p>Section 2.1.1: Section has been updated to include information regarding both confidentiality and permission information on all collected Indigenous Knowledge, regardless of the source.</p> <p>This section also includes how information regarding the Indigenous Knowledge Sharing Agreements will be established by the Proponent and Indigenous community participating in the Program.</p> | Section 2.1.1 “...Sensitive and / or confidential information collected through Indigenous Knowledge Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the Indigenous Knowledge Program prior to the sharing and use of any sensitive information. Instances where Indigenous Knowledge sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement, including where Indigenous Knowledge was incorporated into Project decisions and into the IS / EA Report (i.e., specifics will not be included in the Record of Consultation and Engagement given the potential sensitivity and / or confidentiality of the information shared)...” | <p>As required in Section 6 of the Guidelines, incorporate in the Impact Statement content that describes the confidential information provided by each Indigenous group. Present the content in sufficient detail to support understanding of the potential effects and impacts on rights, while also protecting confidential/sensitive specifics and respecting stipulations in the confidentiality agreements (e.g, use buffer areas instead of specific locations, etc.).</p> <p>Provide to the Agency, in the form of a letter from the Indigenous group that shared confidential information, a letter confirming that:</p> <ul style="list-style-type: none"> the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed. |
| GC-04 | Study plans spatial boundaries | <p>Describe the approach to be implemented to demonstrate how the definitions of the proposed study area boundaries:</p> <ul style="list-style-type: none"> encompass the anticipated boundaries of the Project’s effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the | Section 6.2: General information on study areas for the Project, including a detailed list of what was considered to develop the discipline-specific local and region study areas, is included in each study plan. Each study area has been proposed taking into consideration community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices, physical, ecological, technical, social, | <p>Section 6.2.1 “The preliminary LSA currently being considered within the scope of the ongoing provincial regulatory review process generally includes the area within 2.5 km of the centreline of Alternative 1 and Alternative 4”</p> <p>Section 6.2.2</p> | <p>As required in Section 7 of the Guidelines, demonstrate how a Local Study Area of approximately three kilometres from the centerline would be appropriate to assess effects on peatlands.</p> <p>As required in Section 7 of the Guidelines, provide details to demonstrate that the Regional Study Area² encompasses the anticipated boundaries of the Project’s effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan. Note that the Regional Study Area must encompass the spatial boundary of cumulative effects.</p> |

² For a definition of the Regional Study Area please see: <https://iaac-aeic.gc.ca/default.asp?lang=En&n=43952694-1&toc=show&offset=11>

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020

| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
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| | | <p>Indigenous Engagement and Partnership Plan; and</p> <ul style="list-style-type: none"> take into account community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and foreseeable future projects and activities. | <p>health, economic and cultural considerations available at this time.</p> <p>The proposed discipline-specific study areas are preliminary. The proposed study areas will be consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program provides additional opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples to be shared in greater detail.</p> | <p>“Using the methods outlined above it was found that the LSA boundary should extend to 2.8 km from the limits of the PDA. We have rounded the LSA to 3 km on either side of centreline to capture the 100 m PDA.”</p> | <p>As required in Section 7.4.1 of the Guidelines, provide information regarding how the following were/will be taken into account in defining the spatial boundaries: community knowledge and Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and reasonably foreseeable future projects and activities.</p> <p>Provide the above information in a way that allows those who provided the knowledge to the proponent and the Agency to see their input reflected in the Impact Statement. It is not sufficient to state that “input from participants will be/was taken into account”.</p> |
| GC-05 | Section 7 - Baseline Methodologies (Including 7.1, 7.2, 7.3, 7.4) | <p>Provide clear descriptions in the study plans of the proposed study areas and the criteria used to define the study areas for each valued component.</p> <p>Provide clear descriptions of the timing of previously collected data (days/month/year) and future approximate (month/year or season/year) for every field work planned and the criteria used to tailor the temporal boundaries to the valued components under consideration.</p> <p>Describe how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be, or have been, engaged to provide input on spatial and temporal boundaries.</p> <p>Explain how the Agency will be provided opportunities to validate spatial and temporal boundaries.</p> | <p>Local Study Area (LSA) and Regional Study Area (RSA) for each valued component are described in Table 6-1, including rationale used to define the area.</p> <p>Study plans have been designed considering historical information, where applicable and available. Study plans will be updated with appended Work Plans, to be submitted at a future date, which will detail upcoming planned field activities.</p> <p>As detailed in both Section 4.2 and Section 6.2 the Proponent will continue to provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, including the LSAs and RSAs.</p> <p>Government agencies and interested persons will have the opportunity to comment on component of the study plans throughout the IS / EA Report consultation and engagement process</p> | Sections 4.2 and 6 | <p>To ensure that baseline data collection will meet the requirements of the Guidelines, the Agency advises the project team to share a map or detailed information on the locations of data sampling, as well as the timing of data collection for previously and newly collected data and future data collection activities (month/year or season/year). If it is not possible to provide this information in the study plans or workplans, the Agency requires an opportunity to review the collected baseline data/baseline reports prior to the preparation of the Impact Statement documentation.</p> |
| GC-06 | | <p>Provide further details in the study plans on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines</p> | <p>Section 4.3 has been updated to include the consideration of Identity and Gender-Based Analysis Plus (GBA+) including both Indigenous communities and their relevant subpopulations and non-Indigenous communities and their subpopulations. During consultation and engagement activities these groups (and any others defined during consultation) will be engaged with on targeted input.</p> | Section 4.3 | <p>Describe how GBA+ has been or will be applied to the consideration of engagement activities. Identify specific methods targeted to specific subgroups.</p> <p>Provide detail on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines.</p> |

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020

| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
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| | | | | | It is not sufficient to mention that Gender-Based Analysis Plus will be applied to the assessment. Clear descriptions of how GBA+ was integrated (including to which variables, method, and how it influenced results' interpretation) are needed in the Impact Statement. |
| GC-07 | Section 13 - Effects Assessment (including 13.1, 13.2) | Provide details to demonstrate how the Project's potential effects will be considered, as per the requirements in Sections 13 to 19 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work. Provide detail on how engagement with all Indigenous groups listed in the Indigenous Engagement and Partnership Plan and the public will inform the effects assessment and the selection of mitigation measures and follow-up program measures. | Project environmental interaction are separated into Project phases, and Project activities for each environmental discipline in their VC-specific study plan listed as Table 9-1. Information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the Indigenous Knowledge Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs. | Throughout the study plan, Section 9 | As required in Sections 7 and 13 of the Guidelines, ensure that the effects assessment considers the effects of each of the project components (including but not limited to all alternative routes brought forward in the Impact Statement, all aggregates sources, access roads, etc.) and physical activities, in all phases, and that the assessment is based on a comparison to the data and information gathered during the proposed baseline work. Clarify the level of information that will be shared with, and explained to, the Indigenous Knowledge Program leads and whether study plans will be made available to all Indigenous groups listed in the Indigenous Engagement and Partnership Plan. |
| GC-08 | Section 13.1 | Provide clear descriptions of the rationale behind the assumptions, including but not limited to the assumed average daily traffic and vehicles composition during the construction and operation phases that will be considered for the effects assessment and the cumulative effects assessment. | Section 10: Current assumptions to be used in the effects assessment have been identified. Any additional assumptions will be identified and rationale will be provided in the IS / EA Report. | Section 10 | Before conducting the effects assessment analysis, the Agency advises the proponent to seek the Federal Review Team's confirmation of the assumptions that will be used in the analysis or, at a minimum, to discuss the type of assumptions that will be considered. As required by Section 13.1 of the Guidelines, ensure that the Impact Statement clearly outlines the assumptions used for the assessment of effects, including cumulative effects, on each valued component. |
| GC-09 | Section 19.2 - Impacts on the Exercise of Aboriginal and Treaty Rights | Describe an approach for identifying the potentially impacted rights of Indigenous peoples of Canada that are recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> , and for integrating the potential impacts on those rights into the collection of baseline information and the effects assessment. | All study plans reference how potential effects on Indigenous rights will be assessed in the Aboriginal and Treaty Rights and Interests Study Plan. Impacts on Rights considerations are explained in the rationale for defining a Local Study Area and Regional Study Area for Aboriginal and Treaty Rights and Interests VCs. Further information for this is listed in Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan. | Section 5, and Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan | Feedback will be provided in the Federal Review Team's comments package on the Aboriginal and Treaty Rights and Interests Study Plan. |
| GC-10 | Section 20 - Mitigation and enhancement measures | Provide detail on the approach to meeting the requirements of Section 20 of the Guidelines regarding the identification of mitigation and enhancement measures. | Section 9: Approach to mitigation and enhancement measures, specifically noting that once potential effects have been identified, the effects assessment will explore technically and economically feasible mitigation measures to avoid or minimize the identified negative effects and enhancement measures to increase positive effects. | Section 9.5.1 (lists relevant requirements) "Potential effects and specific mitigation measures will be established as part of the effects assessment and selection of the preferred alternative." | Section 9.5.1 of the study plan is listing the requirements outlined in Section 20 of the Guidelines. Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 20 of the Guidelines. |

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| | | | | Concordance table “Section 20 of the TISG describes the requirements around mitigation and enhancement measures that must be considered in the IS” | |
| GC-11 | Section 25 – Description of the Project’s contribution to sustainability | Provide detail on the approach to meeting the requirements of Section 25 of the Guidelines regarding the description of the Project’s contribution to sustainability. | Section 9: the sustainability assessment for the Project will be undertaken on the preferred alternative and will characterize the Project’s contribution to sustainability incorporating the requirements set out in Section 25 of the TISG. | Section 9.7 | Section 9.7 of the study plan is listing the requirements outlined in Section 25 of the Guidelines. Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 25 of the Guidelines. |
| GC-15 | Concordance with Federal Guidance | Provide a separate concordance table containing all requirements of the Guidelines. This is required to show how all requirements of the Guidelines, including the interactions of effects and interconnectedness of valued components, would be addressed. | Please refer to Table 11-1, Table 11-3 and the General Comments Table Response. | Section 11 | The Agency has identified inconsistencies between the cross-references presented and the information contained in the study plans. For example, the peatland study plan indicates that long- and short-term habitat changes and food sources of wetland fauna will be described and documented including changes in terms of the health, integrity and availability of habitats related to migratory and non-migratory birds will be described in the wildlife plan. However, this information appears to be in the birds study plan. Provide a separate concordance table that describes the content of each study plans. This is needed to cross-check all plans against the Guidelines and demonstrate how all requirements of the Guidelines would be met. |

| Comments from the Federal Review Team on Marten Falls Community Access Road Project Peatland Study Plan submitted in June 2021 | | | | |
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| Comment ID # | Study Plan Section | Tailored Impact Statement Guidelines Section ³ | Context | Required Action for Proponent |
| PE-01 | N/A | <p>Section 8.5 "...The Impact Statement must: - provide pre-project characterization of the shoreline, banks, current and future flood risk areas, wetland catchment boundaries; - provide data files of mapped features depicting natural areas and wildlife presence within, and use of, the study area;..."</p> <p>Section 14.3 "...The Impact Statement must: - describe any changes to permafrost conditions as a result of the Project; - describe any changes to eskers and similar geological features as a result of the Project;..."</p> | <p>There are additional requirements related to riparian and wetland environments found in Sections 8.5 and 14.3 of the Guidelines that do not appear to be discussed anywhere in this study plan. It is unclear in which plan they will be addressed.</p> <p>If details about how these requirements will be met are found in separate study plans, references to that study plans in the peatlands concordance table should be provided.</p> | <p>Confirm where the additional requirements related to riparian and wetland environments found in Sections 8.5 and 14.3 of the Guidelines will be addressed.</p> <p>Provide references to that requirement and relevant study plans in the peatlands concordance table.</p> |
| PE-02 | <p>Table 4-1: Identified Neighbouring Indigenous Communities, including their Provincial Territorial Organizations and / or Tribal Council Affiliations</p> <p>"Long Lake #58 First Nation** Animbiigoo Zaagi'igan Anishinaabek First Nation* * Indigenous communities or organizations identified by the MECP who should be consulted on the basis that they may be interested in the Community Access Road. ** The MECP indicated in a letter to MFFN that Long Lake #58 First Nation was moved from interest-based to rights-based."</p> | <p>Section 6 "...The Agency requires the proponent to engage with, at a minimum, the communities listed in the <i>Indigenous Engagement and Partnership Plan</i>..."</p> | <p>Animbiigoo Zaagi'igan Anishinaabek First Nation and Long Lake #58 First Nation are included in the Indigenous Engagement and Partnership Plan as Indigenous groups identified by the Agency for consultation, on the basis that the Project may adversely impact the exercise of Aboriginal and Treaty rights.</p> | <p>For the federal impact assessment process, Animbiigoo Zaagi'igan Anishinaabek First Nation and Long Lake #58 First Nation must be equitably engaged as per the requirements of Section 6 of the Guidelines.</p> |
| PE-03 | <p>Marten Falls First Nation Community Access Road Project – General Comments from the Agency on Draft Study Plans</p> <p>"The proposed discipline-specific study areas are preliminary. The proposed study areas will be consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program</p> | <p>Section 7.4 "...The proponent should engage with Indigenous groups when defining spatial and temporal boundaries for valued components, especially for those that are identified by Indigenous groups..."</p> | <p>As stated in comment GC-04 above, the peatlands study plan does not provide information on how Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations were/will be taken into account when defining the spatial boundaries.</p> <p>Attawapiskat First Nation submitted comments on January 29, 2020 that indicated they want to be involved in</p> | <p>Engage Attawapiskat First Nation, as well as the other Indigenous groups identified in the Indigenous Engagement and Partnership Plan, on the wetlands study area boundaries and demonstrate in the Impact Statement and as per Section 7.4 of the Guidelines, how their concerns were addressed.</p> |

³ Refer to complete sections of the Guidelines for more context.

| Comments from the Federal Review Team on Marten Falls Community Access Road Project Peatland Study Plan submitted in June 2021 | | | | |
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| Comment ID # | Study Plan Section | Tailored Impact Statement Guidelines Section ³ | Context | Required Action for Proponent |
| | <p>provides additional opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples to be shared in greater detail.”</p> <p>Table 6-1 Peatlands Study Areas “Borders of overlapping quaternary watershed boundaries (may be refined following desktop analysis and input from other VCs that may indirectly affect Peatlands)”</p> | | <p>identifying a regional study area of sufficient size to capture effects to wetlands⁴.</p> <p>It is unclear if this comment has been actioned by the proponent or if Attawapiskat First Nation has been involved in defining the wetlands study area boundary.</p> <p>Since Attawapiskat First Nation has specifically indicated a desire to be involved in defining the spatial boundaries for wetlands, the Agency recommends proactively engaging with Attawapiskat First Nation on this topic.</p> | |
| PE-04 | <p>Section 7.2.1 “Classification of the RSA will remain consistent with the approach suggested by related disciplines (e.g., vegetation). The level of existing information on vegetation and peatland communities within the RSA (Far North Land Cover) is considered adequate to support an assessment of indirect effects on Peatland VCs within the RSA. No additional desktop delineation or classification in the RSA will occur.”</p> | <p>Section 7.1 “...If surrogate data from reference sites are used rather than site-specific surveys, the proponent should demonstrate that the data are representative of project site conditions...”</p> <p>Section 14.3 “...The Impact Statement must: - describe direct, incidental and cumulative predicted positive and/or adverse effects to riparian, wetland (including separate description relevant to peatlands)...”</p> | <p>It is unclear how it was determined that the existing information on vegetation and peatland communities within the RSA is considered adequate to support an effects assessment.</p> <p>Additionally, Section 7.2.1 of the study plan states that the available information is considered adequate to assess indirect effects on peatlands. However, the study plan does not demonstrate that the information available will be sufficient to assess cumulative effects.</p> | <p>Provide details to demonstrate how it was determined that the existing information on vegetation and peatland communities within the RSA is considered adequate to support an assessment of indirect effects on peatlands.</p> <p>Demonstrate that the information available will be sufficient to assess cumulative effects. Provide details about the approach and methods that will be used to conduct the effects assessment and the assessment of cumulative effects.</p> |
| PE-05 | <p>Section 7.3.2 Peatland Composition “There will be no ground surveys within the broader RSA.”</p> <p>Section 7.3.3 Peatland Function “Peatland composition information collected during the vegetation and physiography, terrain and soils field components (Section 7.3.2) will be used to assess the habitat and hydrological function of the peatland ecosystems. Habitat suitability, and wildlife observations captured as described in the Bird,</p> | <p>Section 8.5 “...complete this assessment prior to the start of Project construction for a representative selection of wetlands that the Project would directly impact and for a representative selection of wetland(s) that are hydrologically connected.” [reviewer emphasis]</p> | <p>Section 8.5 of the Guidelines requires a wetland functions assessment for a representative selection of wetlands (which includes peatlands) that are hydrologically connected to wetlands expected to be directly impacted by the Project. However, none of the sampling programs that feed into the functions assessment occurs in the peatland RSA, where such peatlands would be located.</p> | <p>Ensure that the Impact Statement includes a wetland functions assessment of a representative selection of peatlands in the RSA. Sampling programs that feed into the wetland functions assessment should capture wetlands (including peatlands) that are connected hydrologically to wetlands expected to be impacted by the Project.</p> |

⁴ On January 29, 2020, Attawapiskat First Nation submitted comments on the Canadian Impact Assessment Registry [REDACTED] the proponent is expected to review all comments provided by Indigenous groups and the public on the project and take them into account in the Impact Statement. Comments provided to the Agency are available on the Canadian Impact Assessment Registry: [Impact Assessment Agency of Canada - Canada.ca \(iaac-aeic.gc.ca\)](https://www24.intelcom.ca/iaac-aeic.gc.ca).

Comments from the Federal Review Team on Marten Falls Community Access Road Project Peatland Study Plan submitted in June 2021

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| | Ungulates and Wildlife Study Plans will also be incorporated into the functional assessment.” | | | |
| PE-06 | <p>Sections 4.1 and 4.2 “The study plans have recognized Indigenous community input received on the Project to date.”</p> <p>“The study plans have recognized public and agency input received on the Project to date.”</p> <p>Section 9.2 “Inputs received to date from Indigenous communities, agencies and interested persons through the Consultation and Engagement Program, including inputs received on the Draft ToR, have also been used to inform the selection of the VCs and indicators for Peatlands.”</p> | <p>Section 5 “...The proponent must engage with the public and provide timely notification of proposed engagement activities to seek community knowledge and views on: - baseline conditions; - valued components and indicators, taking into consideration the requirements under section 25 of this document; - effects assessment and the assessment of the Project’s contribution to sustainability; - mitigation and follow-up measures; and - conclusions...”</p> <p>Section 6 “...In addition to the requirements set out in section 6.1, 6.2 and 6.3, the proponent must provide Indigenous groups with an opportunity to: - provide Indigenous knowledge during baseline data collection; - comment on the list of valued components and indicators; - inform the effects assessment and review its conclusions; and - inform the development of mitigation measures and follow-up programs...”</p> | <p>The study plan states that “<i>inputs received to date from Indigenous groups and interested persons... have informed the selection of VCs and indicators for peatlands</i>”. It is not clear what input has been received to date and how it was used to inform the peatlands study plan.</p> <p>More detail is needed about <u>who</u> has provided input related to peatlands, <u>what</u> the input was and <u>how</u> input received to date has informed the selection of VCs and indicators specifically for peatlands.</p> <p>It is also unclear what is meant by “the study plans have recognized Indigenous community / public and agency input received on the Project to date.”</p> | <p>As required in Sections 5 and 6 of the Guidelines, ensure that the Impact Statement provides more detail about <u>who</u> from the public or Indigenous groups has provided input related to peatlands, <u>what</u> the input was and <u>how</u> input received to date has informed the selection of VCs and indicators specifically for peatlands. If information is considered sensitive or confidential, provide the information in a way that does not breach confidentiality but still allows the individual that provided the input to see the information reflected in the Impact Statement.</p> <p>The following statements are not sufficient to demonstrate that input was taken into account therefore additional information should be provided:</p> <ul style="list-style-type: none"> • “The study plans have recognized Indigenous community input received on the Project to date.” • “The study plans have recognized public and agency input received on the Project to date.” |
| PE-07 | <p>Section 9.3 Potential Effects, Table 9-3 “An indirect effect occurs when a change to one environmental discipline resulting from a Project activity causes a change to another environmental discipline (e.g., changes in vegetation could indirectly affect wildlife). Table 9-3 provides a preliminary identification of how changes to Peatlands may result in indirect effects to other environmental disciplines.”</p> | <p>Section 8.5 “...The Impact Statement must: - quantify, delineate and describe wetlands (fens, marshes, peat lands, bogs, etc.) within the local study area potentially directly, indirectly and/or cumulatively effected by the Project...”</p> <p>Section 14.3 “...The Impact Statement must: - describe direct, incidental and cumulative predicted positive and/or adverse effects to riparian, wetland (including separate description relevant to peatlands) and terrestrial biodiversity metrics...”</p> | <p>Section 9.3 of the study plan indicates that Table 9-3 provides a preliminary identification of <i>how</i> changes to peatlands may cause indirect effects to other disciplines. However, it appears that table 9.3 does not indicate <i>how</i> changes to peatlands may result in indirect effects to other environmental disciplines, but rather <i>whether</i> those interactions may occur.</p> <p>The more relevant consideration for this study plan is whether changes to other environmental disciplines/VCs may result in indirect effects to peatlands.</p> | <p>Ensure that potential interactions that may result in indirect effects to peatlands are identified.</p> <p>Clarify that Table 9-3 indicates not how but whether indirect effects may occur.</p> |
| PE-08 | <p>Section 9.4 Methods for Predicting Future Conditions (Entire section)</p> | <p>Section 13.1 “...The assessment of the effects of each of the project components and physical activities, in all phases, must be based upon a comparison of baseline environmental, health, social and economic conditions and the predicted future conditions with the Project and the predicted</p> | <p>It is not clear from Sections 9.3 Potential Effects or 9.4 Methods for Predicting Future Conditions whether the predicted future conditions with and without the Project for each indicator in Table 9.2 will be compared to the baseline conditions as described by the data outlined in sections 7.2 and 7.3 for those indicators.</p> | <p>Clarify that predicted future conditions with and without the Project for each indicator in Table 9-2 will be compared to the baseline conditions for those indicators.</p> |

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| | | future conditions without the Project. Predictions must be made on clearly stated assumptions and the Impact Statement must clearly describe how it has tested each assumption..." | | |
| PE-09 | <p>Table 9-4: Peatlands Magnitude Definition "A small variation predicted in the peatland measurement indicators. Effects will be assessed through a qualitative narrative or numeric quantification support by a reasoned narrative. A moderate variation predicted in the peatland measurement indicators. Effects will be assessed through a qualitative narrative or numeric quantification support by a reasoned narrative. A large variation predicted in the peatland measurement indicators. Effects will be assessed through a qualitative narrative or numeric quantification support by a reasoned narrative."</p> | <p>Section 13.1 "...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 severity of each predicted adverse effect on each valued component as follows: o extreme: within the scope, the effect is likely to destroy or eliminate the valued component or reduce its population by 71-100% within ten years or three generations; serious: within the scope, the effect is likely to seriously degrade/reduce the valued component or reduce its population by 31-70% within ten years or three generations; moderate: within the scope, the effect is likely to moderately degrade/reduce the valued component or reduce its population by 11-30% within ten years or three generations; and slight: within the scope, the effect is likely to only slightly degrade/reduce the valued component or reduce its population by 1-10% within ten years or three generations..."</p> | <p>As per the guidance in Section 13.1 of the Guidelines, the terms used to describe effects (i.e., small, moderate, large from Table 9-4 of the study plan) must be defined before the effects assessment is conducted.</p> | <p>Define what is considered small vs moderate vs large variation prior to conducting the effects assessment. The guidance in Section 13.1 of the Guidelines provides internationally accepted methodology for this.</p> <p>Include in the Impact Statement the definitions used to describe the effects in the effects assessment.</p> |
| PE-10 | <p>Section 9.6 Residual Effects "The residual effects will therefore be described in terms of the direction, magnitude, geographic extent, duration, frequency, likelihood, and whether effects are reversible or irreversible. Footnote - TISG Section 13.1 identifies additional effects characteristics for certain disciplines (e.g., wetlands, birds, terrestrial wildlife, species at risk). These additional effects characteristics are described in the respective discipline-specific study plans."</p> | <p>Section 13.1 "...The effects to each valued component outlined in sub-sections 14.3, 15.2, 15.3, 15.4 must be described using the following criteria..."</p> | <p>The criteria described in Section 13.1 on page 81 of the Guidelines should be used to describe effects to valued components outlined in the Guidelines, Section 14.3 Changes to riparian, wetland and terrestrial environments. Peatlands encompass two types of wetlands – bogs and fens. Use these criteria for peatlands.</p> | <p>Use the criteria outlined in Section 13.1 of the Guidelines to describe effects to peatlands.</p> |
| PE-11 | <p>Table 11-1: Study Plan Federal Concordance – Conformance with Requirements, #1 "The potential effects of the environment on the project will be assessed in accordance with</p> | <p>Section 1.1 "...j) any change to the designated project that may be caused by the environment;..."</p> | <p>Section 9.1 of the study plan outlines project components that may impact peatlands, not how the peatland environment may impact the Project.</p> <p>The intent of this factor is to consider how environmental conditions could affect the Project. In relation to peatlands, this might include effects of climate change on the Project</p> | <p>Include consideration of any change to the Project that may be caused by the environment, including effects of climate change.</p> |

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| | applicable standards and guidance.” “Section 9.1” | | (e.g., will the climate conditions for which the road is designed change over the lifespan of the road and what impact would that have on the Project). Other common, potentially relevant ways that wetlands/ peatlands may impact road projects include flooding, compromised bearing capacity, road settlement, ponding on the road, saturation of road base, rutting, sunken culverts, etc. | |
| PE-12 | Table 11-1: Study Plan Federal Concordance – Conformance with Requirements, # 24 “Wetlands that are considered socially, ecologically or economically important to the region will be discussed in the IS / EA Report.” | Section 8.5 “...The Impact Statement must: - determine whether these wetlands are within a geographic area of Canada where wetland loss or degradation has reached critical levels, or considered ecologically or socially or economically important to a region;...” | It is unclear how it will be determined if wetlands are socially, ecologically or economically important to the region. | Provide detail to demonstrate how it will be determined if wetlands there are socially, ecologically or economically important to the region. Include details about the approach and methods that will be used to make this determination. |
| PE-13 | Table 11-1: Study Plan Federal Concordance – Conformance with Requirements, #12 “Descriptions of specific data sources, data collection, sampling, survey and research protocols and methods followed for each baseline environmental condition will be provided in the IS / EA Report and are summarized in this Study Plan.” Table 11-1: Study Plan Federal Concordance – Conformance with Requirements, #27 “Data will be collected in ways that enable reliable extrapolations in space and in time. Surveys will be designed to represent the spatial and temporal targets of extrapolations.” | Section 7.2 “...With regard to field studies, survey work must be planned to include multiple sampling locations and multiple visits to each location to support all required assessment analyses... ...Baseline data must be collected in a manner that enables reliable analysis, extrapolations and predictions. Resulting data should be suitable for analyses to estimate pre-project baseline conditions, derive predictions of impacts, and evaluate and compare post-project conditions and at scales of within and across the Project, Local and Regional Assessment areas...” Section 8.5 “...Collect data from representative wetlands in a manner that enables reliable extrapolations in space (i.e., at minimum to Project, local and regional study areas) and in time (i.e., across years): • design surveys so that they represent the spatial and temporal targets of modeling and extrapolations, and to produce scientifically defensible predictions of impacts and estimates of mitigation effectiveness. Survey designs should be sensitive enough to detect and quantify the impacts at the spatial and temporal scales identified above (i.e., project study area, local study area, and regional study area), any departures from predictions, and the effectiveness of mitigations. Justify the selection of modeling techniques based on current and recent scientific literature; • survey protocol planning for representative wetlands should include modeling and simulations to estimate sampling requirements, and analysis to evaluate resulting design options; and | More detail is required to assess whether the requirements of Section 7.2 of the Guidelines will be met. The study plan does not contain adequate detail to show the Impact Statement will have sufficient samples and an appropriate survey design to allow for reliable extrapolations. It is unclear, based on the information provided in the concordance table and study plan, if multiple sampling locations and multiple visits to each location are planned. More detail about the proposed sampling design are needed to determine if this requirement will be met. The peatland study plan indicates that field sampling methods and design will be outlined in four other study plans: - Groundwater and Geochemistry - Surface Water - Physiography, Terrain, and Soils - Vegetation In addition, data from the Wildlife Study Plan will be used to inform wetland habitat function. As previously commented on the Vegetation Study Plan in June 2020: <i>“Not enough information has been provided about the 2019 vegetation surveys or the planned future surveys to assess whether they meet the requirements in the Guidelines.”</i> <i>Detailed information is needed on the areal coverage of the habitat classes, and the numbers of samples intended for each habitat class under the selected sampling design.”</i> | Provide detail to demonstrate that sampling designs are appropriate for producing reliable and sufficient data. Provide the requested information in the work plan, or include a plan to obtain it, to demonstrate (i.e., substantiate the claim) that survey sampling designs meet the requirements in the Guidelines (as per previous comment on the Vegetation Study Plan in June 2020). Provide a workplan for all future surveys to be conducted that outlines how the data will be collected, such as information on location, scheduling, sequencing (i.e., how to action the study plan). |

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| | | <ul style="list-style-type: none"> sample size must be planned to support evaluation of the project study area within the context of the local study area and regional study area. Appropriate design of surveys will need to consider multiple survey locations in order to represent the wetland heterogeneity of the regional study area, and to yield multiple survey locations per wetland type, without requiring aggregation of habitat classes post-hoc... | | |
| PE-14 | <p>Table 11-1: Study Plan Federal Concordance – Conformance with Requirements, #27 “Data will be collected in ways that enable reliable extrapolations in space and in time. Surveys will be designed to represent the spatial and temporal targets of extrapolations.”</p> | <p>Section 7.4 “...The spatial and temporal boundaries to be used in the impact assessment are outlined and discussed through the tailoring process, and include comments and input from federal and provincial government departments and agencies, local government, Indigenous groups, the public and other interested parties...”</p> <p>Section 8.5 “...The Impact Statement must: – Collect data from representative wetlands in a manner that enables reliable extrapolations in space (i.e., at minimum to Project, local and regional study areas) and in time (i.e., across years): • design surveys so that they represent the spatial and temporal targets of modeling and extrapolations, and to produce scientifically defensible predictions of impacts and estimates of mitigation effectiveness. Survey designs should be sensitive enough to detect and quantify the impacts at the spatial and temporal scales identified above (i.e., project study area, local study area, and regional study area), any departures from predictions, and the effectiveness of mitigations. Justify the selection of modeling techniques based on current and recent scientific literature; • survey protocol planning for representative wetlands should include modeling and simulations to estimate sampling requirements, and analysis to evaluate resulting design options; and • sample size must be planned to support evaluation of the project study area within the context of the local study area and regional study area. Appropriate design of surveys will need to consider multiple survey locations in order to represent the wetland heterogeneity of the regional study area, and to yield multiple survey locations per wetland type, without requiring aggregation of habitat classes post-hoc...”</p> | <p>Section 8.5 of the Guidelines requires data be collected from representative wetlands in a manner that enables reliable extrapolations in time. It is predicted that the effects of climate change will be especially severe in the north. That includes degradation of permafrost and the effects of the latter on peatland structure and functions, including carbon storage. As such, climate change should be part of the temporal considerations.</p> | <p>Consider climate change as part of temporal modeling and extrapolations for wetlands, as well as in the potential changes in natural disturbance regimens.</p> |

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| PE-15 | Table 11-2: Study Plan Provincial Concordance – Conformance with Requirements “The EA will assess direct effects of the alternative routes on wetlands (Section 7.2.6), and the indirect effects on wildlife habitat (Section 7.2.7) and climate change (Section 7.2 and Section 7.2.1) from changes to wetlands and / or peatlands.” | Section 14.3 “...The Impact Statement must: - Describe direct, incidental and cumulative predicted positive and/or adverse effects to riparian, wetland (including separate description relevant to peatlands) and terrestrial biodiversity metrics, effects of fragmentation, changes to regional biodiversity that could be caused by all project activities, including but not limited to effects to wetland ecological functions, including effects that may alter the wetland’s capacity to perform hydrological, biogeochemical cycling, habitat, and climate functions...” | Natural Resources Canada suggests the Proponent consult the guides developed by Ducks Unlimited when developing the effects assessment, including: <ul style="list-style-type: none"> - Partington, M., Gillies, C., Gingras, B., Smith, C., and J. Morissette. 2016. Resource Roads and Wetlands: A Guide for Planning, Construction, and Maintenance. FPInnovations. (Special Publication SP-530E). Point-Claire, QC.-FPInnovations; and - Osko, T., Gillies, C., and Pyper, M. 2018. COSIA In-situ oil sands shared practices for working in and around wetlands. Available from https://www.cosia.ca/sites/default/files/attachments/COSIA-WetlandSharedPracticesReport-2018-02-27.pdf <p>In addition, Natural Resources Canada suggests the Proponent consult the following reference when developing the climate change assessment for the Project: Cherie J. Westbrook (2014) Wetlands of the Hudson Bay Lowland: An Ontario Overview, Canadian Water Resources Journal / Revue canadienne des ressources hydriques, 39:1, 83-83, DOI: 10.1080/07011784.2013.872874</p> | |
| PE-16 | Table 11-3: Study Plan Federal and Provincial Concordance – Requirement Deviations | | Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process. The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team. | |

Preliminary Comments from the Impact Assessment Agency of Canada (the Agency) on the Marten Falls Community Access Road Project (the Project) Draft Social Study Plan submitted on May 22, 2020

| Section(s) of Social Study Plan | Impact Assessment Agency of Canada Feedback |
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| General comment | <p>In addition to the required actions detailed below, other required actions to be addressed in the update to this study plan are detailed in a separate table titled “2020-07-02 – IAAC to MFFN - General Comments on MFCAR Draft Study Plans”. The Agency has provided these other required actions to highlight common sections of the Tailored Impact Statement Guidelines (the Guidelines) where requirements were not met in the draft study plans submitted to the Agency. These additional actions must be addressed in the updated study plans.</p> |
| Section 3 | <p>Input from Engagement</p> <p>Section 3 of the study plan states “In addition to engagement data, it is expected that Indigenous Knowledge will be integrated throughout the Socio-community Assessment, where applicable. This may include information on social cohesion, education, community challenges, and other information tied to socio-community criteria (Section 4.2) but will not include confidential data.”</p> <p>Section 6.2 of the Guidelines states that the proponent is required to describe the type of confidential information provided by each Indigenous group that does not compromise any stipulations in the confidentiality agreements and the description shall state how that information impacted the project design, baseline data, effects assessment or mitigation measures. the proponent is required to provide evidence to the Agency in the form of a letter from the Indigenous group that provided confidential information confirming that:</p> <ul style="list-style-type: none"> - the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; - the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed. <p>It is unclear how the approach proposed in the study plan will meet the requirements of Section 6.2 of the Guidelines.</p> <p><u>Required Action # 1:</u> Update the study plan to reflect how the expectations highlighted from Section 6.2 of the Guidelines will be met.</p> |
| Section 4.1 | <p>Potentially impacted Indigenous Groups</p> <p>Section 4.1 of the study plan states that “data collection will focus on the communities most likely to be affected by the Project including Marten Falls and Aroland First Nations”.</p> <p>This section does not mention how the other Indigenous groups listed in the Indigenous Engagement and Partnership Plan (IEPP) have been, or will be engaged to gather baseline data and to inform the assessment of potential social impacts to indicators for the preparation of the Impact Statement.</p> <p>As per Section 6 of the Guidelines, the proponent is required to engage with, at a minimum, the Indigenous groups listed in the IEPP. The proponent must also provide Indigenous groups with an opportunity to comment on the list of valued components and indicators.</p> <p><u>Required Action # 2:</u> Update the study plan to include the list of all Indigenous groups that will be engaged, at a minimum the Indigenous groups listed in the IEPP, as part of the baseline data collection and effects assessment analysis. The list should be consistent throughout the study plan.</p> |

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| | <p><u>Required Action # 3:</u> Clarify whether the Indigenous groups in the IEPP have been provided an opportunity to comment on the list of criteria and indicators in the study plan and whether the group has a direct community-level socio-community interest in the Project footprint, prior to being screened out of the socio-community Local Study Area.</p> |
| <p>Section 4.1</p> | <p>List of Public Groups Section 4.1 of the study plan highlights the Municipality of Greenstone to be included in the primary data collection.</p> <p>No other member of the public or public community is identified for the primary or secondary data collection in the study plan.</p> <p>As per Section 5 of the Guidelines, the proponent is required to engage with, at a minimum, the members of the public listed in the Public Participation Plan (PPP).</p> <p><u>Required Action # 4:</u> Update the study plan to include the list of the members of the public and public groups that will be engaged, at a minimum the public participants listed in the PPP, as part of the baseline data collection and effects assessment analysis. The list should be consistent throughout the study plan.</p> |
| <p>Section 4</p> | <p>Collection of Baseline Data More detail is required on the methodology of baseline information collection for the Agency and federal experts to understand the work that the proponent is planning to undertake.</p> <p><u>Required Action # 5:</u> Provide detail on what baseline information will be sourced from primary information sources, and what will be sourced from secondary information sources so that it is clear where information is being sourced for the criteria and indicators listed in the study plan.</p> <p><u>Required Action # 6:</u> Regarding primary information collection, the study plan requires additional detail on how the collection methodology would meet the expectations of the Guidelines, including:</p> <ul style="list-style-type: none"> • Describe how Gender-Based Analysis Plus (GBA+) has been applied to the consideration of engagement activities. Identify any specific methods targeted to specific subgroups. • Specify participants in engagement activities (reflecting the Indigenous groups listed in the Indigenous Engagement and Partnership Plan and members of the public listed in the Public Participation Plan) including rationale for how the selection of participants meets the objectives of the study and demonstrates accessibility considerations (e.g. language requirements) and GBA+. • Define who is considered a community consultation coordinator, and how these community consultation coordinators will be identified prior to being approached for engagement. • Describe the approach the proponent intends to take to encourage or attract participation, including how opportunities to participate will be planned and advertised. • Describe how Indigenous knowledge will be used to inform types of engagement activities and participant selection, including the identification of community consultation coordinators. • If sample surveys, interview questions, or other data collection tools exist, identify them in an appendix to the study plan, and provide clear links to how they relate to the social criteria. |

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| | <ul style="list-style-type: none"> Identify past public or Indigenous engagement activities that have taken place and are being used to inform this study plan. <p><u>Required Action # 7:</u> For secondary information collection, provide specific information sources to be used, and for which criteria and indicators they apply. The study plan should provide a clear outline of which criteria and indicator data will come from existing secondary sources and what those sources are. Provide detail on how the proponent has considered GBA+ requirements in the identification of secondary information sources.</p> |
| <p>Sections 3 and 4.1</p> | <p>Sections 3 and 4.1 of the study plan identify Indigenous knowledge as a potential source of information for baseline data, where provided by an Indigenous group. It is unclear how Indigenous groups will be provided opportunities to provide Indigenous knowledge and validate the collected baseline data. (According to Section 6.2 of the Guidelines, permission from Indigenous groups should be sought before including any confidential information, such as Indigenous knowledge, in the Impact Statement.)</p> <p><u>Required Action # 8:</u> Describe in the study plan how Indigenous groups will have opportunities to provide Indigenous knowledge and validate the baseline data collected. The description should include the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the groups, to demonstrate that guidance outlined in Section 6.2 of the Guidelines has been incorporated into this study plan.</p> |
| <p>Sections 4 and 4.3</p> | <p>Gender Based Analysis Plus</p> <p>Section 4.0 of the study plan identified the following objectives:</p> <p>“Describe social conditions using disaggregated data and gender statistics, where publically available or volunteered by knowledge holders:</p> <ul style="list-style-type: none"> Identity factors that cannot be disaggregated through secondary source data will be considered qualitatively. Where available, these identity factors will be referenced and considered in existing conditions reporting and analysis.” <p>Section 4.3 of the study plan states “it is expected that there will be a multitude of data issues and limitations based on the Project area.”...“These issues may limit the information available to be reported by the proponent as part of the Impact Assessment, particularly related to disaggregated data to support a GBA+ analysis.”</p> <p>The study plan does not provide any further information on how the GBA+ analytical framework will be applied to data collection methodology and analysis. Refer to Agency guidance for more information on the GBA+ approach: https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/gender-based-analysis.html</p> <p>Section 5.2 of the Guidelines state that the Impact Statement must include, at a minimum, a description of efforts made by the proponent to engage diverse populations, including groups identified by gender, age or other community relevant factors (e.g., recreational hunters) to support the collection of information needed to complete the GBA+;</p> <p>The proponent should seek to solicit information necessary to support the GBA+, and if unsuccessful, efforts made should be described in the Impact Statement. Section 6.3 of the Guidelines state that the Impact Statement must include, at a minimum, a description of efforts to engage diverse populations of each Indigenous group in culturally appropriate ways, including groups identified by gender, age or other community relevant factors (e.g., hunters, trappers, and other harvesters) to support the collection of information needed to complete the GBA+;</p> |

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| | <p>Section 10 of the Guidelines states that baseline information must be sufficiently disaggregated and analysed to understand the differences in norms, roles and relations for diverse subgroups; the different level of power they hold; their differing needs, constraints and opportunities; and the impact of these differences in their lives, including consideration of disproportionate effects to surrounding communities.</p> <p><u>Required Action # 9:</u> Update the study plan to demonstrate how GBA+ has been integrated into all aspects of data collection methodology and the assessment of effects and impacts. This should include a description of how the proponent will engage diverse populations to collect information necessary to support the GBA+ analysis and how the information will be tracked, considered and reported in the Impact Statement.</p> |
| <p>Section 5.1.2</p> | <p>Study Areas</p> <p>Section 5.1.2 of the study plan states that:</p> <p>“The proponent remains open to receiving information from other communities on their activities within the Project Study Area (PSA) and how interlinkages between the Project and those communities may result in socio-economic effects. To be included in the social LSA, a community must demonstrate direct community-level socio-economic interest in the PSA; from changing access to the Marten Falls community due to the Project; or due to Project effects on the environment that affect the socio-community”.</p> <p>“Based on the information provided, the proponent will evaluate the individual communities that warrant inclusion in the local or regional study areas”.</p> <p>Sections 5 and 6 of the Guidelines provide direction on the Agency’s expectations for meaningful engagement with members of the public and public groups (at a minimum those listed in the PPP), as well as Indigenous groups (at a minimum those listed in the IEPP) during the impact assessment process. The Agency expects the proponent to engage equitably with the members of the public and public groups listed in the PPP and all Indigenous groups listed in the IEPP to gather baseline data and to assess the Project’s effects.</p> <p>Additionally, Section 7.4 of the Guidelines explains that the spatial and temporal boundaries determined and established for the impact assessment will vary depending on the valued component and are considered separately for each valued component, including valued components related to the environmental, health, social and economic conditions of Indigenous peoples, or other potential effects and impacts. The proponent should engage with Indigenous groups when defining spatial and temporal boundaries for valued components, especially for those that are identified by Indigenous groups.</p> <p>It is unclear how the approach proposed in the study plan will meet the requirements of Sections 5, 6 and 7.4 of the Guidelines.</p> <p><u>Required Action # 10:</u> Revise the study plan to describe a methodology and engagement approach that will meet the requirements of Sections 5, 6 and 7.4 of the Guidelines.</p> <p><u>Required Action # 11:</u> Provide further detail on the criteria and the rationale that is used to define the PSA, LSA and Regional Study Area (RSA) for each valued component, and describe how Indigenous groups and the public have been, or will be, provided an opportunity to inform the spatial and temporal boundaries.</p> |
| <p>Section 5.1.2</p> | <p>Study Areas</p> <p>Section 5.1.2 of the study plan states “The socio-community study areas are defined to capture the potential effects of the Project on the surrounding environment. For each criteria, a local study area (LSA) and regional study area (RSA) are defined to reflect the</p> |

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| | <p>extent to which the Project has the potential to affect the environment. The extent of the potential effects includes both direct and indirect effects.”</p> <p>Section 1.1 of the Guidelines states that “the factors [to be considered in an impact assessment] are listed in subsection 22(1) of IAA and prescribe that the impact assessment of a designated project must take into account:</p> <p>a) the changes to the environment or to health, social or economic conditions and the positive and negative consequences of these changes that are likely to be caused by the carrying out of the designated project, including:...”</p> <p>The assessment of effects on the social conditions should not only consider the extent to which the Project has the potential to affect the environment but include potential changes to health, social or economic conditions. The socio-community study area should be defined to capture the social area of influence of the Project, including effects not directly linked to adverse effects to the environment.</p> <p><u>Required Action # 12:</u> Update the study plan to define study areas that capture the Project’s social effects due to potential changes to environment, health, social and economic conditions.</p> |
| <p>Section 5.2</p> | <p>Indicators</p> <p>More detail is required in the description of indicators listed in Table 3 to understand the work that the proponent is planning to undertake. The criteria provided do not align with the specifics from the Guidelines outlined in the concordance table in Section 7 of the study plan. The criteria should refer to the wording used in the Guidelines to provide clarity to the reviewer.</p> <p>Section 17 of the Guidelines state that “Indicators should be developed by the proponent using best practice, Agency guidance, and through engagement with Indigenous groups and the public. Rationale for the indicators chosen should be provided”.</p> <p>Criteria should be included as laid out in the concordance table, but with additional details on the indicators that will be used to describe each criterion. Indicators must provide data (either quantitative or qualitative) that can be measured and used to identify changes due to the Project. The two examples below are a representative sample of indicators from the study plan that require more detail, not a complete list of the indicators that require more detail:</p> <ul style="list-style-type: none"> • Example 1 – In Table 3 of the study plan, the use of the indicator “Demographic change” for the criterion of “Population and Demographics” does not provide adequate detail on what will be evaluated or measured (for change) by the proponent in relation to the criterion of “Population and Demographics”. • Example 2 - In Table 3 of the study plan, the “Community Well-being” criterion specifies “Community” as an indicator. This does not provide detail on what indicators will be used to describe the conditions of a community or how the indicator will be used to measure the potential changes within a community. <p><u>Required Action # 13:</u> Update Table 3 of the study plan to include detailed criteria and detailed and measurable indicators, and the rationale for the indicators selected to demonstrate how the requirements in Section 17 of the Guidelines would be met.</p> |
| <p>Section 5.2</p> | <p>Criteria and Indicators</p> <p>Section 5.2 of the study plan states “As the socio-economy has an abundance of interlinkages that overlap, certain aspects of the socio-community are considered in other study plans, and have their baseline information documented in other relevant reports. The Human Health and Community Safety Assessment is expected to include information on public safety. The Land and Resource Use Assessment includes information on</p> |

recreation and navigation. Elements of the cultural environment are covered in the Cultural Heritage Assessment, Archaeology Assessment and Indigenous Knowledge Assessment. Findings and data included in these sections are considered under relevant components of the Socio-community Assessment. Other sections, such as the Economic Assessment and those mentioned, will also contain information that supports the Socio-community Assessment, as noted in Section 1.0.”

Section 17 of the Guidelines states that the assessment must illustrate an understanding of linkages and effect pathways, so that when a change in one domain is predicted, there is an understanding of what other effects or consequences may be felt across the other domains. Indicators should be developed by the proponent using best practice, Agency guidance, and through engagement with Indigenous groups and the public. Rationale for the indicators chosen should be provided.

The study plan provides inadequate detail on the data described in other study plans (such as the Human Health and Community Safety Assessment) that will be collected and analyzed to meet the social baseline data collection and social effects assessment requirements described in Sections 10 and 17 of the Guidelines, respectively.

Required Action # 14: Update the study plan to provide further detail on the specific social criteria and indicators that will be collected and assessed through other study plans. At a minimum, provide a cross reference as to where the specific social criteria and indicators can be found in the other plans.

Preliminary Comments from the Impact Assessment Agency of Canada (the Agency) on the Marten Falls Community Access Road (the Project) Draft Economic Study Plan submitted on May 22, 2020

| Section(s) of the Economic Study Plan | Impact Assessment Agency of Canada Feedback |
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| General comment | <p>In addition to the required actions detailed below, other required actions to be addressed in the update to this study plan are detailed in a separate table titled “2020-07-02 – IAAC to MFFN - General Comments on MFCAR Draft Study Plans”. The Agency has provided these other required actions to highlight common sections of the Tailored Impact Statement Guidelines (the Guidelines) where requirements were not met in the draft study plans submitted to the Agency. These additional actions must be addressed in the updated study plans.</p> |
| Sections 4.1 | <p>Potentially Impacted Indigenous Groups</p> <p>Section 4.1 of the study plan states that “data collection will focus on the communities most likely to be affected by the Project including Marten Falls and Aroland First Nations.”...“These communities are likely to experience the most Project-related change due to the location of the Project and its resulting access.”</p> <p>This section does not mention how the other Indigenous groups listed in the Indigenous Engagement and Partnership Plan (IEPP) have been, or will be engaged to gather baseline data and to inform the assessment of potential economic impacts for the preparation of the Impact Statement.</p> <p>The Agency expects the proponent to engage with, at a minimum, the Indigenous groups listed in the IEPP, as is directed in Section 6 of the Guidelines. The proponent must also provide Indigenous groups with an opportunity to comment on the list of valued components and indicators.</p> <p><u>Required Action # 1:</u> Update the study plan to include the list of all Indigenous groups that will be engaged, at a minimum the Indigenous groups listed in the IEPP, as part of the baseline data collection, defining the list of criteria and indicators, and effects assessment analysis. The list should be consistent throughout the study plan.</p> |
| Section 3 | <p>Input from Engagement and Indigenous Knowledge</p> <p>Section 3 of the study plan states that “In addition to information obtained from engagement activities, it is expected that provided and collected Indigenous Knowledge will be integrated into the Economic Assessment, where applicable. This may include information on economic issues, community challenges, and other information tied to economic criteria (Section 5.2) but will not include confidential data.”</p> <p>Section 6.2 of the Guidelines requires a description of the type of confidential information provided by each Indigenous group that does not compromise any stipulations in the confidentiality agreements and the description shall state how that information impacted the project design, baseline data, effects assessment or mitigation measures. The proponent is required to provide evidence to the Agency in the form of a letter from the Indigenous group that provided confidential information, confirming that:</p> <ul style="list-style-type: none"> - the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; - the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed. |

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| | <p>It is unclear how the approach proposed in the study plan will meet the requirements of Section 6.2 of the Guidelines.</p> <p><u>Required Action # 2:</u> Provide further details on how input received from Indigenous groups will be tracked, considered, and reported to the Agency in the Impact Statement, as per the expectations of Section 6 of the Guidelines.</p> |
| <p>Section 4 and 4.3</p> | <p>Gender Based Analysis Plus</p> <p>Section 4.0 of the study plan identified the following objectives: “Describe economic conditions using disaggregated data and gender statistics, where publically available or volunteered by knowledge holders:</p> <ul style="list-style-type: none"> o Identity factors that cannot be disaggregated through secondary source data will be considered qualitatively. Where available, these identity factors will be referenced and considered in existing conditions reporting and analysis.” <p>Section 4.3 of the study plan states “it is expected that there will be a multitude of data issues and limitations based on the Project area.”...“These issues may limit the information available to be reported by the proponent as part of the Impact Assessment, particularly related to disaggregated data to support a Gender Based Analysis plus (GBA+).”</p> <p>The study plan does not provide enough information on how the GBA+ analytical framework will be applied to data collection methodology and analysis. Refer to Agency guidance for more information on the GBA+ approach: https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/gender-based-analysis.html The proponent should seek to solicit information necessary to support the GBA+, and if unsuccessful, efforts made should be described in the Impact Statement.</p> <p>Section 5.2 of the Guidelines states that the Impact Statement must include, at a minimum, a description of efforts made by the proponent to engage diverse populations, including groups identified by gender, age or other community relevant factors (e.g., recreational hunters) to support the collection of information needed to complete the GBA+.</p> <p>Section 6.3 of the Guidelines states that the Impact Statement must include, at a minimum, a description of efforts to engage diverse populations of each Indigenous group in culturally appropriate ways, including groups identified by gender, age or other community relevant factors (e.g., hunters, trappers, and other harvesters) to support the collection of information needed to complete the GBA+.</p> <p><u>Required Action # 3:</u> Describe in the study plan how the proponent will engage diverse populations to collect information necessary to support the GBA+ and how that information will be tracked, considered and reported in the Impact Statement.</p> |
| <p>Section 4.1</p> | <p>List of Public Groups</p> <p>Section 4.1 of the study plan highlights the Municipality of Greenstone to be included in the primary data collection.</p> <p>No other member of the public or public community is identified for the primary or secondary data collection in the study plan.</p> <p>As per Section 5 of the Guidelines, the proponent is required to engage with, at a minimum, the members of the public listed in the Public Participation Plan (PPP).</p> |

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| | <p><u>Required Action # 4:</u> Update the study plan to include the list of the members of the public and public groups that will be engaged, at a minimum the public participants listed in the PPP, as part of the baseline data collection and effects assessment analysis. The list should be consistent throughout the study plan.</p> |
| <p>Section 4.1</p> | <p>Primary Data Collection</p> <p>The study plan provides inadequate detail on the methodology of baseline primary information collected for the Agency and federal experts to understand the work that the proponent is planning to undertake.</p> <p>Additional details on the methodologies for primary information sources that will be used to describe the baseline economic conditions are needed, as required in Section 11 of the Guidelines, including:</p> <ul style="list-style-type: none"> - Define who is considered a key community member, and how these key community members will be identified prior to being approached for interviews, focus group studies and other discussions. - Describe how Indigenous knowledge will be used to inform types of engagement activities and participant selection, including the identification of key community members. - Specify the types of engagement activities (such as surveys, questionnaires, community sessions, chief and council sessions, workshops etc.). - Describe how GBA+ has been applied to the consideration of engagement activities. Identify any specific methods targeted to specific subgroups. - Describe who is considered a relevant identity group for the community and identify any specific engagement methods that are targeted to the relevant identity groups, including women, youth and elders. - Specify participants in engagement activities (reflecting the Indigenous groups listed in the IEPP and members of the public listed in the PPP) including rationale for how the selection of participants meets the objectives of the study and demonstrates accessibility considerations (e.g. language requirements) and GBA+. - Describe the approach the proponent intends to take to encourage or attract participation, including how opportunities to participate will be planned and advertised. - If sample questionnaires, interview questions, or other data collection tools exist, identify them in an appendix to the study plan, and provide clear links to how they relate to the economic criteria. - Identify past public or Indigenous engagement activities that have taken place and are being used to inform this study plan. <p><u>Required Action # 5:</u> Update the study plan to include additional details on what will be sourced from primary sources, and what will be sourced from secondary information sources so that it is clear where information is being sourced for the criteria and indicators listed in the study plan.</p> <p><u>Required Action # 6:</u> Update the study plan to provide additional detail on how the collection methodology of primary information would meet the expectations of Section 11 and other relevant sections of the Guidelines.</p> |
| <p>Section 4.2</p> | <p>Secondary Data Collection</p> <p>The study plan provides inadequate detail on the methodology of baseline secondary information collected for the Agency and federal experts to understand the work that the proponent is planning to undertake.</p> |

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| | <p>Additional details on the methodologies for secondary information sources that will be used to describe the baseline economic conditions are needed, as required in Section 11 of the Guidelines.</p> <p>The study plan should provide a clear outline of which criteria and indicator data will come from existing secondary sources and what those sources are. Necessary detail includes:</p> <ul style="list-style-type: none"> - Describe how the proponent has considered GBA+ requirements in the identification of secondary information sources. - Section 4.2 “Secondary Data Collection” of the study plan states that “attention will be paid to norms; roles and relations; power structures; and needs, constrains and opportunities” when considering the disproportionate effects on subgroups from the Project. Clarify how this will be applied to the collection of secondary information, and for which criteria and indicators they apply to. <p><u>Required Action # 7:</u> Update the study plan to provide additional detail on how the collection methodology of secondary information would meet the expectations of Section 11 and other relevant sections of the Guidelines, including information sources to be used, and for which criteria and indicators they apply.</p> |
| <p>Section 5.1.2</p> | <p>Study Areas</p> <p>Section 5.1.2 of the study plan states that:</p> <p>“The proponent remains open to receiving information from other communities on their activities within the Project Study Area (PSA) and how interlinkages between the Project and those communities may result in socio-economic effects. To be included in the economic LSA, a community must demonstrate direct community-level socio-economic interest in the Project footprint”.</p> <p>“While many Indigenous communities are located within the regional study area, these communities will not be profiled individually given their relation to the Project is predominantly focused on cumulative effects from future developments”, and</p> <p>“Based on the information provided, the proponent will evaluate the individual communities that warrant inclusion in the local or regional study areas”.</p> <p>Sections 5 and 6 of the Guidelines provide direction on the Agency’s expectations for meaningful engagement with members of the public and public groups (at a minimum those listed in the PPP), as well as Indigenous groups (at a minimum those listed in the IEPP) during the impact assessment process. The Agency expects the proponent to engage equitably with the members of the public and public groups identified in the PPP and all Indigenous groups listed in the IEPP to gather baseline data and to assess the Project’s effects.</p> <p>Additionally, Section 7.4 of the Guidelines explains that the spatial and temporal boundaries determined and established for the impact assessment with will vary depending on the valued component and are considered separately for each valued component, including valued components related to the environmental, health, social and economic conditions of Indigenous peoples, or other potential effects and impacts. The proponent should engage with Indigenous groups when defining spatial and temporal boundaries for valued components, especially for those that are identified by Indigenous groups.</p> |

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| | <p>It is unclear how the approach proposed in the study plan will meet the requirements of Sections 5, 6 and 7.4 of the Guidelines.</p> <p><u>Required Action # 8:</u> Revise the study plan to describe a methodology and engagement approach that will meet the requirements of Sections 5, 6 and 7.4 of the Guidelines.</p> <p><u>Required Action # 9:</u> Provide further detail on the rationale that is used to define the PSA, Local Study Area (LSA) and Regional Study Area (RSA) for each valued component, and describe how Indigenous groups and the public have been, or will be, provided an opportunity to inform the spatial and temporal boundaries.</p> |
| <p>Section 5.1.2</p> | <p>Study Areas</p> <p>Section 5.1.2 of the study plan states “The economic study areas are defined to capture the potential effects of the Project on the surrounding environment. For each criteria, a local study area (LSA) and regional study area (RSA) are defined to reflect the extent to which the Project has the potential to affect the environment. The extent of the potential effects includes both direct and indirect effects.”</p> <p>Section 1.1 of the Guidelines states that “the factors [to be considered in an impact assessment] are listed in subsection 22(1) of IAA and prescribe that the impact assessment of a designated project must take into account:</p> <p>a) the changes to the environment or to health, social or economic conditions and the positive and negative consequences of these changes that are likely to be caused by the carrying out of the designated project, including:...”</p> <p>The assessment of effects on the economic conditions should not only consider the extent to which Project has the potential to affect the environment but include potential changes to health, social or economic conditions. The economic study area should be defined to capture the economic area of influence of the Project, including effects not directly linked to adverse effects of the Project to the environment.</p> <p><u>Required Action # 10:</u> Update the study plan to define study areas that capture the Project’s economic effects due to potential changes to environment, health, social and economic conditions.</p> |
| <p>Section 5.2</p> | <p>Criteria and Indicators</p> <p>The study plan provides inadequate detail on the criteria and indicators depicted in Table 3 to determine their adequacy to describe the economic baseline condition and to assess Project’s effects.</p> <p>Section 11 of the Guidelines requires specific information related to the economic condition within the spatial and temporal boundaries selected.</p> <p>Section 18 of the Guidelines requires the effects assessment of the Project on the economic valued components during all phases of the Project.</p> <p>Additional details on the indicators that will be used to describe each criterion are needed. Indicators must provide data (either quantitative or qualitative) that can be measured and used to identify changes due to the Project. The three indicators presented below represent a sample from the study plan that require more detail. This sample is not a complete list of the indicators that require more detail:</p> <ul style="list-style-type: none"> - Example 1: Rationale for use of the indicator “Economic Opportunity” for the criterion of “Regional Economy” - The study plan indicates that the rationale |

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| | <p>for “Economic Opportunity” is that “the Project has the potential to change the composition of the economy and later the industrial and commercial activities available within the area”. This rationale does not provide adequate detail on what will be evaluated or measured (for change) by the proponent in relation to the criterion of “Regional Economy”.</p> <ul style="list-style-type: none"> - Example 2: Rationale for the use of the indicator “Traditional Economies” for the criterion of “Regional Economy” - The study plan indicates that the rationale for “Traditional Economies” is that “the Project may influence the traditional economies of local communities”. This rationale does not provide adequate detail on which indicators will be used to describe the influence of the Project on “local communities”. - Example 3: Description of the “Expression of Change” of the indicator “Price of Goods” for the criterion of “Regional Economy” – The description, “Changes in the price in the price of goods including food, electricity and housing”, does not provide adequate detail on what will be evaluated or measured (for change) by the proponent in relation to the “Regional Economy” criterion. <p><u>Required Action # 11:</u> Update the study plan to include detailed and measurable indicators that meet the requirements in Sections 11 and 18 of the Guidelines. Demonstrate how input received from Indigenous groups through engagement activities were incorporated into the development of the criteria and indicators.</p> |
| <p>Section 5.2</p> | <p>Criteria and Indicators</p> <p>Section 5.2 of the study plan states “As the socio-economy has an abundance of interlinkages and overlaps, certain aspects of the economic environment are considered in other study plans, and have their baseline information documented in other relevant reports. The Socio-community Assessment will document information on housing and infrastructure. The Land and Resource Use Assessment includes information on industrial land uses and tourism establishments. Elements of the traditional economy are covered in the Indigenous Knowledge Assessment. Findings and data included in these sections are considered under relevant components of the Economic Assessment.”</p> <p>Section 18 of the Guidelines states that the assessment must illustrate an understanding of linkages and effect pathways, so that when a change in one domain is predicted, there is an understanding of what other effects or consequences may be felt across the other domains. Indicators should be developed by the proponent using best practice, Agency guidance, and through engagement with Indigenous groups and the public. Rationale for the indicators chosen should be provided.</p> <p>The study plan provides inadequate detail on the data described in other study plans (such as the socio-community study plan) that will be collected and analyzed to meet the economic baseline data collection and economic effects assessment requirements described in Sections 11 and 18 of the Guidelines, respectively.</p> <p><u>Required Action # 12:</u> Update the study plan to provide further detail on the specific economic criteria and indicators that will be collected and assessed through other study plans. At a minimum, provide a cross reference as to where the specific economic criteria and indicators can be found in the other plans.</p> |

**Section 7,
Table 5**

Concordance with Federal and Provincial Guidance

More detail is required within the “Response” column on how the study plan is meeting the requirements of the Guidelines. This is not clear in the “Study Plan Reference” column, as the referenced sections do not provide sufficient detail on the type of indicators that would be used to collect baseline information for the effects assessment. The two examples below show responses from the concordance table that require more detail. This is not a complete list of the responses that require more detail in the study plan, but serves as a representative sample:

- Example 1: In Table 1 ID # 9, the concordance table indicates that “income leakages will be considered qualitatively in the baseline based on primary data collected on economic activities and available secondary source data.” It is unclear which qualitative indicators will be used to measure “income leakages”. It is also unclear to what “data collected on economic activities” is referring.

- Example 2: In Table 1 ID # 15, the concordance table indicates that Section 18.4 of the Guidelines requires that the Impact Statement must describe the effects on infrastructure. As a response to this requirement, the concordance table indicates “these items will be considered as part of the Socio-community Assessment and Study Plan”. It is unclear how the Socio-community study plan will meet the requirements from Section 18.4 of the Guidelines.

Required Action # 13: Demonstrate that this study plan reflects the inclusion of all requirements outlined in the Guidelines and describe the approaches to collect the information.

Preliminary Comments from the Impact Assessment Agency of Canada (the Agency) on the Marten Falls Community Access Road Project (the Project) Draft Land and Resource Use Study Plan submitted on May 22, 2020

| Section(s) of the Land and Resource Use Study Plan | Impact Assessment Agency of Canada Feedback |
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| General comment | In addition to the required actions detailed below, other required actions to be addressed in the update to this study plan are detailed in a separate table titled “2020-07-02 – IAAC to MFFN - General Comments on MFCAR Draft Study Plans”. The Agency has provided these other required actions to highlight common sections of the Tailored Impact Statement Guidelines (the Guidelines) where requirements were not met in the draft study plans submitted to the Agency. These additional actions must be addressed in the updated study plans. |
| Section 2 | <p>Study Plan Objective Section 2 of the study plan states that the plan focuses on the use of land and resources for Indigenous non-traditional purposes.</p> <p>According to Sections 10 and 17 of the Guidelines, social baseline data should not limit data collection to Indigenous people but should also engage with potentially impacted community groups and municipalities. The Agency expects the proponent to engage the stakeholders identified in the Public Participation Plan (PPP).</p> <p>It is unclear whether, and how, the study plan will meet the requirements of Sections 10 and 17 of the Guidelines with regards to non-Indigenous land and resource use.</p> <p><u>Required Action # 1:</u> Update the study plan to reflect the requirements of Sections 10 and 17 of the Guidelines regarding non-Indigenous land and resources use.</p> |
| Section 3 | <p>Input from Engagement Section 3 of the study plan states that “Due to sensitivities regarding this data, it is not expected a table similar to Table 1 will be provided. Instead, Indigenous Knowledge collected through means other than engagement (Indigenous Knowledge program and Socio-economic Primary Data Collection program) will be integrated into the reporting with relevant contextual information provided at a level of detail consistent with the confidentiality requested by participants.”</p> <p>Section 6.2 of the Guidelines states that the proponent is required to describe the type of confidential information provided by each Indigenous group without compromising stipulations in the confidentiality agreements and state how that information impacted the project design, baseline data, effects assessment or mitigation measures. The proponent is required to provide evidence to the Agency in the form of a letter from the Indigenous group that provided confidential information confirming that:</p> <ul style="list-style-type: none"> - the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; - the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed. <p>It is unclear how the approach proposed in the study plan will meet the requirements of Section 6.2 of the Guidelines.</p> <p><u>Required Action # 2:</u> Update the study plan to reflect how the requirements of Section 6.2 of the Guidelines will be met.</p> |

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| <p>Sections 3 and 4.1</p> | <p>Collection of Baseline Data</p> <p>More detail is required on the methodology of baseline information collection for the Agency and federal experts to understand the work that the proponent is planning to undertake.</p> <p><u>Required Action # 3:</u> Provide detail on what baseline information will be sourced from primary information sources, and what will be sourced from secondary information sources so that it is clear where information is being sourced for the criteria and indicators listed in the study plan.</p> <p><u>Required Action # 4:</u> Regarding primary information collection, the study plan requires additional detail on how the collection methodology would meet the expectations of the Guidelines, including:</p> <ul style="list-style-type: none"> • Identify other types of engagement activities (surveys, community sessions, chief and council sessions, workshops, etc.), additional to questionnaires that are indicated in Section 4.1 of the study plan. • Describe how Gender-Based Analysis Plus (GBA+) has been applied to the consideration of engagement activities. Identify any specific methods targeted to specific subgroups. • Specify participants in engagement activities (reflecting the Indigenous groups listed in the Indigenous Engagement and Partnership Plan and members of the public listed in the PPP) including rationale for how the selection of participants meets the objectives of the study and demonstrates accessibility considerations (e.g. language requirements) and GBA+. • Describe the approach the proponent intends to take to encourage or attract participation, including how opportunities to participate will be planned and advertised. • Describe how Indigenous knowledge will be used to inform types of engagement activities and participant selection, including the identification of community consultation coordinators. • If sample surveys, interview questions, or other data collection tools exist, identify them in an appendix to the study plan, and provide clear links to how they relate to the social criteria. • Identify past public or Indigenous engagement activities that have taken place and are being used to inform this study plan. <p><u>Required Action # 5:</u> For secondary information collection, provide specific information sources to be used, and for which criteria and indicators they apply. The study plan should provide a clear outline of which criteria and indicator data will come from existing secondary sources and what those sources are. Provide more detail on how the proponent has considered GBA+ requirements in the identification of secondary information sources.</p> |
| | <p>Sections 3 and 4.1 identify Indigenous knowledge as a source of information for baseline data, where provided by an Indigenous group. It is unclear how Indigenous groups will be provided opportunities to provide Indigenous knowledge and validate the collected baseline data. (According to Section 6.2 of the Guidelines, permission from Indigenous groups should be sought before including any confidential information, such as Indigenous knowledge, in the Impact Statement.)</p> <p><u>Required Action # 6:</u> Provide a clear description in your study plan how Indigenous groups will have opportunities to provide Indigenous knowledge, including the validation of the baseline collected. The description should include the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate</p> |

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| | <p>that guidance outlined in Section 6.2 of the Guidelines has been incorporated into this study plan.</p> |
| <p>Section 4</p> | <p>Gender Based Analysis Plus The study plan indicates in Section 4 that disaggregated data may not be required for land and resource use and will be incorporated where possible.</p> <p>The study plan does not provide any further information on how the GBA+ analytical framework will be applied to data collection methodology and analysis. Refer to Agency guidance for more information on the GBA+ approach: https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/gender-based-analysis.html</p> <p>Section 5.2 of the Guidelines state that the Impact Statement must include, at a minimum, a description of efforts made by the proponent to engage diverse populations, including groups identified by gender, age or other community relevant factors (e.g., recreational hunters) to support the collection of information needed to complete the GBA+;</p> <p>The proponent should seek to solicit information necessary to support the GBA+, and if unsuccessful, efforts made should be described in the Impact Statement. Section 6.3 of the Guidelines state that the Impact Statement must include, at a minimum, a description of efforts to engage diverse populations of each Indigenous group in culturally appropriate ways, including groups identified by gender, age or other community relevant factors (e.g., hunters, trappers, and other harvesters) to support the collection of information needed to complete the GBA+;</p> <p>Section 10 of the Guidelines states that baseline information must be sufficiently disaggregated and analysed to understand the differences in norms, roles and relations for diverse subgroups; the different level of power they hold; their differing needs, constraints and opportunities; and the impact of these differences in their lives, including consideration of disproportionate effects to surrounding communities.</p> <p><u>Required Action # 7:</u> Update the study plan to demonstrate how GBA+ has been integrated into all aspects of data collection methodology and the assessment of effects and impacts. This should include a description of how the proponent will engage diverse populations to collect information necessary to support the GBA+ analysis and how the information will be tracked, considered and reported in the Impact Statement.</p> |
| <p>Section 5.1.2</p> | <p>Study Areas The study plan does not reflect if the public and Indigenous groups informed the study areas for each indicators in Table 2: Land and Resource Use Study Areas.</p> <p>Sections 5 and 6 of the Guidelines provide direction on the Agency's expectations for meaningful engagement with members of the public and public groups (at a minimum those listed in the PPP), as well as Indigenous groups (at a minimum those listed in the IEPP) during the impact assessment process. The Agency expects the proponent to engage equitably with the members of the public and public groups listed in the PPP and all Indigenous groups listed in the IEPP to gather baseline data and to assess the Project's effects.</p> <p>Additionally, Section 7.4 of the Guidelines states that the spatial and temporal boundaries to be used in the impact assessment are outlined and discussed through the tailoring process, and include comments and input from federal and provincial government departments and agencies, local government, Indigenous groups, the public and other interested parties. The proponent should engage with Indigenous groups when defining spatial and temporal</p> |

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| | <p>boundaries for valued components, especially for those that are identified by Indigenous groups.</p> <p>It is unclear how the approach proposed in the study plan will meet the requirements of Sections 5, 6 and 7.4 of the Guidelines.</p> <p><u>Required Action # 8:</u> Update the study plan to demonstrate whether the public and Indigenous groups were engaged to define the spatial boundaries for valued components, especially for valued components that are identified by Indigenous groups. Alternatively, provide clarity regarding when Indigenous groups and public groups will be able to contribute to the definition of the spatial and temporal boundaries of valued components.</p> |
| <p>Section 5.1.2</p> | <p>Study Areas</p> <p>Section 5.1.2 of the study plan states “The land use and resource study areas are defined to capture the potential effects of the Project on the surrounding environment. For each criteria, a local study area (LSA) and regional study area (RSA) are defined to reflect the extent to which the Project has the potential to affect the environment. The extent of the potential effects includes both direct and indirect effects.”</p> <p>Section 1.1 of the Guidelines states that “the factors [to be considered in an impact assessment] are listed in subsection 22(1) of IAA and prescribe that the impact assessment of a designated project must take into account:</p> <p>a) the changes to the environment or to health, social or economic conditions and the positive and negative consequences of these changes that are likely to be caused by the carrying out of the designated project, including:...”</p> <p>The assessment of effects on the land and resource use should not only consider the extent to which the Project has the potential to affect the environment, but also consider potential changes to health, social and economic conditions. The land and resources use study area should be defined to capture the land and resource use area of influence of the Project, including effects not directly linked to adverse effects to the environment.</p> <p><u>Required Action # 9:</u> Update the study plan to define study areas that capture the Project’s effects on land and resources use due to potential changes to environment, health, social and economic conditions.</p> |
| <p>Section 5.2</p> | <p>Indicators</p> <p>More detail is required in the description of indicators listed in Table 3 to understand the work that the proponent is planning to undertake. The criteria provided do not align with the specifics from the Guidelines outlined in the concordance table in Section 7 of the study plan. The criteria should refer to the wording used in the Guidelines to provide clarity to the reviewer.</p> <p>Section 17 of the Guidelines states that “Indicators should be developed by the proponent using best practice, Agency guidance, and through engagement with Indigenous groups and the public. Rationale for the indicators chosen should be provided”.</p> <p>Criteria should be included in the study plan as laid out in the concordance table,, but with additional details on the indicators that will be used to describe each criterion. Indicators must provide data (either quantitative or qualitative) that can be measured and used to identify changes due to the Project. The two examples below are a representative sample of indicators from the study plan that require more detail, not a complete list of the indicators that require more detail:</p> <ul style="list-style-type: none"> • Example 1 – In Table 3 of the study plan, the use of the indicator “Natural Cultural and Recreational Values” for the criterion of “Parks and Protected Areas” does not |

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| | <p>provide adequate detail on what will be evaluated or measured (for change) by the proponent in relation to the criterion of “Parks and Protected Areas”.</p> <ul style="list-style-type: none">• Example 2 - In Table 3 of the study plan, the “Recreation and Tourism” criterion specifies “Land and waterway disruption and access” as an indicator. This does not provide detail on what indicators will be used to describe the baseline for land and waterways or how the indicator will be used to measure the potential changes to land and waterways (including any change in access). <p><u>Required Action # 10:</u> Update Table 3 of the study plan to include detailed criteria, detailed and measurable indicators, and rationale for the indicators selected to demonstrate how the requirements in Section 17 of the Guidelines would be met.</p> |
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Comments from the Impact Assessment Agency of Canada (the Agency) on the Marten Falls Community Access Road (the Project) Draft Acoustic Study Plan – August 27, 2020

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| AC-01 | General Comment | Sections 5, 6, 7, 13, 19.2 and 25 | In addition to the required actions detailed below, other required actions to be addressed in the update to this study plan are detailed in a separate table titled " 2020-07-02 - IAAC to MFFN- General Comments on MFCAR Draft Study Plans ". The Agency has provided these other required actions to highlight common sections of the Tailored Impact Statement Guidelines (Guidelines) where requirements were not met in the draft study plans submitted to the Agency. These additional actions must be addressed in the updated study plans. | |
| AC-02 | General Comment | Sections 9, 12.2, 12.4, 15.2, 15.3, 15.4, 16.1, 17.2, 19.1 and 20 | The Guidelines include requirements beyond those in Sections 8.1 and 14.1 that are related to the acoustic environment (such as Sections 9, 12.2, 12.4, 15.2, 15.3, 15.4, 16.1, 17.2, 19.1 and 20). Changes to the acoustic environment could have effects on environmental, social, health and economic valued components, as well as effects to Indigenous peoples' current use of lands and resources for traditional purposes and conditions related to the impacts on rights of Indigenous peoples, for example. Whether in the acoustic environment study plan or in other topic specific study plans, there must be a demonstration of the approach to meet all requirements of the Guidelines, including those related to effects on community well-being from changes to soundscapes, and impacts of noise on the experience of a practice or the exercise of rights. The interactions of effects and the interconnectedness of the valued components is not apparent in this and other study plans. | |
| AC-03 | Section 3: Spatial Boundaries: Study Area "Noise may affect nearby wildlife, which may affect outdoor recreational and teaching activities of the community and Indigenous groups such as hunting and trapping for recreational and food purposes. However, the federal and provincial noise guidelines do not quantify indirect acoustic effects; and the direct and quantifiable acoustics effects are expected to be limited to the LSA." | Section 19.1 "...The potential effects, to consider assessing include both adverse and positive effects to the current use of land and resources for traditional purposes, physical and cultural heritage, and environmental, health, social and economic conditions of Indigenous peoples impacted by the Project, including interferences of the Project with the following: <ul style="list-style-type: none"> o quantity and quality of resources available for harvesting (e.g., species of cultural importance, including traditional and medicinal plants);... o experiences of being on the land, including ability to pass on Indigenous knowledge and language (e.g., impacted from: changes in air quality, noise exposure, effects of vibrations from blasting and other activities);..." | The study plan provides inadequate detail on the data that will be collected and analyzed to meet the noise impact assessment on the requirements related to Indigenous peoples described in Sections 19.1 of the Guidelines. If information on impacts on Indigenous peoples from noise are expected to be assessed in other study plans (e.g., Indigenous peoples valued components, social, and land and resource use), this should be clearly presented. | Provide further details that demonstrate the methodologies and approaches to studying the impacts of noise to Indigenous peoples, as required in Section 19 of the Guidelines. Cross-reference any specific acoustic/noise methodologies and indicators that are to be found in other plans. |
| AC-04 | Section 3: Spatial Boundaries: Study Area "the direct and quantifiable acoustics effects are expected to be limited to the Local Study Area." | Section 13.1 "...Predictions must be made on clearly stated assumptions and the Impact Statement must clearly describe how it has tested each assumption..." | It is unclear how it was determined that the direct and quantifiable acoustics effects are expected to be limited to the Local Study Area. | Provide details to demonstrate that direct and quantifiable acoustics effects are expected to be limited to the Local Study Area, considering the life of the Project and future uses of the road (including for mining purposes), and clearly identify the various noise receptors that are taken into account. |

¹ Refer to complete sections of the Guidelines for more context.

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| AC-05 | <p>Section 4.1: 2019 Baseline Noise Field Program “The field program was conducted in November 2019 and included a monitoring component (Baseline Noise Monitoring) and measurement component (Baseline Noise Measurements)... As a result of discussions with the Project Team, two representative sensitive receptor locations were selected for both the Baseline Noise Monitoring and Baseline Noise Measurements. The first receptor location was selected to correspond to a populated area where it was expected that the ambient levels would be influenced by human activities. A second receptor location, within the area located further from the community, was identified to document ambient levels characteristic of natural environment without the influence of human activities. These two locations are expected to allow the team to document the range in existing ambient noise levels within the LSA [local study area]. Data for the monitoring/measurements, and the corresponding reporting includes the following information for each location:</p> <ul style="list-style-type: none"> • (...) • Recording mode; (...) <p>5. Data Management and Analysis “(...) The screening will be completed using various tools, which may include audio recording (where deemed appropriate), analysis of the raw noise monitoring data in combination with meteorological data, or similar.”</p> | <p>Section 8.1 “The Impact Statement must:...</p> <ul style="list-style-type: none"> ○ provide current ambient noise levels at key receptor points to traditional land users and sensitive human receptors, including the results of a baseline ambient noise survey and permissible sound levels for each receptor. Information on typical sound sources (both natural and anthropogenic), geographic extent and temporal variations will be included. When collecting baseline ambient noise survey data at human receptor locations, consider the following recommended questions: <ul style="list-style-type: none"> ○ Does the community or land users value certain non-anthropogenic (i.e., natural) sounds? ○ Is there an expectation of quiet at any specific locations or times? ○ What are typical sleep hours (10pm to 7am being the default assumption)? ○ What is the baseline prevalence of noise annoyance toward existing noise sources (e.g., road traffic, aircraft, and other industrial sounds)?... ○ provide the approximate number, distance and identity factors of likely human receptors, including any foreseeable future receptors, that may be impacted by changes in air, water, country food quality (e.g., dust deposition on vegetation), and noise levels. At minimum, provide a map showing approximate locations of permanent residences, temporary land uses (e.g., cabins and traditional sites) and known locations of sensitive human receptors (e.g., schools, hospitals, community centres, retirement complexes or assisted care homes).” | <p>The study plan does not provide sufficient details on the methods used for the 2019 baseline noise field program. For example, it is unclear what the “populated area” and “further from the community” represents, or how they are representative of other communities in the LSA.</p> <p>It is also unclear whether audio recordings were collected. This information is required to confirm that the 2019 study results and further work outlined in the study plan satisfy the requirements of Section 8.1 of the Guidelines and Health Canada’s guidance on baseline noise measurements for the purpose of assessing effects of project-related noise on human health.</p> <p>Health Canada recommends that noise assessments identify and describe any particular receptors that may have a heightened sensitivity to noise exposure (e.g. Indigenous peoples, schools, child care centres, hospitals). Measured baseline noise levels should be provided for both daytime (Ld) and night-time (Ln) at all representative receptor locations. It is a good practice to identify the exact location of the baseline measurement (e.g. outdoors at a building facade, elevation, road intersection, etc.).</p> <p>Observations on timing (i.e., weekday/weekend, seasonal activity), weather conditions, and noise sources also provide useful information on the context surrounding the baseline measurements.</p> <p>Additional information on how to minimize uncertainty of the validity of measured baseline sound-level data can be found in Section 6.2.1 (page 13) of Health Canada Noise Guidance Document.</p> | <p>Update the study plan to describe how the 2019 monitoring locations are representative of baseline conditions at sensitive receptor locations (as per Section 8.1 of the Guidelines) and provide further details about the locations (e.g. provide a map).</p> <p>Clarify the length and timing of monitoring and how temporal variability will be considered (e.g., seasonal variation in levels, types of community activity, weather conditions) (as per Section 8.1 of the Guidelines).</p> <p>Clarify whether the collected baseline data includes audio recordings and whether any baseline ambient noise survey data [e.g., community annoyance with noise, measured as percent highly annoyed (%HA)] were collected from community members (as per Section 8.1 of the Guidelines).</p> |

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| AC-06 | <p>Section 4.2: Desktop Assessment “This study plan focuses on the additional studies that are anticipated to be required to gather information beyond what is currently available through existing information sources”.</p> <p>Section 7: Conformance with Federal and Provincial Guidance Acoustic Environment Study will include a baseline ambient study that will inform permissible sound levels at sensitive receptors. Monitoring locations were selected to capture the range of existing noise sources considering numerous factors, including geographic and temporal variations. The baseline prevalence of noise annoyance will be captured by determining the baseline percent highly annoyed (%HA) level. This determination is required as part of the Acoustic Environment Study’s change in %HA assessment.</p> | <p>Section 8.1 ““The Impact Statement must:...</p> <ul style="list-style-type: none"> • provide current ambient noise levels at key receptor points to traditional land users and sensitive human receptors, including the results of a baseline ambient noise survey and permissible sound levels for each receptor. Information on typical sound sources (both natural and anthropogenic), geographic extent and temporal variations will be included. When collecting baseline ambient noise survey data at human receptor locations, consider the following recommended questions: <ul style="list-style-type: none"> ○ Does the community or land users value certain non-anthropogenic (i.e., natural) sounds? ○ Is there an expectation of quiet at any specific locations or times? What are typical sleep hours (10pm to 7am being the default assumption)? ○ What is the baseline prevalence of noise annoyance toward existing noise sources (e.g., road, traffic, aircraft, and other industrial sounds)?...” | <p>The study plan does not describe any additional baseline studies, suggesting that nothing more is anticipated and information on all sensitive human receptors and sensitive receptor locations are known and taken into account.</p> <p>It is unclear how the approach proposed in the study plan will meet the requirements of Section 8.1 of the Guidelines.</p> <p>The study plan does not describe how the proponent is planning to provide Indigenous groups and the public with an opportunity to share information on existing noise perception, concerns about the Project, and to comment on the list of valued components and indicators.</p> <p>The Guidelines recommend that the proponent considers a baseline ambient noise survey and provides examples of recommended questions for gathering community feedback as part of a baseline noise study.</p> | <p>Provide detail to demonstrate the proposed approach and methods used to meet the requirements of the Guidelines, particularly Section 8.1.</p> <p>Update the study plan to include the list of all Indigenous groups that will be engaged, at a minimum the Indigenous groups listed in the Indigenous Engagement and Partnership Plan (IEPP), as part of the baseline data collection, defining the list of criteria and indicators, and effects assessment analysis. The list should be consistent throughout the study plan.</p> <p>Provide further detail to describe how Indigenous groups and the public have been, or will be, provided an opportunity to inform the acoustic baseline data collection and effects assessment.</p> |
| AC-07 | <p>6.1 Indicators and Expression of Change “The indicators have been determined for the Acoustic Environment through consideration of the following:</p> <ul style="list-style-type: none"> • human health effects; • consultation with regulatory agencies and industrial stakeholders; • potential presence within the area associated with the Project, and potential for alteration or disturbance as a result; • social or economic importance; and • any other relevant and credible source, such as scientific or academic publications or input from the public. (...)” | <p>Section 6 “...the proponent must provide Indigenous groups with an opportunity to:</p> <ul style="list-style-type: none"> • comment on the list of valued components and indicators;...” <p>Section 14.1 “The Impact Statement must:...</p> <ul style="list-style-type: none"> • describe consultation with regulators, stakeholders, community groups, landowners and Indigenous groups about potential effects to the atmospheric, acoustic, and visual environment; ... • identify and justify the approach to determine the extent to which sound effects resulting from the Project are adverse...” <p>16.1 Biophysical Determinants of Health “With respect to biophysical determinants of health, the Impact Statement must (...)</p> | <p>Table 6-1 of the study plan provides a limited description of the indicators and their expression of change. It is unclear what each indicator measures, the rationale for including it and how a change will be interpreted.</p> <p>It is important to consider that human health effects related to noise may be evaluated by a variety of endpoints and indicators. The evaluation of each potential noise-induced human health effect by one method alone is not necessarily representative of all possible human health effects related to noise exposure. For example, when using %HA as an indicator in a noise impact assessment, the change in %HA of receptors exposed to long-term noise may not exceed 6.5%, but these receptors may experience noise-induced</p> | <p>Revise the study plan to provide a description of each indicator presented and describe each indicator’s expression of change and potential interpretation for the effect analysis.</p> <p>Clarify how the proposed indicators are appropriate to assess health-related effects at receptors due to noise-induced hearing loss, sleep disturbance, or interference with speech comprehension.</p> <p>Provide details to demonstrate how Indigenous groups listed in the Indigenous Engagement and Partnership Plan that may have views on these studies have been/will be provided with an opportunity to comment on the list of indicators.</p> <p>Clarify whether concerns relating to increased noise were raised by the public or Indigenous groups.</p> |

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| | <p>Table 6-1: Acoustic Environment Indicators “Expressions of change: $L_{eq}(1)$; $L_{eq}(16)$ Rationale for selection: Used in provincial guidelines to describe baseline noise levels, and assess stationary noise source effects; to assess road traffic noise effects</p> <p>Expression of change: %HA Rationale for selection: Used in federal guidelines to assess noise effects on human health and potential for complaints due to noise exposure”</p> | <ul style="list-style-type: none"> describe nuisances and environmental, social and economic changes that could potentially be sources of adverse human health effects and the potential human receptors of these effects; in situations where project related air, water or noise emissions meet local, provincial, territorial or federal guidelines, and yet public concerns were raised regarding human health effects, provide a description of the public concerns and how they were or are to be addressed.” <p>(...) The proponent should provide a detailed rationale/explanation for any deviation from recommended assessment approaches/methods, including Health Canada’s guidance, or when determining such assessment is not warranted.”</p> | <p>hearing loss, sleep disturbance, or interference with speech comprehension.</p> <p>Additionally, the indicators do not appear to have been selected considering public concerns. It is unclear why Indigenous groups are not listed among the elements taken under consideration for the determination of the list of indicators.</p> | |
| AC-08 | <p>Section 6.2 Methods for Predicting Future Conditions “Where roadway parameters are not available (e.g., traffic composition), the assessment will incorporate standard parameters provided in provincial traffic noise guidelines”.</p> | <p>Section 13.1 “...Predictions must be made on clearly stated assumptions and the Impact Statement must clearly describe how it has tested each assumption...”</p> | <p>Where roadway parameters are not available, ensure that the parameters incorporated in the assessment are clearly described in the Impact Statement and confirm that are approved by Ontario.</p> | |
| AC-09 | <p>6.2 Methods for Predicting Future Conditions “Road traffic noise due to the Project will be predicted using an algorithm that is acceptable to the MECP [Ontario ministry of environment, conservation and parks] and MTO [Ontario ministry of transportation]. The traffic noise assessment will incorporate the following (...) Predicted future day/night traffic volumes and vehicle composition;</p> <p>Noise due to Project construction activities will be predicted using industry standard methods. Construction equipment noise emissions may be estimated using a</p> | <p>Section 14.1 “The Impact Statement must:... <ul style="list-style-type: none"> describe changes in ambient vibration and other sound levels resulting from the Project at potential receptor locations, including changes to the perception of non-anthropogenic sounds; quantify sound levels at appropriate distances from any Project facility and/or activities and describe for each contributing source the timing (e.g., hours of night-time activities), number and duration of noise events and their sound characteristics, including frequency spectrum; provide the hourly distribution of baseline noise events at night in comparison to predicted individual noise events at night at each receptor location;... </p> | <p>The study plan does not provide sufficient details to confirm whether or how the following will be considered in the noise assessment:</p> <ul style="list-style-type: none"> road traffic noise for the construction and operation phases of the Project; hourly distribution of noise events at night; construction lasting for periods greater than one year at any given location; noise-related complaints; anticipated relevant adjustment factors (e.g. for “quiet rural areas”, time-of-day, tonal and/or impulsive noise); and cumulative effects with reasonably foreseeable future projects. | <p>Provide detail in the study plan to demonstrate that road traffic noise will be assessed for all relevant phases of the Project.</p> <p>Provide details to demonstrate that the effects assessment for the operation phase will include the effect cause by all different users (traffic volume, type of vehicles, etc.), including Indigenous groups, the general public, and mining proponents of reasonably foreseeable future projects ((e.g., Eagle’s Nest, Blackbird, Black Thor, Black Label, Big Daddy, anticipated future community access roads).</p> <p>Explain whether the noise assessment will consider increases in individual night-time noise events and their potential effect on sleep disturbance.</p> <p>Provide detail to demonstrate that construction noise lasting longer than one year at any given location will be assessed.</p> |

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| | <p>combination of industry standard reference publications and noise levels collected from similar equipment for other projects. (...)</p> <p>Where possible, receptor locations and time periods should be incorporated with consideration of relevant input collected through community consultations and the Indigenous Knowledge Program, such as: typical sleep hours, and the expectation of quiet at specific locations or times.”</p> | <ul style="list-style-type: none"> consider the expectation of peace and quiet at receptors (e.g., in a quiet rural area or during Indigenous land use) and the applicable community-based policies concerning noise (e.g., complaints resolution processes); identify and justify the approach to determine the extent to which sound effects resulting from the Project are adverse and describe any changes in night-time light levels as a result of the Project;...” <p>Section 22 “The proponent must identify and assess the Project’s cumulative effects using the approach described in the Agency’s guidance documents related to cumulative environmental, health, social and economic effects...”</p> <p>Finalizing the choice of valued components and the appropriate boundaries, including potential transboundary areas, to assess cumulative effects, is informed and confirmed as part of the tailoring process through consultation with the public, Indigenous groups, lifecycle regulators, jurisdictions, federal authorities and other interested parties...</p> <p>The Impact Statement must: ...</p> <ul style="list-style-type: none"> assess the cumulative effects to each valued component selected by comparing the future scenarios with the Project and without the Project..” | <p>Additionally, the study plan does not specify which decision factors will be used to determine whether relevant input will be collected through community consultations and the Indigenous Knowledge Program.</p> | <p>Provide a rationale for excluding noise-related complaints as an indicator of adverse health effects. Clarify how complaints resolution process will be considered in the Impact Statement.</p> <p>Describe any applicable noise adjustments (e.g. for “quiet rural areas”, time-of-day, tonal and/or impulsive noise) that are being considered and provide a description when they have been used or when it has been decided they are not applicable in a given scenario.</p> <p>Provide details to demonstrate how the noise assessment will inform the decision whether to assess cumulative effects on human health due to noise.</p> |
| AC-10 | <p>Section 6.2 Methods for Predicting Future Conditions “If needed, noise due to Project construction involving stationary sources (e.g., aggregate extraction and refining) will be predicted in accordance...”.</p> | <p>Section 14.1 “The Impact Statement must:... • describe changes in ambient vibration and other sound levels resulting from the Project at potential receptor locations, including changes to the perception of non-anthropogenic sounds;...”</p> | <p>The study plan does not provide information regarding the criteria on how to determine whether there is a need for predicting noise due to project construction involving stationary sources.</p> | <p>Provide detail to explain the criteria or circumstances that will determine whether there is a need for predicting noise due to Project construction involving stationary sources.</p> |

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| AC-11 | 6.3 Magnitude of Effect Table 6-2: Acoustic Environment Magnitude Definition “Definition of magnitude level: Increase of (1-3; 3-5; 5 or more) dB above baseline noise level Rationale: Industry references for human perception of changes in sound level.” | Section 14.1 “The Impact Statement must: ... • describe changes in ambient vibration and other sound levels resulting from the Project at potential receptor locations, including changes to the perception of non-anthropogenic sounds;...” | It is important to consider that people respond to sound characteristics that do not necessarily appreciably increase the sound level. Therefore, it is suggested that statements relating to perceptibility or whether changes in noise are noticeable based solely on decibel levels be avoided. Health Canada advises that such statements may give the public the impression that the sounds will not be heard, which may increase public complaints regarding noise during construction and operation. | Broaden the scope of the proposed magnitude definition to include changes to the characteristics of the sound from baseline, in addition to the comparison of predicted and baseline noise levels. Other criteria that could contribute to magnitude could include changes in frequency, changes in sound modulation, increased impulsiveness, a shift in noise from the daytime to being more at night, a shift from quiet rural to traffic or construction-related noise, etc. |
| AC-12 | Section 7 Conformance with Federal and Provincial Guidance “Federal and Provincial noise guidelines have been developed based on research into human response to noise exposure. The noise guidelines do not address whether these criteria are applicable to wildlife, nor do the guidelines provide separate criteria for wildlife assessment. We are not aware of any underwater noise or vibration thresholds that would be applicable for this project. As such, the Acoustic Environment Study Plan will assess acoustic impacts on human receptors only. Acoustic impacts and existing conditions related to underwater environments will not be determined or measured.” | Section 8.1 “The Impact Statement must:... • for the aquatic environment, provide current underwater soundscape and vibration descriptions of the study area and at the project site from various sources based on acoustic measurements. Provide information on vibration and sound sources, geographic extent and spatial and temporal variations within the water column;...” Section 13.1 “The Impact Statement must describe in detail the project’s potential adverse and positive effects in relation to each phase of the Project (construction, operation, maintenance, suspension, decommissioning, and abandonment)...” | It is unclear how the approach proposed in the study plan will meet the requirement of Section 8.1 of the Guidelines to provide a description of the current underwater soundscape and vibrations. It is unclear if no acoustic effects is anticipated. This would include blasting of bedrock or vibrational effects from pile driving bridge piers. If any of these works, undertakings, or activities will occur in fish and fish habitat (below the high water mark), details on mitigation and guidelines to be followed are required. | Describe an approach and methods to provide current underwater soundscape and vibration descriptions of the study area and at the project site from various sources that are based on acoustic measurements. Provide information on how vibration and sound sources, geographic extent and spatial and temporal variations within the water column will be studied. Provide details to clarify if acoustic effects from any works, undertakings, or activities will occur in fish and fish habitat. |
| AC-13 | Section 7 Conformance with Federal and Provincial Guidance “The ambient noise monitoring results will serve as a baseline for the traffic noise assessment of the CAR. Road traffic is typically considered a source of ambient noise. Therefore, an increase in road traffic noise is considered an increase in ambient noise. This principle will be used to assess the operations of the CAR, including describing human perceptibility of the increase in noise. Ambient noise | Section 13.1 “The Impact Statement must describe in detail the project’s potential adverse and positive effects in relation to each phase of the Project (construction, operation, maintenance, suspension, decommissioning, and abandonment)...” Section 14.1 “The Impact Statement must:... • describe changes in ambient vibration and other sound levels resulting from the Project at potential receptor locations, | It is unclear if all phases of the Project will be included in the description of changes in ambient vibration and other sound levels resulting from the Project at potential receptor locations, as per Sections 13.1 and 14.1 of the Guidelines. It is unclear what other ambient vibration and sound levels will be described, as the study plan only discusses road traffic. | Provide detail to demonstrate that ambient vibration and other sound levels resulting from the Project will be described for each phase of the Project. |

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| | includes both anthropogenic and non-anthropogenic sounds. Ambient monitoring datasets include thousands of datapoints, and it is impractical to separate anthropogenic and non-anthropogenic events. As such, the Acoustic Environment Study will describe changes to the perception of sound with respect to the baseline ambient levels (e.g., anthropogenic + non-anthropogenic sounds).” | including changes to the perception of non-anthropogenic sounds;...” | | |
| AC-14 | <p>Section 7 Conformance with Federal and Provincial Guidance “Acoustic Environment Study will describe noise source characteristics used in the noise impact assessment(s).</p> <p>Acoustic Environment Study will present hourly baseline results of the field monitoring program. Noise impact assessment will include a comparison of predicted noise levels and measured baseline levels.</p> <p>Acoustic Environment Study will include community input and applicable policies Acoustic Environment Study will gauge adverse noise impacts using accepted industry, Provincial, and Federal descriptors.”</p> | <p>Section 14.1 “The Impact Statement must:...</p> <ul style="list-style-type: none"> - quantify sound levels at appropriate distances from any Project facility and/or activities and describe for each contributing source the timing (e.g., hours of night-time activities), number and duration of noise events and their sound characteristics, including frequency spectrum; - provide the hourly distribution of baseline noise events at night in comparison to predicted individual noise events at night at each receptor location; - consider the expectation of peace and quiet at receptors (e.g., in a quiet rural area or during Indigenous land use) and the applicable community-based policies concerning noise (e.g., complaints resolution processes); - identify and justify the approach to determine the extent to which sound effects resulting from the Project are adverse and describe any changes in night-time light levels as a result of the Project;...” | <p>It is unclear how the approach proposed in the study plan will meet many of the requirements of Section 14.1 of the Guidelines.</p> <p>Table 7.1 provides general statements that the requirements will be included in the Impact Statement. More detail is needed to determine how the requirements will be met. The Impact Statement must address all requirements outlined in the Guidelines and the study plan should demonstrate a clear approach to meet those requirements.</p> | <p>Provide detail to demonstrate that the proposed approaches and methods will meet the requirements of the Guidelines, particularly Section 14.1.</p> |

Comments from the Impact Assessment Agency of Canada (the Agency) on Marten Falls Community Access Road (the Project) Draft Climate Change Study Plan –August 27, 2020

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
|-------|--|--|---|---|
| CC-01 | General Comment | Sections 5, 6, 7, 13, 19.2 and 25 | In addition to the required actions detailed below, other required actions to be addressed in the update to this study plan are detailed in a separate table titled " 2020-07-02 - IAAC to MFFN- General Comments on MFCAR Draft Study Plans ". The Agency has provided these other required actions to highlight common sections of the Guidelines where requirements were not met in the draft study plans submitted to the Agency. These additional actions must be addressed in the updated study plans. | |
| CC-02 | <p>Section 3: Spatial Boundaries "The LSA and RSA boundaries for climate change are detailed in Error! Reference source not found. and the LSA is shown in Error! Reference source not found."</p> <p>Section 6.1: Indicators and Expression of Change "The indicators and rationale for selection and measurement of potential effects proposed to assess and evaluate the selected preferred route option in the IA/EA are provided in Error! Reference source not found."</p> | Editorial Comment | Error messages are shown in the study plan rather than the correct reference. | Revise the study plan to eliminate any error messages and provide the correct reference. |
| CC-03 | <p>Section 6.2: Methods for Predicting Future Conditions "With respect to quantitative models and predictions, the EA/IA will detail the model assumptions, parameters, the quality of the data and the degree of certainty of the predictions obtained. Climate change projections of temperature and precipitation for this project will be derived from an ensemble of 40 GCMs from the most recent IPCC 5th assessment report (AR5), published in 2013. These values will be calculated from the AR5 datasets using the Dillon CADE tools. Within the CADE system, projected values are generated using the "Delta Method" (IPCC-TGICA, 2007), which consists of applying the average projected difference (the "delta") for a given climate parameter to the historical average or baseline value. Projections will be developed for two 30-year periods (time horizons), centered on the 2050s (2041–2070) and the 2080s (2071–2100). Four future global GHG concentration scenarios have been established by the IPCC. Each of these scenarios is defined by different Representative Concentration Pathways (RCPs). The RCPs are: 1. RCP 8.5: considered the global "Business As Usual" (BAU) GHG global emissions regime. This is the current global trajectory based on current global GHG emissions;</p> | <p>Section 23.2 "...The Impact Statement must: ... - Identify the Project's sensitivities/vulnerabilities to change in climate (both in mean conditions and extremes such as short-duration heavy precipitation events), describe climate resilience of the Project and how climate change effects have been incorporated into the Project design (e.g., water crossings) and planning over the lifetime of the Project and describe the climate data, projections used, and related information used to evaluate these sensitivities (i.e., risks) over the full project lifetime;..."</p> | <p>Additional details are required to ensure the study plan meets the requirements of the Guidelines with respect to the climate change projections, indicators and variables.</p> <p>In Section 6.2, the study plan indicates that "climate change projections of temperature and precipitation for this project will be derived from an ensemble of 40 GCMs from the most recent IPCC 5th assessment report (AR5), published in 2013." The delta method will be used to evaluate projected changes from baseline conditions for a number of climate variables over two future time periods for the RCP 8.5 scenario. A number of different climate indicators for potential consideration in the assessment are provided in Table 6-1. The rationale on the fitness for purpose for individual indicators (i.e., usefulness of an indicator for assessment of potential impacts on particular aspect of the project) should be clearly provided.</p> <p>The confidence in projections for different climate variables (e.g. temperature vs. precipitation-related parameters) and for different spatial scales is not uniform. Regional-scale projections are generally more robust than values at a single grid point or location. Values at a single grid point for some variables may be</p> | <p>Provide details to demonstrate the rationale for the selected climate indicators.</p> <p>Describe more robust alternative approaches to assessing future climate projections that are being considered and how they inform the project design, as per the guidance provided in the context column.</p> |

¹ Refer to complete sections of the Guidelines for more context

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| | <p>2. RCP 6.0: GHG emissions double by 2060 and then decrease dramatically but remain above current GHG levels;</p> <p>3. RCP 4.5: a medium GHG scenario derived from assumptions that global GHG emission reduction efforts result in approximately half of the emissions observed under RCP 8.5; and,</p> <p>4. RCP 2.6: a scenario that aligns with global GHG emission reductions that maintain global warming below 2oC above pre-industrial global temperatures.</p> <p>The IPCC's Special Report on Global Warming (2018) confirms that global GHG emissions continue to track along the RCP 8.5 pathway. This assessment will accordingly apply the RCP 8.5 scenario for the projections used to anticipate future conditions.</p> | | <p>highly unreliable as future projections. Canada's Changing Climate Report² provides a discussion of the assessment of confidence in historically observed and projected future climate change in Canada for different climate parameters and spatial scales. In particular, ECCC notes that future projections of short-duration extreme precipitation at a point location or small spatial scale (either obtained directly from GCM output or downscaled GCM products) are unlikely to be robust³. The recent Canadian Standards Association guidance on IDF for Canadian Water Resources practitioners⁴ provides an assessment of current scientific understanding and provides some recommendations for considering future extreme precipitation projections at project-relevant scale.</p> | |
| CC-04 | <p>Section 7: Conformance with Federal and Provincial Guidance</p> <p>"Indigenous knowledge collected through engagement with traditional territories in the vicinity of the Project will be considered alongside background data collected and used to inform the effects assessment where applicable."</p> | <p>Section 6</p> <p>"The proponent must engage with all Indigenous groups that may be impacted by the Project..."</p> <p>In addition to the requirements set out in section 6.1, 6.2 and 6.3, the proponent must provide Indigenous groups with an opportunity to:</p> <ul style="list-style-type: none"> - provide Indigenous knowledge during baseline data collection; - comment on the list of valued components and indicators;..." | <p>The Agency expects the proponent to engage with, at a minimum, the Indigenous groups listed in the Indigenous Engagement and Partnership Plan, as is directed in Section 6 of the Guidelines. The proponent must also provide Indigenous groups with an opportunity to comment on the list of valued components and indicators.</p> | <p>Update the study plan to include the list of all Indigenous groups that will be engaged, at a minimum the Indigenous groups listed in the Indigenous Engagement and Partnership Plan, as part of the baseline data collection, defining the list of criteria and indicators, and effects assessment analysis. The list should be consistent throughout the study plan.</p> |

² Bush, E. and Lemmen, D.S., editors (2019): Canada's Changing Climate Report; Government of Canada, Ottawa, ON. 444 p. (<https://changingclimate.ca/CCCR2019/>)

³ Li, C., Zwiers, F., Zhang, X., & Li, G. 2019. How much information is required to well constrain local estimates of future precipitation extremes? Earth's Future, 7, 11–24. <https://doi.org/10.1029/2018EF001001>

⁴ Canadian Standards Association. 2019. TECHNICAL GUIDE. CSA PLUS 4013-12: Development, interpretation, and use of rainfall intensity-duration-frequency (IDF) information: Guideline for Canadian water resources practitioners

Comments from the Impact Assessment Agency of Canada (the Agency) on the Marten Falls Community Access Road Project (the Project) - Draft Human Health and Community Safety Study Plan – August 27, 2020

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
|-------|--------------------|--|---|---|
| HH-01 | General Comment | Section 5, Section 6, Section 7, Section 13, Section 19.2, Section 25 | In addition to the required actions detailed below, other required actions to be addressed in the update to this study plan are detailed in a separate table titled "2020-07-02 – IAAC to MFFN - General Comments on MFCAR Draft Study Plans". The Agency has provided these other required actions to highlight common sections of the Tailored Impact Statement Guidelines (Guidelines) where requirements were not met in the draft study plans submitted to the Agency. These additional actions must be addressed in the updated study plans. | |
| HH-02 | General Comment | Sections 5 "...The Agency expects the proponent to engage with, at a minimum, the members of the public listed in the <i>Public Partnership Plan</i> ..." | The required actions detailed below apply to all potentially impacted members of the public. | |
| HH-03 | General Comment | Section 6 "...The Agency requires the proponent to engage with, at a minimum, the communities listed in the <i>Indigenous Engagement and Partnership Plan</i> ..." | The required actions detailed below apply to all potentially impacted Indigenous groups. | |
| HH-04 | General Comment | Section 22 "The proponent must identify and assess the Project's cumulative effects using the approach described in the Agency's guidance documents related to cumulative environmental, health, social and economic effects." | Ensure that the Impact Statement analyzes cumulative effects assessment for the Project, including cumulative health effects. | |
| HH-05 | General Comment | Section 9 "...To understand the community and Indigenous context and baseline health profile, the proponent must... <ul style="list-style-type: none"> - describe any context-specific definitions of health and well-being, including from the perspective of the relevant Indigenous cultures, including community and spiritual wellbeing; - describe relevant community and Indigenous history or context, including historical impacts on health, such as intergenerational trauma... - Examples of social determinants of health... <ul style="list-style-type: none"> o housing availability, housing affordability, and home ownership, disaggregated by sex and gender; o education levels (number of residents completed high school, college or higher), disaggregated by sex and gender... o social cohesion or social capital;... o mobility (proportion of residents who hold driver's licences and own vehicles, intra-and inter-community transportation), disaggregated by sex and gender..." | The study plan does not provide detail regarding several baseline data recommended to be collected as indicators of social determinant of health in Section 9 of the Guidelines. While many of the indicators of social determinants of health are provided as examples, explanations are not provided for the omission of the proposed indicators and whether Indigenous groups suggested alternative indicators better suited to the Project. For example, there is no indication of indicators regarding: <ul style="list-style-type: none"> - context-specific definitions of health and well-being (including community and spiritual wellbeing); - relevant community and Indigenous history or context (including historical impacts on health, such as intergenerational trauma); - education levels disaggregated by sex and gender (e.g. number of residents completed high school, college or higher); - social cohesion or social capital; - mobility (proportion of residents who hold driver's licences and own vehicles, intra- and inter-community transportation), disaggregated by sex and gender; etc. | Provide detailed information in the study plan regarding the indicators to measure social determinants of health. If an indicator is excluded, explain the omission of that proposed indicator, and whether Indigenous groups suggested alternative indicators better suited to the Project. |

¹ Refer to complete sections of the Guidelines for more context

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| HH-06 | <p>Section 2.0: Purpose and Objectives</p> <p>“Health determinants related to social structures and equity factors will primarily be documented in other reports.”</p> <p>“Items not included explicitly within this study plan may be referenced and considered in the assessment of effects to relevant components of human health and community safety such as community well-being.”</p> | <p>Section 16</p> <p>“...The assessment must illustrate an understanding of linkages and effect pathways, so that when a change in one domain is predicted, there is an understanding of what other effects or consequences may be felt across the other domains. Applying a “determinants of health approach” in the assessment of human health effects will support the identification of these linkages, as well as of disproportionate effects across subgroups...”</p> | <p>The study plan does not provide enough clarity as to which “Health determinants related to social structures and equity factors” are considered in other study plans and which have their baseline information documented in other relevant, baseline study reports.</p> | <p>Update the study plan to clearly cross-reference other study plans when items not included explicitly within the human health study plan are considered in the assessment of effects to relevant components of human health and community safety such as community well-being.</p> |
| HH-07 | <p>Section 3.0</p> <p><i>“Information received from interested persons and groups will be documented with a description of how the information was considered within the Human Health and Community Safety Assessment. An example of how this will be documented is included in Table 1. (...) In addition to engagement data, it is expected Indigenous Knowledge will be integrated into the Human Health and Community Safety Assessment, where applicable. (...) Indigenous Knowledge collected through means other than engagement (Indigenous Knowledge program and Socio-economic Primary Data Collection program) will be integrated into the reporting with relevant contextual information.”</i></p> | <p>Sections 5</p> <p>“...The Agency expects the proponent to engage with, at a minimum, the members of the public listed in the <i>Public Partnership Plan</i>...”</p> <p>Section 6</p> <p>“...The Agency requires the proponent to engage with, at a minimum, the communities listed in the <i>Indigenous Engagement and Partnership Plan</i>...”</p> <p>Section 7.4</p> <p>“...The spatial and temporal boundaries determined and established for the impact assessment will vary depending on the valued component and are considered separately for each valued component, including valued components related to the environmental, health, social and economic conditions of Indigenous peoples, or other potential effects and impacts referred to above. The spatial and temporal boundaries to be used in the impact assessment are outlined and discussed through the tailoring process, and include comments and input from federal and provincial government departments and agencies, local government, Indigenous groups, the public and other interested parties. The proponent should engage with Indigenous groups when defining spatial and temporal boundaries for valued components, especially for those that are identified by Indigenous groups...”</p> <p>Section 9</p> <p>“...The scope and content of the human health baseline will reflect the specific project context, taking into account input of public and Indigenous groups, and should include indicators that are meaningful for the effects analysis. The information provided must:...</p> <ul style="list-style-type: none"> - describe how community and Indigenous knowledge from relevant populations was used in establishing health baseline conditions, including input from diverse subgroups; - ...Relevant social determinants of health should be selected based on community input, if possible, to reflect the setting and circumstances of the impacted communities...” | <p>The study plan does not include information on when and how input, such as but not limited to, baseline data collection, indicators, and the assessment of impacts on human health and community safety, will be collected from the public and Indigenous groups to meet the requirements of several Sections of the Guidelines, in particular Sections 5, 6, 7.4.</p> <p>Regarding primary data collection, the study plan requires additional detail on how the methodologies to be implemented to meet the expectations of Sections 9, 16 and 16.2 of the Guidelines.</p> | <p>Provide further details on when and how input will be collected from the public and Indigenous groups to meet the requirements of Sections 5, 6 and 7.4 of the Guidelines.</p> <p>Describe the methodologies to be implemented to meet the expectations of Sections 9, 16 and 16.2 of the Guidelines that:</p> <ul style="list-style-type: none"> - Specify types of engagement activities (surveys, questionnaires, community sessions, chief and council sessions, workshops, etc.). - Describe how Gender Based Analysis plus (GBA+) has been/will be applied to the consideration of engagement activities. - Identify any specific methods targeted to specific subgroups. - Specify participants in engagement activities (reflecting the Indigenous groups listed in the Indigenous Engagement and Partnership Plan and reflecting public representation listed in the Public Participation Plan), including rationale for how the selection of participants meets the objectives of the study and demonstrates accessibility considerations (e.g. language requirements) and GBA+. - Describe the approach the proponent intends to take to encourage or attract participation, including how opportunities to participate will be planned and advertised. - Describe how Indigenous knowledge will be used to inform types of engagement activities and participant selection. - If sample questionnaires, interview questions, or other data collection tools exist, identify them in an appendix to the study plan, and provide clear links to how they relate to physical and cultural heritage. - Identify past public or Indigenous engagement activities that have taken place and are being used to inform this study plan. |

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| | | <p>Section 16 “...Indicators should be developed by the proponent using best practice, Agency guidance, and through engagement with Indigenous groups and the public. Rationale for the indicators chosen should be provided...”</p> <p>Section 16.2 “With respect to Social Determinants of Health, the Impact Statement must: ...</p> <ul style="list-style-type: none"> Describe how community and Indigenous knowledge was used in assessing human health effects...” | <p>Refer to the following resource when engaging on the Human Health and Community Safety Assessment: Stakeholder Participation Working Group of the 2010 HIA of the Americas Workshop (2012). Guidance and Best Practices for Stakeholder Participation in Health Impact Assessments. Available at: https://humanimpact.org/wp-content/uploads/2012/03/HIA-Best-Practices-2012.pdf</p> | |
| HH-08 | <p>Section 3.0 “Information received from interested persons and groups will be documented with a description of how the information was considered within the Human Health and Community Safety Assessment. An example of how this will be documented is included in Table 1.”</p> | <p>Section 6.3 “...The Impact Statement must include, at a minimum:...</p> <ul style="list-style-type: none"> the engagement activities undertaken with each Indigenous group, including the date, means and results of engagement... a description of the efforts to discuss and validate with Indigenous groups how the information they provided was applied to the selection of valued components, indicators, effects assessment, mitigation measures and follow-up programs, and conclusions.....” <p>Section 9 “...The information provided must:</p> <ul style="list-style-type: none"> be sufficient to provide a comprehensive understanding of the current community health status, while respecting the need to protect personal information and standards for the management of Indigenous data (i.e., OCAP); describe how community and Indigenous knowledge from relevant populations was used in establishing health baseline conditions, including input from diverse subgroups; provide disaggregated data and gender statistics...” | <p>The study plan is unclear on the methods or tools for engagement and how ethical guidelines, like OCAP, will be respected.</p> <p>The study plan does not provide enough information on how diverse subgroups will be engaged, and specific methods and tools to seek input from these subgroups (e.g., youth, women).</p> <p>The example provided in Table 1 of the study plan describing how the proponent intends to record input received from Indigenous groups and the public during engagement activities does not reflect all the information required to be recorded as identified in Section 6.3 of the Guidelines.</p> | <p>Provide further information on methods and tools for engagement, and on how ethical guidelines (like the OCAP) will be respected during the engagement with Indigenous groups and the public on human health effects for the Project.</p> <p>Provide further information on how diverse subgroups will be engaged, such as specific methods and tools to seek input.</p> <p>Update the study plan to ensure that the approach to be taken in recording the information received during engagement activities meets the requirements outlined in Section 6.3 of the Guidelines.</p> |
| HH-09 | <p>Section 3 “In addition to engagement data, it is expected Indigenous Knowledge will be integrated into the Human Health and Community Safety Assessment, where applicable. Due to sensitivities regarding this data, it is not expected a table similar to Table 1 will be provided. Instead, Indigenous Knowledge collected through means other than engagement (Indigenous Knowledge program and Socio-economic Primary Data Collection program) will be integrated into the reporting with relevant contextual information provided at a level of detail consistent with the confidentiality requested by participants.”</p> <p>Section 4 “(...) Overall, data collection will be completed in support of the following</p> | <p>Section 6.2 “...In the Impact Statement, the proponent is required to describe the type of confidential information provided by each Indigenous group without compromising stipulations in the confidentiality agreements and state how that information impacted the project design, baseline data, effects assessment or mitigation measures. The proponent is required to provide evidence to the Agency in the form of a letter from the Indigenous group that provided confidential information confirming that:</p> <ul style="list-style-type: none"> the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed...” <p>Section 9 “...The information provided must:</p> <ul style="list-style-type: none"> be sufficient to provide a comprehensive understanding of the current community health status, while respecting the need to protect personal information and standards for the management of Indigenous data (i.e., OCAP)...” | <p>The study plan states that data will be protected and privacy of personal information will be respected, but it does not indicate how the primary data collection strategy aligns with the standards for the management of Indigenous data, which are outlined in the principles of Ownership, Control, Access, and Possession (OCAP), as outlined in Section 9 of the Guidelines.</p> | <p>Provide further details to indicate how primary data collection for the Project will align with the OCAP principles as required in Section 9 of the Guidelines.</p> <p>Provide further details on how input received from Indigenous groups will be tracked, considered, and reported in the Impact Statement as required in Section 6 of the Guidelines.</p> |

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| | <i>objectives (...). While these objectives are important, the most consequential objective of the data collection will be to provide protection and respect for privacy and of personal information."</i> | | | |
| HH-10 | Section 3, Table 1 | Section 5.2 "...The Impact Statement must include, at a minimum:..." - the engagement activities undertaken by the proponent, including the methods used, where and when engagement activities were held, the persons, organizations and diverse groups engaged, and results of engagement..." | The example provided in Table 1 of the study plan for tracking the information that was considered in the Human Health and Community Safety Assessment does not include all information required by Section 5.2 of the Guidelines (e.g. a description of the public engagement activities undertaken by the proponent, dates of engagement activities, etc.). | Update the information provided in Table 1 of the study plan to ensure that the method proposed to track information meets the requirements outlined in Section 5.2 of the Guidelines. |
| HH-11 | Section 4.1.1 <i>"This includes the collection of Indigenous and local knowledge of the socio-economic environment, disaggregated qualitative data by identity factors when volunteered and other information relevant to understanding the current state of human health and safety conditions in the Project area."</i> | Section 5.2 "...The Impact Statement must include, at a minimum:..." - a description of efforts made by the proponent to engage diverse populations, including groups identified by gender, age or other community relevant factors (e.g., recreational hunters) to support the collection of information needed to complete the GBA+..." Section 6.3 "...The Impact Statement must include, at a minimum:..." - a description of efforts to engage diverse populations of each Indigenous group in culturally appropriate ways, including groups identified by gender, age or other community relevant factors (e.g., hunters, trappers, and other harvesters) to support the collection of information needed to complete the GBA+;..." Section 9 "...The information provided must: - be sufficient to provide a comprehensive understanding of the current community health status, while respecting the need to protect personal information and standards for the management of Indigenous data (i.e., OCAP); - describe how community and Indigenous knowledge from relevant populations was used in establishing health baseline conditions, including input from diverse subgroups; - provide disaggregated data and gender statistics; - conduct intersectional gender analysis to examine differences in the status of diverse subgroups (e.g., women, youth, and elders) and their differential access to resources, opportunities and services; describe any relevant indicators, and how they are reflective of community input..." Section 16 "...The proponent must describe how community and Indigenous knowledge was used to collect baseline data and assess health effects and disaggregate the source of community or Indigenous knowledge, as well as social, economic, and health data, by representation by sex, age and other community-relevant identity factors to support identification of disproportionate effects through the application of GBA+. | The study plan does not provide enough information on how the proponent intends to ensure that data collection will be ethical and confidential, including how the ownership, control, access and possession of data will be managed. More information is required to understand how GBA+ will be applied when assessing effects that may affect diverse subgroups differentially. The study plan does not demonstrate how the proponent will make efforts to engage diverse populations and gather information sufficient to complete the Gender Based Analysis Plus (GBA+). | Provide more detail on how data collection will be ethical and respectful of confidentiality, including how the ownership, control, access and possession of data will be managed. Update the study plan to include a description of how diverse populations will be engaged to collect information necessary to support the GBA+. Provide details on the approach to assess differential effects that may affect diverse subgroups. This may require research on similar projects or communities using existing data sources and literature if information not volunteered by community members. Consent forms with information on how information will be protected should be provided in an annex. |

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| | | In assessing effects to valued components listed below, the analysis should discuss circumstances in a community where diverse subgroups, because of their particular circumstances, could experience adverse effects from the Project more severely than others, or be excluded from potential benefits, including Indigenous peoples or other community relevant subgroups (e.g., women, youth, elders)..." | | |
| HH -12 | <p>Section 4.1.1 "Data collection will focus on the communities most likely to be impacted by the Project including Marten Falls and Aroland First Nations. Based on the nature of the socio-community, primary data will also be collected in the regional service centre of the Municipality of Greenstone. These communities are likely to experience the most Project-related change due to the location of the Project and its resulting access."</p> <p>Section 5.1.2 "The proponent remains open to receiving information from other communities on their activities within the Project Study Area (PSA) and how interlinkages between the Project and those communities may result in human health and community safety effects. To be included in the community health LSA, a community must demonstrate direct community-level socio-economic interest in the Project footprint; from changing access to the Marten Falls community due to the Project; or due to Project effects on the environment that impact the human health and community safety environment."</p> <p>"Based on the information provided, the proponent will evaluate the individual communities that warrant inclusion in the local or regional study areas."</p> <p>"Members in other communities who are involved in land use activities within the Project area are being assessed and considered under the Indigenous Knowledge Assessment, and Land and Resource Use Assessment."</p> <p>Table 2: "The communities of Marten Falls First Nation; Aroland First Nation; and Municipality of Greenstone. These communities are likely to have observable changes in health due to construction and/or the increased access to lands and</p> | <p>Section 5 "...The Agency expects the proponent to engage with, at a minimum, the members of the public listed in the <i>Public Partnership Plan</i>."</p> <p>Section 6 "...The Agency requires the proponent to engage with, at a minimum, the communities listed in the <i>Indigenous Engagement and Partnership Plan</i>..."</p> <p>Section 7.4 "...The spatial and temporal boundaries to be used in the impact assessment are outlined and discussed through the tailoring process, and include comments and input from federal and provincial government departments and agencies, local government, Indigenous groups, the public and other interested parties. The proponent should engage with Indigenous groups when defining spatial and temporal boundaries for valued components, especially for those that are identified by Indigenous groups. The proponent should validate with the Agency the spatial and temporal boundaries for each valued component."</p> <p>Section 7.4.1 "...Spatial boundaries are defined taking into account the appropriate scale and spatial extent of potential effects and impacts of the Project; community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; and physical, ecological, technical, social, health, economic and cultural considerations..."</p> | <p>The study plan does not provide a rationale to justify why other communities with members who are involved in land use activities within the project area would not be considered in the community health local study area (LSA).</p> <p>The study plan does not provide enough clarity as to why most of the social determinants of health analysis will focus on communities in the LSA. Other communities in the region may be indirectly impacted by the Project, for example through potential decrease in country food availability. Project-related benefits may also be relevant to other communities in the region.</p> <p>The study plan provides no information on how temporal boundaries of the impact assessment will be established for the Project.</p> <p>Sections 5 and 6 of the Guidelines provide direction about the Agency's expectations for meaningful engagement with members of the public, at a minimum those listed in the Public Participation Plan (PPP), and Indigenous groups, at a minimum those listed in the Indigenous and Engagement Partnership Plan (IEPP) during the impact assessment process.</p> <p>The Agency expects the proponent to engage with all Indigenous groups listed in the IEPP and with the members of the public listed in the PPP to gather baseline data and to assess Project's effects.</p> | <p>Update the study plan to provide further details on defining the spatial boundaries of the Project to justify whether other communities, with members who are involved in land use activities within the project area, are or are not considered.</p> <p>Update the study plan to define how temporal boundaries of the impact assessment will be established for the Project.</p> <p>Demonstrate that all Indigenous groups listed in the IEPP will have an opportunity to comment on the list of criteria and indicators in the study plan and indicate whether the screened out groups have a direct community-level socio-community interest in the project footprint, prior to being screened out of the socio-community Local Study Area.</p> <p>Update the study plan to provide details on the engagement activities with other communities than those currently considered in the community health local study area. As per Section 5 of the Guidelines, the Agency expects the proponent to engage with, at a minimum, the members of the public listed in the Public Partnership Plan. (This is important to confirm the assumptions made prior to finalizing the community health local study area as described in Section 4.1.1 of the study plan.)</p> |

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| | <p>communities associated with the Project. Increased access to services may place additional strain on the regional service centre.”</p> <p>“However, much of the social determinants of health analysis will focus on communities, particularly those in the local study area.”</p> | | | |
| HH-13 | <p>Section 4.1.2</p> <p>“If the problem formulation step of the Human Health Risk Assessment (HHRA) identifies that a HHRA related to country food consumption is required, a tissue sampling program will be developed. This program will involve working with Indigenous communities to collect appropriate tissue samples from commonly harvested game species. It is anticipated that tissue sampling would focus on chemicals identified as being of concern in the Guidelines (e.g. arsenic, chromium, mercury and methylmercury).”</p> | <p>Section 9</p> <p>“...To understand the community and Indigenous context and baseline health profile, the proponent must:...</p> <ul style="list-style-type: none"> - provide baseline contaminant concentrations in drinking water and in the tissues of country foods (traditional foods) consumed by Indigenous groups and local communities. For game animals, the proponent is expected to work with local Indigenous groups to gather tissues-samples, as appropriate; - describe the consumption of country foods (traditional foods) outside of the commercial food chain, including food that is trapped, fished, hunted, harvested or grown for consumption, medicinal purposes or has cultural value; - if a Human Health Risk Assessment is required, provide baseline contaminant concentrations in the tissues of country foods (traditional foods) consumed by Indigenous groups and local communities; and...” <p>Section 16.1</p> <p>“With respect to biophysical determinants of health, the Impact Statement must:...</p> <ul style="list-style-type: none"> - describe and quantify the health risk from exposure to COPCs (e.g., arsenic, chromium, mercury) via consumption of country foods and differential risk for vulnerable subgroups;...” | <p>According to the study plan, the scope of tissue sampling will be limited to an investigation of game species and a few contaminants of potential concern (COPCs). No rationale is provided for the exclusion of other types of country food (e.g., vegetation, fish) as required in the Guidelines. The COPCs (i.e. arsenic, chromium, mercury) were listed in the Guidelines as examples, based on their prevalence in certain environments and their toxicological significance to human health, but they should not be considered as an exhaustive list.</p> | <p>Update the study plan to provide further information on tissue sampling for all relevant country food types/species (e.g., plants, fish, birds and wildlife) that are identified through Indigenous engagement activities or a dietary/consumption survey.</p> <p>Update the study plan to provide further information on COPCs from project-associated emissions, and transport pathways of the COPCs into country foods (e.g., atmospheric deposition). For instance, dust, diesel particulate matter (DPM) and polycyclic aromatic hydrocarbons (PAHs) from construction activities and road traffic could deposit onto soil/vegetation on which country foods grow/occur, or which other country foods (game/higher trophic level species) may consume.</p> |
| HH-14 | <p>Section 5.1.2:</p> <p>“To be included in the community health LSA, a community must demonstrate direct community-level socio-economic interest in the Project footprint; from changing access to the Marten Falls community due to the Project; or due to Project effects on the environment that impact the human health and community safety environment. Community-level socio-economic impacts can be defined as changes to the indicators (Section 5.2) that can reasonably be expected to potentially exceed a negligible magnitude (Section 6.2).”</p> <p>“Detailed community health profiles will be developed for communities listed in the community health LSA. The community health RSA will be profiled in less detail</p> | <p>Section 6</p> <p>“...the proponent must provide Indigenous groups with an opportunity to:...</p> <ul style="list-style-type: none"> • comment on the list of valued components and indicators;...” <p>Section 9</p> <p>“...To understand the community and Indigenous context and baseline health profile, the proponent must:</p> <ul style="list-style-type: none"> - complete a community health profile that describes the overall health of the community across standard health indicators including any specific community identified health concerns (real or perceived) that may be impacted by the Project;...” | <p>It is unclear whether Indigenous groups will be provided with the opportunity to comment on the current list of criteria and indicators provided in the human health and community safety study plan prior to the proponent determination that an Indigenous group requires a community health profile that is detailed or less detailed.</p> <p>It is unclear why members in other communities who are involved in land use activities within the project area will be assessed and considered under the Indigenous Knowledge Assessment and the Lands and Resource Use Assessment rather than assessed and considered in the human health and community safety study plan.</p> | <p>Update the study plan to demonstrate that the Indigenous groups have been provided an opportunity to comment on the list of criteria and indicators in the human health and community safety study plan prior to the determination that the Indigenous groups will require detailed or less detailed community profiles.</p> <p>Update the study plan to clarify and cross-reference information collected through the land and resource use and Indigenous knowledge data collection that will be considered in the human health and community safety study.</p> <p>Revise the study plan to clarify what human health and community safety assessment will be considered under the Indigenous Knowledge Assessment and the Lands and Resource Use Assessment for those communities who are involved in land use activities within the project area.</p> |

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| | <p>with key interactions and thematic information provided. Statistics collected on the RSAs will focus on larger regional areas such as unorganized regional districts. While many Indigenous communities are located within the regional study area, these communities will not be profiled individually given their relation to the Project is predominantly focused on cumulative effects from future developments.”</p> <p>“Members in other communities who are involved in land use activities within the Project area are being assessed and considered under the Indigenous Knowledge Assessment, and Land and Resource Use Assessment.”</p> | | | |
| HH-15 | <p>Section 5.2, Table 3 <i>“Human Health and Community Safety Criteria and Indicators</i> Criteria: Public safety Indicators: Project-related Accidents; Vehicular Accidents; Violence and Harassment”</p> | <p>Section 16.2 “With respect to Social Determinants of Health, the Impact Statement must:… - describe effects on the safety of women and girls from project activities including worker accommodation, and as a result of new roads in remote areas;…”</p> | <p>The study plan only considers violence and harassment between the workforce and the community, and does not explicitly discuss how the Project may affect the safety of Indigenous women and girls, particularly the risk of opening a road in general – including issues such as hitchhiking and additional safety risks for Indigenous women and girls.</p> | <p>Revise the study plan to provide more information around the ‘Violence and Harassment’ indicator to describe how it will address the safety risks to Indigenous women and girls.</p> |
| HH-16 | <p>Section 5.2 <i>“At this time, criteria and indicators have been developed considering engagement undertaken to date with Indigenous communities, the nature of the project, and knowledge of the northern Ontario community health environment. Criteria and indicators may be further refined through future engagement activities and the collection of Indigenous knowledge.”</i></p> <p>Table 3: Human Health and Community Safety Criteria and Indicators Criteria: Public safety Indicators: Project-related Accidents; Vehicular Accidents; Violence and Harassment</p> | <p>Section 16 “…Indicators should be developed by the proponent using best practice, Agency guidance, and through engagement with Indigenous groups and the public. Rationale for the indicators chosen should be provided…</p> <p>… In addition to the references listed in sections 7.2 and 9, the following sources offer examples of data tools or data sources that include indicators potentially relevant to reporting on the determinants of health:</p> <ul style="list-style-type: none"> •PHAC, Health Inequalities Data Tool: (https://health-infobase.canada.ca/health-inequalities/indicat); •Statistics Canada: (https://www150.statcan.gc.ca/n1/daily-quotidien/160412/dq160412a-eng.htm); •Canadian Institute for Health Information (CIHI): (http://www.cihiconferences.ca/indicators/epub/tables_e.html#comm_health); •First Nations Information Governance Centre: (https://fnigc.ca/rhs3report); •Positive Mental Health Indicators Framework (PHAC): (https://health-infobase.canada.ca/positive-mental-health/); and •Past health impact assessments (https://www.pewtrusts.org/en/projects/health-impact-project)…” | <p>The study plan does not identify best practice approaches for the development of criteria and indicators for the human health impact assessment.</p> <p>The study plan only mentions past and future engagement activities and Indigenous knowledge as the basis for developing criteria and indicators without providing further details.</p> <p>The Guidelines provide resources on health impact assessment (HIA) which includes scoping of determinants of health. A systematic approach using factors such as public interest, availability of data, and potential impact on health would avoid bias and increase transparency in the criteria/indicator selection process. For example, a determinant that has a high potential to negatively impact health and has a high level of public interest/concern would be considered a higher priority than a determinant that has a low potential impact on health and little to no public interest/concern. If there are any high priority determinants that are being excluded from further assessment, a sound rationale should be provided.</p> <p>The following is observed from the study plan:</p> <ul style="list-style-type: none"> • Although the rationale provided for the “Project-related Accidents” indicator includes potential injuries to community members, the expression of change is limited to work-related injuries reported at the project | <p>Provide an explanation for which best practices or other relevant guidance were used to identify, prioritize and select the proposed criteria and indicators.</p> <p>Provide a clear description in the study plan of how all Indigenous groups listed in the IEPP will have opportunities to provide Indigenous knowledge, including the validation of the baseline data collected. This should include a description of the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that guidance outlined in Section 6.2 of the Guidelines has been incorporated into this study plan.</p> <p>Provide a rationale for the proposed expression of change for the “project-related accidents” indicator with respect to injuries to community members.</p> <p>Provide further information on whether non-vehicular use of the road (e.g., hitchhiking, walking) will be considered in the assessment, and how this will be considered in the indicators and expressions of change. The proportion of residents who own a vehicle or driver’s license could be an indicator of how the road will be used, disaggregated by GBA+ factors.</p> |

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| | | <p>Section 16.2 “With respect to Social Determinants of Health, the Impact Statement must... describe effects on the safety of women and girls from project activities including worker accommodation, and as a result of new roads in remote areas;...”</p> | <p>site. The assumption that all community-member injuries would be reported at the project site is not justified.</p> <ul style="list-style-type: none"> • The rationale provided for the “Violence and Harassment” indicator only mentions conflicts with the construction workforce, and does not reflect transportation and access that the road may facilitate during operations (e.g., to work, to communities, to services). For instance, the road may be used for hitchhiking, which may introduce additional safety considerations for Indigenous women and girls. • The rationale for the “Vehicular Accidents” indicator does not specify whether the assessment will consider foot traffic along the road. | <p>Provide further information on whether and how the Public Safety indicators will specifically address concerns for the safety of Indigenous women and girls.</p> |
| <p>HH -17</p> | <p>Section 6.2 Table 4: Social and Environmental Determinants of Health Magnitude Definitions <i>Definitions: An effect that [may or may not be/ is small but/ is clearly] discernible and [within/beyond] the human health and community safety variability defined by baseline conditions. The effect is [within/beyond] the capacity of the health system to respond and/ or [will not/ will] alter the current health structures.</i></p> <p><i>Rationales: [negligible/low/medium/high] effects [are small and may not be/ are] noticeable. These effects [do not/may or may not/do] represent a change in day-to-day life at a community level and [can/ cannot] be responded to within the current health system resulting in systemic change.</i></p> | <p>Section 16.2 “...The variation of effects during different project phases and times of year should be described as well as potential project-related effects on the community health profile (e.g., changes to existing communal activities, support networks and cultural/spiritual practices that may contribute to community resilience...”</p> <p>Section 21 “...Proponents must describe the extent to which residual effects are adverse. Where relevant, or where best practice or evidence-based thresholds exist, effects should be described using criteria to quantify adverse effects...”</p> <p>In addition, effects should be characterized using language most appropriate for the effect (for example, impacts on the exercise of Aboriginal and Treaty rights and social effects may be described differently from biophysical effects)...</p> <p>The Impact Statement must:...</p> <ul style="list-style-type: none"> - characterize residual effects for human health using human health-related criteria most appropriate for the carcinogenic and non-carcinogenic health effects of non-threshold contaminants;... - provide the rationale for the choice of criteria used to determine the extent to which the predicted effects are adverse. The information provided must be clear and sufficient to enable the Agency, review panel, technical and regulatory agencies, Indigenous groups, and the public to review the proponent's analysis of effects;...” | <p>In the study plan, the magnitude of residual effects is proposed to be determined partly based on a <i>discernable</i> effect, which is a qualitative criterion.</p> <p>There is no indication on what type of information will be used (e.g., professional judgement, community, national or internationally recognized thresholds) to apply the criterion to each of the indicators proposed in Section 6.2 of the plan.</p> <p>Magnitude is also proposed to be determined based on the capacity of the “<i>health system and structures</i>” without defining what these comprise, nor their scale (e.g., community-based, local, regional). The difference between a medium and high magnitude appears to be solely linked to the capacity of health care services rather than the human health risk itself.</p> <p>.</p> <p>Refer to the following resources for best practices on developing assessment criteria: International Finance Corporation. 2009. Introduction to Health Impact Assessment. Available at: https://www.ifc.org/wps/wcm/connect/e7f68206-7227-4882-81ad-904cd6387bb7/HealthImpact.pdf?MOD=AJPERES&CACHEID=ROOTWORKSPACE-e7f68206-7227-4882-81ad-904cd6387bb7-jqeABQN.</p> <p>Public Health Expertise and Reference Centre. 2014. Social Impact Assessment in the Environmental Sector: health network support guide. Available at: https://www.inspq.qc.ca/en/publications/1800</p> | <p>Provide clear definitions for quantitative and qualitative criteria that will be used to measure the expression of change for each indicator in Section 6.2 of the study plan, in order to demonstrate that the requirements of Sections 16.2 and 21 of the Guidelines would be met.</p> <p>Quantitative indicators (preferably comprising evidence-based thresholds) should be used for the assessment of residual effects on biophysical determinants of health (e.g., federal and provincial environmental quality standards and guidelines) and human health risks (e.g., Hazard Quotient and Incremental Lifetime Cancer Risk).</p> <p>Clarify how a discernable effect will be identified and used to determine the magnitude of residual effects. Where possible, include quantitative indicators and evidence-based thresholds / definitions relevant to the proposed indicators in Section 6.2 of the study plan, in order to demonstrate that the requirements of Sections 16.2 and 21 of the Guidelines would be met.</p> <p>Provide a definition of the “<i>health system and structures</i>”, including location with respect to potentially affected communities, and links to other health practices or community support services that contribute to resilience.</p> |

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| HH -18 | <p>Section 6.1.1 “Construction of future expenditure related to new human health and community safety facilities, services and/or infrastructure due to Project effects.”</p> | <p>Section 9 “...Examples of social determinants of health that may be relevant to the Project are provided for consideration:...</p> <ul style="list-style-type: none"> o access to health services;...” | <p>The study plan does not include information on access to health services, nor the impact of the Project on existing health services.</p> | <p>Provide further information on access to health services as well as potential increase in burden to existing community health centres (i.e. nursing stations), due to project construction activities.</p> |
| HH -19 | <p>Section 6.1.2 “Selection of Exposure Scenarios: This task reviews and considers outcomes of study area characterization, exposure pathway and route selection, and COPC identification steps of problem formulation, as well as consideration of applicable regulatory HHRA guidance. The exposure scenarios in a HHRA must reflect the means by which human receptors are most likely to come into contact with chemicals in study area environmental media and/or locally harvested food items, as a function of study area access and use patterns. Outcomes of community engagement and key IA component studies will be used to refine the development of exposure scenarios.”</p> <p>“In the event that country food ingestion warrants evaluation in a HHRA (if determined by completion of the HHRA problem formulation step), the assessment of country foods would require consideration of a dietary survey that could be administered among the local Indigenous communities to determine which country foods are harvested and consumed, and at what rates, frequencies, and quantities. Such a survey could also determine the harvesting locations of country food items, which would inform whether or not the project is likely to influence country food contamination at a given harvesting location.”</p> | <p>Section 9 “...The information provided must:</p> <ul style="list-style-type: none"> - describe how community and Indigenous knowledge from relevant populations was used in establishing health baseline conditions, including input from diverse subgroups;...” <p>“...To understand the community and Indigenous context and baseline health profile, the proponent must:...</p> <ul style="list-style-type: none"> - describe the consumption of country foods (traditional foods) outside of the commercial food chain, including food that is trapped, fished, hunted, harvested or grown for consumption, medicinal purposes or has cultural value. Specify which species are used, quantities, frequency, harvesting locations, and how the data were collected (e.g., site-specific consumption surveys);...” | <p>The study plan states that a dietary/consumption survey will be considered only if a HHRA is deemed to be warranted rather than as part of the problem formulation step.</p> <p>This is despite the statement that “the exposure scenarios in a HHRA must reflect the means by which human receptors are most likely to come into contact with chemicals in study area environmental media and/or locally harvested food items, as a function of study area access and use patterns.”</p> <p>Insufficient detail is provided on the proposed Indigenous Engagement and Indigenous Knowledge Program (see HH-07) to confirm whether a dietary/consumption survey component is included, despite the statement in Section 6.1.2 that “Outcomes of community engagement... will be used to refine the development of exposure scenarios”.</p> | <p>Provide a characterization of local Indigenous people’s consumption of country foods as part of the baseline assessment, as per Section 9 of the Guidelines.</p> <p>Provide a description of how site-specific information on the consumption of country foods will be acquired to establish the baseline conditions and form the HHRA’s problem formulation step. Alternatively, consider making use of surrogate data from reference sites.</p> <p>Refer to the following sources to acquire country food consumption data:</p> <ul style="list-style-type: none"> - University of Ottawa, Université de Montréal, and Assembly of First Nations. 2014. First Nations Food, Nutrition & Environment Study, Results from Ontario 2011 – 2012. Available at: http://www.fnfnes.ca/docs/FNFNES_Ontario_Regional_Report_ENGLISH_2019-10-16.pdf. - Health Canada. 2018. Guidance for Evaluating Human Health Impacts in Environmental Assessments: Country Foods. - Health Canada. 2019. Guidance for Evaluating Human Health Impacts in Environmental Assessment: Human Health Risk Assessment. |

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| <p>HH -20</p> | <p>Section 6.1.2 <i>“If the problem formulation determines that a HHRA is required, then a HHRA study would be conducted according to current Health Canada guidance documents and recommended approaches. In that event, IAAC would be consulted for input (...) If the problem formulation determines that a HHRA study is not warranted in relation to the project, rationale will be provided.”</i></p> <p><i>“Compiling of Issues of Concern: Based on the outcomes of community engagement programs, human health-related issues of concern would be compiled and tabulated. The documented issues would be considered in the subsequent tasks of problem formulation with respect to whether or not and how they could be evaluated using HHRA tools and methods.”</i></p> <p><i>“It is possible that a HHRA study may be deemed unnecessary for technical reasons (such as lack of exposure pathways or lack of chemicals of concern in study area media), but still be conducted to enable addressing public or other stakeholder concerns raised about human health issues. This would only occur though if HHRA tools and methods are capable of addressing the issue(s) effectively. The HHRA problem formulation step would inventory and list all documented public and other stakeholder concerns that relate to project human health effects, and these concerns would be considered for all problem formulation tasks.”</i></p> | <p>Section 16.1 “With respect to biophysical determinants of health, the Impact Statement must: ...</p> <ul style="list-style-type: none"> - in situations where project related air, water or noise emissions meet local, provincial, territorial or federal guidelines, and yet public concerns were raised regarding human health effects, provide a description of the public concerns and how they were or are to be addressed;...” | <p>The study plan does not present an approach that demonstrate that concerns raised by Indigenous groups and the public regarding human health effects will be recorded and addressed also in situations where project related air, water or noise emissions meet local, provincial, territorial or federal guidelines.</p> <p>If a human health risk assessment is not deemed capable of effectively addressing human health related issue(s) raised by public, Indigenous groups or other stakeholders, the proponent should consider additional measures (e.g., ambient monitoring of air, water, country foods).</p> <p>Refer to the following sources to support the monitoring of potentially impacted environmental media: as per Health Canada’s guidance documents:</p> <ul style="list-style-type: none"> - Section 6.8 of Health Canada's 2016 Guidance for Evaluating Human Health Impacts in Environmental Assessment: AIR QUALITY. - Section 6.1.4 of Health Canada's 2016 Guidance for Evaluating Human Health Impacts in Environmental Assessment: DRINKING AND RECREATIONAL WATER QUALITY. - Section 5.4 of Health Canada's 2018 Guidance for Evaluating Human Health Impacts in Environmental Assessments: COUNTRY FOODS. | <p>Update the study plan to demonstrate that the record of engagement will include descriptions of how issues raised by Indigenous groups and the public regarding the human health risk assessment have been considered in the Impact Statement and how they were addressed throughout the impact assessment, including situations where project related air, water or noise emissions are predicted to meet local, provincial, territorial or federal guidelines.</p> |
| <p>HH -21</p> | <p>Section 6.1.2 <i>“In the event that country food ingestion warrants evaluation in a HHRA (if determined by completion of the HHRA problem formulation step), the assessment of country foods would require consideration of a dietary survey that could be administered among the local Indigenous communities to determine which country foods are harvested and consumed, and at what rates, frequencies, and quantities. Such a survey could also determine the harvesting locations of country food items, which would inform whether or not the project is likely to influence country food contamination at a given harvesting location.”</i></p> | <p>Section 9 “...The information provided must:...</p> <ul style="list-style-type: none"> - describe how community and Indigenous knowledge from relevant populations was used in establishing health baseline conditions, including input from diverse subgroups;... <p>To understand the community and Indigenous context and baseline health profile, the proponent must:...</p> <ul style="list-style-type: none"> - describe the consumption of country foods (traditional foods) outside of the commercial food chain, including food that is trapped, fished, hunted, harvested or grown for consumption, medicinal purposes or has cultural value. Specify which species are used, quantities, frequency, harvesting locations, and how the data were collected (e.g., site-specific consumption surveys);...” | <p>The study plan indicates it will consider a dietary/consumption survey only if a human health risk assessment is warranted.</p> <p>An explicit list of all country foods consumed by the Indigenous groups should be included as part of the baseline assessment.</p> <p>Indigenous groups must be provided opportunities to identify country foods that are harvested and consumed, and at what rates, frequencies, and quantities prior to, or during, the problem formulation step.</p> | <p>Provide, as part of the baseline human health assessment, further information about the plan to collect data regarding country foods consumed by each Indigenous group, including the country foods that are harvested and consumed, and consumed at what rates, frequencies, and quantities.</p> <p>Refer to the First Nations Food, Nutrition and Environment Study to obtain suggested sources for consumption data, available at www.FNFNES.ca</p> |

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| <p>HH -22</p> | <p>Section 6.1.2 <i>“A more comprehensive HHRA, if necessary, would also be expected to consider all human receptor age classes (i.e., infant, toddler, child, adolescent, adult) for both males and females. Potential exposure pathways that would likely be considered in a more comprehensive HHRA include:</i></p> <ul style="list-style-type: none"> • <i>soil ingestion/dermal contact</i> • <i>drinking water ingestion</i> • <i>outdoor air and dusts inhalation</i> • <i>country foods ingestion</i> <p><i>In the event that country food ingestion warrants evaluation in a HHRA (if determined by completion of the HHRA problem formulation step), the assessment of country foods would require consideration of a dietary survey that could be administered among the local Indigenous communities to determine which country foods are harvested and consumed, and at what rates, frequencies, and quantities.”</i></p> | <p>Section 16.1 “With respect to biophysical determinants of health, the Impact Statement must:...</p> <ul style="list-style-type: none"> - provide a detailed rationale/explanation if a determination is made that an assessment of any COPCs (e.g., arsenic, chromium, mercury) or exposure pathways should be excluded and/or screened out of the assessment and if the proponent decides to deviate from the suggested assessment approaches and methods or determines that such assessment is not warranted;... - food security: describe effects to availability, use and consumption of country foods (traditional foods) and health impacts of this effect; and ...” <p>Section 16.2 “With respect to Social Determinants of Health, the Impact Statement must:...</p> <ul style="list-style-type: none"> - describe and quantify specific thresholds and document if different thresholds were considered for vulnerable populations, including by sex and age; provide rationale and justification if specific thresholds not used;...” | <p>The study plan does not provide enough detail regarding how “human receptor age classes” have been considered.</p> <p>It is unclear how the study plan will meet the requirements of Sections 16.1 and 16.2.</p> | <p>Provide more information on how human receptor age classes will be considered, as per Sections 16.1 and 16.2 of the Guidelines, for the determination of whether a human health risk assessment is required.</p> |
| <p>HH -23</p> | <p>Section 6.2, Table 4 <i>“An effect that may or may not be discernible but is within the human health and community safety variability defined by baseline conditions. The effect is within the capacity of the health system to respond and/ or will not alter the current health structures.”</i></p> <p><i>“An effect that is clearly discernable and beyond the human health and community safety variability defined by baseline conditions. The effect is beyond the capacity of the health system to respond and/ or will alter the current economic structures.”</i></p> | <p>Section 16.2 “... The variation of effects during different project phases and times of year should be described as well as potential project-related effects on the community health profile (e.g., changes to existing communal activities, support networks and cultural/spiritual practices that may contribute to community resilience...”</p> <p>Section 21 “After considering the consequences of technically and economically feasible mitigation measures, the Impact Statement must describe any residual environmental, health, social or economic effects of the Project and whether those effects would occur in the local or regional study area. This includes consideration of both positive and negative effects of the Project and input received from the public, Indigenous groups, lifecycle regulators, jurisdictions, federal authorities and other interested parties. If an Indigenous group identifies that there are residual effects to rights or interests, those effects should be carried through for residual effects analysis. Where appropriate, information regarding residual effects should be disaggregated by sex, gender, age and other community relevant identity factors to identify disproportionate residual effects for diverse subgroups as per the GBA+...”</p> <p>Characterizing effects should be based largely on the level of concern expressed through engaging with the affected Indigenous groups and community members...”</p> | <p>It is not clear that the definitions of magnitude follow the guidance provided in the Guidelines. There is no discussion of input from Indigenous groups and other stakeholders in defining magnitude of effect and it is not clear how the level of concern expressed through engaging with the affected Indigenous groups and community members will be taken into consideration.</p> <p>The study plan does not explain why health system capacity is an indicator of magnitude and not effect to human health. Health system capacity typically deals with symptomatic people who have in most cases, reached a state of ill health and disease while the goal of an impact assessment is to avoid adverse effects. Using health system capacity as an indicator of magnitude does not align with this goal.</p> | <p>Revise the study plan to provide definitions of magnitude that follow the guidance provided in the Guidelines.</p> <p>Update the study plan to provide clarity on how ‘discernable’ effects will be defined and how the input and level of concern of Indigenous groups and the public will be taken into consideration.</p> <p>Update the study plan to clarify why the indicator ‘health system capacity’ is proposed as an indicator of magnitude and not of effect to human health.</p> |

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| <p>HH -24</p> | <p>Section 7, Table 5, ID 6: <i>“Gender will not be considered unless publicly available or volunteered by respondents to the primary program.”</i></p> | <p>Section 6.3 “...The Impact Statement must include, at a minimum:... - a description of efforts to engage diverse populations of each Indigenous group in culturally appropriate ways, including groups identified by gender, age or other community relevant factors (e.g., hunters, trappers, and other harvesters) to support the collection of information needed to complete the GBA+;...”</p> <p>Section 7.1 “...The application of GBA+ to baseline conditions for diverse subgroups is necessary to support the GBA+ of effects. GBA+ uses standard social science quantitative and qualitative data collection and analysis methods to describe baseline conditions across diverse subgroups...”</p> <p>Section 9 “...The information provided must:... <ul style="list-style-type: none"> conduct intersectional gender analysis to examine differences in the status of diverse subgroups (e.g., women, youth, and elders) and their differential access to resources, opportunities and services; describe any relevant indicators, and how they are reflective of community input;...” </p> | <p>The study plan indicates that gender will not be considered unless publicly available or volunteered by respondents to the primary program, but provides no further information on why GBA+ or its analytical framework will not be considered.</p> <p>Section 6.3 of the Guidelines requires the proponent to provide a description of effects to collect and compile information needed for a GBA+ analysis. This may require research on similar projects or communities using existing data sources and literature if information not volunteered by community members. Consent forms with information on how the information will be protected should be provided in an annex.</p> <p>The proponent should seek to solicit information necessary to support the GBA+, and if unsuccessful, efforts made should be described in the Impact Statement. Section 6.3 of the Guidelines state that the Impact Statement must include, at a minimum, a description of efforts to engage diverse populations of each Indigenous group in culturally appropriate ways, including groups identified by gender, age or other community relevant factors (e.g., hunters, trappers, and other harvesters) to support the collection of information needed to complete the GBA+.</p> <p>Refer to Agency guidance for more information on the GBA+ approach: https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/gender-based-analysis.html</p> | <p>Provide details on how the proponent plans to assess effects that may affect diverse subgroups to meet the requirements of the Guidelines.</p> <p>Describe how the proponent will engage diverse populations to collect information necessary to support the GBA+.</p> |
| <p>HH -25</p> | <p>Section 7, Table 5, ID 8: <i>“Data collection, information sources, study areas and assessment methods have been designed respective of the guidance included here. This will include drawing on other impact assessments (bio-physical and socio-economic), data sources provided by IAAC, and relevant primary and secondary data sources including the socio-economic primary data program and Indigenous knowledge program.”</i></p> | <p>Section 9 “...In preparing the report on baseline community health profile, the proponent must identify the environmental and social area of influence of the Project. To understand the community and Indigenous context and baseline health profile, the proponent must: - provide baseline contaminant concentrations in drinking water and in the tissues of country foods (traditional foods) consumed by Indigenous groups and local communities... - describe the consumption of country foods (traditional foods) outside of the commercial food chain, including food that is trapped, fished, hunted, harvested or grown for consumption, medicinal purposes or has cultural value. Specify which species are used, quantities, frequency, harvesting locations, and how the data were collected (e.g., site-specific consumption surveys); - if a Human Health Risk Assessment is required, provide baseline contaminant concentrations in the tissues of country foods (traditional foods) consumed by Indigenous groups and local communities; and - describe the status of food security and food sovereignty within the Indigenous groups and local communities.”</p> | <p>The study plan does not present a clear approach to understand which country foods (traditional foods) are consumed by Indigenous groups and local communities.</p> <p>It is also unclear if the proposed human impact assessment will consider food security and effects to country foods (traditional foods) availability, use and consumption by Indigenous groups and local communities.</p> <p>The concordance table in Section 7 indicates that the requirements of the Guidelines are covered in Section 2, 3, 4, 5 and 6 of the study plan, although this information is not presented with a level of detail that allows validation.</p> | <p>Update the study plan with the description of the approach proposed to understand which country foods are consumed by Indigenous groups and local communities, as required by Section 9 of the Guidelines. Provide further information on the assessment of food security, availability and use.</p> <p>Provide a description of the approach to collect baseline contaminant concentrations in country food tissues.</p> <p>Refer to the First Nations Food, Nutrition and Environment Study to access existing study/data sources for baseline consumption of country foods, and food security, available at www.FNFNES.ca</p> |
| <p>HH -26</p> | <p>Section 7, Table 5, ID 8: <i>“Data collection, information sources, study areas and assessment methods have been designed respective of the guidance included here. This will include</i></p> | <p>Section 9 “...To understand the community and Indigenous context and baseline health profile, the proponent must:... - provide the approximate number, distance and identity factors of likely human receptors, including any foreseeable future</p> | <p>The study plan does not present a clear approach to meet requirements of Section 9 of the Guidelines.</p> | <p>Provide further clarification in the concordance table to indicate explicitly how the Section 9 requirements of the Guidelines will be addressed in the human health and community safety study plan.</p> |

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| | <p><i>drawing on other impact assessments (bio-physical and socio-economic), data sources provided by IAAC, and relevant primary and secondary data sources including the socio-economic primary data program and Indigenous knowledge program.”</i></p> <p>Section 7, Table 5, ID 21: <i>“Completion of a consolidated checklist applicable to the Project may be considered by the proponent, if provided by Health Canada.”</i></p> | <p>receptors, that may be impacted by changes in air, water, country food quality (e.g., dust deposition on vegetation), and noise levels....</p> <ul style="list-style-type: none"> - describe drinking water sources which may be effected by the Project... - provide baseline contaminant concentrations in drinking water and in the tissues of country foods (traditional foods) consumed by Indigenous groups and local communities... - describe the consumption of country foods (traditional foods) outside of the commercial food chain... - if a Human Health Risk Assessment is required, provide baseline contaminant concentrations in the tissues of country foods (traditional foods) consumed by Indigenous groups and local communities;...” <p>Section 16.2 “...It is requested that the proponent complete the checklists provided in the Health Canada guidance documents so as to assist Health Canada and other participants verify that the main components of the assessment are completed and to identify the locations of this information. Completing the checklists is especially useful when the analyses on a topic are found in multiple sections of the Impact Statement documentation...”</p> | <p>There is no specific reference to the checklists requested for completion, which would support the Health Canada verification of the assessment’s main components.</p> | <p>Provide further information to indicate whether the checklists from Health Canada guidance documents will be included in the Impact Statement.</p> <p>Refer to the following Health Canada guidance document checklists: Air Quality, Noise, Drinking and Recreational Water Quality, Country Foods, and Human Health Risk Assessment</p> |
| <p>HH -27</p> | <p>Section 7, Table 5, ID 11: <i>“Assessment of the effects of the Project on human health must consistently take into account real and perceived risk and carry out baseline studies using recognized methodological best practices to determine perceived risk. Real and perceived risk, as identified through engagement, will be considered in the assessment.”</i></p> | <p>Section 16 “...The assessment must consistently take into account real and perceived risk and carry out baseline studies using recognized methodological best practices and as reflected in these guidelines, to determine perceived risk...”</p> | <p>The study plan does not provide a description of how the perception of risk related to food and water will be considered.</p> | <p>Provide further information on how the Impact Statement will consider the perception of risk related to food and water.</p> |
| <p>HH -28</p> | <p>Section 2: <i>“Health determinants related to social structures and equity factors will primarily be documented in other reports.”</i></p> <p>Section 6.1.1: <i>“The Social Determinants of Health Assessment will assess Project and cumulative impacts using the same methodologies and frameworks as the larger Project Impact Assessment.”</i></p> <p><i>“The Social Determinants of Health Assessment is informed by academic literature, best practices in social impact assessment and previous similar EAs. The methodology to complete the Social Determinants of Health Assessment will include gathering local knowledge and utilising consultation processes to analyse the concerns of interested and affected communities related to the criteria and</i></p> | <p>Section 10 “...Baseline information must be sufficiently disaggregated and analysed to understand the differences in norms, roles and relations for diverse subgroups; the different level of power they hold; their differing needs, constraints and opportunities; and the impact of these differences in their lives, including consideration of disproportionate effects to surrounding communities...”</p> <p>Section 16 “...Interconnections between human health and other valued components and interactions between effects must be described, particularly where proponents suggest a potential impact occurring indirectly as the result of the proposed Project. Given that changes to any given health determinant may result in an impact to one or more health outcomes, it is important to include interactions within and across the higher-level health determinants (i.e., Level 2, pertaining to material circumstances/resources and psychosocial factors, and Level 3, pertaining to structural factors and equity factors) in order to identify the pathways of health effects that are most likely to be affected by project-related changes to the determinant(s) of health...”</p> | <p>The study plan does not provide a description of how data used to assess the social determinants of health will be disaggregated and analyzed to show differences in norms, roles, and relations, needs, effects, etc.</p> <p>The study plan indicates that the methodologies and frameworks to assess the social determinants of health will be similar to the methodology used in the larger, project impact assessment. However, it does not mention which methodologies and frameworks are being referred to, and subsequent sections only refer to academic literature, best practices in social impact assessment, and previous similar EAs. The best practices in HIA proposed in the Guidelines are not mentioned in the study plan. However, there is mention of “best practices in social impact assessment” and “previous similar EAs” (which would have been completed under previous assessment legislation), without explaining how these are equivalent to the recommendations in the Guidelines.</p> <p>Specifically, the study plan appears to be focused on collecting data on biophysical and social determinants of health, without providing details on how these will be analyzed holistically in</p> | <p>Update the study plan to provide clarification on the methodology that will be used to assess the possible impact of the proposed project on the social determinants of health. Health Canada supports a detailed human impact assessment, as indicated in the Guidelines, be used in determining whether positive and/or adverse impacts to the determinants of health are expected to result from a project. Appendix 1 of the Guidelines includes a number of resources and guidance to support a human impact assessment.</p> <p>Provide a preliminary list of determinants of health relevant to the Project. Resources and examples of potentially relevant indicators are provided in the Guidelines.</p> <p>Describe how the assessment will identify interactions within and across health determinants and the linkages between effects. Effect pathways (causal models) can be used to outline how the Project could directly and</p> |

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| | <p><i>indicators as per Section 5.2. (...) Data used in the Social Determinants of Health Assessment will be disaggregated (where possible) and analysed to understand differences in norms, roles, and relations for diverse subgroups; the different level of power they hold; their differing needs, constraints and opportunities, and the effects of these differences in their lives related to social determinants of health criteria and indicators."</i></p> <p>Section 7, Table 5, ID 12: <i>"The approach proposed is holistic and considers relevant disciplines."</i></p> <p>Section 7, Table 5, ID 13 and ID 17: <i>"Interactions between effects will be considered as part of the holistic approach."</i></p> | <p>The assessment must illustrate an understanding of linkages and effect pathways, so that when a change in one domain is predicted, there is an understanding of what other effects or consequences may be felt across the other domains. Applying a "determinants of health approach" in the assessment of human health effects will support the identification of these linkages, as well as of disproportionate effects across subgroups...</p> <p>A detailed health impact assessment inclusive of other reasonably foreseeable future projects would be appropriate to capture potential positive and adverse effects on social factors and economic factors (and where applicable cultural factors) in addition to the biophysical environmental factors. A health impact assessment may be able to assess the positive and negative consequences (i.e., differential) of effects on the environment and human health of those Indigenous groups whose territories are lost or removed along the road alignment..."</p> | <p>the human health assessment. The plan does not provide a preliminary list of determinants that may be considered. Additionally, no detail is provided on how health determinants documented in other reports (e.g., related to social structures and equity factors) will be incorporated in the health assessment. Given that project-related changes to one or more determinants of health may lead to secondary changes ultimately affecting the immediate health determinants (health-related behaviour and human biology) underlying health outcomes, it is important to include interactions within and across health determinants in order to assess actual health impacts.</p> | <p>indirectly affect specific health issues. This approach will help prioritize the health effects for further assessment. A matrix with supporting explanation can be a useful way to organize a qualitative analysis and to convey results in a manner that is easy to understand. Describe how data will be disaggregated and analyzed to show differences in norms, roles, and relations, needs, effects, etc.</p> |
| HH-29 | <p>Section 7, Table 5, ID 18: <i>"Describe food security effects to country foods and health impact of these effects."</i></p> | <p>Section 9 "...Examples of social determinants of health that may be relevant to the Project are provided for consideration:..."</p> <ul style="list-style-type: none"> - food security, access to country foods (traditional foods);..." | <p>The study plan does not describe the approach proposed to collect baseline data on access to country food, nor the impact of the Project on country food availability and food security.</p> | <p>Update the study plan to provide information on how baseline studies will collect information on access to country foods and on the potential impact of project construction on the availability of country foods (traditional foods) and on food security.</p> |
| HH-30 | <p>Section 7, Table 5, ID 24: <i>"Will the baseline studies consider mental health and well-being in Neskantaga and other affected communities?"</i></p> <p>Section 7, Table 5, ID 25: <i>"How will Marten Falls demonstrate that the Project will improve mental health and wellbeing in the context of mitigating the ongoing crises? What kinds of evidence will Marten Falls rely on to demonstrate this?"</i></p> | <p>Section 9 "...Examples of social determinants of health that may be relevant to the Project are provided for consideration:..."</p> <ul style="list-style-type: none"> - community mental health and well being (including feelings of isolation, remoteness, concern for future generations, and other elements that have been raised in the wake of youth suicides in rural and remote FN communities);..." | <p>The study plan does not consider the issue of mental health as a valued component related to public health and therefore, it remains unclear how changes to mental health will be evaluated.</p> | <p>Update the study plan to provide further information on how baseline studies may consider the mental health and well-being of potentially affected communities, and how the Project may positively or adversely affect mental health and well-being, particularly in the context of the ongoing crises affecting other communities.</p> |

Comments from the Impact Assessment Agency of Canada (the Agency) on Marten Falls Community Access Road (the Project) Draft Groundwater Study Plan –August 31, 2020

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| General Comment | General Comment | Sections 5, 6, 7, 13, 19.2 and 25 | In addition to the required actions detailed below, other required actions to be addressed in the update to this study plan are detailed in a separate table titled “2020-07-02 – IAAC to MFFN - General Comments on MFCAR Draft Study Plans”. The Agency has provided these other required actions to highlight common sections of the Tailored Impact Statement Guidelines (the Guidelines) where requirements were not met in the draft study plans submitted to the Agency. These additional actions must be addressed in the updated study plans. | |
| GW-01 | <p>Table 3-1: Groundwater Study Areas Local Study Area (LSA): 2.0 km Regional Study Area (RSA): 5.0 km Rationale: Potential effects (s) to groundwater are considered to be localized and limited to the alignment and area immediately surrounding the alignment within the zone of influence (ZOI) that may be affected by Project construction activities.</p> <p>4.1 Desktop Assessment “...The desktop review will focus on published information obtained from Marten Falls First Nation... The report will include detailed information on registered water well locations and depths (including borehole logs, if available) and a figure showing domestic and public water well locations within two kilometres of the Project works.”</p> <p>4.2.1 Study Area Reconnaissance & Determination of Key Groundwater Monitoring Locations “The groundwater baseline study will include ... <ul style="list-style-type: none"> • Areas within two kilometres of the developed Marten Falls First Nation communities, particularly with potential dewatering and other effects to existing structures, infrastructure and/or local well supplies; • Areas within close proximity (two kilometres) to other existing groundwater users (e.g. registered and unregistered water supply wells); 4.2.1.1 Water Well Locations “...A door-to-door water well survey will be completed within Marten Falls and any</p> | <p>Section 6 “The proponent must engage with all Indigenous groups that may be impacted by the Project. The <i>Indigenous Engagement and Partnership Plan</i>, issued by the Agency, is available to assist the proponent in further developing or refining their engagement strategy and supporting ongoing trust and relationship-building.</p> <p>In addition to the requirements set out in section 6.1, 6.2 and 6.3, the proponent must provide Indigenous groups with an opportunity to:</p> <ul style="list-style-type: none"> • provide Indigenous knowledge during baseline data collection; • comment on the list of valued components and indicators;...” <p>Section 7.4.1 “...Spatial boundaries are defined taking into account the appropriate scale and spatial extent of potential effects and impacts of the Project; community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; and physical, ecological, technical, social, health, economic and cultural considerations...”</p> <p>Section 8.6 “...The Impact Statement must:... <ul style="list-style-type: none"> • identify all springs and any other potable surface water resources within the local and regional project areas and describe their current use, potential for future use, and whether their consumption has Indigenous cultural importance; • describe the surface water quality baseline characterization program, including sampling site selection, monitoring duration and </p> | <p>The field study is proposed to occur within two kilometres from the centreline of the proposed Community Access Road (CAR), including the Marten Falls First Nation community, associated borrow source areas, associated roads and construction lay down. Given that groundwater flow may continue beyond this distance depending on hydrogeological conditions, with the potential for impacts to drinking water sources, it is not clear how the arbitrary distance from project activities is relevant to effects on groundwater.</p> <p>Additionally, Marten Falls First Nation appears to be the sole Indigenous group engaged to confirm the spatial boundaries and identify sensitive locations (e.g., potable water wells) during the desktop and field groundwater studies.</p> <p>It remains unclear why engagement with the other Indigenous groups listed in the Indigenous Engagement and Partnership Plan (IEPP), including those communities with members who rely on potable water wells in the vicinity of the Project Study Area or who may access natural springs while involved in land use activities within the project area, are not considered for the development of the spatial boundaries and selection of sensitive locations.</p> <p>As per Section 6 of the Guidelines, the Agency expects the proponent to engage with, at a minimum, the Indigenous groups listed in the IEPP.</p> | <p>Provide details to demonstrate the approach that will be used to identify all domestic, communal, or municipal water wells within the local and regional project areas as per the Guidelines.</p> <p>Clarify the inconsistency between the geographic extent of the Regional Study Area mentioned in the Desktop Assessment report and the geographic extent of the Regional Study Area shown in Table 3-1.</p> <p>Describe in the study plan how Indigenous groups will have opportunities to provide Indigenous knowledge on the groundwater study plan and validate the baseline data collected.</p> <p>All Indigenous groups listed in the IEPP must be provided opportunities to:</p> <ul style="list-style-type: none"> • provide Indigenous knowledge during baseline data collection; • comment on the list of valued components and indicators; • inform the effects assessment and review its conclusions; and • inform the development of mitigation measures and follow-up programs. |

¹ Refer to complete sections of the Guidelines for more context

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| | outpost camps within two kilometres of the proposed CAR, associated borrow source areas, associated roads and construction lay down areas to identify unregistered water supply wells and to verify the locations of registered wells.” | <p>frequency, sampling protocol, and analytical protocol, including quality assurance and quality control measures;...</p> <ul style="list-style-type: none"> identify all domestic, communal, or municipal water wells within the local and regional project areas, including their screened hydrostratigraphic unit and piezometric level; describe their current use, potential for future use, and whether their consumption has any Indigenous cultural importance;...” | | |
| GW-02 | <p>Section 4.1 Desktop Assessment The desktop assessment will include the following tasks: A review of previous studies pertaining to the Project or conducted within the RSA that may provide additional hydrogeological, geological, hydrological, geochemical or biological data relevant to the Project. A desktop review of available reports and other pertinent information from within the RSA, if any;</p> <p>Section 7 Conformance with Federal and Provincial Guidance “The desktop assessment and/or the baseline groundwater report will provide detailed descriptions of specific data sources and data collection methods associated with groundwater.”</p> | <p>Section 7.1 “...Ensure baseline data is representative of project site conditions. If surrogate data from reference sites are used rather than site-specific surveys, the proponent should demonstrate that the data are representative of project site conditions...”</p> <p>Section 7.2 “...The Impact Statement must provide detailed descriptions of specific data sources, data collection, sampling, survey and research protocols and methods followed for each baseline environmental, health, social and economic condition that is described, in order to corroborate the validity and accuracy of the baseline information collected....</p> <p>If using existing data sources, the Impact Statement must provide justification to show that the data sources are relevant in spatial and temporal coverage to the Project...”</p> | The study plan states that previous studies and reports relevant to the project area may be used to provide additional data and detailed descriptions of the specific data sources will be provided in the baseline report, as required in Section 7.2 of the Guidelines. Section 7.2 of the Guidelines also requires justification to show that the data sources are relevant in spatial and temporal coverage to the Project. | Provide details to demonstrate that existing data sources are relevant in spatial and temporal coverage to the Project. |
| GW-03 | <p>5.2.2 Data Analysis and Reporting “Upon completion of the two-year groundwater monitoring program, water quality and quantity data will be analyzed and the findings will be presented in a hydrogeology baseline report... The hydrogeology baseline report will include:...</p> <ul style="list-style-type: none"> Plan maps showing: <ul style="list-style-type: none"> The Project location and key features (i.e. the selected CAR, aggregate borrow source area, access roads, camp and laydown areas, the Marten Falls First Nation community and registered and unregistered water wells); Project study areas, encompassing the spatial boundaries of the Project, including any associated project components and the anticipated boundaries of the Project effects that may potentially | <p>Section 9 “...To understand the community and Indigenous context and baseline health profile, the proponent must:...</p> <ul style="list-style-type: none"> describe drinking water sources which may be affected by the Project, including surface and/or groundwater (permanent, seasonal, periodic or temporary), their distance from project activities and approximate wellhead capture zones;...” <p>Section 16.1 “With respect to biophysical determinants of health, the Impact Statement must:...</p> <ul style="list-style-type: none"> identify predicted effects of the Project on the quality and quantity of ground or surface water used for domestic uses based on the most stringent guideline values of the following criteria; Canadian Drinking Water Quality Guidelines (CDWQG), Ontario Drinking Water Quality Standards (ODWQS), or Ontario Soil, Groundwater and Sediment Standards (SGSS);...” | <p>According to Section 5.2.2 of the study plan, baseline groundwater data, including geographic information of water wells, from the proposed monitoring program will be documented in a hydrogeology baseline report. It remains unclear if the report will specifically identify information related to water wells that may be used as drinking water sources.</p> <p>All drinking water sources (both surface water and groundwater) within the areas of influence of the Project should be identified in the report and considered in the water quality and health effects assessments.</p> <p>Health Canada recommends the use of the most stringent drinking water quality guideline values for an assessment of potential health effects. Note that the ODWQS include less stringent criteria than the most recent CDWQG for lead, manganese and strontium.</p> | <p>Clarify whether any water wells that may be used as drinking water sources will be identified as drinking water sources in the baseline study and how water quality data will be used for the health effects assessment.</p> <p>Provide detail to demonstrate that the potable groundwater contaminant levels will be compared to the most stringent guideline values, as per Section 16.1 of the Guidelines.</p> |

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| | <p>effected local communities, municipalities and Indigenous groups;</p> <ul style="list-style-type: none"> o Bedrock and surficial geology, including major structural features (e.g. faults); o Groundwater monitoring locations and inferred groundwater flow directions” <p>• Groundwater quality results will be compared to applicable guidelines and standards for aquatic life and drinking water uses, including the Canadian drinking water quality guidelines, Ontario drinking water quality guidelines and the Ontario Groundwater Standards;”</p> | | | |
| GW-04 | <p>5.2.2 Data Analysis and Reporting “The hydrogeology baseline report will include:</p> <ul style="list-style-type: none"> • Tables summarizing data such as: <ul style="list-style-type: none"> • Water well owners, water levels, reported yield and uses (domestic, communal, municipal, commercial/industrial);” | <p>Section 14.2 “With respect to potential project effects on the physical hydrogeological system, the Impact Statement must:</p> <ul style="list-style-type: none"> • provide a project-specific water use assessment identifying and describing the quantity and quality of water resources potentially affected by the Project, including: <ul style="list-style-type: none"> o any withdrawal of groundwater or surface water; o changes to the groundwater recharge/discharge areas; o temporal and spatial changes in groundwater quantity, quality and flow (e.g., long-term changes in water levels), including how these changes may relate to domestic, communal or municipal water supply wells; o the flow or volume of water available in the water bodies; and o how any waste waters or dewatering water would be managed and where it would be discharged...” | <p>It is not clear from the study plan if the tables will also include the actual or inferred available drawdown at the water wells. This information will inform whether the degree of drawdown associated with the Project would necessitate mitigation measures.</p> | <p>Update the study plan to ensure that measured or inferred available drawdown with water well information are included, as required in Section 14.2 of the Guidelines.</p> |
| GW-05 | <p>6.2 Methods for Predicting Future Conditions “No modelling is proposed as part of the study plan for groundwater. There will be some analytical calculations and analysis software packages (e.g., AQTESOLV) required for the estimation of K values.”</p> | <p>Section 14.2 “With respect to potential project effects on the physical hydrogeological system, the Impact Statement must:</p> <ul style="list-style-type: none"> • provide a project-specific water use assessment identifying and describing the quantity and quality of water resources potentially affected by the Project, including: <ul style="list-style-type: none"> o any withdrawal of groundwater or surface water; o changes to the groundwater recharge/discharge areas; | <p>The study plan suggests that analytical solutions or models will not be used to assess the magnitude of changes to groundwater quantity.</p> <p>It is unclear what methods will be used to quantify the magnitude of the effects to groundwater quantity given the magnitude definitions provided in Table 6-3.</p> | <p>Provide details about the methods that will be used to quantify the magnitude of the effects to groundwater quantity in a manner that meets the requirements of the Guidelines.</p> |

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| | | <ul style="list-style-type: none"> o temporal and spatial changes in groundwater quantity, quality and flow (e.g., long-term changes in water levels), including how these changes may relate to domestic, communal or municipal water supply wells; o the flow or volume of water available in the water bodies; o how any waste waters or dewatering water would be managed and where it would be discharged..." | | |
| GW-06 | <p>6.3 Magnitude of Effect Table 6-2: Groundwater Quality Magnitude Definition "Negligible" <u>Definition:</u> There is little to no variation predicted in measurable parameters and is within the range of natural variation. <u>Rationale:</u> Monitoring wells show no discernable change to water quality, therefore no effect on ecological life or potable use.</p> <p>Low <u>Definition:</u> There is a small variation predicted in measurable parameters, that are outside the range of natural variation and below the applicable water quality criteria or within 20% of existing condition values. <u>Rationale:</u> Temporary effect or permanent change to water quality is discernable but remains protective of ecological life and potable water sources.</p> <p>Medium <u>Definition:</u> There is a modest variation predicted in measurable parameters, that is significantly different from existing conditions and is below the applicable water quality criteria or is between 20% to 50% of existing condition values. <u>Rationale:</u> Temporary effect or permanent change to water quality is significant but remains protective of ecological life and potable water sources.</p> <p>High <u>Definition:</u> There is a large variation predicted in measurable parameters, exceeds applicable water quality criteria, or</p> | <p>Section 21 "...Proponents must describe the extent to which residual effects are adverse. Where relevant, or where best practice or evidence-based thresholds exist, effects should be described using criteria to quantify adverse effects. This includes criteria such as whether the effects are high or low in magnitude, the geographical extent, timing, frequency, duration and reversibility of the effects, taking into account any important contextual factors. Where the potential for human health effects exist due to exposure to a particular contaminant at any level (e.g., non-threshold air pollutants, including particulate matter and nitrogen dioxide, and water pollutants, such as but not limited to arsenic and lead) mitigation measures should aim to reduce the residual effects to as low as reasonably achievable. In addition, effects should be characterized using language most appropriate for the effect (for example, impacts on the exercise of Aboriginal and Treaty rights and social effects may be described differently from biophysical effects)..."</p> <p>"...The Impact Statement must:</p> <ul style="list-style-type: none"> • characterize the residual effects using criteria most appropriate for the effect; • characterize residual effects for human health using human health-related criteria most appropriate for the carcinogenic and non-carcinogenic health effects of non-threshold contaminants;" • provide the rationale for the choice of criteria used to determine the extent to which the predicted effects are adverse. The information provided must be clear and sufficient to enable the Agency, review panel, technical and regulatory agencies, Indigenous groups, and the public to review the proponent's analysis of effects;..." | <p>The magnitude of residual effects will be determined partly based on the percentage deviation (e.g., between 20% and 50%) from the baseline condition. No explanation is provided on how the proposed judgement criteria are developed or whether they are adequate to protect human health.</p> <p>Furthermore, the study plan assumes that groundwater quality remains protective of human health as long as contaminant levels are below the water quality criteria. However, there is no evidence of a health effect threshold at the population level upon exposure to certain water contaminants, such as arsenic and lead. The characterization of potential health impacts should acknowledge that health risks exist below criteria levels along the continuum of concentrations for these non-threshold pollutants/contaminants.</p> <p>Health Canada encourages the proponent to use all available technologies to reduce their emissions as low as reasonably achievable (ALARA) and beyond those required to achieve applicable criteria (i.e., CDWQG) in order to reduce the health burden of groundwater pollution on the population.</p> | <p>Update the study plan to include, in the definitions for magnitude, criteria that are relevant to the protection of human health.</p> <p>Describe the approach that will be used to ensure that these criteria are appropriate for the human health impact assessment.</p> |

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| | <p>is greater than 50% of existing condition values. Rationale: Temporary effect or permanent change to water quality is discernable and can potentially impair ecological or potable uses of water.”</p> | | | |
| GW-07 | <p>Section 7 Conformance with Federal and Provincial Guidance “... will be included in future reporting (effects assessment), but will not be included as part of the baseline works.”</p> | Section 14.2 | <p>It is unclear how many of the requirements in Section 14.2 of the Guidelines will be met.</p> <p>The effects assessment must consider the effects of each of the project components and physical activities, in all phases, and be based on a comparison to the proposed baseline work.</p> | <p>Provide more detail on the methodology of the effects assessment, and how the requirements described in Section 14.2 of the Guidelines will be met.</p> <p>Provide detail on how engagement with Indigenous groups and the public will inform the effects assessment, as well as the selection of mitigation and follow up program measures.</p> |

Comments from the Impact Assessment Agency of Canada (the Agency) on Marten Falls Community Access Road Project (the Project) Draft Surface Water Study Plan –August 31, 2020

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| General Comment | General Comment | Sections 5, 6, 7, 13, 19.2 and 25 | In addition to the required actions detailed below, other required actions to be addressed in the update to this study plan are detailed in a separate table titled “2020-07-02 – IAAC to MFFN - General Comments on MFCAR Draft Study Plans”. The Agency has provided these other required actions to highlight common sections of the Tailored Impact Statement Guidelines (the Guidelines) where requirements were not met in the draft study plans submitted to the Agency. These additional actions must be addressed in the updated study plans. | |
| Editorial Comment | Section 4.2.2: Surface Water Quality Figure 4-1: Proposed Surface Water Survey Locations | Editorial Comment | It is unclear if Figure 4-1 is showing the proposed locations of future, surface water sampling and in situ parameter measurements or the locations of surface water sampling and in situ parameter measurements of the 2019 sampling program. Also, there is no reference to Figure 4-1 in the study plan. | Provide a clear description of Figure 4-1 and reference the figure in the body of the study plan. |
| Editorial Comment | Section 4.2.2: Surface Water Quality “Proposed locations for surface water sampling are illustrated on Figure 4-2.... In situ parameters and water samples will be collected at the subset of watercrossings (Figure 4-2)” | Editorial Comment | Section 4.2.2 refers to Figure 4-2, however there is no Figure 4-2 in the study plan. | Provide Figure 4-2 to clearly indicate the proposed locations for future surface water sampling and in situ parameter measurements. |
| SW-01 | Section 3: Spatial Boundaries: Study Areas “The boundaries of the LSA will be confirmed and refined during the Baseline Study to consider flows in rivers and dilution and assimilation in water bodies, as may be required to capture the extent of direct and indirect project-related effects on surface water (Section 4.1). The RSA for the Water Quality VC encompasses Quaternary subwatersheds crossed by route Alternative 1 and Alternative 4 downstream of the PSA and LSA. This area includes the area where water bodies could potentially be affected by project effects within the PSA and LSA as water flows downstream, and by broad-scale indirect project effects (e.g., potential regional-scale changes in | Section 7.1 “...Considerations in assigning appropriate study areas or boundaries would include, but not be limited to: - areas potentially effected by changes to water quality and quantity or changes in flow in the watershed and hydrologically connected waters; - areas potentially effected by airborne emissions or odours; - areas determined by dispersion and deposition modelling; - areas within the range of vision, light and sound and the locations and characteristics of the most sensitive receptors; - species habitat areas, usage timing and migratory patterns; - emergency planning and emergency response zones; - the geographic extent of local and regional services; | The RSA appears to extend 25 kilometres downstream of the PSA on the Albany River. No detail is provided for why project effects would cease to occur as water continues to flow further downstream. Additionally, there is no indication of how communities will be engaged to confirm the spatial boundaries of the surface water study. The study plan suggests that surface water quality monitoring sites will be selected partly in consultation with Marten Falls First Nation only. It is unclear if all Indigenous groups listed in the Indigenous Engagement and Partnership Plan (IEPP) will be engaged with. | Provide details to demonstrate how the RSA spatial boundary was defined, given that water continues to flow further downstream. Provide detail to demonstrate how Indigenous knowledge has been, or will be, incorporated into the design of the field studies, including site selection. All Indigenous groups listed in the IEPP must be provided opportunities to: <ul style="list-style-type: none"> • provide Indigenous knowledge during baseline data collection; • comment on the list of valued components and indicators; • inform the effects assessment and review its conclusions; and • inform the development of mitigation measures and follow-up programs. |

¹ Refer to complete sections of the Guidelines for more context

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| | <p>groundwater-surface water interactions and changes to wetlands and peatland hydrology that could affect surface water).”</p> <p>Section 4.2.2: Surface Water Quality “Water quality and sediment quality monitoring (...). The sites will be selected based on findings of the Desktop Assessment, field surveys conducted in 2019, and in consultation with MFFN. The sites selected will aim to capture the range of waterbody types and to consider important features such as fish and fish habitat, areas of groundwater-surface water interactions, and areas of Indigenous cultural importance for consumption.”</p> <p>Section: 6.1 Indicators and Expression of Change “The indicators have been determined for the Surface Water through consideration of the following: • consultation with Indigenous stakeholders, communities and Indigenous Knowledge;”</p> | <p>- any impacted local communities, including municipalities; - all potentially impacted Indigenous groups; - areas of known Indigenous land, cultural, spiritual and resource use; and - existing effected infrastructure...”</p> <p>Section 7.4.1 “...Spatial boundaries are defined taking into account the appropriate scale and spatial extent of potential effects and impacts of the Project; community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; and physical, ecological, technical, social, health, economic and cultural considerations...”</p> <p>Section 8.6 “The Impact Statement must:... • identify all springs and any other potable surface water resources within the local and regional project areas and describe their current use, potential for future use, and whether their consumption has Indigenous cultural importance; • describe the surface water quality baseline characterization program, including sampling site selection, monitoring duration and frequency, sampling protocol, and analytical protocol, including quality assurance and quality control measures;...”</p> | | |
| SW-02 | <p>Section 4.1: Desktop Assessment “The desktop assessment will include identification potable surface water sources within the local and regional project areas and a description of their current use, potential for future use, and whether their consumption has Indigenous cultural importance.”</p> | <p>Section 7.2 “...The Impact Statement must provide detailed descriptions of specific data sources, data collection, sampling, survey and research protocols and methods followed for each baseline environmental, health, social and economic condition that is described, in order to corroborate the validity and accuracy of the baseline information collected...”</p> <p>Section 8.6 “The Impact Statement must:...“</p> | <p>It is unclear how a desktop assessment will be able to determine whether consumption of potable surface water sources has Indigenous cultural Importance.</p> <p>It is unclear how Indigenous groups will be provided opportunities to provide Indigenous knowledge and validate the collected baseline data.</p> | <p>Provide detail to demonstrate how the desktop assessment will determine whether consumption of potable surface water sources has Indigenous cultural Importance.</p> <p>Describe in the study plan how Indigenous groups will have opportunities to provide Indigenous knowledge on potable surface water sources aand validate the baseline data collected.</p> |

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| | | <ul style="list-style-type: none"> • identify all springs and any other potable surface water resources within the local and regional project areas and describe their current use, potential for future use, and whether their consumption has Indigenous cultural importance;... | | |
| SW-03 | <p>Section 4.1: Desktop Assessment "The information will include extensive field records that were obtained from the Cliffs Chromite Project Environmental Assessment project in 2011-2012 (Golder 2014) and other publicly available sources... ...A preliminary list of applicable information sources has been included in Appendix A and reflects federal and provincial guidance received to date."</p> | <p>Section 7.2 "...The Impact Statement must provide detailed descriptions of specific data sources, data collection, sampling, survey and research protocols and methods followed for each baseline environmental, health, social and economic condition that is described, in order to corroborate the validity and accuracy of the baseline information collected... If using existing data sources, the Impact Statement must provide justification to show that the data sources are relevant in spatial and temporal coverage to the Project. Some data sources may have good coverage in Southern Ontario or existing road networks but be unsuitable as a baseline for these northern areas where there are not roads..."</p> | <p>It is unclear what publicly available data sources will be used and if they will be relevant to the Project. More detail is required about the specific data sources in order to corroborate the validity and accuracy of the information.</p> | <p>Provide detailed descriptions of specific data sources that will be used to identify gaps and inform baseline characterization of surface water. Sources should be listed and clearly correlated to the criteria and indicators that they will inform.</p> <p>Provide justifications to demonstrate that each data source is relevant in spatial and temporal coverage to the Project.</p> |
| SW-04 | <p>Section 4.2.1.1: Introduction and Objectives "Based on a preliminary review of the alignment for Alternatives 1 and 4 (provided by AECOM on May 30, 2019) relative to available mapping and imagery, 164 waterbodies were identified as potentially being crossed by the Project. On-the-ground field data collection was completed at a subset of the identified waterbody crossings from the aerial reconnaissance to verify or augment the results and assumptions from the desktop analysis." Section 4.2.3: Hydrology "Additional bathymetric information will only be collected at larger water crossings where more detailed hydraulic modelling is required. Location of bathymetry collection will be determined during detailed</p> | <p>Section 8.6 "...The Impact Statement must:... - provide the design flood at each water crossing; - provide details on the hydraulic design of the water crossings; - quantify the effects of the Project on the hydrological regime of both the local and regional study area; in particular, in case of any watercourse diversions, describe the effects on the flow upstream and downstream of the diversion; - provide the timing of freeze/thaw cycles, ice cover, and ice conditions for surface water bodies in the Project area; - provide for each water body potentially effected by the Project, the total surface area, bathymetry, bank and bottom features, biological components, flows, maximum and</p> | <p>The outcomes of the desktop exercise for the water bodies crossed by the Project are not clear.</p> <p>It is unclear which water crossings were selected for the on-the-ground field survey and how these water crossings were selected. Information at each water crossing including channel geometry and design flood are needed for the preliminary design of the crossing and the evaluation of the project effect at the water crossings.</p> <p>It is unclear if effects on the hydrological regime of both the local and regional study area will be quantified.</p> <p>It is unclear if the upstream and downstream effects of any watercourse diversion will be described.</p> | <p>Describe the information that will be determined during the desktop assessment for each waterbody crossing in a manner that demonstrates the requirements of Section 8.6 of the Guidelines will be met.</p> <p>Provide details on the rationale for the selection of the list of waterbody crossings that were selected during the 2019 on-the-ground field surveys.</p> <p>Provide the list of selected water crossings. Provide details to demonstrate how the effects on the hydrological regime of both the local and regional study area will be quantified, including upstream and downstream effects of any watercourse diversion, as per the requirement in Section 8.6 of the Guidelines.</p> |

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| | design phase and will generally be limited to locations where it has been determined that fish passage requirements must be met.” | mean depths, and type of substrate (sediments); ...” | | |
| SW-05 | <p>Section 4.2.2: Surface Water Quality</p> <p>“The sites selected will aim to capture the range of waterbody types and to consider important features such as fish and fish habitat, areas of groundwater-surface water interactions, and areas of Indigenous cultural importance for consumption. Sites will include rivers that will require more substantial water crossings or requiring longer construction times (i.e., Albany River, Ogoki River, Dusey River, Wabassi River, Buffaloskin River, and Gourlie Creek) and approximately 10% of the wadeable water bodies crossed by the route alternatives. Proposed locations for surface water sampling are illustrated on Figure 4-2.”</p> | <p>Section 8.6</p> <p>“...The Impact Statement must:...</p> <ul style="list-style-type: none"> - describe the surface water quality baseline characterization program, including sampling site selection, monitoring duration and frequency, sampling protocol, and analytical protocol, including quality assurance and quality control measures...” | <p>It is unclear as to the exact number of surface water sampling locations for each of the alternative routes.</p> | <p>Provide the number of surface water sampling locations and a description of each of these locations for each of the alternative routes in the surface water study plan.</p> |
| SW-06 | <p>Section 4.2.2: Surface Water Quality</p> <p>“The monitoring will be conducted to provide seasonal baseline surface water quality data for a duration of one year. Sampling will occur in spring (during high-flow conditions), and fall (during low-flow conditions). Winter sampling is not proposed due to winter access and safety concerns.”</p> | <p>Section 7.2 Sources of Baseline Information</p> <p>“...With regard to field studies, survey work must be planned to include multiple sampling locations and multiple visits to each location to support all required assessment analyses...”</p> <p>Section 8.6</p> <p>“The Impact Statement must:...</p> <ul style="list-style-type: none"> - provide baseline surface water quality data, for a minimum of two years, for physicochemical parameters (temperature, pH, electrical conductivity, dissolved oxygen, turbidity, suspended solids) and relevant chemical constituents (major and minor ions, trace metals, radionuclides, nutrients, and organic compounds, including those of potential concern); the data should illustrate the seasonal and inter-annual variability in baseline surface water quality, including possible changes due to groundwater-surface water interactions;...” | <p>Section 8.6 of the Guidelines requires baseline surface water quality data for a minimum of 2 years to illustrate seasonal and inter-annual variability in baseline surface water quality, including possible changes due to groundwater-surface water interactions. The surface water study plan is proposing to monitor seasonal baseline surface water quality data for a duration of one year only, and no monitoring in the summer. The study plan as proposed will not illustrate the seasonal and inter-annual variability in baseline surface water quality, including possible changes due to groundwater-surface water interactions.</p> <p>The study plan identified winter access and safety concerns as reasons for not conducting winter sampling. However, no justification was provided for not conducting summer sampling.</p> | <p>Provide details to demonstrate how baseline surface water quality data will be collected for a minimum of 2 years to illustrate inter-annual variability in baseline surface water quality, including possible changes due to groundwater-surface water interactions.</p> <p>Provide details to demonstrate how summer sampling will be conducted to illustrate seasonal variability in baseline surface water quality, including possible changes due to groundwater-surface water interactions.</p> |

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| SW-07 | <p>Section 4.2.2: Surface Water Quality “The surface water quality monitoring will include field measurements of physicochemical parameters (i.e., temperature, pH, electrical conductivity, dissolved oxygen, turbidity) and the collection of surface water grab samples for laboratory analysis of relevant constituents including alkalinity, total suspended solids, major and minor ions, total metals, nutrients (total phosphorus, total ammonia, total Kjeldahl nitrogen), and total and dissolved organic carbon.</p> <p>Field monitoring protocols will follow the Protocols Manual for Water Quality Sampling in Canada (CCME 2011) and the sample collection methods will be adjusted on a site-specific basis to consider characteristics of the water body being sampled and to ensure safety of the sampling crew.”</p> | <p>Section 8.6 “The Impact Statement must:...</p> <ul style="list-style-type: none"> - provide baseline surface water quality data, for a minimum of two years, for physicochemical parameters (temperature, pH, electrical conductivity, dissolved oxygen, turbidity, suspended solids) and relevant chemical constituents (major and minor ions, trace metals, radionuclides, nutrients, and organic compounds, including those of potential concern); the data should illustrate the seasonal and inter-annual variability in baseline surface water quality, including possible changes due to groundwater–surface water interactions;...” | <p>The study plan does not indicate whether it will analyze pH, conductivity, and turbidity in the surface water grab samples in the laboratory to determine if samples changed during transport, as recommended by the Protocols Manual for Water Quality Sampling in Canada (CCME 2011).</p> <p>The study plan also does not indicate if it will analyze surface water grab samples for dissolved metals in the laboratory.</p> | <p>Provide details to demonstrate that all of the physicochemical parameters listed in the Guidelines, including pH, conductivity, and turbidity, will be analyzed in the surface water grab samples in the laboratory.</p> <p>Provide details to demonstrate that surface water grab samples will be analyzed in the laboratory for both total and dissolved metals.</p> |
| SW-08 | <p>Section 4.2.2: Surface Water Quality “Triplicate sediment samples will be collected at each monitoring site for laboratory analysis of grain size, total metals and nutrients (total organic carbon, total phosphorus, total Kjeldahl nitrogen) on a single sampling event during the monitoring period.”</p> | <p>Section 8.6 “The Impact Statement must:...</p> <ul style="list-style-type: none"> - describe the surface water quality baseline characterization program, including sampling site selection, monitoring duration and frequency, sampling protocol, and analytical protocol, including quality assurance and quality control measures;...” | <p>It is unclear whether triplicate sediment samples will be collected at all monitoring sites for both Alternatives routes 1 and 4.</p> | <p>Clarify whether triplicate sediment samples will be collected at all monitoring sites.</p> |
| SW-09 | <p>Section 4.2.2: Surface Water Quality “The surface water quality monitoring will include field measurements of physicochemical parameters (i.e., temperature, pH, electrical conductivity, dissolved oxygen, turbidity) and the collection of surface water grab samples for laboratory analysis of relevant constituents including alkalinity, total suspended solids, major and minor ions, total metals, nutrients (total phosphorus, total ammonia,</p> | <p>Section 8.6 “The Impact Statement must:...</p> <ul style="list-style-type: none"> - provide baseline surface water quality data, for a minimum of two years, for physicochemical parameters (temperature, pH, electrical conductivity, dissolved oxygen, turbidity, suspended solids) and relevant chemical constituents (major and minor ions, trace metals, radionuclides, nutrients, and organic compounds, including those of potential concern);...” <p>Section 16.1 “With respect to biophysical determinants of health, the Impact Statement must:...”</p> | <p>The study plan does not specify monitoring of organic contaminants (e.g., combustion by-product, blasting by-product, petroleum product, etc.) that may affect surface water quality by atmospheric deposition and/or chemical spills at construction camps and along the construction corridor.</p> <p>In addition to the monitoring parameters proposed in the surface water study plan, the groundwater study plan includes dissolved metals, organic contaminants (e.g., volatile organic compounds (VOCs) and poly-aromatic hydrocarbons (PAHs)) and radionuclide</p> | <p>Update the study plan to provide a full list of COPCs to be addressed in the surface water study, including radionuclides and organic contaminants, as per Section 8.6 of the Guidelines.</p> <p>Revise the study plan to confirm that the most stringent guideline values will be used to compare data, as per Section 16.1 of the Guidelines.</p> |

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| | <p>total Kjeldahl nitrogen), and total and dissolved organic carbon.”</p> <p>Section 5.1.2: Data Analysis “Water quality parameters will also be compared to Ontario Drinking Water Quality Standards (O. reg. 169/03 under the Safe Drinking Water Act, 2002, S.O. 2002, c. 32) for water bodies used or potentially used as a source of potable water including sources of Indigenous cultural importance for consumption.”</p> | <p>- identify predicted effects of the Project on the quality and quantity of ground or surface water used for domestic uses based on the most stringent guideline values of the following criteria; Canadian Drinking Water Quality Guidelines (CDWQG), Ontario Drinking Water Quality Standards (ODWQS), or Ontario Soil, Groundwater and Sediment Standards (SGSS);...”</p> | <p>parameters. (See Section 4.2.6.2 of the groundwater study plan.)</p> <p>If surface water bodies are used as a source of potable water, the surface water quality parameters should be expanded to include these additional contaminants of potential concern (COPCs).</p> <p>Additionally, please note that the ODWQS include less stringent criteria than the most recent CDWQG for lead, manganese and strontium.</p> | |
| SW-10 | <p>Section 5.1.2: Data Analysis “Water quality data will be summarized by site, season, and year using descriptive statistics...”</p> <p>Sediment quality data will be summarized by site using descriptive statistics.”</p> | <p>Section 8.6 “The Impact Statement must:... - provide baseline surface water quality data, for a minimum of two years, for physicochemical parameters (temperature, pH, electrical conductivity, dissolved oxygen, turbidity, suspended solids) and relevant chemical constituents (major and minor ions, trace metals, radionuclides, nutrients, and organic compounds, including those of potential concern); the data should illustrate the seasonal and inter-annual variability in baseline surface water quality, including possible changes due to groundwater–surface water interactions;...”</p> | <p>It is unclear whether the proponent will present all water quality and sediment quality data in the Impact Statement to meet requirements of Section 8.6 of the Guidelines.</p> | <p>Update the study plan to provide detail regarding the water quality and sediment quality data that will be gathered and provided in the Impact Statement, per Section 8.6 of the Guidelines.</p> |
| SW-11 | <p>Table 6-2: Magnitude Definition</p> <p>“Negligible <u>Definition:</u> There is little to no variation predicted in measurable parameters and is within the range of natural variation. <u>Rationale:</u> No discernable change to surface water therefore no impact on aquatic life or potable use.</p> <p>Low <u>Definition:</u> There is a small variation predicted in measurable parameters, that are outside the range of natural variation and below the applicable guideline/objective or</p> | <p>Section 21 “...Proponents must describe the extent to which residual effects are adverse. Where relevant, or where best practice or evidence-based thresholds exist, effects should be described using criteria to quantify adverse effects. This includes criteria such as whether the effects are high or low in magnitude, the geographical extent, timing, frequency, duration and reversibility of the effects, taking into account any important contextual factors. Where the potential for human health effects exist due to exposure to a particular contaminant at any level (e.g., non-threshold air pollutants, including particulate matter and nitrogen dioxide, and water pollutants, such as but not limited to arsenic and lead) mitigation</p> | <p>According to the study plan, the magnitude of residual effects will be determined partly based on the percentage deviation (e.g., between 20% and 50%) from the baseline condition. No explanation is provided in the study plan on how the proposed judgement criteria are developed or whether they are adequate to protect human health.</p> <p>Furthermore, the study plan assumes that surface water quality remains protective of human health as long as contaminant levels are below the water quality criteria. However, there is no evidence of a health effect threshold at the population level upon exposure to certain water contaminants, such as arsenic and lead. The characterization of potential health impacts should acknowledge that health risks exist below criteria levels along the continuum of</p> | <p>Update the study plan to include, in the definitions for magnitude, criteria that are relevant to the protection of human health.</p> <p>Describe the approach that will be used to ensure that these criteria are appropriate for the human health impact assessment.</p> |

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| | <p>threshold value or within 20% of existing condition values. <u>Rationale:</u> Change to surface water is discernable but remains protective of aquatic life and potable water sources.</p> <p>Medium <u>Definition:</u> There is a modest variation predicted in measurable parameters, is significantly different from existing conditions and is below the applicable guideline/objective or threshold value, or is between 20% to 50% of existing condition values. <u>Rationale:</u> Change to surface water is significant but remains protective of aquatic life and potable water sources</p> <p>High <u>Definition:</u> There is a large variation predicted in measurable parameters, exceeds an applicable guideline/objective or threshold value, or is greater than 50% of existing condition values. <u>Rationale:</u> Change to surface water is discernable and can potentially impair aquatic life or potable uses of water.”</p> | <p>measures should aim to reduce the residual effects to as low as reasonably achievable.</p> <p>In addition, effects should be characterized using language most appropriate for the effect (for example, impacts on the exercise of Aboriginal and Treaty rights and social effects may be described differently from biophysical effects)...</p> <p>The Impact Statement must:</p> <ul style="list-style-type: none"> • characterize the residual effects using criteria most appropriate for the effect; • characterize residual effects for human health using human health-related criteria most appropriate for the carcinogenic and non-carcinogenic health effects of non-threshold contaminants;... • provide the rationale for the choice of criteria used to determine the extent to which the predicted effects are adverse. <p>The information provided must be clear and sufficient to enable the Agency, review panel, technical and regulatory agencies, Indigenous groups, and the public to review the proponent's analysis of effects;...”</p> | <p>concentrations for these non-threshold pollutants/contaminants.</p> <p>Health Canada encourages the use of all available technologies to reduce emissions as low as reasonably achievable (ALARA) and beyond those required to achieve applicable thresholds (i.e., CDWQG levels) in order to reduce the burden of surface water pollution on the population.</p> | |
| SW-12 | <p>Section 7: Conformance with Federal and Provincial Guidance “The hydrologic analysis will include changes to the runoff characteristics and drainage patterns on a watershed basis. Hydrologic analyses will be conducted as a high-level, quantitative assessment, given that information on watershed boundaries and runoff characteristics will be coarse....</p> <p>...Runoff rates will be calculated for the pre-construction (existing), during construction, and post construction conditions.”</p> | <p>Section 8.6 “The Impact Statement must:... - develop a quantitative surface water balance for components of the Project that may result in significant changes to surface water flow patterns (e.g., large quarry/aggregate extraction/stockpiles)...”</p> <p>Section 14.2 “...With respect to potential project effects on water quality in the receiving environment, the Impact Statement must: - present estimates of surface water runoff rates for major project components, including aggregate and overburden stockpiles;...”</p> | <p>It is unclear if surface water balances will be developed for components of the Project that may result in significant changes to flow patterns (including large quarry/ aggregate extraction /stockpiles).</p> <p>It is unclear if estimates of surface water runoff rates for major components of the Project will be presented.</p> <p>The information provided in Section 7 of the study plan states that the analysis will be conducted at a high level. More information is needed to determine if the requirements in Sections 8.6 and 14.2 of the Guidelines will be met.</p> | <p>Update the study plan to provide further detail to demonstrate how the requirements in Sections 8.6 and 14.2 of the Guidelines regarding the development of a surface water balance for components of the Project and the estimates of surface water runoff rates for major components of the Project, will be met.</p> |

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| SW-13 | <p>Section 6: Effects Assessment Scoping</p> <p>Section 7: Conformance with Federal and Provincial Guidance “Monitoring programs will be identified as part of the EA.”</p> | <p>Section 14.2 “...With respect to potential project effects on water quality in the receiving environment, the Impact Statement must:...</p> <ul style="list-style-type: none"> - describe any applicable water quality treatment measures and provide evidence supporting the effectiveness of these measures; - compare the quality of all effluent streams to the Canadian Council of Ministers of the Environment (CCME) Water Quality Guidelines for the Protection of Aquatic Life, and to provincial water quality objectives for contaminants of concern (e.g., arsenic, chromium, mercury) that do not have CCME guidelines. CCME’s Water Quality Guideline values are national science-based voluntary guidelines developed collaboratively among provincial, territorial, and federal jurisdictions for the protection of freshwater and marine life; - describe any changes to groundwater quality that could affect surface water quality; - provide an assessment for off-site migration pathways for impacted groundwater, and an analysis of contaminant attenuation capacities within the hydrogeological units of the project study area; and - describe groundwater and surface water monitoring programs during the construction, operation and decommissioning and abandonment...” | <p>Section 6 of the study plan provides very general information about the effects assessment. It is unclear how many of the requirements in Section 14.2 of the Guidelines related to potential project effects on water quality in the receiving environment will be met.</p> <p>The effects assessment must consider the effects of each of the project components and physical activities, in all phases, and be based on a comparison to the proposed baseline work.</p> | <p>Provide more detail on the methodology for the effects assessment, and how it will meet the requirements described in Section 14.2 of the Guidelines.</p> |
| SW-14 | <p>Section 6: Effects Assessment Scoping</p> | <p>Section 14.2 “...If the proponent undertakes quarrying activities to extract aggregate material that may results in effects on groundwater and surface water levels (i.e., quarrying below the water table), the Impact Statement must:</p> <ul style="list-style-type: none"> - present an integrated site water balance model incorporating surface and groundwater fluxes for the construction, operation and | <p>Section 6 of the study plan provides very general information about the effects assessment. It is unclear how many of the requirements in Section 14.2 of the Guidelines related to undertaking quarrying activities to extract aggregate material will be met.</p> <p>The effects assessment must consider the effects of each of the project components and physical activities, in all phases, and be based on a comparison to the proposed baseline work.</p> | <p>Provide more detail on the methodology for the effects assessment, and how it will meet the requirements described in Section 14.2 of the Guidelines.</p> |

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| | | <p>decommissioning of large quarrying sites;</p> <ul style="list-style-type: none"> - describe the risk to the receiving environment related to effects to the quantity and quality of all effluent streams released from the site, including surface runoff from aggregate and overburden stockpiles, and dewatering discharge;... - identify potential risks to surface and seepage water quality from the aggregate and overburden stockpiles and project infrastructure during construction, and operation, decommissioning and abandonment; - provide aggregate sources, volumes and tonnage, and extraction construction methods;..." | | |

Comments from the Impact Assessment Agency of Canada (the Agency) on the Marten Falls Community Access Road (the Project) Draft Visual Environment Study Plan – September 2, 2020

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| General Comment | General Comment | Sections 5, 6, 7, 13, 19.2 and 25 | In addition to the required actions detailed below, other required actions to be addressed in the update to this study plan are detailed in a separate table titled “2020-07-02 - IAAC to MFFN- General Comments on MFCAR Draft Study Plans”. The Agency has provided these other required actions to highlight common sections of the Guidelines where requirements were not met in the draft study plans submitted to the Agency. These additional actions must be addressed in the updated study plans. | |
| VE-01 | <p>Section 4.2: Study Methods “Visual issues that may occur due to the Project include impacts on commercial tourism operations, parks and protected areas and perceptions of harm.”</p> <p>Section 6.2: Methods for Predicting Changes in the Physical Environment “This includes a visibility analysis, of the potential effects the CAR will have on the immediate surrounding area, and identification of sensitive receptor locations that are potentially impacted by the proposed CAR.”</p> | <p>Section 8.1 “The Impact Statement must: ... • describe existing ambient nighttime light levels at the project site and at any other areas where project activities could have an effect on light levels. The Impact Statement will describe night-time illumination levels during different weather conditions and seasons; and ...”</p> <p>Section 14.1 “The Impact Statement must: ... • identify and justify the approach to determine the extent to which sound effects resulting from the Project are adverse and describe any changes in night-time light levels as a result of the Project; and ...”</p> | It is unclear if existing ambient nighttime light levels and predicted changes in light levels as a result of the Project will be described to meet requirements in Sections 8.1 and 14.1 of the Guidelines. | Update the study plan to provide details to demonstrate how the existing ambient nighttime light levels and predicted changes in light levels at relevant locations will be described, as per the requirements in Sections 8.1 and 14.1 of the Guidelines. |
| VE-02 | <p>Section 4.2: Study Methods “changes to the visual environment may generate perceptions of environmental harm by Indigenous communities related to sensitive cultural features and recreationalists who value the pristine quality of the landscape. Therefore, visible disturbances and perceptions may impact the areas for those users.”</p> | Section 6 | It is unclear, based on the information provided in Section 4.2 of the study plan, if all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be engaged at a level that will meet the requirements in Section 6 of the Guidelines. | Provide details to demonstrate that all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be engaged with and provided opportunities to: <ul style="list-style-type: none"> • provide Indigenous knowledge during baseline data collection; • comment on the list of valued components and indicators; • inform the effects assessment and review its conclusions; and • inform the development of mitigation measures and follow-up programs. |
| VE-03 | <p>Section 6.2: Methods for Predicting Changes in the Physical Environment “It is anticipated that the results of the visual assessment will be considered in the assessment to effects to Indigenous peoples and impact on the exercise of Aboriginal and Treaty Rights.”</p> | Section 19.2 | The study plan should demonstrate an approach for integrating impacts on rights considerations (changes to resource, access, and experience) into collection of baseline information and the effects assessment, including the identification of mitigation measures proposed to address impacts. | Describe the approach for identifying the potentially impacted rights of Indigenous peoples of Canada that are recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> , and for integrating the potential impacts on those rights into the collection of baseline information and the effects assessment. Include details to demonstrate when Indigenous groups will be engaged in identifying potential impacts on rights. Provide detail on the timeline for engagement relative to the project workplan. Include details about engagement relative to the schedule for baseline work and effects assessment, including the identification of mitigation measures to address impacts, in consideration of the project team’s timeline for the development of the Impact Statement. |

¹ Refer to complete sections of the Guidelines for more context

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| <p>VE-04</p> | <p>Section 3: Spatial Boundaries: Study Areas “The team will define the visual study area based on the visibility of the Project and the assessment for changes to visual environment that is most impactful. The visual study areas are expected to consider the visual detail that can be perceived for route Alternative 1 and route Alternative 4 including appropriate consideration of foreground, middle-ground and background viewing (BC MoF, 1997). The Visual Environment Study will identify the immediate baseline environment within the foreground (100 m from PSA) and the mid-ground (2.5 km from PSA) where viewers potentially observe a distinguishable level of detail and contrast and background (up to 8 km from the PSA).”</p> | <p>Section 7.4.1 “...Spatial boundaries are defined taking into account the appropriate scale and spatial extent of potential effects and impacts of the Project; community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; and physical, ecological, technical, social, health, economic and cultural considerations...”</p> | <p>It is unclear if Indigenous groups and the public were engaged with and provided an opportunity to provide input on the spatial boundaries defined in Section 3 of the study plan.</p> <p>If this engagement has not yet occurred, more detail is necessary to demonstrate how this opportunity will be provided to Indigenous groups and the public, and how the information they provide will be taken into account in the definition of the spatial boundaries, as per the requirement in Section 7.4.1 of the Guidelines.</p> | <p>Provide details to demonstrate how and when Indigenous groups and the public have been or will be engaged in defining the spatial boundaries for the Project.</p> <p>Provide details on the timeline for engagement relative to the Project workplan, including engagement relative to the schedule for baseline work, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> |
| <p>VE-05</p> | <p>Section 6.2: Methods for Predicting Changes in the Physical Environment “This includes a visibility analysis, of the potential effects the CAR will have on the immediate surrounding area, and identification of sensitive receptor locations that are potentially impacted by the proposed CAR.”</p> | <p>Section 14.1 “The Impact Statement must: ... • describe the locations and characteristics of the most sensitive receptors including species at risk and differential effects for sensitive receptors;...”</p> | <p>It is unclear if the requirement in Section 14.1 of the Guidelines will be met. More detail is needed related to the locations and characteristics of the most sensitive receptors, including human receptors, species at risk and differential effects for sensitive receptors.</p> | <p>Provide detail to demonstrate that the locations and characteristics of the most sensitive receptors including species at risk and differential effects for sensitive receptors will be described, as required by Section 14.1 of the Guidelines.</p> |
| <p>VE-06</p> | <p>Section 6.2: Methods for Predicting Changes in the Physical Environment “The results of the visual assessment will also be submitted to the social, economic, human health and community safety, and land and resource use assessment teams for consideration in their impact assessments.”</p> <p>Section 7 Concordance with Federal and Provincial Guidance “Will be addressed in Health, Social, Economic and Land Use Conditions”</p> | <p>Section 12.2 “...In general, the Impact Statement should consider: ... • the experience of the practice (e.g., connection to the landscape without artificial noise and sensory disturbances, air quality, visual landscape, perceived or real contamination, etc.); and ...”</p> <p>Section 12.4 “The Impact Statement should document the nature and extent of the exercise of rights of Indigenous peoples, potentially impacted by the Project, as identified by the Indigenous group(s). Indigenous groups may also provide their perspective through consultations with the Agency. This information related to rights may include, but is not limited to: ... • the experience associated with the exercise of rights (e.g., noise and sensory disturbances, air quality, visual landscape);...”</p> <p>Section 13.2 ...the Impact Statement must consider and describe the</p> | <p>The study plan provides inadequate detail on the data described in other study plans (such as the human health and community safety; social; economic and land and resource use study plans) that will be collected and analyzed to meet the visual environment baseline data collection and effects assessment requirements described in Sections 12.2, 12.4 and 14.1 of the Guidelines.</p> | <p>Update the study plan to provide further detail on the specific visual environment criteria and indicators that will be collected and assessed through other study plans. At a minimum, provide a cross reference as to where the specific visual environment criteria and indicators can be found in the other plans.</p> |

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| | | <p>interactions between the environmental, health, social and economic effects as well as the interaction and interconnectedness of selected valued components taking into account values of local communities, including municipalities and Indigenous groups...</p> <p>Section 14.1 “The Impact Statement must: ...</p> <ul style="list-style-type: none">• describe consultation with regulators, stakeholders, community groups, landowners and Indigenous groups about potential effects to the atmospheric, acoustic, and visual environment;...” | | |
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Comments from the Impact Assessment Agency of Canada (the Agency) on Marten Falls Community Access Road (the Project) Draft Physiography, Geology, Geochemistry, Terrain and Soils Study Plan – September 18, 2020

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| General Comment | General Comment | Sections 5, 6, 7, 13, 19.2 and 25 | In addition to the required actions detailed below, other required actions to be addressed in the update to this study plan are detailed in a separate table titled “2020-07-02 - IAAC to MFFN- General Comments on MFCAR Draft Study Plans”. The Agency has provided these other required actions to highlight common sections of the Tailored Impact Statement Guidelines (Guidelines) where requirements were not met in the draft study plans submitted to the Agency. These additional actions must be addressed in the updated study plans. | |
| GE-01 | Section 3: Spatial Boundaries: Study Areas “The PSA encompasses the 100 m wide CAR right-of-way (ROW), temporary construction access roads, work areas, worker camps, and long-term aggregate sources and associated access roads. The LSA currently being considered within the scope of the ongoing regulatory review process generally includes the area within 2.5 km of the centreline of Alternative 1 and Alternative 4.” | Section 7.4.1 “The Impact Statement must describe the spatial boundaries, including project, local and regional study areas, for each valued component included in assessing the potential adverse and positive environmental, health, social and economic effects of the Project and provide a rationale for each boundary... For valued components establish three study area spatial boundaries to assess impacts to each valued component: 1) Project Study Area: defined as the project footprint for each alternative route; ...” | The description of the study areas is unclear, in particular the description of the Project Study Area. From the description provided in the study plan, it seems that only the Local Study Area and the Regional Study Area will encompass the route alternatives under consideration. The study plan does not clearly describe how baseline data will be collected for the route alternatives under consideration. | Update the study plan to clarify the spatial boundaries of the study areas, in particular of the Project Study Area, for all route alternatives under consideration. Update the study plan to provide a map showing the study areas for all route alternatives under consideration. |
| GE-02 | Figure 3-1 | Editorial | The legend of the map provided in Figure 3-1 is incomplete, as several colors used in the map are not featured in the legend. A clear understanding of the map is important for validation of appropriateness of the sampling locations. | Update the legend of the map provided in Figure 3-1 to indicate what all various coloured areas represent. Several colors used in the map are not featured in the legend. |
| GE-03 | Section 4: Baseline Study Design “This study plan focuses on the additional studies that are anticipated to be required to gather information beyond what is currently available through existing information sources, including those as described in Section 7.2 ‘Sources of baseline information’ in IAAC’s Tailored Impact Statement (TISG) for this Project” | Section 8.4 “The Impact Statement must: ... - describe the geomorphology, topography and geotechnical characteristics of areas proposed for construction of major project components, including the presence and distribution of eskers and permafrost, if applicable; ... - provide maps depicting soil depth by horizon and soil order within the project site area to support soil salvage and reclamation efforts, and to outline potential for soil erosion; ... - describe the historical land use and the potential for contamination of soils and | It is unclear if the requirements in Section 8.4 of the Guidelines will be met. Proposed methodologies for many of the relevant requirements in Section 8.4 of the Guidelines are not included in the study plan. | Update the study plan to provide information to demonstrate the proposed approaches and methods to be used to meet the requirements of Section 8.4 of the Guidelines. |

¹ Refer to complete sections of the Guidelines for more context

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| | | <p>sediments and describe any known or suspected soil contamination with the study area that could be re-suspended, released or otherwise disturbed as a result of the Project; and</p> <ul style="list-style-type: none"> - identify ecosystems that are sensitive or vulnerable to acidification resulting from the deposition of atmospheric contaminants; ... - provide written description and maps of the current location of eskers and other post-glacial deposits on a map; - describe permafrost conditions including distribution of frozen and unfrozen ground, if applicable; and - describe the potential for thaw settlement and terrain instability associated with ground thawing in permafrost areas, if applicable.” | | |
| GE-04 | <p>Section 4.1: Desktop Assessment “Due to the large Project area, the study will be largely based on previous investigations and published existing data / information in the area.”</p> <p>Section 7: Conformance with Federal and Provincial Guidance “The summary report will provide detailed descriptions of specific data sources and data collection methods associated with physiology, geology, geochemistry, terrain and soils.”</p> | <p>Section 7.1 “...Ensure baseline data is representative of project site conditions. If surrogate data from reference sites are used rather than site-specific surveys, the proponent should demonstrate that the data are representative of project site conditions...”</p> <p>Section 7.2 “...The Impact Statement must provide detailed descriptions of specific data sources, data collection, sampling, survey and research protocols and methods followed for each baseline environmental, health, social and economic condition that is described, in order to corroborate the validity and accuracy of the baseline information collected...”</p> | <p>It is assumed that the previous investigations referenced in Section 4.1 of the study plan are the 2009-2010 geotechnical investigations commissioned by Canada Chrome Corporation and the 2019 KGS geotechnical investigations.</p> <p>It is unclear what published existing data and information in the area will be used.</p> | <p>Demonstrate that the reports are representative of all of the terrain units and settings encountered by the Project.</p> <p>Provide details about the published existing data and information that will be used to characterize the baseline conditions, as required in Section 7.2 of the Guidelines.</p> <p>If surrogate data sources from reference sites are used rather than site-specific surveys, provide detail to demonstrate that the data are representative of project site conditions and clarify how potential gaps in the spatial coverage of the data will be addressed.</p> <p>Ensure that a clear map showing all proposed route alternatives, along with the borehole and auger data used for each alternative, is provided in the Impact Statement.</p> <p>Ensure that in composite the existing and new data meet the requirements of the Guidelines.</p> |
| GE-05 | <p>Section 4.3.1: Geochemistry (ML/ARD) “We have assumed that half of the samples will be collected at surface (bedrock outcrop hand samples) and the remainder will be collected from geotechnical drill core. The depth of the</p> | <p>Section 3.2.2. “The Impact Statement must describe the anticipated activities during the operation phase of the Project, including: ...</p> <ul style="list-style-type: none"> - characterization and management of borrow material, including overburden, and aggregate (storage, handling and transport of the volumes generated, mineralogical characterization, | <p>Caution is recommended when sampling surface outcrop samples as they can be weathered and not indicative of the actual reactivity of the rock. It is recommended that the depth distribution of samples (including those at surface) reflect the approximate distribution of the main volume of material to be quarried at depth.</p> | <p>Provide details to demonstrate that the samples collected at each location will be compositionally and spatially representative of material to be disturbed.</p> |

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| | drill core samples will be shallower than the proposed depths of quarry / blasting operations to make certain that samples are representative of blast / fill material” | <p>potential for metal leaching and acid rock drainage);...”</p> <p>Section 8.3 “The Impact Statement must: ... - provide a characterization of the geochemical composition of all expected construction materials (i.e., eskers, quarries, etc.), in order to predict metal leaching and acid rock drainage including oxidation of primary sulphides and secondary soluble sulphate minerals...”</p> | | |
| GE-06 | <p>Section 4.3.1: Geochemistry (ML/ARD) “Mineralogy and Rietveld X-ray Diffraction: To determine the mineralogical composition of the rock samples.”</p> | <p>Section 8.3 “The Impact Statement must: ... - provide a characterization of the geochemical composition of all expected construction materials (i.e., eskers, quarries, etc.), in order to predict metal leaching and acid rock drainage including oxidation of primary sulphides and secondary soluble sulphate minerals...”</p> <p>Section 14.2 “...If the proponent undertakes quarrying activities to extract aggregate material that may results in effects on groundwater and surface water levels (i.e., quarrying below the water table), the Impact Statement must: ... - describe the methods used to predict acid rock drainage and/or metal leaching for construction materials, including sample collection and laboratory testing;...”</p> | As the material to be sampled and tested likely contains low sulphide mineral concentrations, it is recommended that the proponent utilizes QEMSCAN rather than Rietveld XRD, as it has a much lower detection limit. It is possible that Rietveld XRD will not detect any sulphide minerals and is thus not of value for this project. | Revise the study plan to provide details to demonstrate that using QEMSCAN rather than Rietveld XRD will be considered, as it has a much lower detection limit for sulphide minerals. |
| GE-07 | <p>4.3.2 Soil Sampling (...) Soil samples will be submitted for analysis of the following parameters: • Total metals (including mercury, arsenic and chromium); • Alkalinity; • pH; • Total organic carbon; • Anions (chloride, bromide, fluoride and sulphate); • Nutrients (nitrate, nitrite); • Volatile organic compounds (VOCs); • Poly-aromatic hydrocarbons (PAHs); and/or • Radionuclide parameters.</p> | <p>Section 9 “...The proponent should refer to Health Canada guidance documents such that best practices are followed in the collection of baseline information to assess real and perceived project-related impacts to human health due to changes in air quality, noise, drinking and recreational water quality, country foods and/or multiple pathways of exposure to contaminants. The proponent should provide a detailed rationale/explanation for any deviation from recommended baseline characterization approaches and methods, including from Health Canada’s guidance, or when determining such characterization is not warranted.”</p> | <p>The study plan proposes to test soil samples for various parameters such as total metals, PAHs, VOCs to determine baseline levels of contaminants. However, the study plan does not explain how soil contaminants of potential concerns (COPCs) were screened for inclusion in the assessment.</p> <p>Additionally, it is not clear how soil quality data will be used in the prediction of human health risks (e.g., from consumption of country foods).</p> | <p>Provide details to demonstrate the methods used to screen the proposed COPCs into the soil quality assessment and to explain the rationale for the proposed methods.</p> <p>Describe interconnections and clarify how predicted changes in soil contaminant levels will be incorporated in the exposure pathway analysis for the human health effect assessment proposed in the human health and community safety study plan. Consult Section 7 of Health Canada’s Guidance for Evaluating Human Health Impacts in Environmental Assessment: Human Health Risk Assessment.</p> |

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| | <p>Table 6.1: Physiography, Geology, Geochemistry, Terrain, and Soils indicators <u>Indicator:</u> Physiography, Terrain and Soils <u>Expression of Change:</u> Degradation of physical or chemical characteristics of permafrost, terrain or topography (e.g., natural hazards) and soils. <u>Rationale for selection:</u> Important for geotechnical stability of civil infrastructure (e.g., roads), protection of human health, and protection of aquatic and terrestrial habitat associated with natural hazards (e.g., slope failures).</p> | <p>Section 16.1 “...With respect to biophysical determinants of health, the Impact Statement must: ... - describe and quantify the health risk from exposure to COPCs (e.g., arsenic, chromium, mercury) via consumption of country foods and differential risk for vulnerable subgroups; ... - if a Human Health Risk Assessment is required, the assessment must identify all potential contaminant exposure pathways for contaminants of concern to adequately characterize potential biophysical risks to human health. A multimedia Human Health Risk Assessment may need to be considered and conducted for any contaminant of potential concern with an identified risk and multiple pathways;...”</p> | | |
| GE-08 | <p>Section 4.3.2: Soil Sampling “As part of the ML/ARD sampling program, a single soil sampling event will be conducted to collect baseline soil quality data from proposed borrow source areas and disturbed areas.... For the purposes of this study, it is assumed that two samples from 30 individual locations (60 samples total) will be sufficient to assess baseline soil conditions within the Project disturbance footprint, but outside the CAR ROW. Samples will typically be collected on the downgradient side of the ROW within the upper 1 m using a shovel or hand auger”</p> | <p>Section 4.4 “...The determination of alternative means must be conducted in accordance with the Impact Assessment Agency of Canada’s policy and guidance documents²...”</p> <p>Section 8.4 “The Impact Statement must: - describe the landforms, soils and sediments within the local and regional project areas, including sediment stratigraphy; surficial geology maps and cross-sections of appropriate scale;...”</p> | <p>According to Agency guidance on alternatives, a proponent is expected to select one or multiple preferred alternatives that become the focus of the impact assessment. Where multiple alternatives are brought forward, a more detailed assessment of the alternatives is required.</p> <p>It is unclear if the landforms, soils and sediments within the local and regional project areas will be described, as per the requirement in Section 8.4 of the Guidelines.</p> <p>In addition, the study plan does not clearly present the criteria used for the selection of the 30 sampling locations.</p> | <p>Provide details to demonstrate that landforms, soils and sediments within both the local and regional study areas, including sediment stratigraphy; surficial geology maps and cross-sections of appropriate scale, will be described in the Impact Statement.</p> <p>Provide details to demonstrate that a description of the 60 (total) samples planned to be collected (i.e. type of material such as clay, silt, sand, etc.) will be included in the Impact Statement.</p> <p>Ensure that all route alternatives under consideration, as well as the location of all other project components, particularly the aggregates sources (short-term and long-term), are determined prior to the baseline data collection and are scoped in the study plan. If a preferred alternative has not been identified before baseline studies start, then baseline data collection must be carried out for all route alternatives under consideration.</p> <p>Update the study plan to provide a map with the proposed location of the 30 sampling sites for the baseline data collection. Provide sufficient detail to demonstrate how the 30 locations represent all alternative project components.</p> |

² <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-need-for-purpose-of-alternatives-to-and-alternative-means.html>

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| GE-09 | <p>Section 4.3.2: Soil Sampling "samples will be submitted for analysis of the following parameters: Total metals (including mercury, arsenic and chromium); Alkalinity; pH; Total organic carbon; Anions (chloride, bromide, fluoride and sulphate); Nutrients (nitrate, nitrite); Volatile organic compounds (VOCs); • Poly-aromatic hydrocarbons (PAHs); and/or Radionuclide parameters.</p> <p>The above suite of analytical parameters will be used to establish baseline soil quality and identify contaminants of potential concern associated with Project work, including placement of fill material (general parameters, anions, metals and radionuclides), blasting residual (nutrients), acid rock drainage and buffering capabilities (metals and alkalinity), metal leaching (metals and general parameters), hydrocarbons and solvents (VOCs and PAHs) and permeant infrastructure, such as bridges, piles and culverts (metals). Radionuclide parameters will only be collected once from each area."</p> | <p>Section 8.4 "The Impact Statement must: ... - describe the suitability of topsoil and overburden for use in the reclamation of disturbed areas including an assessment of the acid generating potential of overburden to be used;..."</p> | <p>It is recommended that soil is subjected to the same ABA test method as described in Section 4.3.1 of the study plan, to suitably confirm the ARD potential of the soil and overburden and plan for appropriate use and/or management.</p> | <p>Update the study plan to describe considerations to using the same ABA test methods proposed in Section 4.3.1 of the study plan as part of the assessment of the acid generating potential of the soil and overburden.</p> |
| GE-10 | <p>Section 6: Effects Assessment Scoping</p> | <p>Section 14.3 "The Impact Statement must: ... - describe any changes to permafrost conditions as a result of the Project; - describe any changes to eskers and similar geological features as a result of the Project; - describe any contaminants of concern (e.g., arsenic, chromium, mercury) potentially associated with the Project (including from spills or accidental discharges) that may affect soil, sediment, wetlands, and surface and ground water (including substances used during summer and winter maintenance activities); ... - describe the historical land use and the potential for contamination of soils and sediments and potential for loss of soil fertility.</p> | <p>It is unclear how the requirements in Section 14.3 of the Guidelines will be met.</p> <p>Methodologies for many of the relevant requirements in Section 14.3 of the Guidelines are not included in the effects assessment section of the study plan.</p> <p>The effects assessment must consider the effects of each of the project components and physical activities, in all phases, and be based on a comparison to the proposed baseline work.</p> | <p>Provide detail in the study plan to describe the approaches and methods to be used to meet the requirements identified in Section 14.3 of the Guidelines.</p> |

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| | | Describe any known or suspected soil contamination within the study area that could be re-suspended, released or otherwise disturbed as a result of the Project; ...” | | |
| GE-11 | <p>Section 6.1: Indicators and Expression of Change</p> <p>Table 6-1 Physiography, Geology, Geochemistry, Terrain and Soils Indicators [Indicator – Physiography, Terrain and Soils]</p> <p>“Expression of Change Degradation of physical or chemical characteristics of permafrost, terrain or topography (e.g., natural hazards) and soils.</p> <p>Rationale for Selection Important for geotechnical stability of civil infrastructure (e.g., roads), protection of human health, and protection of aquatic and terrestrial habitat associated with natural hazards (e.g., slope failures).”</p> | <p>Section 8.3 “The Impact Statement must: ...</p> <ul style="list-style-type: none"> identify any geological hazards that exist in the areas planned for the project facilities and infrastructure, including: <ul style="list-style-type: none"> history of seismic activity in the area, including induced earthquakes, and secondary effects such as the risk of, landslides and liquefaction; evidence of active faults; isostatic rise or subsidence; and history of landslides, slope erosion and the potential for ground and rock instability/landslides, and subsidence during and following project activities...” <p>Section 8.4 “The Impact Statement must: ...</p> <ul style="list-style-type: none"> identify any areas of ground instability; ...” | <p>The study plan only describes geological or natural hazards and ground stability in Table 6-1. It is unclear how the requirements in Section 8.3 of the Guidelines regarding the data required to identify the geological hazards will be met.</p> <p>It is also unclear how the requirements in Section 8.4 of the Guidelines regarding ground instability will be met.</p> | <p>Revise the study plan to provide details to demonstrate that all requirements in Section 8.3 of the Guidelines related to the identification of geological hazards will be met.</p> <p>Provide details to demonstrate how areas of ground instability will be identified, as required in Section 8.4 of the Guidelines.</p> |
| GE-12 | <p>Section 6.3: Magnitude of Effect Table 6-3 Geochemistry Magnitude Definition “Laboratory testing indicates that all rock types disturbed by the Project is non-ML, where non-ML is defined as: Predicted water quality results (dissolved metals) do not exceed applicable water quality standards or are similar to proximal baseline surface water quality results.”</p> | <p>Section 8.3 “The Impact Statement must:</p> <ul style="list-style-type: none"> describe the bedrock geology and lithological units, including a summary table of geologic descriptions, mineralization styles (if applicable) supported by geological maps and cross-sections at appropriate scale (normally 1:50 000). Provide in the table an inferred risk rating (i.e., low, medium, high) for acid rock drainage and metal leaching potential based on the desk-top review of bedrock geology and mineralization;...” | <p>It is unclear what is meant by “predicted water quality results”. It is unclear if the study plan refers to the laboratory leach test results or water quality modeling. Caution is recommended in comparing laboratory leach test results with water quality standards as laboratory leach tests do not reflect actual site conditions.</p> | <p>Update the study plan to clarify what is meant by “predicted water quality results”. Provide details to demonstrate how the requirement in Section 8.3 of the Guidelines related to inferred risk rating for ARD and ML will be met.</p> |
| GE-13 | <p>Section 6.3 Magnitude of Effect “The residual effects will therefore be described in terms of the magnitude, geographic extent, timing, duration, frequency, social and ecological context, likelihood, and whether effects are reversible or irreversible. For magnitude, VC-specific definitions are required and are proposed below in</p> | <p>Section 14.2 ...”If the proponent undertakes quarrying activities to extract aggregate material that may results in effects on groundwater and surface water levels (i.e., quarrying below the water table), the Impact Statement must: ...</p> <ul style="list-style-type: none"> With respect to potential effects on water quality resulting from acid rock drainage and/or metal leaching, the Impact Statement must: provide | <p>Any risk associated with rock cuts that will be exposed along the road alignment, and at aggregate source sites, must be clearly identified and effects must be assessed, if applicable, in both the testing program and the mitigation, contingency, and monitoring plans.</p> <p>The study plan is proposing a phased approach to the development of an ARD/ML monitoring and</p> | <p>Update the study plan to provide details to demonstrate that the geochemical characterization program summary report will identify if an ARD/ML monitoring and mitigation plan will be proposed, and if so, will provide a description of its scope and a timeline for its development and appropriate implementation.</p> |

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
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| | Table 6-2 for Physiography, Geology, Geochemistry, Terrain and Soils. Tables 6-3 and 6-4 provide details of the definitions of geochemistry magnitude and soils magnitude, respectively." | <p>estimates of the potential for aggregate extraction activities (i.e., eskers and quarries) and rock exposed in permanent rock cuts to be sources of acid rock drainage or metal leaching; ...</p> <ul style="list-style-type: none"> provide an acid rock drainage assessment and mitigation plan that describes the confirmatory monitoring of construction materials and potential mitigation strategies to prevent or control acid rock drainage and metal leaching during construction, operation, decommissioning and abandonment; and describe contingency plans, monitoring during operation, decommissioning and abandonment, and maintenance plans." | <p>mitigation plan, which would be based on the results of the proposed geochemical characterization program.</p> <p>Details are needed on how the phased approach to developing an ARD/ML monitoring and mitigation plan would be scoped to minimize risk posed by exposed rock along the road alignment and at aggregate source sites.</p> | |
| GE-14 | <p>Table 6-4: Soils Magnitude Definition Negligible <u>Definition:</u> There is little to no variation predicted in soil concentrations which remain within the range of natural variability. <u>Rationale:</u> Soil quality shows no discernable change, therefore no effect on ecological life or human health (e.g., potable water use, physical contact).</p> <p>Low <u>Definition:</u> There is a small variation predicted in soil concentrations that is less than double current concentrations, but concentrations remain below applicable soil quality criteria. <u>Rationale:</u> Temporary effect or permanent change to soil quality is minor and remains protective of ecological life and human health.</p> <p>Medium <u>Definition:</u> There is a moderate variation predicted in soil concentrations that is less than five (5) times current concentrations, but</p> | <p>Section 21 "...Proponents must describe the extent to which residual effects are adverse. Where relevant, or where best practice or evidence-based thresholds exist, effects should be described using criteria to quantify adverse effects. This includes criteria such as whether the effects are high or low in magnitude, the geographical extent, timing, frequency, duration and reversibility of the effects, taking into account any important contextual factors. Where the potential for human health effects exist due to exposure to a particular contaminant at any level (e.g., non-threshold air pollutants, including particulate matter and nitrogen dioxide, and water pollutants, such as but not limited to arsenic and lead) mitigation measures should aim to reduce the residual effects to as low as reasonably achievable..."</p> <p>The Impact Statement must:</p> <ul style="list-style-type: none"> characterize the residual effects using criteria most appropriate for the effect; characterize residual effects for human health using human health-related criteria most appropriate for the carcinogenic and non-carcinogenic health effects of non-threshold contaminants;... provide the rationale for the choice of criteria used to determine the extent to which the | <p>The medium and high soils magnitude criteria are defined using the threshold of a 10-fold increase above baseline conditions. It is unclear when this threshold is applied (e.g., only when no applicable soil quality criterion exists). No explanation is provided on how the proposed judgement criteria were developed or how they are relevant to the protection of human health.</p> <p>Furthermore, the study plan assumes that soil quality remains protective of human health as long as contaminant levels are below applicable criteria. However, there is no evidence of a health effect threshold at the population level upon exposure to certain soil contaminants, such as arsenic, chromium and lead. Although these contaminants are provided as examples of non-threshold contaminants in water (Section 21 of the Guidelines), their toxicological characteristics are applicable to other environmental media, including soils. The characterization of potential health impacts should acknowledge that health risks exist below criteria levels along the continuum of concentrations for these non-threshold pollutants/contaminants.</p> <p>Additionally, it is unclear in Table 6.3 which "applicable water quality standards" will be used to justify that the proposed geochemistry magnitude criteria are protective of human health.</p> | <p>Update the study plan to include in the definitions for magnitude criteria that are relevant to the protection of human health.</p> <p>Describe the approach that will be used to ensure that these criteria are appropriate for the human health impact assessment.</p> |

| # | Study Plan Section | Tailored Impact Statement Guidelines Section ¹ | Context | Required Action for Proponent |
|---|--|---|--|-------------------------------|
| | <p>concentrations are below the applicable soil quality criteria or less than 10 times current concentrations.</p> <p><u>Rationale:</u> Temporary effect or permanent change to soil quality is moderate but remains protective of ecological life and human health.</p> <p>High <u>Definition:</u> There is a large variation predicted in measurable parameters, concentrations exceed applicable soil quality criteria and are greater than 10 times current concentrations.</p> <p><u>Rationale:</u> Temporary effect or permanent change to soil quality can potentially impair ecological life or human health.”</p> <p>Table 6-3: Geochemistry Magnitude Definition “(…) Minor incremental effects to surface water, groundwater and/or drinking water quality are anticipated to be discernable, but water quality remains protective of ecological life and human health for all time periods and life stages.”</p> | <p>predicted effects are adverse. The information provided must be clear and sufficient to enable the Agency, review panel, technical and regulatory agencies, Indigenous groups, and the public to review the proponent's analysis of effects;…”</p> | <p>Health Canada encourages the proponent to use all available technologies to reduce their emissions as low as reasonably achievable (ALARA) and beyond those required to achieve applicable thresholds (i.e., Canadian Council of Ministers of the Environment's (CCME³) Soil Quality Guidelines for the Protection of Environmental and Human Health and Ontario Soil, Groundwater and Sediment Standards⁴) in order to reduce the burden of soil and sediment pollution.</p> | |

³ CCME, 2014. Soil Quality Guidelines for the Protection of Environmental and Human Health. Available at : <http://st-ts.ccme.ca/en/index.html?chems=all&chapters=4&pdf=1>

⁴ Ontario Soil, Groundwater and Sediment Standards. Available at: <https://www.ontario.ca/page/soil-ground-water-and-sediment-standards-use-under-part-xv1-environmental-protection-act>.

From: [Gauthier, Shannon \(MECP\)](#)
To: [Oasim Saddique](#); [REDACTED]; [Larissa Mikkelsen](#); [Lawrence Baxter](#); [Bob Baxter](#);
Cc: [McLeod, Sasha \(MECP\)](#); [Beaney, Jessalyn](#); [Cinnamon, Christine](#); [Soulliere, Kenndal](#)
Subject: [EXTERNAL] IAAC Comments- MFCAR ToR
Date: Tuesday, December 22, 2020 1:14:05 PM
Attachments: [IAAC Comments attachement- Dec 21-20.pdf](#)
[IAAC Comments - Dec 21-20.pdf](#)

Hi Marten Falls Project Team, please find attached comments and attachment from the IAAC on the proposed MFCAR ToR. Please prepare a response in table format and provide that to myself and Sasha McLeod by January 29, 2021 (if additional time is required please let us know).

Thanks,
Shannon

Shannon Gauthier | Project Officer

Environmental Assessment Services Section | Environmental Assessment Branch

Ministry of the Environment, Conservation and Parks | 135 St. Clair Avenue West, 1st Floor,
Toronto, ON M4V 1P5

Please consider the environment before printing this email.

If you have any accommodation needs or require communication supports or alternate formats, please let me know.

Si vous avez des besoins en matière d'adaptation, ou si vous nécessitez des aides à la communication ou des médias substitués, veuillez me le faire savoir.



Impact Assessment
Agency of Canada

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Agence d'évaluation
d'impact du Canada

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December 21, 2020

Sent by email

Sasha McLeod
Special Project Officer
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, ON M4V 1P5
[REDACTED]

Dear Sasha McLeod:

**RE: Comments on the Terms of Reference for the Marten Falls Community
Access Road Project**

On October 23, 2020, the Impact Assessment Agency of Canada (the Agency) received an invitation to comment on the provincial Terms of Reference (ToR) for the Marten Falls Community Access Road Project.

The Agency's comments on the ToR are provided in the attachment to this letter. The comments identify issues to be addressed in order to resolve inaccuracies in references to the Agency and federal assessment processes, as well as inconsistencies in areas common to both the federal and provincial assessment processes for the Project.

In reviewing the ToR in consideration of the federal Tailored Impact Statement Guidelines (the Guidelines) and federal-provincial coordination of assessment processes, the Agency also would like to highlight the following, in regards to expectations for Indigenous engagement and the potential identification of new alternatives routes:

- For the Environmental Assessment Report/Impact Statement to meet the requirements of the Guidelines, all Indigenous groups identified by the Agency and listed in the Indigenous Engagement and Partnership Plan (IEPP) must be engaged with and provided opportunities to:
 - provide Indigenous knowledge during baseline data collection;
 - comment on the list of valued components and indicators;
 - inform the effects assessment and review its conclusions; and
 - inform the development of mitigation measures and follow-up programs.

As noted in previous correspondences, Marten Falls First Nation should consider all Indigenous groups listed in the IEPP equitably regarding all aspects of the Project. Particular attention should be paid to engagement on baseline information collection and the potential effects of the Project.

.../2



- The Agency requests that Marten Falls First Nation promptly and formally communicate to the Agency any new alternative routes identified for consideration in the assessment as well as any change to the location of major project components compared to the Detailed Project Description. If an alternative assessment fails to conclude with a preferred route, a comprehensive assessment of all alternative routes is required.

Please note that the Agency shared the ToR with the federal authorities participating in the federal assessment process and requested they submit their comments directly to the Ministry of the Environment, Conservation and Parks.

Should you require clarification of this letter or the attachment, please contact me, Chiara Calabrese, Project Manager, at [REDACTED] or by phone at [REDACTED]

Sincerely,

[REDACTED]

Chiara Calabrese
Project Manager

Enclosures: 1) 2020-12-21 - Comments from the Impact Assessment Agency of Canada on the Proposed Terms of Reference Marten Falls Community Access Road – Environmental Assessment.
2) 2020-07-29_IAAC to MFFN_Comments on the Consultation Plan

c.c.: Shannon Gauthier, Ministry of the Environment, Conservation and Parks
Chief Bruce Achneepineskum, Marten Falls First Nation
Qasim Saddique, Marten Falls Community Access Road Project Team
Christine Cinnamon, Senior Project Manager, AECOM

2020-12-21 – Comments from the Impact Assessment Agency of Canada on the Proposed Terms of Reference Marten Falls Community Access Road – Environmental Assessment

| Section of the Terms of Reference (ToR) | Impact Assessment Agency of Canada (the Agency) Comment |
|---|---|
| <p>Section 10.2.4 Crown Government Agencies ENDM, MNRF and the Agency also reviewed and provided comments on a coordinated provincial and federal Consultation Plan (Appendix B). The MFFN Project Team met with these agencies on May 20 and June 18, 2020, and comments received have been addressed.</p> | <p>The Agency has not validated the content of the current version of Appendix B to confirm that the document as currently drafted adequately addresses the Agency's feedback on the previous version of the document (see Enclosure 2). Update the text to indicate that a previous draft was reviewed and include wording to state clearly it is the project team's view, not the Agency's view, that the Agency's comments were addressed.</p> <p>The Agency expects any plan proposed by Marten Falls First Nation to capture the information and meet the requirements outlined in the federal Tailored Impact Statement Guidelines.</p> |
| <p>Section 13, Table 13-1 Potential Permits and Approvals for the Project</p> <p>Approval Authority: Impact Assessment Agency of Canada (the Agency) (Previously the Canadian Environmental Assessment Agency)</p> <p>Permit / Approval / Authorization: Determination</p> <p>Applicability to the Project: Determination if the Project will require a federal IA under the <i>Impact Assessment Act</i>, 2019 since the CAR is a designated project under the Act, or if the provincial EA process is considered sufficient under the Canada-Ontario Agreement on Environmental Assessment Cooperation.</p> | <p>Revise the text about the Impact Assessment Agency of Canada in Table 13-1 to delete reference to substitution of the assessment process of one jurisdiction for that of another jurisdiction. It is too far into the federal process of the Project to consider substitution. According to the <i>Impact Assessment Act</i>, the province of Ontario may request substitution of a project assessment process during the planning phase, if the Agency has not issued the Notice of Commencement of the federal assessment. Upon receipt of a substitution request, prior to the issuance of the Notice of Commencement of the federal assessment, the federal Minister of Environment and Climate Change would decide whether substitution of the federal assessment process for the provincial assessment process is appropriate.</p> |
| <p>Editorial comment - Supporting Document – Alternatives Development</p> | |
| <p>Section 2.3 Representatives from ENDM, the Ministry of the Environment, Conservation and Parks (MECP), the Ministry of Natural Resources and Forestry (MNRF) and Canadian Environmental Agency are all participants in these regular meetings. Table 2-3 highlights early engagement with these regulatory agencies.</p> | <p>The reference to "Canadian Environmental Agency" should be changed to "Impact Assessment Agency of Canada".</p> |

Archived: August 10, 2020 11:14:35 AM

From: MartenFalls (IAAC/AEIC)

Sent: July 29, 2020 11:45:00 AM

To: 'Ross, Kathryn'; Heisey, Ariane (ENDM); [REDACTED] Papageorgiou, Agni (MECP); McLeod, Sasha (MECP); [REDACTED] Suck, Danton (IAAC/AEIC); [MartenFalls \(IAAC/AEIC\)](#)

Cc: Fiskin, Avril; Qasim Saddique; Larissa Mikkelsen; [REDACTED] Lawrence Baxter; Bob Baxter; Jack Moonias; Cinnamon, Christine; McKinnon, Don; Nokleby, Andrea; Reese, Robin; Beaney, Jessalyn

Subject: RE: MFFN Community Access Road - Consultation Plan For Review

Sensitivity: Normal

Attachments:

[RPT_2020-06-09_DRAFT-EA IS Consultation Plan_Agency's edits.docx](#) 

Good morning Kathryn and project team,

I hope everyone is doing well.

Thank you very much for the opportunity to review the MFCAR Consultation Plan.

Please find attached to this email the Agency's comments on the Consultation plan. In addition to the comments attached, I would like to note that, as outlined in the Indigenous Engagement and Partnership Plan, *"The list of Indigenous groups may change as more is understood about the adverse effects of the project; additional information is received from Indigenous groups; or if the project or its components change during the impact assessment process."*

Agency's staff would be available to discuss any questions you may have.

Thank you

Chiara Calabrese, Project Manager

From: Ross, Kathryn [REDACTED]

Sent: June 9, 2020 5:10 PM

To: Heisey, Ariane (ENDM) [REDACTED] Papageorgiou, Agni (MECP) [REDACTED] Calabrese, Chiara (IAAC/AEIC) [REDACTED] Suck, Danton (IAAC/AEIC) [REDACTED] McLeod, Sasha (MECP) [REDACTED]

Cc: Fiskin, Avril [REDACTED] Qasim Saddique [REDACTED] Larissa Mikkelsen [REDACTED] Lawrence Baxter [REDACTED]; Bob Baxter [REDACTED] Jack Moonias [REDACTED] Cinnamon, Christine [REDACTED] McKinnon, Don [REDACTED] Nokleby, Andrea [REDACTED] Reese, Robin [REDACTED] Beaney, Jessalyn [REDACTED]

Subject: MFFN Community Access Road - Consultation Plan For Review

Hi everyone,

On behalf of the MFFN Project Team, please see attached Draft EA/ IS Consultation Plan (to be appended to the Terms of Reference) for your review and comment in advance of our June 18 meeting.

I included everyone that was on the meeting invite. In case anyone was missed please include them.

Thank you,
Kathryn

Kathryn Ross
Communication and Community Engagement Specialist
Environment

[Redacted]

AECOM

[Redacted]

www.aecom.com

Marten Falls First Nation – Responses to Comments Received on the Terms of Reference



| ID # | Comment Received | Response to Comment | Reference ToR Section and Page # |
|---|--|--|---|
| Government Review Team | | | |
| Impact Assessment Agency of Canada – December 21, 2020 | | | |
| IAAC-1 | <p>For the Environmental Assessment Report/Impact Statement to meet the requirements of the Guidelines, all Indigenous groups identified by the Agency and listed in the Indigenous Engagement and Partnership Plan (IEPP) must be engaged with and provided opportunities to:</p> <ul style="list-style-type: none"> ▪ provide Indigenous knowledge during baseline data collection; ▪ comment on the list of valued components and indicators; ▪ inform the effects assessment and review its conclusions; and ▪ inform the development of mitigation measures and follow-up programs. <p>As noted in previous correspondences, Marten Falls First Nation should consider all Indigenous groups listed in the IEPP equitably regarding all aspects of the Project. Particular attention should be paid to engagement on baseline information collection and the potential effects of the Project.</p> | <p>Marten Falls First Nation (MFFN) agrees with the comment. All neighbouring Indigenous communities and groups listed in the Indigenous Engagement and Partnership Plan will be engaged with during the Environmental Assessment (EA) / Impact Assessment (IA). Table 10-1 in the Terms of Reference (ToR) includes all of these communities and groups. As noted in Table 4-2 of the EA / IS Consultation and Engagement Plan, MFFN will engage with these Indigenous communities and groups through the EA / IA:</p> <ul style="list-style-type: none"> ▪ Obtaining input on baseline data collection occurs during the Effects Assessment Methods milestone ▪ Obtaining input on criteria and indicators (i.e., valued components and indicators) occurs during the Effects Assessment Methods milestone ▪ Obtaining input on effects assessment and its conclusions occurs during the Identification of Preferred Alternatives and Review of Draft EA / IS milestones ▪ Obtaining input on the development of mitigation measures (i.e., impact management measures) and follow-up programs occurs during the Effects Assessment Methods and Identification of Preferred Alternatives milestones <p>If neighbouring Indigenous communities and groups submit feedback related to the topics above before the end of the milestones noted, MFFN will certainly consider the information in advance.</p> <p>Further, as noted in Section 3.4.2 of the ToR, Indigenous Knowledge will be gathered through the Indigenous Knowledge collection program and integrated into the baseline description for each discipline as appropriate. The Indigenous Knowledge Program provides additional opportunities for this information to be shared in greater detail. Further information on the Indigenous Knowledge Program has been provided in the Indigenous Knowledge Collection Program Guidance Document that was shared with all Indigenous communities in November 2020 and in the Indigenous Knowledge Program Fact Sheet (with versions in Ojibway, Oji-Cree and Cree) shared with Indigenous communities in January 2021; the Fact Sheet is also available on the Project website.</p> | <p>Section 10.2.2. Table 10-1, pg. 83 Section 3.4.2, pg. 9 to 12 Appendix B, Section 4.1.7, Table 4-2, pg. 22 to 23</p> |
| IAAC-2 | <p>The Agency requests that Marten Falls First Nation promptly and formally communicate to the Agency any new alternative routes identified for consideration in the assessment as well as any change to the location of major project components compared to the Detailed Project Description. If an alternative assessment fails to conclude with a preferred route, a comprehensive assessment of all alternative routes is required.</p> | <p>Any new alternative routes in addition to Alternative 1 and Alternative 4, and / or changes in the location of major Project components compared to the Detailed Project Description will be formally communicated to the Impact Assessment Agency of Canada (the Agency).</p> <p>A comprehensive assessment of all alternative routes will be completed as part of the effects assessment. Section 8 of the ToR states that the EA will assess and evaluate the alternative methods, which includes Alternative 1, Alternative 4 and the Project components identified in the Section 5.2.1 subsections. That is, an assessment of each alternative will be undertaken and not just the preferred alternatives. Section 12 of the ToR also provides flexibility for accommodating new circumstances in the EA. This includes the ability to assess and evaluate newly identified alternative methods should they arise during the EA and modifications to the alignments of Alternative 1 and Alternative 4.</p> | <p>Section 8, pg. 72 Section 12, pg. 111 Commitment for EA</p> |
| IAAC-3 | <p>Section 10.2.4 Crown Government Agencies ENDM, MNR and the Agency also reviewed and provided comments on a coordinated provincial and federal Consultation Plan (Appendix B). The MFFN Project Team met with these agencies on May 20 and June 18, 2020, and comments received have been addressed.</p> <p>The Agency has not validated the content of the current version of Appendix B to confirm that the document as currently drafted adequately addresses the Agency's feedback on the previous version of the document (see Enclosure 2). Update the text to indicate that a previous draft was reviewed and include wording to state clearly it is the project team's view, not the Agency's view, that the Agency's comments were addressed.</p> <p>The Agency expects any plan proposed by Marten Falls First Nation to capture the information and meet the requirements outlined in the federal Tailored Impact Statement Guidelines.</p> | <p>As stated in Section 1.2 of Appendix B of the ToR, the Project and associated documents have been prepared in a coordinated effort to satisfy both provincial and federal requirements, including the contents of the Tailored Impact Statement Guidelines. MFFN acknowledges that the Agency has not validated whether changes made to Appendix B adequately address the Agency's comments that were provided on the EA / IS Consultation and Engagement Plan during development of the ToR. The intent of the text in Section 10.2.4 of the ToR was not to imply that the Agency had validated that their comments had been addressed but that MFFN had reviewed the comments and updated the EA / IS Consultation and Engagement Plan as a result. A concordance table has been developed to demonstrate how the EA / IS Consultation and Engagement Plan was revised based on the Agency's comments and will be forwarded to the Agency.</p> <p>The Agency's request has been noted so that, moving forward, it will be clarified and corrected in Project documentation (e.g., the EA Report). MFFN understands that it is the Agency's preference that the ToR be amended to remove the statement indicating that their comments on the EA / IS Consultation and Engagement Plan have been addressed. Since this response clarifies the intent of the wording used in the ToR and recognizing that this change will be accommodated in the EA Report, no edit to the ToR has been made. Further, the EA / IS Consultation and Engagement Plan is a living document and may be updated based off comments received during the formal ToR review period and throughout the EA, as necessary.</p> | <p>Appendix B, Section 1.2, pg.1 Commitment for EA</p> |
| IAAC-4 | <p>Section 13, Table 13-1 Potential Permits and Approvals for the Project Approval Authority: Impact Assessment Agency of Canada (the Agency) (Previously the Canadian Environmental Assessment Agency) Permit / Approval / Authorization: Determination Applicability to the Project: Determination if the Project will require a federal IA under the Impact Assessment Act, 2019 since the CAR is a designated project under the Act, or if the provincial EA process is considered sufficient under the</p> | <p>The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | <p>Commitment for EA</p> |



Marten Falls First Nation – Responses to Comments Received on the Terms of Reference

| ID # | Comment Received | Response to Comment | Reference ToR Section and Page # |
|--------|---|--|----------------------------------|
| | <p>Canada-Ontario Agreement on Environmental Assessment Cooperation.</p> <p>Revise the text about the Impact Assessment Agency of Canada in Table 13-1 to delete reference to substitution of the assessment process of one jurisdiction for that of another jurisdiction. It is too far into the federal process of the Project to consider substitution. According to the Impact Assessment Act, the province of Ontario may request substitution of a project assessment process during the planning phase, if the Agency has not issued the Notice of Commencement of the federal assessment. Upon receipt of a substitution request, prior to the issuance of the Notice of Commencement of the federal assessment, the federal Minister of Environment and Climate Change would decide whether substitution of the federal assessment process for the provincial assessment process is appropriate.</p> | | |
| IAAC-5 | <p>Section 2.3 – Supporting Document – Alternatives Development</p> <p>Representatives from ENDM, the Ministry of the Environment, Conservation and Parks (MECP), the Ministry of Natural Resources and Forestry (MNR) and Canadian Environmental Agency are all participants in these regular meetings. Table 2-3 highlights early engagement with these regulatory agencies.</p> <p>The reference to “Canadian Environmental Agency” should be changed to “Impact Assessment Agency of Canada”.</p> | <p>The information has been noted so that, moving forward, it will be referred to accurately in Project documentation (e.g., the EA Report).</p> | <p>Commitment for EA</p> |

Comments from the Federal Review Team on Marten Falls Community Access Road Project (Project) revised Wildlife and Birds Study Plans – August 11, 2021

It is essential that the Impact Statement for the Marten Falls Community Access Road Project (the Project) address all requirements outlined in the Tailored Impact Statement Guidelines (the Guidelines), and that the study plans outline a clear approach to achieving these requirements. The Impact Assessment Agency of Canada (the Agency) has highlighted sections of the Guidelines where requirements were not met in the draft study plans submitted to the Agency. Note that this is not an exhaustive list of Guidelines requirements and the Guidelines should be reviewed in its entirety, including the sections identified below.

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
|---|---|---|---|---|---|
| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on Response |
| GC-01 | Section 5 - Public Participation and views (including 5.1, 5.2) | <p>Provide a clear description in the study plans of how public engagement opportunities have been and/or will be integrated into the impact statement phase. This must include detail on how the public will have opportunities to provide input to contribute to the development of the Impact Statement, as required in Section 5 of the Guidelines.</p> <p>Describe what engagement with the members of the public listed in the Public Participation Plan has been done in the development of the study plans, and/or any planned engagement with members of the public on the proposed study plans.</p> | <ul style="list-style-type: none"> - Section 4: describes how the Proponent will provide Project notices and opportunities with members of the public listed in the Public Partnership Plan. This will also include the opportunity to provide input on the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures as applicable. A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input. - The study plans have recognized public and agency input received on the Project to date. | Section 4.1 “A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.” | <p>Section 4.1 of the study plan mentions that “a variety of activities will be offered”, however, no details on the likely engagement activities are provided.</p> <p>As required by Sections 5 and 6 of the Guidelines, the Impact Statement must provide a record of engagement that describes all efforts taken to seek the views of local communities and other stakeholders with respect to the Project, including on the study plans. This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement, including prior to and during the planning phase, and in the preparation of the Impact Statement.</p> <p>Provide details on the timeline for public engagement relative to the project workplan, including engagement relative to the schedule for baseline work, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> |
| GC-02 | Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3) | <p>Provide a clear description in the study plans of how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will have opportunities to provide Indigenous knowledge, including the validation of how information they provided was applied. The study plan should include a description of the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that the guidance outlined in Section 6.2 of the Guidelines has been</p> | <ul style="list-style-type: none"> - In Section 4.2 it is noted that the Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in the Indigenous Partnership and Engagement Plan. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input. - Section 2.1.1 outlines the approach to handling confidential information, by means of permission from Indigenous communities to include indigenous Knowledge in the IS / EA Report, regardless of the source of the Indigenous Knowledge. - The study plans have recognized Indigenous community input received on the Project to date. | Section 4.2 “A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input” “Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process” | <p>Section 4.2 of the study plan states that “a variety of activities will be offered”, however, no details on the planned engagement activities are provided.</p> <p>Section 4.2 of the study plan also states that “Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process”, however, it is unclear on which components of the study plans the project team plans to engage. It is also unclear whether Indigenous groups will be provided with a meaningful opportunity to provide input on a preliminary approach/method for baseline data collection, as required in Section 6 of the Guidelines, or if engagement will take place after the baseline data collection is complete.</p> <p>Provide details on the timeline for Indigenous engagement on the study plans for wildlife and birds, including engagement relative to the schedule for baseline work, and spatial and temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> |

¹ Refer to complete sections of the Guidelines for more context

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020

| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on Response |
|-------|---|--|---|--|--|
| | | <p>incorporated into the study plans.</p> <p>Describe what engagement with all the Indigenous groups listed in the Indigenous Engagement and Partnership Plan has been done in the development of the study plans, and/or any planned engagement with Indigenous groups on the proposed study plans, particularly in relation to collection of Indigenous knowledge (i.e. develop the work plan in collaboration with those Indigenous groups that would need to provide knowledge).</p> | | | |
| GC-03 | <p>Section 6.2 - Analysis and response to questions, comments, and issues raised</p> | <p>Revise the study plans to include an approach to handling confidential information that demonstrates adherence to the guidance provided in Section 6.2 of the Guidelines.</p> | <ul style="list-style-type: none"> - Section 2.1.1: Section has been updated to include information regarding both confidentiality and permission information on all collected Indigenous Knowledge, regardless of the source. - This section also includes how information regarding the Indigenous Knowledge Sharing Agreements will be established by the Proponent and Indigenous community participating in the Program. | <p>Section 2.1.1 “Sensitive and / or confidential information collected through Indigenous Knowledge Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the Indigenous Knowledge Program prior to the sharing and use of any sensitive information. Instances where Indigenous Knowledge sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement, including where Indigenous Knowledge was incorporated into Project decisions and into the IS / EA Report (i.e., specifics will not be included in the Record of Consultation and Engagement given the potential sensitivity and / or confidentiality of the information shared)”</p> | <p>As required in Section 6 of the Guidelines, incorporate in the Impact Statement content that describes the confidential information provided by each Indigenous group. Present the content in sufficient detail to support understanding of the potential effects and impacts on rights, while also protecting confidential/sensitive specifics and respecting stipulations in the confidentiality agreements (e.g, use buffer areas instead of specific locations, etc.).</p> <p>Provide to the Agency, in the form of a letter from the Indigenous group that shared confidential information, a letter confirming that:</p> <ul style="list-style-type: none"> • the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; • the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed. |
| GC-04 | <p>Study plans spatial boundaries</p> | <p>Describe the approach to be implemented to demonstrate how the definitions of the</p> | <ul style="list-style-type: none"> - Section 6.2: General information on study areas for the Project, including a detailed list of what was considered to develop the discipline-specific local and region study areas, is included in each study plan. Each | <p>Section 6.2.1 “The preliminary LSA currently being considered within the scope of the ongoing provincial regulatory review process generally includes the area within 2.5 km of the</p> | <p>The “general” Local Study Area described in Section 6.2.1 of the study plans for wildlife and birds is inconsistent with the “VC specific” Local Study Area presented in Section 6.2.2. Ensure that information provided is consistent throughout.</p> <p>As required in Section 7 of the Guidelines, provide details to demonstrate that the Regional Study Area² encompasses the anticipated boundaries of the Project’s effects,</p> |

² For a definition of the Regional Study Area please see: <https://iaac-aeic.gc.ca/default.asp?lang=En&n=43952694-1&toc=show&offset=11>

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| | | <p>proposed study area boundaries:</p> <ul style="list-style-type: none"> encompass the anticipated boundaries of the Project's effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan; and take into account community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and foreseeable future projects and activities. | <p>study area has been proposed taking into consideration community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices, physical, ecological, technical, social, health, economic and cultural considerations available at this time.</p> <p>- The proposed discipline-specific study areas are preliminary. The proposed study areas will be consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program provides additional opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples to be shared in greater detail.</p> | <p>centreline of Alternative 1 and Alternative 4"</p> <p>Section 6.2.2 "Using the methods outlined above it was found that the LSA boundary should extend to 2.8 km from the limits of the PDA. We have rounded the LSA to 3 km on either side of centreline to capture the 100 m PDA."</p> | <p>including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan. Note that the Regional Study Area must encompass the spatial boundary of cumulative effects.</p> <p>As required in Section 7.4.1 of the Guidelines, provide information regarding how the following were/will be taken into account in defining the spatial boundaries: community knowledge and Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and reasonably foreseeable future projects and activities.</p> <p>Provide the above information in a way that allows those who provided the knowledge to the proponent and the Agency to see their input reflected in the Impact Statement. It is not sufficient to state that "input from participants will be/was taken into account".</p> |
| GC-05 | <p>Section 7 - Baseline Methodologies (Including 7.1, 7.2, 7.3, 7.4)</p> | <p>Provide clear descriptions in the study plans of the proposed study areas and the criteria used to define the study areas for each valued component.</p> <p>Provide clear descriptions of the timing of previously collected data (days/month/year) and future approximate (month/year or season/year) for every field work planned and the criteria used to tailor the temporal boundaries to the valued components under consideration.</p> <p>Describe how all Indigenous groups listed in the Indigenous</p> | <ul style="list-style-type: none"> Local Study Area (LSA) and Regional Study Area (RSA) for each valued component are described in Table 6-1, including rationale used to define the area. Study plans have been designed considering historical information, where applicable and available. Study plans will be updated with appended Work Plans, to be submitted at a future date, which will detail upcoming planned field activities. As detailed in both Section 4.2 and Section 6.2 the Proponent will continue to provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, including the LSAs and RSAs. Government agencies and interested persons will have the opportunity to comment on component of the study plans throughout the IS / EA Report consultation and engagement process | <p>Sections 4.2 and 6</p> | <p>To ensure that baseline data collection will meet the requirements of the Guidelines, the Agency advises the project team to share a map or detailed information on the locations of data sampling, as well as the timing of data collection for previously and newly collected data and future data collection activities (month/year or season/year). If it is not possible to provide this information in the study plans or workplans, the Agency requires an opportunity to review the collected baseline data prior to the preparation of the Impact Statement documentation.</p> |

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| | | <p>Engagement and Partnership Plan will be, or have been, engaged to provide input on spatial and temporal boundaries.</p> <p>Explain how the Agency will be provided opportunities to validate spatial and temporal boundaries.</p> | | | |
| GC-06 | | <p>Provide further details in the study plans on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines</p> | <p>- Section 4.3 has been updated to include the consideration of Identity and Gender-Based Analysis Plus (GBA+) including both Indigenous communities and their relevant subpopulations and non-Indigenous communities and their subpopulations. During consultation and engagement activities these groups (and any others defined during consultation) will be engaged with on targeted input.</p> | Section 4.3 | <p>Describe how GBA+ has been or will be applied to the consideration of engagement activities. Identify specific methods targeted to specific subgroups.</p> <p>Provide detail on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines.</p> <p>It is not sufficient to mention that Gender-Based Analysis Plus will be applied to the assessment. Clear descriptions of how GBA+ was integrated (including to which variables, method, and how it influenced results' interpretation) are needed in the Impact Statement.</p> |
| GC-07 | Section 13 - Effects Assessment (including 13.1, 13.2) | <p>Provide details to demonstrate how the Project's potential effects will be considered, as per the requirements in Sections 13 to 19 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work.</p> <p>Provide detail on how engagement with all Indigenous groups listed in the Indigenous Engagement and Partnership Plan and the public will inform the effects assessment and the selection of mitigation measures and follow-up program measures.</p> | <p>- Project environmental interaction are separated into Project phases, and Project activities for each environmental discipline in their VC-specific study plan listed as Table 9-1.</p> <p>- Information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the Indigenous Knowledge Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs.</p> | Throughout the study plan, Section 9 | <p>As required in Sections 7 and 13 of the Guidelines, ensure that the effects assessment considers the effects of each of the project components (including but not limited to all alternative routes brought forward in the Impact Statement, all aggregates sources, access roads, etc.) and physical activities, in all phases, and that the assessment is based on a comparison to the data and information gathered during the proposed baseline work.</p> <p>Clarify the level of information that will be shared with, and explained to, the Indigenous Knowledge Program leads and whether study plans will be made available to all Indigenous groups listed in the Indigenous Engagement and Partnership Plan.</p> |
| GC-08 | Section 13.1 | <p>Provide clear descriptions of the rationale behind the assumptions, including but not limited to the assumed average daily traffic and</p> | <p>- Section 10: Current assumptions to be used in the effects assessment have been identified. Any additional assumptions will be identified and rationale will be provided in the IS / EA Report.</p> | Section 10 | <p>Before conducting the effects assessment analysis, the Agency advises the proponent to seek the Federal Review Team's confirmation of the assumptions that will be used in the analysis or, at a minimum, to discuss the type of assumptions that will be considered.</p> |

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| | | vehicles composition during the construction and operation phases that will be considered for the effects assessment and the cumulative effects assessment. | | | As required by Section 13.1 of the Guidelines, ensure that the Impact Statement clearly outlines the assumptions used for the assessment of effects, including cumulative effects, on each valued component. |
| GC-09 | Section 19.2 - Impacts on the Exercise of Aboriginal and Treaty Rights | Describe an approach for identifying the potentially impacted rights of Indigenous peoples of Canada that are recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> , and for integrating the potential impacts on those rights into the collection of baseline information and the effects assessment. | <ul style="list-style-type: none"> - All study plans reference how potential effects on Indigenous rights will be assessed in the Aboriginal and Treaty Rights and Interests Study Plan. - Impacts on Rights considerations are explained in the rationale for defining a Local Study Area and Regional Study Area for Aboriginal and Treaty Rights and Interests VCs. Further information for this is listed in Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan. | Section 5, and Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan | Feedback will be provided in the Federal Review Team's comments package on the Aboriginal and Treaty Rights and Interests Study Plan. |
| GC-10 | Section 20 - Mitigation and enhancement measures | Provide detail on the approach to meeting the requirements of Section 20 of the Guidelines regarding the identification of mitigation and enhancement measures. | <ul style="list-style-type: none"> - Section 9: Approach to mitigation and enhancement measures, specifically noting that once potential effects have been identified, the effects assessment will explore technically and economically feasible mitigation measures to avoid or minimize the identified negative effects and enhancement measures to increase positive effects. | Section 9.5.1 | <p>Section 9.5.1 of the study plan is listing the requirements outlined in Section 20 of the Guidelines.</p> <p>Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 20 of the Guidelines.</p> |
| GC-11 | Section 25 – Description of the Project's contribution to sustainability | Provide detail on the approach to meeting the requirements of Section 25 of the Guidelines regarding the description of the Project's contribution to sustainability. | <ul style="list-style-type: none"> - Section 9: the sustainability assessment for the Project will be undertaken on the preferred alternative and will characterize the Project's contribution to sustainability incorporating the requirements set out in Section 25 of the TISG. | Section 9.7 | <p>Section 9.7 of the study plan is listing the requirements outlined in Section 25 of the Guidelines.</p> <p>Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 25 of the Guidelines.</p> |
| GC-15 | Concordance with Federal Guidance | Provide a separate concordance table containing all requirements of the Guidelines. This is required to show how all requirements of the Guidelines, including the interactions of effects and interconnectedness of valued components, would be addressed. | <ul style="list-style-type: none"> - Please refer to Table 11-1, Table 11-3 and the General Comments Table Response. | Section 11 | <p>The Agency has identified inconsistencies between the cross-references presented and the information contained in the study plans. For example, the peatland study plan indicates that long- and short-term habitat changes and food sources of wetland fauna will be described and documented including changes in terms of the health, integrity and availability of habitats related to migratory and non-migratory birds will be described in the wildlife plan. However, this information appears to be in the birds study plan.</p> <p>Provide a separate concordance table that describes the content of each study plan. This is needed to cross-check all plans against the Guidelines and demonstrate how all requirements of the Guidelines would be met.</p> |

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| Editorial Comment | Section 4.1.2.1 2019 Golder Bat Surveys “Wildlife Acoustics Song Meter SM4BAT FS acoustic monitors were deployed at 167 stations within the LSA in suitable habitats to record bat activity during the maternity roosting period (June 1 to June 30) to determine if SAR bats are present in these communities. The acoustic detectors were set to record from 30 minutes before sunset to 30 minutes after sunrise for a period of at least 10 days. The detectors were set up June 13-17, 2019 in the maternity roosting window and collected from September 2-4, 2019. One bat detector failed to function, and another bat detector was stolen, therefore data was collected from 15 stations.” | Editorial Comment | Typo in either the number of units deployed (167) or the number from which data were collected (15) | Clarify the number of acoustic monitors deployed and from which monitors data were collected. | The Study Plan has been updated from 167 to 17. | Section 7.2.1.2.2 | Clarification has been provided on the number of ARUs deployed in 2019 (17). It is unclear where information about malfunctions and the number from which data were collected will be reported. Indicate where information on malfunctions and the number from which the data were collected will be reported. |
| WH-01 | Section 3: Spatial Boundaries: Study Areas “The LSA currently being considered for wildlife within the scope of the ongoing regulatory review process generally includes the area within 2.5 km of the centreline of Alternative 1 and Alternative 4, with the exception of studies related to Wolverine (Gulo gulo) where 10 km beyond the PSA will be considered as per the TISG. The Study Area generally allows for the documentation of existing conditions and prediction of potential environmental effects for the Project. A 5 km wide Study Area also allows for route refinements during development of Project design (e.g., adjustment of the alignment to avoid sensitive features). The PSA encompasses the 100 m wide CAR right-of-way, temporary construction” | Section 7.4.1 “Delineate spatial boundaries (i.e., regional study area, local study area, and project study area) to meet the following objectives: a. range of land cover types should be representative of the defined spatial extent; b. the spatial pattern of the land cover types should be well distributed across the defined spatial extent (e.g., revise if one or more land cover types is concentrated in one sub-area and uncommon in other parts of the area); and c. low to moderate rate of change in the prevalence of one or more land cover types with increasing distance from the (i.e., to use land cover patterns to constrain the distances within which comparisons should be made)... For Species valued components: The local study area should correspond to the project study area plus a buffer defined with objectives a-c above. Use simulation | It is unclear if the planned PSA, LSA, or RSA boundaries were defined with respect to items a-c in Section 7.4.1 of the Guidelines, including if simulation modelling was used. Omission of project components other than the route itself are likely to provide an incomplete understanding of baseline conditions relating to the overall project. LSA is defined to include PSA adjustments, but if PSA is adjusted, the LSA should also be adjusted to encompass changes in expected direct effects from new PSA. PSA should encompass all potential project footprints and LSA expand beyond that. To assist with providing the information needed, an illustration is offered relating to land cover analysis to help define transect lengths. | Provide details to demonstrate that the planned PSA, LSA or RSA boundaries were defined with respect to the requirements described in Section 7.4.1 of the Guidelines. Provide details to demonstrate that project components other than the route itself will be included in the PSA and consequently what areas are included in surveys discussed as relating to the PSA. | Study Plan Section 6.2 indicates that the Project Development Area (PDA) encompasses the 100 metre-wide CAR right-of-way (ROW), temporary construction access roads, work areas, worker camps, and long-term aggregate sources and associated access roads. The specific location of Project components, including the roadway, pits and quarries, aggregate source areas and temporary infrastructure, are not yet known and will be included in the IS / EA Report. | Birds and Wildlife Study Plans: Section 6.2 | The appropriate steps were implemented for determining the spatial study area boundaries. However, while it is stated that most project components would likely occur within the LSA, there is still risk of incomplete understanding of baseline conditions, especially related to pits and quarries, if those components are located outside of the LSA. The absence of baseline surveys at locations that are then used as quarries or other project's components will risk incorrect assessment of wildlife occurrence, abundance and project impacts, especially in relation to eskers. Sections 7.4.1 and 8.9 of the Guidelines require that spatial boundaries are defined to include foreseeable project activities and components. Include in the PSA spatial boundaries all potential areas of quarries and aggregate sources. These could be identifiable using geological layers. |

³ Refer to complete sections of TISG for more context

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| | <p>Section 7 Concordance with federal and provincial guidance “Project components other than the route itself are unknown at this time”</p> | <p>modeling to help define a buffer that captures objectives a-c for each species or species group.”</p> <p>Section 8.9</p> <p>“Project components other than the route itself should be sampled. Such components that are linear (e.g., access or service roads) should be surveyed using transects as above. Non-linear components (e.g., aggregate pits) should be surveyed using a grid of sites spaced 250 metres apart and be sufficient to cover the Project component, plus a maximum 3-kilometre buffer. As with transect lengths, modification of buffer width to a minimum of 500 metres may be justifiable if land cover analysis demonstrates no further change in land cover classification with increasing buffer width....</p> <p>Design suggestions for Project Study Area and Local Study Area scales... Transect lengths less than 5 kilometres may be suitable but should be justified with respect to an analysis of land cover that demonstrates no further change in land cover composition with increasing distance from the intersection of route and transect mid- point.”</p> | <p>The following is an illustration of the land cover analysis referred to in this section of the Guidelines, for the purpose of defining study area boundaries in relation to the Esker VC.</p> <ol style="list-style-type: none"> 1. Identify the eskers and similar geological features (e.g. moraines) potentially affected by the project. For those features, identify the land cover types that occur within the geologically defined esker (or moraine) polygon. 2. Identify the major land cover types by calculating, across all the individual eskers (and moraines) potentially affected by the project, the types of land cover that make up 80% or more of the surface area of these features. 3. For each esker (or moraine), determine the individual percentages of each of the major land cover types within the PSA on each esker (and moraine). 4. In increments (e.g. 100 metres) extend a buffer from the edge of the PSA to 15 kilometres from the edge of the PSA, and calculate the percentage of each of the major land cover types within each increment. 5. For each major land cover type, calculate the rate of change between successive buffer increments in land cover composition (i.e. the difference in percentages between a given buffer increment and the increment one step closer to the PSA boundary). For the first buffer increment, calculate the percent difference between the PSA and that buffer increment. | | | | |

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| | | | <p>6. For each major land cover type, determine the maximum calculated rate of change across all buffer increments (i.e. 100 metres to 15 kilometres out from PSA boundary).</p> <p>7. The LSA boundary for each esker or moraine would then be defined as the buffer width that is the maximum of:</p> <ul style="list-style-type: none"> a. 500 metres from the PSA boundary, or b. the buffer increment where <ul style="list-style-type: none"> i. All major land cover types have a rate of change in land cover composition of less than or equal to 5% of the maximum rate of change found in (5), and ii. The increment is beyond (i.e. further away from the PSA) where the maximum rate of change found in (5). <p>8. This approach is intended to lead to LSA boundaries for eskers and similar geological features that include the esker-related land cover types, the rapid land cover change that occurs along the edges of these features, and a portion of the broader landscape matrix. An ecologically defined LSA should therefore serve as a useful reference for comparing patterns and survey results with the PSA and the RSA.</p> <p>This approach could be used to define LSA boundaries for the Wetland VC and any other habitat VCs.</p> | | | | |
| WH-02 | <p>Section 4.1.1 Birds “Bird surveys were performed for the purpose of the project in 2018 by Zoetica and in 2019 by Golder. A summary of their methods and results are included herein”</p> | <p>Section 7.2 “With regard to field studies, survey work must be planned to include multiple sampling locations and multiple visits to each location to support all required assessment analyses. Existing data should be considered as a limited augmentation of this new data.... Baseline data must be collected in a manner that enables reliable analysis,</p> | <p>The 2018, 2019 bird survey data were collected prior to the development to the TISG. The designs do not appear to be compliant with the Guidelines but, if used correctly, may be useful for the proponent in their efforts to develop a TISG-compliant design. More detail would be required to evaluate and provide advice about the</p> | <p>Provide detail about the final 2018 and 2019 designs and how ECCC advice was incorporated, as well as results and analysis plans, and detailed plans for using those data to inform upcoming survey designs.</p> | <p>The Study Plan is updated to outline the 2018 and 2019 study designs in greater detail including coordination with ECCC. Sample sizes have been added where appropriate. Results have been incorporated into determining the sampling frequency for ARU use. Results will also be used for</p> | <p>Birds Study Plan: Section 7.2.1.2</p> | <p>The comment was partially addressed. See the comments on the Birds Study Plan, particularly BI-06 and BI-09.</p> |

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| | | <p>extrapolations and predictions. Resulting data should be suitable for analyses to estimate pre-project baseline conditions, derive predictions of impacts, and evaluate and compare post-project conditions and at scales of within and across the Project, Local and Regional Assessment areas. Modelling methods, error estimates and assumptions should be reported (as per section 7.1). Modelling and simulations should be used early in the planning phase to estimate the necessary sampling intensity and to quantitatively evaluate the effectiveness of design options. Ethical guidelines and relevant cultural protocols governing research, data collection and confidentiality must be adhered to</p> <p>Baseline data must be collected in a manner that enables reliable analysis, extrapolations and predictions. Resulting data should be suitable for analyses to estimate pre-project baseline conditions, derive predictions of impacts, and evaluate and compare post-project conditions and at scales of within and across the Project, Local and Regional Assessment areas. Modelling methods, error estimates and assumptions should be reported (as per section 7.1). Modelling and simulations should be used early in the planning phase to estimate the necessary sampling intensity and to quantitatively evaluate the effectiveness of design options.”</p> | <p>use of those data. ECCC provided advice on early designs for these surveys that was consistent with the principles outlined in the TISG, but did not receive revised plans.</p> <p>The 2018 and 2019 surveys were conducted prior to development of the Guidelines. As such they should be treated as existing data for the IA. They can be of use (e.g. estimates of variance) in developing a bird focused survey design and assessing sample sizes. They can also be included in modelling of baseline conditions to help incorporate more than two years of surveys, so long as the limitations of the survey design are accounted for, in the analysis.</p> | | developing preliminary models that will be further refined with additional field data. | | |
| WH-03 | <p>Section 4.2 Desktop Assessment “The background review....as well as identifying potential rare, SAR and species of Indigenous importance that may be present within the Study Areas.”</p> <p>Section 4.3.4 Mammals “The terrestrial mammals currently of importance to our study will be determined using SAR data, ecological composition of the Study Areas and Indigenous Knowledge provided from consultation.”</p> <p>Section 7</p> | <p>Section 6 “The proponent must engage with all Indigenous groups that may be impacted by the Project. The Indigenous Engagement and Partnership Plan, issued by the Agency, is available to assist the proponent in further developing or refining their engagement strategy and supporting ongoing trust and relationship-building. In addition to the requirements set out in section 6.1, 6.2 and 6.3, the proponent must provide Indigenous groups with an opportunity to: provide Indigenous knowledge during baseline</p> | <p>It is unclear what information about species of Indigenous importance will be collected through the desktop assessment and what will be collected through engagement. As per Section 6 of the Guidelines, the Agency expects the proponent to engage with, at a minimum, the Indigenous groups listed in the Indigenous Engagement and Partnership Plan.</p> | <p>Provide details to demonstrate that all of the Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be engaged with and provided opportunities to provide input on current use of terrestrial wildlife as a source of country foods and where use or harvesting has Indigenous cultural importance. This includes incorporating into the plan where Indigenous groups will be provided with opportunities to:</p> | <p>A summary of the consultation plan for Indigenous communities, government agencies, and interested persons has been provided in Section 4 of the Study Plan; further details can be found in the IS / EA Consultation Plan included as Appendix B of the Proposed ToR. Specific consultation and engagement activities and schedules are currently in development and will be shared with MECP and the Agency once available.</p> | <p>Wildlife and Birds Study Plans: Section 4.2 and Section 5.</p> | <p>This comment has been addressed.</p> |

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| | <p>“Documentation of the historic and current use of terrestrial wildlife resources will be identified as a source of country food or of cultural importance to indigenous peoples, including harvesting of fur bearing mammals....</p> <p>...potential adverse effects to species of indigenous significance and their habitat will be collected through desktop assessment and provided in the IA/EA.”</p> | <p>data collection; comment on the list of valued components and indicators...”</p> <p>Section 8.10 “describe the historic and current use of terrestrial wildlife as a source of country foods (traditional foods) or where use has Indigenous cultural importance (e.g., black bear, caribou, deer, moose, beaver, arctic fox, fisher, wolverine, rabbits, marten, muskrat, and otter)... ...describe the use and harvesting of fur-bearing species and whether its harvesting has Indigenous cultural importance”</p> <p>Section 15.3 “describe the potential adverse effects of the Project on species noted as important to Indigenous groups and local communities and their habitat that are not currently listed under the Species at Risk Act or provincial statutes”</p> | | <ul style="list-style-type: none"> • provide Indigenous knowledge during baseline data collection; • comment on the list of valued components and indicators; • inform the effects assessment and review its conclusions; and • inform the development of mitigation measures and follow-up programs. | | | |
| WH-04 | Section 4.1.2.1 2019 Golder Bat Surveys | Section 8.11 “clearly describe methods used to define a bat “pass” and be consistent with the definition used for any comparison group. Provide a rationale for the chosen method; o clearly describe methods used for acoustic identification, including any validation procedures used, criteria used for deciding on species classifications, and software used (including versions and settings);” | It is unclear what methods and rationale were used to define a bat pass in the 2019 Bat Surveys. | <p>Provide details to demonstrate the methods used to define a bat “pass” during the 2019 Bat Surveys.</p> <p>Provide a rationale, as required in Section 8.11 of the Guidelines.</p> | The Study Plan is updated to incorporate the 2019 bat surveys and the definition for a “bat pass”. Methods rationale will be provided in the IS / EA Report. | Wildlife Study Plan: Section 8.1 | <p>The comment was not addressed.</p> <p>Provide details to demonstrate the methods used to define a bat “pass” during the 2019 Bat Surveys.</p> <p>Ensure that the workplan provides a rationale, as required in Section 8.11 of the Guidelines.</p> |
| WH-05 | Section 4.3 Study Methods | Section 8.11 “survey protocols should provide a rationale for the scope of and the methodology used for surveys including design, sampling protocols and data manipulation” | Rationales are not always present or clear for all surveys in Section 4.3 of the study plan. | Provide details to ensure that survey protocols, design, methodology, sample size, and data manipulation are clearly explained and rationalized in terms of appropriateness and adequacy to address requirements of the Guidelines. | The Study Plan is updated to include details on survey protocols, design, methodology and data manipulations, which are explained and rationalized in terms of appropriateness and adequacy to address requirements of the Guidelines. Sample sizes have been added to the fur bearers. | Birds and Wildlife Study Plans: Section 7.2 | <p>The comment was not addressed.</p> <p>Little supporting information was provided to assess whether sample sizes and designs are appropriate and adequate.</p> <p>Provide details to ensure that survey protocols, design, methodology, sample size, and data manipulation are clearly explained and rationalized in terms of appropriateness and adequacy to address requirements of the Guidelines, particularly Section 8.11.</p> |
| WH-06 | Section 4.3.1.1 Field Study Design “Data collected will generally be consistent with methods employed by Golder (2019) for forest birds and bog / fen birds and other wetlands | Section 8.9 “Collect explanatory (i.e., covariate) data necessary for modeling in such a way as to adequately represent the following spatial and temporal sources of variation: o spatial variation in: | <p>Clarifications on the survey design advice and intended uses of modeling and simulations are offered.</p> <p>Section 8.9 of the Guidelines describes and recommends tools and approaches for Design Planning, including developing and selecting a survey design from design options.</p> | | The Study Plan is updated to incorporate details on survey design and data analysis recommendations including simulation modelling per | Birds and Wildlife Study Plans: Section 8 | <p>The comment was partially addressed.</p> <p>See comments on Birds Study Plan, especially BI-09.</p> |

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| | <p>birds due to the abundance of such habitats...</p> <p>A point count survey location will be conducted within each vegetation community identified for Ground Investigations, within 1 km of helicopter landing pads. Note that pre-selected Ground Investigation locations may be revised based on site conditions observed during field investigations.”</p> <p><i>(Comment is relevant to several sections of 4.3.1.1 in the proponent’s plan that relate to the intended sampling)</i></p> | <ul style="list-style-type: none"> <input type="checkbox"/> land cover composition <input type="checkbox"/> soil type, geomorphology <input type="checkbox"/> hydrological processes, and <input type="checkbox"/> climatic conditions; and, o temporal, especially annual, variation in local weather inter- and intra-annual climatic variability. <p>Collect data in a manner that enables reliable extrapolations in space (i.e., at minimum to Project, local and regional study areas) and in time (i.e., across years):</p> <ul style="list-style-type: none"> • design surveys so that they represent the spatial and temporal targets of modeling and extrapolations, and to produce scientifically defensible predictions of impacts and estimates of mitigation effectiveness. Survey designs should be sensitive enough to detect and quantify the impacts at the spatial and temporal scales identified above (i.e., project study area, local study area, and regional study area), any departures from predictions, and the effectiveness of mitigations. Justify the selection of modeling techniques based on current and recent scientific literature; • survey protocol planning should include modeling and simulations to estimate sampling requirements, and analysis to evaluate resulting design options: <ul style="list-style-type: none"> o collect field data over at least two years. The goal of collecting data over multiple years is to improve the understanding of natural variability in populations. Two years of sampling is suggested as a minimum. As the number of sampling years increases so does the understanding of natural variability; o sample size must be planned to support evaluation of the project study area within the context of the local study area and regional study area. Appropriate design of surveys will need to consider multiple survey locations in order to represent the habitat heterogeneity of the regional study area, and to yield multiple | <p>The intention of this section of the Guidelines for the Design Planning phase is to identify a series of principles that should be used to guide and evaluate survey design options; offer detailed design elements as inputs and as a starting point for developing alternative design options; and recommend modeling, using existing and/or simulated data to evaluate those design options against a series of criteria that would include the design principles.</p> <p>An important element is that the proponent is uniquely able to include information and data specific to the project (e.g. detailed plans of road construction and routing, detailed imagery and existing proponent-collected data). Integrating this proponent-held information enables the proponent to develop design options (or scenarios) that incorporate detailed local information along with the Guidelines-derived design principles and tools. Departures from the offered design should be justified, explained in detail and should clearly demonstrate how the chosen design adheres to the design principles provided in the Guidelines. Detailed descriptions of design process and design outcomes (including maps, sample sizes overall and by landcover type) are required to understand and evaluate the design relative to the Guidelines. Following this approach should lead to a detailed platform for evaluating the sufficiency of the selected design, for communicating the rationale for choosing that design, and for communications regarding clarifications, suggestions and recommendations.</p> <p>Simulation modeling is the process of generating and analysing hypothetical data, often in the context or with the purpose of comparing with actual data. Evaluation of survey design options can benefit from a simulation modeling approach through comparison of the representativeness of a potential sampling design relative to more intensive design options. This is a broad and diverse field but a search in the ecological literature (e.g. with keywords power analysis) should produce relevant examples of approaches and methods. Survey results from the 2018 and 2019 preliminary data collection can be very useful to assess sample size sufficiency and guide simulations, so long as analysis and interpretations account for the limitations of these designs and surveys.</p> <p>(NOTE: Detail provided is insufficient to fully understand the 2018, 2019 designs and results.)</p> <p>Section 8.9 of the Guidelines describes and recommends tools and approaches for data analysis, including conducting analysis using the data, both pre-existing and those data collected during the bird (or other) surveys.</p> <p>The intention of Section 8.9 of the Guidelines for data analysis is to guide data acquisition to ensure that the necessary quantitative data would be available to ensure appropriate analysis and reliable interpretations and ensure these covariates</p> | | <p>Section 8.8 of the TISG (the Agency 2020a).</p> | <p>and Section 9.4.</p> | |

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| | | <p>survey locations per land cover or habitat class, without requiring aggregation of habitat classes post-hoc;</p> <ul style="list-style-type: none"> ○ sampling effort per unit area - field survey effort should be most intensive within the project study area. The level of effort per unit area may be similar or somewhat less within the remainder of the local study area, but should be scaled to the likelihood that project effects will impact birds within that zone. Efforts outside the project study area should be carefully designed to ensure that estimates comparing within and across the project study area, local study area and regional study area are unbiased and as precise as possible; ○ rare species require more survey effort to detect than common species, and species rarity should be accounted for in survey design by increasing the number and duration of surveys; and ○ simulation modelling should be used to assess bias and precision between project study area, local study area, and regional study area to ensure the estimates are useful for comparison. Field surveys should occur within the regional study area since there are few existing sources of data that effectively describe regional bird populations in areas, including this area, that are distant from road networks. ● at minimum, the combined information from existing data and field surveys needs to be detailed enough to describe the distribution and abundance of all bird species in relation to the study areas; ● submit complete data sets from all survey sites. These should be in the form of complete and quality assured relational databases, with precisely georeferenced site information, precise observation/visit information and with observations and | <p>were included in the analysis of the collected bird (and perhaps other) survey data.</p> <p>The purposes of these covariate data are to enable the evaluation of their influence on the bird (or other) survey results, and to quantify that influence and account for it in the extrapolation and results-interpretation stages. Doing so reduces the chance that interpretations about the birds are made in error through a misunderstanding of the patterns and statistical results.</p> <p>For example, if the esker sites A, B and C were surveyed on days with no wind and the peatland sites D, E and F on days with light wind and occasional rain (which may affect both detection and bird vocal behaviour), the lower bird species richness of sites D,E and F might be entirely (and mistakenly) attributed to habitat differences. Modeling that included wind and rain covariates would be more likely to differentiate these effects and lead to better extrapolations and interpretations of the data. Likewise, surveying in one or two years increases the risk having unexplained abundances in the baseline estimate. For example if surveys were conducted in a year that involved a 'masting' event, measured abundances of baseline conditions could be much higher than an average across several years. A similar event could occur if surveys were only conducted in a particularly cold or warm season, relative to the long-term average.</p> <p>Resources and examples for the use of covariates in modelling are abundantly available through scientific journals and statistical texts. Examples of potential key words for searches include: hierarchical modeling, generalized linear (mixed) models, boosted regression trees, Bayesian modeling. Modelling should aim to generate predictive estimates of abundance (or density/occurrence if justified) across the LSA, PSA, and RSA and to provide predictive estimates with associated margins of error at scales that are justified at the scale and shape of the study areas. Total area may not be an appropriate measure of scale for linear projects that are small scale at any point, but stretch along a large area due to length. Modelling should be able to predict local effects along the project as well as larger scale patterns along the length of the project. Useful predictions require data inputs from each of the study areas to which extrapolations will be made.</p> <p>Submit an updated survey design in consideration of the project context and the instructions provided.</p> | | | | |

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| | | <p>measurements in un-summarized form. Databases and GIS files should be accompanied by detailed metadata that meets ISO 19115 standards ;</p> <ul style="list-style-type: none"> • provide documentation and digital files for all results of analyses that allow for a clear understanding of the methods and a replication of the results (raw scripts or workflows are preferred in place of descriptive documentation); • provide raw survey data and analysis results for 1) all birds, 2) each valued component, and 3) Bird Conservation Region Priority Species showing the species ranked according to: <ul style="list-style-type: none"> ○ frequency of occurrence³⁴ , ○ abundance, ○ abundance in each habitat type, and ○ map showing areas of highest concentrations of species.” <p>[Also Applicable or partly applicable to other sections of the Guidelines that refer to modeling and/or simulations, e.g. 7.1, 7.2, 7.4.1, 8.1, 8.2, 8.5, 8.11, 13.1, and 21]</p> | | | | | |
| <p>WH-07</p> | <p>Section 4.3.1.1 Field study design “Prior to field investigations and as part of study design, vegetation communities will be characterised (pre-typed) and delineated by GIS analysts and vegetation specialists through a desktop exercise for both the PSA and LSA. Following which, a representative subset of vegetation communities (upland, wetland and riparian) will be selected for field verification through a stratified random sampling technique...”</p> <p>(Comments relevant to other text in the Design section of the plan)</p> | <p>Section 8.9 Collect data in a manner that enables reliable extrapolations in space (i.e., at minimum to Project, local and regional study areas) and in time (i.e., across years):...</p> <p>...design suggestions for Project Study Area and Local Study Area scales: Use a standardized design approach during survey planning. The resulting design details will serve as the basis to develop alternative designs, evaluate options for particular design details, and to identify potential efficiencies. The approaches and tools suggested elsewhere in this document (e.g., land cover analysis, data simulations) should be considered during the planning phase. The following should be considered as inputs to design planning and evaluation...”</p> <p>(see list that follow in the Guidelines for all requirements)</p> | <p>Adding bird sampling to a design that was created for the purposes of a vegetation study is not likely to provide robust bird results as per the Guidelines. The planned bird survey design should be described in such a way as to enable an evaluation of the steps taken to create the design and clearly describe sample sizes and locations.</p> <p>Design the study of birds using point count and ARU locations in a way that is not dependent on the study design for vegetation verification. The goals are different between the two and therefore sample sizes and distribution of samples will need to differ between the two studies.</p> <p>A series of ground level photos at each site visited for bird</p> | <p>Provide details about the proposed bird survey design that includes the steps taken to determine the sample sizes and locations. Provide ground level photos and Ecosite typing at each site visited for bird surveys.</p> | <p>The Study Plan is updated to include a revised study design for birds that is independent of the Vegetation VC Study Plan and outlines the steps taken to determine sample size and survey locations. Habitat will be documented with photographs as described in the Guidelines and classified by ELC Ecosite or Canadian Wetland Classification Class as described under the Vegetation Study Plan for modelling purposes.</p> | <p>Birds and Wildlife Study Plans: Section 7.2</p> <p>Vegetation Study Plan</p> | <p>Comment was partially addressed.</p> <p>See comments on Birds Study Plan, especially BI-05, BI-06, BI-09, BI-10, BI-11, BI-13.</p> |

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| | | | surveys and Ecosite typing of each site visited for the bird surveys using the ground level photos is required, as per the requirements in Section 8.9 of the Guidelines. FNLC should be used as land cover input. | | | | |
| WH-08 | <p>Section 4.3.1.1 Field Study Design</p> <p>“To reduce potential bias associated with selecting locations where access can be achieved by helicopter and for a robust subset of sites, a secondary analysis will be run to determine if any vegetation community types will be missed through this approach to assure all individual pre-typed vegetation communities are represented. Should additional sites require Ground Investigations, additional helipads may need to be cut. This approach will be used to assure that rare habitats and features receive adequate sampling that is not biased due to limited access.”</p> | <p>Section 8.9</p> <p>“use simulation modelling prior to sampling to ensure coverage is broad enough to estimate and account for detection error as well as provide unbiased estimates of abundance and distributions.”</p> | <p>It is unclear if simulation modelling has been used prior to sampling to ensure coverage is broad enough to provide unbiased estimate of abundance and distribution, as required in Section 8.9 of the Guidelines. Refer to comment WH-06 for further clarifications on the survey design advice and intended uses of modeling and simulations. Limiting bird sample locations to those easily accessible will likely lead to habitat biases in the sample.</p> | <p>Provide details about survey design and simulation modelling used to demonstrate how habitat bias will be avoided.</p> | <p>The Study Plan is updated to incorporate details on survey design and data analysis recommendations including simulation modelling and methods to avoid bias.</p> | <p>Birds and Wildlife Study Plans: Section 8 and Section 9.4</p> <p>Vegetation Study Plan</p> | <p>Comment was partially addressed.</p> <p>See comments on Birds Study Plan, especially, especially BI-06, BI-09, BI-10, BI-13.</p> |
| WH-09 | <p>Section 4.3.1.1 Field Study Design</p> <p>“ PSA Based on the anticipated size of the PSA (greater than 4000 hectares [ha]), the intent of the field program is to complete field verification on 15-25% of the vegetation communities within the PSA. This percentage represents a Survey Intensity Level 4 according to the <i>Standard for Terrestrial Ecosystem Mapping in British Columbia</i> (EWG 1998). Although these guidelines originate in British Columbia, a similar guideline to provide consistency across projects has not been developed for Ontario and therefore should be an acceptable approach. This sampling intensity is the survey intensity level recommended for most mapping and is appropriate for a Project of this size and represents a respectable compromise between costs and meaningful data collection.”</p> | <p>Section 8.9</p> <p>[Also applicable or partly applicable to other sections of the TISG that refer to modeling and/or simulations, e.g. 7.1, 7.2, 7.4.1, 8.1, 8.2, 8.5, 8.11, 13.1, and 21]</p> | <p>The sampling intensity guideline referenced in the study plan (i.e. <i>Standard for Terrestrial Ecosystem Mapping in British Columbia</i>; EWG 1998) is for ecosystem or vegetation mapping at a 1:20000 to 1:50000 scale. This does not provide acceptable justification for sample size or distribution when it comes to collecting bird data and modelling bird abundances or distributions.</p> | <p>Provide details about survey design and simulation modelling used to demonstrate that the proposed sampling intensity will provide unbiased estimates of abundance and distributions, as per the requirements in Section 8.9 of the Guidelines.</p> | <p>The Study Plan is updated to incorporate details on survey design and describes methods proposed to avoid bias.</p> | <p>Birds and Wildlife Study Plans: Section 8 and Section 9.4</p> <p>Vegetation Study Plan</p> | <p>Comment was partially addressed.</p> <p>See comments on Birds Study Plan, especially BI-09.</p> |

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| WH-10 | Section 4.3.1.1 Field Study Design “PSA & LSA Although every effort will be made to adhere to this sampling intensity, the Project is located in a remote part of Canada with limited access. Access to vast portions of the proposed CAR will only be available by air, therefore survey locations will be limited to where a helicopter is capable of landing (i.e., cut helicopter landing pads, grassy riparian areas).” | Section 8.9 “If necessary to constrain or adjust site selection based on access limitations, simulation modelling should provide evidence that this sampling strategy has not resulted in the introduction of bias.” [Also applicable or partly applicable to other sections of the TISG that refer to modeling and/or simulations, e.g. 7.1, 7.2, 7.4.1, 8.1, 8.2, 8.5, 8.11, 13.1, and 21] | The study plan should designate, according to the design principles in the Guidelines, oversample locations to assist with situations of limited access. This will help reduce the potential for bias in the collected data, while still accommodating some degree of access limitation. | Provide details to demonstrate how the potential of bias will be reduced when issues related to limited access occur. | The Study Plan includes oversample locations selected using Generalized Random Tessellation Stratified (GRTS) to assist with situations of limited access. | Birds Study Plan: Section 7.2.2.1 | Comment was partially addressed. See comments on Birds Study Plan, especially BI-09. |
| WH-11 | Section 4.3.1.1 Field Study Design “RSA Baseline information for the RSA will need to be robust enough to support an assessment of indirect effects on vegetation. Considering the level of existing information on vegetation communities within the RSA (FNLC and FRI mapping), field investigations for vegetation will not be conducted within the broader RSA. Effects on vegetation with the RSA are not expected to be wide ranging and therefore effects can adequately be assessed using the existing and desktop derived information” Section 7 Conformance with Federal and Provincial Guidance “The requirement cannot be addressed as: – It should be sufficient to collect background data for the regional study area and extrapolate results from the project and local study area.” | Section 8.9 “Efforts outside the project study area should be carefully designed to ensure that estimates comparing within and across the project study area, local study area and regional study area are unbiased and as precise as possible... ...sample size must be planned to support a robust evaluation of the project study area within the context of the local study area and regional study area... “Simulation modelling should be used to assess bias and precision between project study area, local study area, and regional study area to ensure the estimates are useful for comparison. Field surveys should occur within the regional study area since there are few existing sources of data that effectively describe regional bird populations in areas, including this area, that are distant from road networks.” | It is unclear how the text provided in Section 4.3.1.1 of the study plan is related to the bird survey. It is not clear what level of sampling will take place in RSA for wildlife VCs. The rationale provided is in relation to vegetation sampling. The study plan does not indicate that bird surveys will be done in the RSA. More detail is needed to determine how the requirements of Section 8.9 will be met. Sample sizes and designs must support evaluation of the three study area scales (PSA, LSA, RSA), so detailed information is needed that shows intended sampling within each of these scales along with estimates of variability within each of those scales. | Provide details to demonstrate how the text in Section 4.3.1.1 is relevant to the bird survey. Provide detail to demonstrate how the requirement in Section 8.9 of the Guidelines regarding field surveys in the regional study area will be met. Detailed information is needed showing the intended sample size within each of the study area scales, along with estimates of the variability in expected metrics (e.g. species level abundance, species richness) within each of those scales. | - A simulation was completed which indicates that the LSA is representative of the RSA based on the percentage composition of land cover types. - Results of simulation modelling using data collected in the LSA provides unbiased models for making predictions in the RSA. The Study Plan describes how models will be used to extrapolate abundance of bird species in each Bird VC to the RSA scale based on habitat availability. | Birds Study Plan: Section 9.4.2 | Comment was not addressed. See comments on Birds Study Plan, especially BI-05. |
| WH-12 | Section 4.3.1.1 Field Study Design “Bird indicator are to be collected to account for temporal sources of variation including among years (two years minimum), within and among seasons (e.g., spring migration, breeding season, and late summer / fall migration), and within a 24-hour daily cycle.” Section 4.3.1.8 Data Collection | Section 7.4.2 “For valued components related to wetlands, eskers, birds, wildlife, and Species at Risk, define temporal boundaries in a manner that enables detection of all species that use the project study area, local study area, and regional study area throughout the year and between years, and to estimate their temporal pattern of use (e.g., breeding, or migrants stopping on northward and/or southward migration). Baseline data collection for all biophysical valued | More information is needed to determine how the requirements in Sections 7.4.2 and 8.9 related to temporal sources of variation will be met. It is unclear how the approach provided in Section 4.3.1.8 will account for the temporal sources of variation. Singing frequency may be less during spring migration than during the nesting phase. Singing | Provide specific detail, including methods and approaches, to demonstrate how these requirements related to temporal boundaries and collection of data required in the Guidelines will be achieved. | The Study Plan has been revised to include ARU deployment during spring migration (April 15-May 31), fall migration (August 1-September 30) and early winter (December 1-December 31) or late winter (March 1-31). Proposed winter sampling is reduced due to temperature limitations of ARU. | Birds Study Plan: Section 7.2.2 | Comment not addressed. See comments on Birds Study Plan, especially BI-01. |

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| | “During migration (spring and fall), three 3-minute segments per week will be randomly selected from the Morning Period (1 hour before sunrise to 5 hours after sunrise).” | <p>components is to be provided for a minimum of two years, unless specified otherwise. Temporal boundaries spanning more than one year will enable accounting for variation due to irregular events (e.g., masting events, storms on migration, late snowfalls).”</p> <p>Section 8.9 “collect bird data to adequately represent the following temporal sources of variation:</p> <ul style="list-style-type: none"> • among years; • within and among seasons (e.g., spring migration, breeding, fall migration, overwintering); and • within the 24 hour daily cycle. <p>...collect field data over at least two years. The goal of collecting data over multiple years is to improve the understanding of natural variability in populations. Two years of sampling is suggested as a minimum. As the number of sampling years increases so does the understanding of natural variability;”</p> | frequency may be much less during fall migration but migrating mixed-species flocks do call regularly enough to be detected and identified by appropriate sampling of acoustic files and with skilled interpreters. Recordings may need to be evaluated to determine if planned sampling frequency is sufficient. | | <p><input type="checkbox"/>Planned sampling frequency and analysis proposed during spring and fall migration and early winter (i.e., three 3-minute segments randomly selected from the Morning Period per week) is in line with recommendations in section 8.9 of the Guidelines (page 54).</p> <p><input type="checkbox"/>Specific locations and dates of ARU deployment will be provided at a later date.</p> | | |
| WH-13 | <p>Section 4.3.1.1 Field Study Design “The location of survey sites is expected to be spatially uneven due to differences in habitat diversity across the RSA. Furthermore, the proposed routes are remote with limited access to important habitats and features. To reduce potential bias associated with selecting locations where access can be achieved by helicopter and for a robust subset of sites, a secondary analysis will be run to determine if any vegetation community types will be missed through this approach to assure all individual pre-typed vegetation communities are represented. Should additional sites require Ground Investigations, additional helipads may need to be cut. This approach will be used to assure that rare habitats and features receive adequate sampling that is not biased due to limited access.”</p> | <p>Section 8.9 “1. Within each sampling year, ARUs should be deployed at sites as long as possible, with a minimum period of May 1 through July 10 (Breeding Recordings). Use deployments that maximize full use of battery and sound card capacity; 2. A subset of at least 50% of the ARU sites should have ARUs deployed to align with periods during which sites are used by birds in fall migration (August 1 through September 30) and during the winter (December 1 through March 31) (i.e., collectively, Fall/Winter Recordings). These fall and winter sites may be a subset of either entire ARU transects or sites along transects but land cover analysis should be used to ensure the subset is an unbiased sample of the population of ARU sites.”</p> | It is unclear if the requirements in Section 8.9 of the Guidelines will be met. More information is needed to identify the locations of ARU deployments and a detailed treatment of the location schedule. | Provide details to demonstrate an alignment with the Guidelines, including numbers of ARUs, specific dates of their deployment and re-deployment to new locations, and explanations of the rationale for the selected schedules. | <p>- The Study Plan has been revised to include ARU deployment during spring migration (April 15-May 31), fall migration (August 1-September 30) and early winter (December 1-December 31) or late winter (March 1-31). Proposed winter sampling is reduced due to temperature limitations of ARU.</p> <p>- Planned sampling frequency and analysis proposed during spring and fall migration and early winter (i.e., three 3-minute segments randomly selected from the Morning Period per week) is in line with recommendations in Section 8.9 of the TISG (the Agency 2020a).</p> <p>- Specific locations and dates of ARU deployment will be provided at a later date.</p> | Birds Study Plan: Section 7.2.2 | <p>The comment was partially addressed.</p> <p>See comments on Birds Study Plan, especially BI-09.</p> |

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| WH-14 | <p>Section 4.3.1.1 Field Study Design “Bird indicator data will be collected within the following important habitats and features identified in the TISG:</p> <ul style="list-style-type: none"> • Water bodies, wetlands, watercourses; • Riparian habitat; • Riverbanks of eroded habitats; • Artificial water sources; • Forest, forest patches, solitary trees (especially old decaying trees); • Forest edges and tree rows; • Ridges, including eskers; • Cliffs, rock outcrops, exposed bedrock, talus, and other karst topography; • Building, bridges, and other anthropogenic features; and • SAR critical habitat.” | <p>Section 7.2 “Information sources and data collection methods used for describing the baseline environmental, health, social and economic setting may consist of the following sources of information. For specific sources of baseline information, see Appendix 1.</p> <p>important habitats and features to include:</p> <ul style="list-style-type: none"> - water bodies, wetlands, watercourses; - riparian habitat; - river banks or other eroded habitats; - artificial water sources; - forest, tree patches, solitary trees (especially old decaying trees); - forest edges and tree rows; - ridges, including eskers; - caves and mines; - cliffs, rock outcrops, exposed bedrock, talus, and other karst topography; - buildings, bridges, and other anthropogenic features, including linear features; - sources of artificial lighting attracting insects; - critical habitat; and - and any other habitat features known to be important in the area.” | <p>Detail on proposed survey location selection is sufficient, but it does not align with the Guidelines.</p> <p>This plan uses the list of important habitats and features in Section 7.2 of the Guidelines as an explanation of survey location selection, but that is not how the list was presented in the Guidelines. The Guidelines present this list with respect to potential sources of baseline information in general. It is not intended as a basis for sampling or a list of recommended features to survey for birds.</p> | <p>Provide details to demonstrate that the proposed survey design, including location selection and data collection, will meet the requirements in Section 8.9 of the Guidelines.</p> | <p>Important habitats described in Section 4.3.1.1 of the TISG (the Agency 2020a) have been integrated into the breeding bird study design using point counts and ARUs (forests, forest edges, ridges/eskers, riparian, watercourses) or through marshbird call playback (wetlands), species-specific surveys (river banks, cliffs, rock outcrops, exposed bedrock, talus, and other karst topography), and aerial surveys (wetlands, waterbodies, watercourses).</p> | <p>Birds Study Plan: Section 7.2.2.1 and Table 7.2.</p> | <p>Comment was partially addressed.</p> <p>See comments on Birds Study Plan, especially BI-06, BI-09, BI-10, BI-13.</p> |
| WH-15 | <p>Section 4.3.1.1 Field Study Design “A point count survey location will be conducted within each vegetation community identified for Ground Investigations, within 1 km of helicopter landing pads. Note that pre-selected Ground Investigation locations may be revised based on site conditions observed during field investigations....</p> <p>...Based on the anticipated size of the PSA (greater than 4000 hectares [ha]), the intent of the field program is to complete field verification on 15-25% of the vegetation communities within the</p> | <p>Section 7.2 “Baseline data must be collected in a manner that enables reliable analysis, extrapolations and predictions. Resulting data should be suitable for analyses to estimate pre-project baseline conditions, derive predictions of impacts, and evaluate and compare post-project conditions and at scales of within and across the Project, Local and Regional Assessment areas. Modelling methods, error estimates and assumptions should be reported (as per section 7.1). Modelling and simulations should be used early in the planning phase to estimate the necessary sampling intensity and to quantitatively evaluate the effectiveness of design options.”</p> | <p>Rationale is provided for this level of sampling in relation to mapping vegetation communities, but rationale is needed to indicate that this sampling intensity is adequate for each wildlife VC.</p> | <p>Provide detail to demonstrate how the requirements in Section 7.2 of the Guidelines will be integrated into survey design, including providing a rationale for the selected sample size for all surveys discussed in Section 4.3 of the study plan.</p> | <p>- Simulation modelling using preliminary bird data was conducted to determine the total number of site visits required to adequately sample the various bird VCs and bird SAR VCs beyond the initial 2018-2019 field season. The upcoming work plan will provide a breakdown of the number of survey stations by land cover. The sample frequency and intensity for various bird SAR have been provided based on a beta diversity analysis / species accumulation curve using preliminary data or a binomial</p> | <p>Wildlife Study Plan: Section 7.2.1.2 and Section 7.2.3.2 Birds Study Plan: 7.2.2.1 and 7.2.2.5</p> | <p>Comment was partially addressed for birds.</p> <p>See comments on Birds Study Plan, especially BI-05, BI-06, BI-09, BI-10, BI-11, BI-13,</p> <p>*****</p> <p>Comment was not addressed for other wildlife.</p> <p>Rationales/justifications (i.e., details to substantiate the claim) that sample sizes and designs are adequate and meet the requirements of Section 7.2 of the Guidelines are not provided.</p> <p>Table 11-1: Study Plan Federal Concordance – Conformance with Requirements, p70 indicates that the proponent “will include details on modeling methods and discuss confidence in</p> |

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| | PSA. This percentage represents a Survey Intensity Level 4 according to the Standard for Terrestrial Ecosystem Mapping in British Columbia (EWG 1998). Although these guidelines originate in British Columbia, a similar guideline to provide consistency across projects has not been developed for Ontario and therefore should be an acceptable approach. This sampling intensity is the survey intensity level recommended for most mapping and is appropriate for a Project of this size and represents a respectable compromise between costs and meaningful data collection. Ground Inspections and Visual Checks will be conducted in accordance with the survey intensity levels (EWG 1998) at a ratio of 25:75 respectively. Although every effort will be made to adhere to this sampling intensity, the Project is located in a remote part of Canada with limited access. Access to vast portions of the proposed CAR will only be available by air, therefore survey locations will be limited to where a helicopter is capable of landing (i.e., cut helicopter landing pads, grassy riparian areas)." | | | | expansion of published detection probabilities. - The Study Plan is updated to provide detail on how the sampling locations for bat surveys are determined by habitat suitability in the desktop review. Wolverine aerial tracking survey transects are based on a modified protocol for aerial caribou surveys (MNR 2018), due to the relatively low density of wolverine. Survey design for furbearer winter tracking, motion sensitive camera tracking, and wolverine hair snag trap surveys are described in the Study Plan. | | using desktop and/or field studies when describing baseline conditions in the IS / EA Report". Without this information, not enough detail is provided to assess whether the planned studies will meet the requirements of Section 7.2 of the Guidelines. Provide detail to demonstrate how the requirements in Section 7.2 of the Guidelines will be integrated into survey design, and include the rationale for the selected sample size for all surveys discussed in the study plan. |
| WH-16 | Section 4.3.1.2 Breeding Bird Point Counts "Only observers skilled in bird identification by sight and sound will be used for breeding bird surveys. Furthermore, additional bias will be removed by recording all bird vocalizations during breeding bird surveys using a high-quality portable recording device mounted on a tripod. Observer and recorder data will be compared for further analysis." | Section 8.9 "Observers should be skilled in bird identification by sight and sound, and should use 1- minute intervals within the 10-minute point count duration such that each individual bird is entered in the first minute interval in which it was detected. Estimated distances from observers to each bird should be recorded as: 0-50m, 50m-100m, and beyond 100m... acoustic files should be analysed by interpreters skilled in identifying birds by sound and familiar with bird communities of the region sampled. Interpretation of acoustic files should be done using the Wildtrax interface" | Observers should have skills in relation to northern Ontario birds since bird communities differ geographically and some species sing with regional dialects. Recordings using the Zoom H2n digital recorder or equivalent in conjunction with observers is an appropriate approach. | Provide details to demonstrate that the observers have skills specifically related to northern Ontario birds. | The Study Plan is updated to indicate that only observers skilled in Northern Ontario bird identification by sight and sound will be used for breeding bird point counts, and will capture bird calls using the Zoom H2n digital recorder to remove additional bias. | Birds Study Plan: Section 7.2.2.1 | Comment was addressed. |
| WH-17 | Section 4.3.1.3 Marsh Bird Call Playback Surveys "where suitable habitat is encountered during the breeding bird point counts" | Section 8.9 "Collect data in a manner that enables reliable extrapolations in space (i.e., at minimum to Project, local and regional | It is unclear how the requirements in Section 8.9 of the Guidelines related to survey design and sampling will be met. | Provide details to demonstrate how the survey design requirements in Section 8.9 of the Guidelines were integrated into the | Marshes account for less than 0.1% of the LSA and will be examined separately from the breeding bird survey design due to their small numbers. To | Birds Study Plan: Section 7.2.2.3 | Comment was partially addressed. See comments on Birds Study Plan, especially BI-10. |

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| | | <p>study areas) and in time (i.e., across years)....</p> <p>....design suggestions for Project Study Area and Local Study Area scales: Use a standardized design approach during survey planning. The resulting design details will serve as the basis to develop alternative designs, evaluate options for particular design details, and to identify potential efficiencies. The approaches and tools suggested elsewhere in this document (e.g., land cover analysis, data simulations) should be considered during the planning phase. The following should be considered as inputs to design planning and evaluation....”</p> | | Marsh Bird Call Playback Surveys described in Section 4.3.1.3 of the study plan. | survey the largest number of marshes that can practicably be reached, a desktop review combined with aerial reconnaissance were used to identify suitable marsh habitat in proximity to breeding bird survey stations selected using the Generalized Random Tessellation Stratified Study Design. A total of 10 survey stations were identified. Efforts will be made to identify additional marsh bird call playback survey stations. | | |
| WH-18 | <p>Section 4.3.1.8 Data Collection “During the breeding season, one 3-minute segment per week will be randomly selected from the Night Period (midnight to 1 hour before sunrise), two 3-minute segments per week from the Morning Period (1 hour before sunrise to 5 hours after sunrise), and one 3-minute segment per week from the Dusk Period (30 minutes before sunrise to 2 hours after sunset).”</p> | <p>Section 7.2 “The Impact Statement must provide detailed descriptions of specific data sources, data collection, sampling, survey and research protocols and methods followed for each baseline environmental, health, social and economic condition that is described, in order to corroborate the validity and accuracy of the baseline information collected.”</p> <p>Section 8.9 “survey protocol planning should include modeling and simulations to estimate sampling requirements, and analysis to evaluate resulting design options:”</p> | The information provided in Section 4.3.1.8 of the study plan does not align with the requirements in Sections 7.2 and 8.9 of the Guidelines. More information is needed to corroborate the validity and accuracy of the baseline information collected | Provide detailed descriptions of the survey protocols and methods followed to demonstrate that the planned survey will enable modelling for reliable conclusions about breeding bird abundances. Provide anticipated sample sizes. | - The Study Plan is updated to include details on survey protocols, design, methodology and data manipulations to address requirements of the Sections 7.2 and 8.9 of the TISG (the Agency 2020a). - Additional information regarding sampling dates and locations will be provided at a later date. | Birds Study Plan: Section 8 and Section 9.4 | Comment was not addressed. See comments on Birds Study Plan, especially BI-11. |
| WH-19 | <p>Section 4.3.2.2 Acoustic Surveys “Acoustic surveys will be designed to account for inter-annual and within-season variability in habitat use by taking place during multiple nights in the late spring, summer and fall seasons to capture bat dispersal and identify breeding and roosting habitats. Field surveys will be conducted over a minimum of two years to improve the understanding of natural variability in populations.”</p> <p>Section 4.3.2.3 Data Collection “The acoustic surveys targeted for maternity roosting structures will be conducted using Wildlife Acoustic</p> | <p>Section 8.11 “to augment existing information sources and collect data able to robustly establish baseline conditions and assess impacts, undertake site-specific surveys to:</p> <ul style="list-style-type: none"> • compile a species inventory (species present/not detected); • quantify baseline bat activity to evaluate relative use of different habitats or features in the project area and to help support and evaluate project siting decisions and impact predictions; • document baseline conditions within the project Area and Local Assessment Area to support study of impacts; | <p>Section 4.3.2.2 indicates that acoustic surveys will take place in spring, summer, and fall; however Section 4.3.2.3 only provides information for surveys in June and potentially August, if suitable hibernacula habitat is discovered.</p> <p>In addition, targeting survey locations to only suitable roosting and hibernacula habitat may not capture dispersal and travel corridors.</p> | Clarify and provide rationale for how bat survey design meets the requirements in Section 8.11 of the Guidelines. | - The bat study design includes a desktop habitat suitability exercise to locate and identify maternity roosts, foraging areas, dispersal and travel (migration) corridors and hibernacula. - This section has been revised to indicate that acoustic surveys will take place in spring (maternity) and fall (swarming). - As discussed during the technical discussion on September 11, 2020, methods for bat migration surveys are not currently described in Ontario’s guidance document, | Wildlife Study Plan: Section 7.2.2.1 | Comment was partially addressed. Some level of seasonal quantification of SAR bat activity would be useful and appreciated by ECCC to evaluate relative use of different habitats or features and document baseline conditions. However, given the lack of established methodologies for identifying and surveying migration routes and travel corridors, as well as MECP’s offer to advise on these study designs, we will defer appropriateness of this approach to MECP. Note [“A protocol for bat migration surveys is not currently described in Ontario’s guidance documents and migration surveys are not common in scientific literature. In the absence of a protocol or other guidance, bat migration |

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| | <p>Song Meter SM4BAT monitors. ARUs will be programmed to record ultrasonic activity nightly beginning 30 minutes before sunset to 30 minutes after sunrise for at least 10 days during the maternity roosting period of June 1 to June 30.</p> <p>In addition to maternity roost surveys, any suspected bat hibernacula features documented during the background review or aerial reconnaissance exercises will require similar acoustic surveys. The potential hibernacula will be searched to identify all possible entrances and ARUs will be installed within 10 m of all openings following the above stated procedures during the peak swarming period of August 1 to August 31. They will be programmed to commence recording at dusk for five hours for up to 10 nights from August 1 to August 31, or until evidence of bat presence is found, whichever occurs sooner.”</p> | <p>the following types of surveys are required: acoustic surveys, ensure study design is statistically valid, conducted in spring, summer, and fall to capture dispersal and migration (travel corridors), breeding, and roosting...”</p> | | | <p>so potential migration corridors will be identified solely through desktop analysis</p> | | <p>field surveys (if conducted) would likely not be effective at identifying migratory corridors. Given that the study areas are intersected by abundant watercourses which may be used as travel corridors, potential migration or travel and movement corridors (e.g., continuously treed river or stream valley, ridge-tops, treelines; Lausen et al. 2010, Government of Alberta 2013) will be identified through desktop review of aerial imagery and surficial geology (KGS Group 2019).”]</p> <p>Note: MECP indicated that they would provide bat migration survey examples to the Consultant Team.</p> |
| WH-20 | <p>4.3.3 Amphibians and reptiles “Through the course of the field program, any incidental amphibian and reptile encounters will be documented. The distribution and location, abundance and population status, information on life cycles and movements and habitat requirements of species identified by these practises will be quantified wherever possible.”</p> <p>Section 4.3.4 Mammals “Any mammal species that are likely to be directly or indirectly effected by the activities taking place within the PSA and LSA will be identified. The distribution and location, abundance and population status, information on life cycles and movements and habitat requirements of species identified will be quantified and recorded where possible.”</p> | <p>Section 8.10 “identify wildlife species, other than avian species, of ecological, economic or human importance (particularly to Indigenous peoples), within the study area (including moose, rabbit, beavers, otters, muskrat, and frogs), that are likely to be directly or indirectly effected and describe each species: biodiversity, distribution and location; abundance and population status; life cycle; seasonal ranges, migration and movements; habitat requirements; and sensitive periods (e.g., seasonal, diurnal and nocturnal). For the species identified above, describe and quantify the habitat type, including its: function; location; suitability; structure; diversity; relative use, natural inter-annual and seasonal variability, and; abundance as it existed before project construction”</p> | <p>It is unclear under what circumstances it would not be possible to provide the required information.</p> <p>It is unclear how baseline data will be collected for amphibians and reptiles that will allow for comparison to the “Expression of Change” listed in Table 6-1 if only incidental observations are being documented.</p> <p>It is unclear how the requirements in Section 8.10 will be met in relation to frogs if only incidental observations are being documented.</p> <p>Additionally, biodiversity, seasonal ranges, migration, movements, sensitive periods and habitat type also need to be described, as per Section 8.10 of the Guidelines.</p> | <p>Provide detail to demonstrate that biodiversity, distribution and location; abundance and population status; life cycle; seasonal ranges, migration and movements; habitat requirements; sensitive periods (e.g., seasonal, diurnal and nocturnal) and habitat type will be described for wildlife species, other than avian species, of ecological, economic or human importance (particularly to Indigenous peoples), per Section 8.10 of the Guidelines.</p> <p>Provide information regarding the methods and approaches used for each aspect of the requirement and each species.</p> | <p>Amphibian acoustic surveys are proposed as a systematic approach to collect data over space and time during the breeding and non-breeding season. Mammal data analysis methods have been updated to fit requirements of Section 8.10 of the TISG (the Agency 2020a).</p> | <p>Wildlife Study Plan: Section 7.2.2, Section 8.2, Section 7.2.3.2, and Section 8.3.</p> | <p>Comment was partially addressed.</p> <p>Further detail is required to meet the requirements of Section 8.10 of the Guidelines.</p> <p>See also comment WH-41.</p> |

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| WH-21 | <p>Section 5.2 Birds</p> <p>“The number of species detected by different methods at the same time and at the same point will be compared using a multiple regression statistical analysis, such as a Generalized Linear Mixed Model, with survey point ID defined as a subject and various survey methods as repeated measurements. We will compare the number of species detected during breeding bird point counts, breeding bird point counts corrected by a high-quality portable recording device, and ARU performed at the same time. In the model, we will include survey type (breeding bird point counts, breeding bird point counts corrected by a high-quality portable recording device, and ARU), observer, and habitat type.</p> <p>....</p> <p>Species diversity in each habitat type will be calculated using the Shannon-Weiner Diversity Index (Shannon and Weaver 1949) during spring migration, the breeding season, and fall migration.”</p> | <p>Section 8.9</p> <p>“Identify the biodiversity metrics, biotic and abiotic indicators that are used to characterize the baseline avifauna biodiversity and discuss the rationale for their selection:</p> <ul style="list-style-type: none"> o species communities should not be collapsed into diversity metrics or the focus narrowed to indicator species. <p>Species identity, distribution, abundance and where possible estimates of breeding status should be the primary targets of quantification.</p> <ul style="list-style-type: none"> o biodiversity metrics for each valued component should include: <ul style="list-style-type: none"> - distribution in space; - frequency of occurrence; - patterns of occurrence and abundance in time; - abundance and, if possible, density; and - associated habitat type(s) and strength of associations.” | The study plan does not align with the Guidelines. Differences in species detection based on sampling method should be incorporated directly into the species community modelling. | Provide detail to demonstrate how differences in species detection will be incorporated into the species community modelling, as required to be compliant with Section 8.9 of the Guidelines. | The Study Plan is updated to include paired sampling from breeding bird point counts and handheld recorders (a surrogate for ARUs) to estimate statistical offsets that correct biases in ARU data relative to human observers. These offsets will be used to calibrate count data by ARUs using the methods of Val Wilgenburg et al. (2017) and Bombaci and Pejchar (2018). For surveys with human observers only, the observer will be added as a covariate in modelling. | Wildlife Study Plan: Section 8.1 Birds Study Plan: Section 8 | This comment has been addressed. |
| WH-22 | <p>Section 5.2 Birds</p> <p>“Rare species will be accounted for in the statistical analysis recognizing that they may be more difficult to detect.”</p> | <p>Section 8.9</p> <p>“rare species require more survey effort to detect than common species, and species rarity should be accounted for in survey design by increasing the number and duration of surveys”</p> | The survey design must address sampling for rare species. An intention to account for rare species in the statistical analyses does not replace ensuring that sufficient data has been collected via the survey design to enable modeling their abundance and distribution. | Provide detail to demonstrate how species rarity has been accounted for in the survey design, as per the requirement in Section 8.9 of the Guidelines. | The Study Plan is updated to include two approaches for sampling for rare species in the study design for ARUs. The first is based on a beta diversity analysis / species accumulation curve of preliminary breeding bird data in 2018 which indicated that a sample size of 15 was sufficient to identify rare species. This is used as a general ARU sampling frequency per season (winter, spring migration, breeding, fall migration). The second is specific to rare species identified only through ARUs where scientific literature is available on species-specific detection rates using ARUs (Common Nighthawk, Eastern Whip-poor-will, Yellow Rail). A binomial expansion of these detection rates targeting a 95% cumulative probability of | Birds Study Plan: Section 7.2.2. | Comment was not addressed. See comments on Birds Study Plan, especially BI-10, BI-11, BI-13. |

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| | | | | | detection is used for these species. | | |
| WH-23 | Section 6.1 Indicators and Expression of Change [Table 6-1. column Expression of Change] | Section 7.1 “In describing the biophysical environment, the Impact Statement must take an ecosystem approach that considers how the Project may affect the structure and functioning of biotic and abiotic components with the ecosystem using scientific, community and Indigenous knowledge regarding ecosystem health and integrity, as applicable. The Impact Statement must provide a description of the indicators and measures used to determine ecosystem health and integrity, identified during early planning and reflected in the TISG. The presence of habitat, such as but not limited to spawning shoals, aquatic vegetation or overwintering pools, potentially affected by the Project should be included in the description of the biophysical baseline conditions.” | It is unclear whether these are potential mechanisms of change that will not be measured or whether these are responses that will be measured. If these are intended as measured responses, justification for these should be provided, explanations of why more common measures (e.g. relative abundance) are not being used, and detailed explanations of methods should be provided. | Provide details to clarify and justify the measures chosen for the expression of change and provide detailed explanations of the methods that will be used. | The Study Plan is updated to clearly show that the indicators have been selected and how they were selected. Expressions of change are quantifiable and measurable, and relative abundance has been added as expression of change. | Table 9-2 | Comment was partially addressed. Expressions of change are now called indicators, but it is still unclear what role the proponent intends these indicators to play in the effects assessment. Provide further details to clarify the indicators and explain the methods that will be used. See also comment WH-43. |
| WH-24 | Section 6.1 Indicators and Expression of Change “The indicators and rationale for selection and measurement of potential effects, to be used to assess and evaluate the alternative routes in the IA / EA are provided in Table 6-1. Breeding Birds (including SAR-olive-sided flycatcher, rusty blackbird and common nighthawk)” | Section 8.9 “the following groups of migratory and non-migratory birds should be considered as valued components: o forest birds; o raptors; o shorebirds; o waterfowl; and o bog/fen birds, and other wetland birds.” Section 15.2 “analyze predicted effects for all birds, each valued component, and for Bird Conservation Region Priority Species and include relevant effects from Appendix 2 and 3. Include separate analyses for each project activity, component, and phase. Incorporate sources of error for all analyses to insure final impacts estimates show the best available estimate of precision” | As valued components, each specified bird group should be included in the effects assessment. | Provide detail about the effects assessment methodology for each valued component identified in the Guidelines related to this study plan (birds, wildlife, species at risk). | The Study Plan is updated to indicate that breeding birds are categorized into their respective bird group (including species at risk) in the effects assessment. Methods for the effects assessment are described for each group. | Birds Study Plan: Table 9-2 and Section 9.2 | Comment was partially addressed. See comments on Birds Study Plan, especially BI-04. |
| WH-25 | Table 6-1: Wildlife Indicators, “Habitat availability and distribution <ul style="list-style-type: none"> Survival and reproduction (Population state) Disruption to breeding behaviour Fragmentation of habitat Effects to prey population or access to food | Section 15.2 “account for indirect effects such as the increased movement of predators in the predictions of mortality effects” | It is unclear if the effects of increased movement of predators in the predictions of mortality effects will be included. | Provide detail to demonstrate how the requirement to account for increased movement of predators in the prediction of mortality effects will be addressed, per Section 15.2 of the Guidelines. | Predictions of mortality effects from increased predator movements will be estimated using motion sensitive tracking camera data. Pre- construction data of predators and herbivores along planned linear features | Wildlife Study Plan: Section 8.3.4 | Comment was partially addressed. It is unclear how motion sensitive tracking camera data will be used to assess changes in predator movements. It is also unclear whether the selected proxies for the Fur Bearer VC (marten, beaver, and wolverine) will be able to adequately predict potential changes to wolf populations and |

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| | <ul style="list-style-type: none"> Change in wildlife behaviour (during and after construction) Change in wildlife mortality (due to increase anthropogenic stressors; hunting, trapping, vehicle travel, etc.)” | | | | (i.e., the routes and secondary access roads) will be compared against estimates based on a desktop review to account for increased movement of predators in predictions of mortality effects. | | <p>movements, as per requirements related to caribou.</p> <p>Provide details on the study design to demonstrate how changes to predator movements will be assessed as well as how predator/prey dynamics related to caribou, wolves, and moose will be assessed.</p> <p>See also comment WH-42.</p> |
| WH-26 | <p>Section 6.1 Indicators and expression of change “Effects to SAR will consider potential direct, incidental and cumulative adverse effects of the Project on SAR and, where applicable, its critical habitat.”</p> <p>Section 7 Conformance with Federal and Provincial Guidance “...will be analyzed and addressed in the IA/EA”</p> | Section 15.4 | <p>Section 15.4 of the Guidelines includes additional specific considerations for the effects assessment, as well as considerations when describing potential and predicted effects.</p> <p>It is unclear if all relevant requirements from Section 15.4 of the Guidelines will be addressed for each species at risk.</p> | Provide detail to demonstrate that all requirements from Section 15.4 of the Guidelines will be met for all SAR. Describe the methods and approaches taken to meet the requirements for each SAR. | The Study Plan has been updated to describe the methods for meeting the requirements in Section 15.4 of the TISG (the Agency 2020a) with respect to data collection and considerations for the effects assessment are generally described for SAR. Specific methods and approaches will be described in greater detail in the IS / EA Report. | Wildlife and Birds Study Plans: Sections 8 and 9.4.2. | This comment has been addressed. |
| WH-27 | <p>Section 6.2 Methods for predicting future conditions “Modelling methods, error estimate and assumption will be reported when possible.”</p> <p>6.2.1.3 Model Confidence and Resolution “That being said, models will be based on best available science and will be thoroughly described including assumptions, calculations of margins of error and other relevant statistical information when possible.”</p> | <p>Section 7.1 Methodology “If the baseline data have been extrapolated or otherwise manipulated to depict environmental, health, social and/or economic conditions within the study area, modelling methods must be described and must include assumptions, calculations of margins of error and other relevant statistical information. Models that are developed should be validated using field data from the appropriate local and regional study areas”</p> <p>Section 8.9 “Provide estimates of confidence or error for all estimates of abundance and distribution. Estimates should be defined (e.g., mean across years, mean across sites, modeled prediction) and, if appropriate, confidence or other intervals should be defined (e.g., 95% confidence intervals, credible intervals). Use of hypothesis testing p - values is generally not appropriate in this context and their use should be justified”</p> | <p>It is unclear if estimates of confidence or error for all estimates of abundance and distribution of birds will be provided, as per the requirement in Section 8.9 of the Guidelines. Published studies are unlikely to be sufficient replacement for data collection, data analysis and area specific modeling for this project area.</p> <p>Section 7.1 of the Guidelines requires that modelling methods be described and must include assumptions, calculations of margins of error and other relevant statistical information.</p> <p>It is unclear under what circumstances it would not be possible to provide this information. The Agency would like to reiterate that the Impact Statement is expected to address all requirements from the Guidelines.</p> | Provide detail to demonstrate that estimates of confidence and error for all estimates of abundance and distribution of birds will be provided. Ensure that modelling methods, including assumptions, calculations of margins of error and other relevant statistical information are provided for any quantitative model used (including for other wildlife presented in this study plan). | The Study Plan is updated to provide the modelling methods, including assumptions, calculations of margins of error and other relevant statistical information for all models proposed for birds and other wildlife. | Wildlife and Birds Study Plans: Section 9.4.1 | <p>Comment was partially addressed.</p> <p>Table 11-1: Study Plan Federal Concordance – Conformance with Requirements, indicates that the proponent “<i>will include details on modeling methods and discuss confidence in using desktop and/or field studies when describing baseline conditions in the IS / EA Report</i>”.</p> <p>Without this information, not enough detail is provided to assess whether the planned studies will meet the requirements in Section 7.1 of the Guidelines.</p> <p>See comments on Birds Study Plan, especially BI-09, BI-10, BI-13.</p> <p>For other wildlife VCs, provide additional support for the choice of sample size. To more clearly describe simulation results, show parameter estimates and error estimates separately. Evaluate and show the topics of bias and precision. Clearly distinguish repeated visits from visits to new sites in the sample size calculations.</p> |

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| WH-28 | <p>Section 6.2.1 Wildlife Habitat Development “HSI models will be developed by gathering background information on wildlife indicators which will be summarized into species accounts, developing wildlife habitat ratings based on this background information, and evaluating the models against field conditions.</p> <p>HSI models are a simplification of the relationships among environmental parameters and habitat quality based on expert opinion. These models are limited by the extent of knowledge about a species, species-specific habitat use, and the ecosystems. The HSI models developed will be based on the evaluation of ELC units and their assumed relationships to a wildlife VC’s habitat suitability in the LSA. That being said, models will be based on best available science and will be thoroughly described including assumptions, calculations of margins of error and other relevant statistical information when possible.”</p> | <p>Section 7.1 “If the baseline data have been extrapolated or otherwise manipulated to depict environmental, health, social and/or economic conditions within the study area, modelling methods must be described and must include assumptions, calculations of margins of error and other relevant statistical information. Models that are developed should be validated using field data from the appropriate local and regional study areas.”</p> <p>Section 7.2 “If using existing data sources, the Impact Statement must provide justification to show that the data sources are relevant in spatial and temporal coverage to the Project. Some data sources may have good coverage in Southern Ontario or existing road networks but be unsuitable as a baseline for these northern areas where there are not roads.... Existing data should be considered as a limited augmentation of this new data.”</p> | <p>It is not clear whether and how collected data will be incorporated into the process described in this section. Qualitative information can often be valuable to augment data but the Guidelines recommends the collection and analysis of study-area specific, quantitative data, using current and accepted quantitative analytic approaches.</p> <p>It should be made clear how assumptions based on published information, much of which is likely to be of limited or unknown relevance to the particular project area, will be sufficiently valid in the absence of quantitatively including collected, local data.</p> | <p>Provide details to demonstrate how collected data will be incorporated into the process described in Section 6.2.1 of the study plan.</p> <p>Provide details to demonstrate how the data sources are relevant in spatial and temporal coverage to the Project and how the models will be validated using field data from the study areas, as per the requirements in Sections 7.1 and 7.2 of the Guidelines.</p> | <p>The Study Plan is updated to describe how the quantitative, locally collected data will be incorporated in model development and that all data sources will be spatially and temporally relevant to the Project.</p> | Wildlife Study Plan: Section 9.4.2 | <p>Comment was partially addressed.</p> <p>While a clearer picture of proposed models and the data that will feed them is presented, much of the information needed to be able to assess whether the requirements in Sections 7.1 and 7.2 of the Guidelines have been met has not been provided.</p> <p>See comments related to the required supporting information related to models (WH-05, WH-09, WH-15, WH-27, WH-41).</p> |
| WH-29 | <p>Section 6.2.2 Predicted Effects of the Project “For migratory birds, <i>A Framework for the Scientific Assessment of Potential Project Impacts on Birds</i> (Hanson et al. 2009) will be consulted to assist in analyzing predicted effects for all birds including non-linear, indirect and synergistic responses where possible and applicable. Any assumptions of displacement will be justified with scientific references and best management practices.”</p> | <p>Section 8.9 [all content]</p> <p>Section 15.2 “analyze predicted effects for all birds, each valued component, and for Bird Conservation Region Priority Species and include relevant effects from Appendix 2 and 3. Include separate analyses for each project activity, component, and phase. Incorporate sources of error for all analyses to insure final impacts estimates show the best available estimate of precision;”</p> | <p>Based on the information provided in Section 6.2.2 of the study plan, It is unclear if <i>A Framework for the Scientific Assessment of Potential Project Impacts on Birds</i> (Hanson et al. 2009) will be consulted to assist in analyzing predicted effects for all birds or migratory birds only.</p> <p>To reliably analyze predicted effects, per Section 15.2 of the Guidelines, baseline data must be designed, collected, and analyzed according to the direction provided in Section 8.9 of the Guidelines. Detailed descriptions of design process and design outcomes (including maps, sample sizes overall and by landcover type) are required to understand and evaluate the design relative to the Guidelines.</p> | <p>Provide details to demonstrate that baseline data will be collected according to the direction provided in Section 8.9 of the Guidelines.</p> <p>Generate predictive estimates of abundance (or density/occurrence if justified) across the LSA, PSA, and RSA and provide predictive estimates with associated margins of error at scales that are justified at the scale and shape of the study areas through modelling. Total area may not be an appropriate measure of scale for linear projects that are small scale at any point, but stretch along a large area due to length. Use modelling to predict local effects along the project as well as larger scale patterns</p> | <p>The Study plan is updated to show that Hanson et al. (2009) will be consulted for all indicators. This includes detailed descriptions of the design process and outcomes.</p> | Birds Study Plan: Section 8 | <p>Comment was partially addressed.</p> <p>See comments on Birds Study Plan, especially BI-09.</p> |

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| | | | | along the length of the project. Useful predictions require data inputs from each of the study areas to which extrapolations will be made. | | | |
| WH-30 | Section 7 Conformance with Federal and Provincial Guidance “Outlined as Indicators and Expressions of Change. To be addressed in the IA/EA” | Section 15.3 “describe changes to insects, pollinating species in particular” | Section 7 of the study plan states that changes to insects is outlined as indicators and expressions of change. It is not clear how the indicators and expressions of change in Sections 6.1 and 6.2 will enable description of changes to insects. | Provide detail to demonstrate how changes to insects will be described, as per the requirement in Section 15.3 of the Guidelines. | Changes to insect habitat availability and spatial and temporal distribution will be assessed in the effects assessment. | Wildlife Study Plan: Sections 8.4 and 9.2 | Comment was partially addressed. It is unclear how the desktop review and incidental observations will be used to characterize existing habitat availability and distribution, and subsequently how these parameters will be predicted to change. Provide detail to demonstrate how the data will be used to predict changes. |
| WH-31 | Section 7 Conformance with Federal and Provincial Guidance “This requirement is partially addressable as: – Overwintering surveys are not feasible as the lower limit of a SM3BAT operating temperature is - 20 degree Celsius” | Section 8.9 “•Collect bird data to adequately represent the following temporal sources of variation: – among years; – within and among seasons (e.g., spring migration, breeding, fall migration, overwintering); and – within the 24-hour daily cycle.” | The model noted in the plan text (i.e. SM3BAT) is for bat monitoring and is not suitable for surveying birds. ARUs can be deployed in late winter to provide an index of overwintering bird use of sites. Although extreme cold impair some individual programmed recording events, site use by overwintering birds should not be eliminated from data collection efforts ⁴ . | Provide details to demonstrate how overwintering surveys will be conducted, as per the requirements in Section 8.9 of the Guidelines and the information provided in the context column. | The Study Plan is updated to indicate that ARUs will be deployed in either early winter (December 1 to December 31) or late winter (March 1 to March 31). ARU bird studies are outlined in detail in the Study Plan to meet section 8.9 of the guidelines with respect to overwintering bird surveys. | Birds Study Plan: Section 7.2.2 and Table 7-3 | This comment has been partially addressed. Provide additional details on specific timing of ARU deployment in the workplan. |
| WH-32 | Section 7 Conformance with Federal and Provincial Guidance “The requirement cannot be addressed as: – Project components other than the route itself are unknown at this time” | Section 8.9 “Project components other than the route itself should be sampled. Such components that are linear (e.g., access or service roads) should be surveyed using transects as above. Non-linear components (e.g., aggregate pits) should be surveyed using a grid of sites spaced 250 metres apart and be sufficient to cover the Project component, plus a maximum 3-kilometre buffer. As with transect lengths, modification of buffer width to a minimum of 500 metres may be justifiable if land cover analysis demonstrates no further change in land cover classification with increasing buffer width” | A sampling plan was not presented for baseline conditions in relation to service roads, aggregate pits and project components other than the road itself. Information about these project components and sampling plans enable the evaluation of the plans relative to the Guidelines. Section 8.9 of the Guidelines require that project components other than the route itself are sampled. If the exact locations of the other components are not known at this time, the study plan should outline how this requirement will be met once the locations are confirmed. Include potential project components in the study design. For example, Figure 1-2 in | Provide details to demonstrate how project components, other than the route itself, will be sampled. Include information about the methods and approaches that will be used to address the requirement in Section 8.9 of the Guidelines. | Study Plan Section 6.2 indicates that the PDA encompasses the 100 m wide CAR right-of-way, temporary construction access roads, work areas, worker camps, and long-term aggregate sources and associated access roads. The specific location of Project components, including the roadway, pits and quarries, aggregate source areas and temporary infrastructure, are not yet known and will be included in the IS / EA Report. | Birds and Wildlife Study Plans: Section 6.2 | Comment was partially addressed. While it is stated that most project components would likely occur within the LSA, there is still risk of incomplete understanding of baseline conditions, especially related to pits and quarries, if those components are located outside of the LSA. Including potential locations of additional components would be helpful to enable verification of likelihood of adequate sampling. Ensure that sampling is representative of all potential areas impacted by the project, including quarries and aggregate sources. These could be identifiable using geological layers. |

⁴ Wildlife Acoustics. Climate Change Canada – Landbird Monitoring Along Winter Roads. <https://www.wildlifeacoustics.com/customer-stories/climate-change-canada-landbird-monitoring-along-winter-roads>

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| | | | document IA#13143E, the detailed project description shows potential sources of aggregate. | | | | |
| WH-33 | <p>Section 7 Conformance with Federal and Provincial Guidance “This requirement is partially addressable as: – According to the Atlas of the Breeding Birds of Ontario, the window for the standard breeding surveys (e.g., point counts) in northern Ontario is June 1 to July 10 and in the Hudson Bay Lowlands is June 1 to July 17. – Overwintering surveys not feasible as lower limit of SM3BAT operating temperature is - 20 degree Celsius”</p> | <p>Section 8.9 “Regarding “bird sampling”...a) Within each sampling year, ARUs should be deployed at sites as long as possible, with a minimum period of May 1 through July 10 (Breeding Recordings). Use deployments that maximize full use of battery and sound card capacity; b)A subset of at least 50% of the ARU sites should have ARUs deployed to align with periods during which sites are used by birds in fall migration (August 1 through September 30) and during the winter (December 1 though March 31) (i.e., collectively, Fall/Winter Recordings). These fall and winter sites may be a subset of either entire ARU transects or sites along transects but land cover analysis should be used to ensure the subset is an unbiased sample of the population of ARU sites; c)ARU deployments for Breeding Recordings should be programmed to record daily or every 2nd day, with a morning and an evening schedule. Recording should occur in two phases to avoid single recordings spanning two dates. Phase 1 would start at 00:00 (HH:MM), with a schedule of 3-minutes On and 12-minutes Off until 5 hours beyond local sunrise (i.e., SR+5hr). Phase 2 would start 30 minutes before local sunset, with a schedule of 3-minutes On and 12-minutes Off until 23:56 (HH:MM); d)ARUs should be set to record using a sampling rate of 44.1 kHz. ”</p> | <p>Species vary in their peak breeding and detectability periods. Guidelines from the 2nd Ontario Breeding Bird Atlas were intended to focus human surveys within a period of peak breeding by many or most species. Sampling with ARUs should capture the full extent of the breeding period, not only the restricted peak time for most species.</p> <p>Since eskers may serve as migration corridors for many bird species, use ARUs to sample earlier spring and fall periods to provide information on migrating species using the project area.</p> | Provide details to demonstrate how sampling with ARUs will be conducted, as per the requirements in Section 8.9 of the Guidelines and the information provided in the context column. | <p>The Study Plan has been revised to include ARU deployment during spring migration (April 15-May 31), fall migration (August 1- September 30) and early winter (December 1- December 31) or late winter (March 1-31). Proposed winter sampling is reduced due to temperature limitations of ARU.</p> <p>Planned sampling frequency and analysis proposed during spring and fall migration and early winter (i.e., three 3-minute segments randomly selected from the Morning Period per week) is in line with recommendations in Section 8.9 of the TISG (the Agency 2020a).</p> <p>Specific locations and dates of ARU deployment will be provided at a later date.</p> | Birds Study Plan: Section 7.2.2.4 | <p>This comment has been partially addressed.</p> <p>Provide additional details on specific timing of ARU deployment in the workplan.</p> |
| WH-34 | <p>Section 7 Conformance with Federal and Provincial Guidance “Data will be collected in ways that enable reliable extrapolations in space and in time. Surveys will be destined to represent the spatial and temporal targets of modeling and extrapolations...”</p> <p>Sample size will be planned to support evaluation of the project within the context of the local study area and regional study area. Study</p> | <p>Section 8.9 “Collect data in a manner that enables reliable extrapolations in space (i.e., at minimum to Project, local and regional study areas) and in time (i.e., across years): • design surveys so that they represent the spatial and temporal targets of modeling and extrapolations, and to produce scientifically defensible predictions of impacts and estimates of mitigation effectiveness. Survey designs should be sensitive enough to detect and</p> | <p>Information provided in the study plan is not sufficient to verify the assertion that data will be collected in ways that enable reliable extrapolations in space and time, and represent the spatial and temporal targets of modeling and extrapolations.</p> <p>Detailed descriptions of design process and design outcomes (including maps, sample sizes overall and by landcover type)</p> | Provide specific details to demonstrate how the data collection design incorporates and addresses the requirements in Section 8.9 of the Guidelines. | <p>The Study Plan is updated to provide the modelling methods, including assumptions, calculations of margins of error and other relevant statistical information for all models proposed for birds and other wildlife.</p> | Wildlife and Birds Study Plans: Sections 7 and 9.4.1 | <p>Comment was partially addressed.</p> <p>See comments on Birds Study Plan, especially BI-09, BI-10, BI-11, BI-13.</p> |

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| # | Draft Study Plan Section | Tailored Impact Statement Guidelines Section ³ | Context | Required Action for Proponent | Proponent Response | Final Study Plan Reference | FRT comments on Response |
| | <p>designs will implement multiple survey locations to cover multiple habitat classes and land cover types....</p> <p>Survey design sampling effort will be most intense within the project study area. Efforts outside the PSA will be carefully implemented to remove biases when comparing areas from within the PSA.”</p> | <p>quantify the impacts at the spatial and temporal scales identified above (i.e., project study area, local study area, and regional study area), any departures from predictions, and the effectiveness of mitigations. Justify the selection of modeling techniques based on current and recent scientific literature;</p> <p>Sample size must be planned to support evaluation of the project study area within the context of the local study area and regional study area. Appropriate design of surveys will need to consider multiple survey locations in order to represent the habitat heterogeneity of the regional study area, and to yield multiple survey locations per land cover or habitat class, without requiring aggregation of habitat classes post-hoc;</p> <p>Sampling effort per unit area - field survey effort should be most intensive within the project study area. The level of effort per unit area may be similar or somewhat less within the remainder of the local study area but should be scaled to the likelihood that project effects will impact birds within that zone. Efforts outside the project study area should be carefully designed to ensure that estimates comparing within and across the project study area, local study area and regional study area are unbiased and as precise as possible.”</p> | <p>are required to understand and evaluate the design relative to the Guidelines. Following this approach should lead to a detailed platform for evaluating the sufficiency of the selected design, for communicating the rationale for choosing that design, and for communications regarding clarifications, suggestions and recommendations.</p> | | | | |
| WH-35 | <p>Section 7 Conformance with Federal and Provincial Guidance “A point count survey location will be conducted within each vegetation community identified for Ground Investigations, within 1 km of helicopter landing pads. Study design will not implement point count survey sites along 5 km-long transects for the following reasons: – Length of transect not reasonable / feasible method given landscape (e.g., dense forest, blow down, water features, etc.) and field staff health and safety considerations, – Evenly spaced transects conflicts with randomized selection of habitats or if specific (i.e., rare habitats are to be targeted).”</p> | <p>Section 8.9 “design suggestions for Project Study Area and Local Study Area scales: Use a standardized design approach during survey planning. The resulting design details will serve as the basis to develop alternative designs, evaluate options for particular design details, and to identify potential efficiencies. The approaches and tools suggested elsewhere in this document (e.g., land cover analysis, data simulations) should be considered during the planning phase. The following should be considered as inputs to design planning and evaluation; – transects and sites: • transects should be spaced every 2 kilometers along the route, oriented perpendicular to the route, and with the mid-point of each transect located on the</p> | <p>The suggested design was offered as a foundation for modification, with justifications. Adjustments of suggested design are anticipated and application of proponent-held knowledge and information is likely necessary for those adjustments.</p> <p>Adding bird counts to a Vegetation Study design is unlikely to address the bird information needs described in the Guidelines.</p> <p>Remote fieldwork can often be challenging but can be done safely. Direct and recent field experience by the reviewers and</p> | <p>Provide detail to demonstrate how the design suggestions in Section 8.9 of the Guidelines were used as a basis to develop alternative designs in the study plan. Provide rationale for any modifications.</p> | <p>Planned sampling frequency and analysis proposed during spring and fall migration and early winter (i.e., three 3-minute segments randomly selected from the Morning Period per week) is in line with recommendations in section 8.9 of the Guidelines (page 54).</p> | <p>Birds Study Plan: Section 7</p> | <p>Comment was partially addressed. See comments on Birds Study Plan, especially BI-09.</p> |

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| | | centerline of the route. A maximum length of 5 kilometers is likely suitable for sampling most habitat types, including those associated with eskers and similar linear features in alignment with the route. Transect lengths less than 5 kilometers may be suitable but should be justified with respect to an analysis of land cover that demonstrates no further change in land cover composition with increasing distance from the intersection of route and transect mid- point” | colleagues indicates that it is feasible to deploy acoustic recorders at remote locations that have been pre-selected according to a random, spatially dispersed design. With helicopter drop-offs and overland travel, crews have deployed acoustic recorders on and across eskers, in peatlands, and at forest sites in remote parts of northern Ontario, including in the ecoregions of interest here. With some additional constraints (e.g. daylight, weather) this is also possible to do for bird point counts. | | | | |
| WH-36 | Section 7 Conformance with Federal and Provincial Guidance “Wildlife data will be collected to represent temporal sources of species variation (i.e. among years, among seasons and within 24 periods)’ | Section 8.10 “Collect wildlife data to represent the following temporal sources of variation: – among years – Within and among seasons (e.g., spring dispersal, breeding, late summer/fall migration and swarming, hibernation); and – Within the 24-hour daily cycle. Rare species require more survey effort to detect than common species, and this needs to be accounted for in survey design by increasing the number and duration of surveys.” | More information is needed on the timing of surveys outlined in Section 4.3 to determine whether variation among years and seasons is represented. | Provide a schedule for all surveys to be conducted along with detailed survey designs that demonstrates how temporal variation requirements for wildlife data collection would be met, per Section 8.10 of the Guidelines. | The Study Plan has been updated with timing information, where available. Further information regarding future sampling locations and dates will be provided in the future Work Plan. | Wildlife Study Plan: Table 7-1 and Table 7-2 Birds Study Plan: Table 7-3, Table 7-4, and Table 7-5. | Comment was partially addressed. The timing of many surveys is still not clear and detailed survey designs that meet the requirements of Section 8.10 are not provided. Provide a schedule for all surveys to be conducted along with detailed survey designs to demonstrate how temporal variation requirements for wildlife data collection would be met, per Section 8.10 of the Guidelines. |
| WH-37 | Section 7 Conformance with Federal and Provincial Guidance “Section 4.3.1.3?” | Section 8.9 “describe the use of (magnitude, timing) migratory and non-migratory birds as a source of country foods (traditional foods) or where use has Indigenous cultural importance (e.g., Canada Goose, Snow goose, Swans, Gyrfalcon, Loon, Peregrine Falcon, and duck species)” | It is unclear how or if the use of migratory and non migratory birds as a source of country foods and species that have Indigenous cultural importance will be described. Note: Table 7.1 has this requirement listed, but the “response” section is blank. Additionally, the referenced section in the study plan has a question mark, which may be an editorial error. However, there is no mention of country foods in the section that is referenced. | Provide detail to demonstrate how use of migratory and non migratory birds as a source of country foods and species that have Indigenous cultural importance will be described. Include information about the methods and approaches that will be used to meet the requirement in Section 8.9 of the Guidelines. Update table 7.1 to include a response to section 8.9 TISG requirements. | Specific locations and dates of ARU deployment will be provided at a later date. | Birds Study Plan: Section 7.2.1 | This comment has not been addressed. Ensure that the Impact Statement provides information about birds species of Indigenous cultural importance and about the use of migratory and non-migratory birds as a source of country foods to meet the requirements of Section 8.9 of the Guidelines. |
| WH-38 | Section 7 Conformance with Federal and Provincial Guidance “Long- and short-term habitat changes and food sources of wetland fauna will be described and | Section 15.2 “describe short term and long term changes to habitats and food sources of migratory and non-migratory birds (types of cover, ecological unit of the area in | It is unclear how all aspects of the requirement in Section 15.2 of the Guidelines will be met. The information provided in Section 7 only refers to | Provide detail to demonstrate how all aspects of the requirement in Section 15.2 of the Guidelines will be | Long- and short-term habitat changes and food sources of fauna will be described and documented including changes in terms of the | Birds and Wildlife Study Plans: | This comment has not been addressed. Ensure that the Impact Statement provides the information required by Section 15.2 of the |

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| | documented including changes in terms of the health, integrity and availability of habitats related to wildlife, migratory and non-migratory birds” | terms of quality, quantity, distribution and functions), with a distinction made between these two birds categories, including losses, structural changes and fragmentation of riparian habitat (aquatic grass beds, intertidal marshes), terrestrial environments (e.g., uplands, grasslands, forested, old growth, post fire) and wetlands frequented by birds. Describe changes in terms of the health, integrity, and availability of habitats. Important habitats to consider include eskers, (and similar upland features), forest, riparian, bog/fen/peatlands, other wetlands, and open water;” | wetlands, but the Guidelines require that riparian and terrestrial environments be described as well. | included in the effects assessment. | health, integrity and availability of habitats related to wildlife, migratory and non-migratory birds. | Section 9.4.2 | Guidelines also for eskers (and similar upland features) and riparian environments. |
| WH-39 | <p>Section 7 Conformance with Federal and Provincial Guidance “Will be accounted for in the IA/EA</p> <p>The expressions of change to newly created habitat through the activities of the project will be described in the IA/EA”</p> | <p>Section 15.2 “The Impact Statement must: ... • account for changes in detection pre- and post-project construction. For instance, roads allow for greater detection distances and therefore any estimates of abundance or presence need to account for differential detectability; • describe the effects caused by the new habitat types created in the project area by clearing vegetation. The new habitats created may attract migratory birds, which were not present before (such as the Eastern Whip-poor-will or the Common Nighthawk). Describe how these species at risk may be impacted by the project...”</p> | There is not enough information provided to determine if the requirements in Section 15.2 of the Guidelines will be met. There is no discussion about methodologies or studies that will take place. | Provide detail in the study plan to demonstrate the proposed approaches and methods to be used to integrate the requirements from Section 15.2 of the Guidelines into the assessment. | Post-construction survey requirement will be determined based on the results of the IA / EA, and changes in detectability will be accounted for in the IS / EA Report if impacts are determined. | Birds Study Plan: Table 11-3 | <p>This comment has not been addressed.</p> <p>Ensure that the Impact Statement demonstrates how the requirements of Section 15.2 of the Guidelines will be met. Information related to the effects caused by the creation of new habitat types post –project construction should be provided.</p> |
| WH-40 | <p>Section 7 “Biodiversity metrics for the Wildlife VC will consider: Distribution in space; Frequency of occurrence; Patterns of occurrence and abundance in time; Abundance and, if possible, density; and Associate habitat types and strength of associations”</p> | <p>Section 15.3 “describe effects to terrestrial wildlife biodiversity considering biodiversity metrics, effects of habitat fragmentation, changes to regional biodiversity”</p> | It is unclear how the effects of fragmentation on terrestrial wildlife biodiversity and changes to regional biodiversity will be studied. | Provide further detail to demonstrate how changes to regional biodiversity and the effect of fragmentation on terrestrial wildlife biodiversity will be described, as per the requirements in Section 15.3 of the Guidelines. | The Study Plan is updated to describe how the effect of fragmentation on biodiversity metrics will be examined pre- and post-construction at the PDA and LSA level. | Birds and Wildlife Study Plans: Section 9.4.1.2, 9.4.2 | This comment has been addressed. |

| New comments on the Revised Wildlife Study Plan submitted in June, 2021. | | | | |
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| # | Study Plan Section | Tailored Impact Statement Guidelines Section (the Guidelines) | Context | Required Action for the Proponent |
| WH-41 | <p>Section 7.2.2.1.1 Eight ARUs were deployed by Golder near wetland breeding habitats in 2019 to collect data on Eastern Whip-poor-will (<i>Antrastomus vociferus</i>) presence with a secondary objective of determining amphibian presence and distribution during the breeding season.</p> <p>Amphibian survey stations will coincide with the bird ARU stations located near suitable amphibian breeding habitats (e.g., marshes, beaver ponds).</p> <p>Section 8.2.1 Results will be extrapolated across the study areas; for instance, if a confirmed significant amphibian habitat is identified through acoustic surveys, it can be expected that similar such features within the same ecosites can be considered confirmed as well.</p> | <p>Section 7.2 “...Baseline data must be collected in a manner that enables reliable analysis, extrapolations and predictions. Resulting data should be suitable for analyses to estimate pre-project baseline conditions, derive predictions of impacts, and evaluate and compare post-project conditions and at scales of within and across the Project, Local and Regional Assessment areas. Modelling methods, error estimates and assumptions should be reported (as per section 7.1). Modelling and simulations should be used early in the planning phase to estimate the necessary sampling intensity and to quantitatively evaluate the effectiveness of design options...”</p> | <p>The approach described in the study plan does not provide data that enables reliable extrapolations and predictions.</p> <p>The study plan does not contain sufficient details to verify sufficient sample size and an appropriate survey design to reliably estimate the presence and distribution of amphibian species in the LSA among years.</p> <p>The absence of a clear and detailed survey design for these surveys will impair evaluations of the Impact Statement with respect to the risks of incorrect conclusions (due to imprecision and/or bias in the data).</p> <p>The approach described risks undersampling, which will impair decision-making by producing highly variable estimates of baseline conditions. There is also a risk of incorrect decisions based on biased estimates of baseline conditions and high uncertainty impact estimates due to insufficient sample sizes.</p> <p>Imprecise estimates can prevent calculation of predicted project impacts and prevent differentiation of any differences in populations between the PSA, LSA, & RSA. Additionally, designs that do not incorporate randomization and related principles can lead to bias in the data, which then lead to inaccurate estimates and erroneous conclusions.</p> | <p>Provide detail to show how all survey designs will produce data that are representative of study areas and that sampling was aligned with the requirements of the Guidelines.</p> <p>Ensure that the Impact Statement demonstrates that the desktop review and sampling yield the desired results for the target species.</p> |
| WH-42 | <p>Section 7.2.3 American marten, beaver and wolverine will act as proxies to represent small and large fur bearers and will be examined more closely as part of the effects assessment.</p> <p>Any fur bearer that is likely to be directly or indirectly affected by the activities taking place within the LSAs will be identified.</p> | <p>Section 7.3 “...In selecting a valued component to be included, the following factors should be considered: whether the potential effects of the Project on the valued component can be measured and/or monitored or would be better ascertained through the analysis of a proxy [reviewer emphasis] valued component...”</p> | <p>In the study plan no rationale is provided as to how the potential effects of the Project would be better ascertained for fur bearers through these three proxy species.</p> <p>It is not clear how any fur bearer that is likely to be directly or indirectly affected by the activities taking place within the LSAs will be identified.</p> | <p>Provide details to show how furbearers are better represented by the proxy species identified as well as how any fur bearer likely to be affected by the activities will be identified.</p> |
| WH-43 | <p>Section 9.4 Methods for Predicting Future Conditions</p> | <p>Section 13.1 “...The assessment of the effects of each of the project components and physical activities, in all phases, must be based upon a comparison of baseline environmental, health, social and economic conditions and the predicted future conditions with the Project and the predicted future conditions without the Project. Predictions must be made on clearly stated assumptions and the Impact Statement must clearly describe how it has tested each assumption...”</p> | <p>It is not clear from sections 9.3 Potential Effects or 9.4 Methods for Predicting Future Conditions whether the predicted future conditions with and without the Project for each indicator in Table 9-2 will be compared to the baseline conditions as described by the data outlined in section 7 for those indicators.</p> <p>There is also no mention of predator/prey dynamics within sections 9.3 and 9.4 of the study plan, making it unclear how potential changes to this indicator will be predicted.</p> | <p>Clarify how predicted future conditions with and without the Project for each indicator in Table 9-2 will be compared to the baseline conditions for those indicators.</p> <p>Ensure the list of indicators in Table 9-2 reflects all required components of the effects assessment.</p> |
| WH-44 | <p>Section 9.3 Potential Effects</p> <p>Table 9-3 provides a preliminary identification of how changes to Wildlife may result in indirect effects to other environmental disciplines.</p> | <p>Section 15.3 “...The Impact Statement must: - describe the potential direct, incidental and cumulative adverse effects to other wildlife and wildlife habitat, including population level effects that could be caused by all project</p> | <p>Section 9.3 of the study plan indicates that Table 9-3 provides a preliminary identification of <i>how</i> changes to wildlife may cause indirect effects to other environmental disciplines. However, it appears that table 9.3 does not indicate <i>how</i> changes to wildlife may result in indirect effects to other environmental disciplines, but rather <i>whether</i> those interactions may occur.</p> | <p>Ensure that potential interactions that may result in indirect effects to wildlife are described in the Impact Statement.</p> <p>Clarify whether Table 9-3 indicates not how but whether indirect effects may occur.</p> |

| New comments on the Revised Wildlife Study Plan submitted in June, 2021. | | | | |
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| | | activities, including but not limited to: project noise and sensory disturbances, habitat alteration, air emissions and dust, increased predation, increased potential for spread of disease, invasive species introductions, poaching opportunities, any linear access corridors (roads, rights of way) particularly in the vicinity of wetland (including peatlands), lake and riparian habitats and on migratory corridors... | The more relevant consideration for this study plan is whether changes to other environmental disciplines/VCs may result in indirect effects to wildlife. | |
| WH-45 | 9.6 Residual Effects, Table 9-5 Definitions of 'negligible', 'low', 'medium', and 'high' | Section 13.1 "...The effects to each valued component outlined in sub-sections 14.3, 15.2, 15.3, 15.4 must be described using the following criteria..." | The criteria described in Section 13.1 of the Guidelines should be used to describe effects to valued components outlined in the Guidelines, Section 15.3 Terrestrial wildlife and their habitat. While the proposed criteria are similar, the definitions do not accommodate the entirety of possible combinations of scope and severity. For example, how would small scope and extreme severity be classified? | Use the criteria outlined in Section 13.1 of the Guidelines to describe effects to wildlife. |
| WH-46 | Editorial - Footnote 10 "In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs. The VCs will be consulted and engaged on early in the IA/EA process and finalized taking into consideration the input received. Therefore, only information relevant to the Project that arises from the regional assessment of the Ring of Fire within an appropriate timeline will inform the VCs for the Project." | | The statement in the footnote " <i>In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs.</i> " should be corrected to reflect the fact that the Regional Assessment in the Ring of Fire area has not yet begun. | Consider replacing the text in the footnote with " <i>In February 2020, the Minister of Environment and Climate Change determined that a regional assessment will be conducted in an area centred on the Ring of Fire mineral deposits in northern Ontario. However, at this time, the Regional Assessment in the Ring of Fire area is not sufficiently advanced to inform the Project VCs.</i> " |
| WH-47 | Table 11-3: Study Plan Federal and Provincial Concordance – Requirement Deviations | | Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process. The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team. | |

| New comments based on the Birds Study Plan submitted June, 2021. | | | | |
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| BI-01 | <p>Section 6.1 Temporal Boundaries Project Phases</p> <p>“Project phases, which are temporal boundaries, are developed to establish the timeframes within which potential effects of the Project will be considered in the IS / EA Report. The Project is planned to occur in two phases, which are briefly described below and shown in Figure 6-1.</p> <p>...</p> <p>There are currently no plans to decommission the CAR as there is no expected / known end date for its need. Therefore, future suspension, decommissioning and eventual abandonment of the CAR will not be considered in the IS / EA Report. It will be considered if and when a decommissioning or abandonment application is made for the road.</p> <p>In determining the temporal boundaries, in particular the long operations and maintenance phase, consideration was given to the long-term effects on the well-being of present and future generations (Sustainability Principle #28). The final temporal boundaries to be used in the IS / EA Report will be based on regulatory agency guidance, professional judgement and input received through the Project consultation process.”</p> | <p>Section 7.4.2 Temporal boundaries</p> <p>“For valued components related to wetlands, eskers, birds, wildlife, and Species at Risk, define temporal boundaries in a manner that enables detection of all species that use the project study area, local study area, and regional study area throughout the year and between years, and to estimate their temporal pattern of use (e.g., breeding, or migrants stopping on northward and/or southward migration). Baseline data collection for all biophysical valued components is to be provided for a minimum of two years, unless specified otherwise. Temporal boundaries spanning more than one year will enable accounting for variation due to irregular events (e.g., masting events, storms on migration, late snowfalls).”</p> | <p>Incorrect conclusions about baseline conditions and predicted impacts may result if biologically relevant temporal boundaries are not defined. Temporal scales need to be defined to capture Bird VC use of the study areas per the description in Section 7.4.2 of the Guidelines.</p> | <p>Define in a workplan the temporal boundaries for Bird VCs in biologically relevant ways (i.e. to enable detection of all bird species that use the PSA, LSA & RSA), as per Section 7.4.2 of the Guidelines.</p> |
| BI-02 | <p>Section 6.2.1 Spatial Boundaries</p> <p>“The specific location of Project components, including the roadway, quarries, pits and temporary infrastructure, are not yet known and will be included in the IS / EA Report. While most of the Project components are expected to be located within the preliminary 5 km wide study area, benefits (e.g., reduced environmental disturbance, avoidance of sensitive features, technical considerations, concerns received through consultation) for locating Project components on lands outside of the 5 km wide study area may become known during the IA / EA process. If the need to locate Project components outside the 5 km wide study area is determined to be required or of benefit to the Project, the study area would be adjusted.”</p> | <p>Section 7.4.1 Spatial boundaries</p> <p>“The size, nature and location of past, present and foreseeable future projects and activities are factors that should be included in the definition of spatial boundaries.”</p> | <p>The absence of baseline surveys at locations that may be used for aggregates sources, lay down yards, worker camps, etc., risks incorrect assessment of bird occurrence, abundance and project impacts on migratory birds.</p> | <p>Include spatial boundaries that are defined with respect to all foreseeable project activities, as per Section 7.4.1 of the Guidelines.</p> <p>Use a Project Study Area that includes all project components, such as areas of quarries and aggregate sources. These could be identifiable using geological layers.</p> |
| BI-03 | <p>Section 6.2.2 Bird Study Area</p> | <p>Section 7.4.1 Spatial boundaries</p> <p>“Delineate spatial boundaries (i.e., regional study area, local study area, and project study area) to meet the following objectives:</p> <ol style="list-style-type: none"> range of land cover types should be representative of the defined spatial extent; the spatial pattern of the land cover types should be well distributed across the defined spatial extent (e.g., revise if one or more land cover types is concentrated in one sub-area and uncommon in other parts of the area); and low to moderate rate of change in the prevalence of one or more land cover types with increasing distance from the (i.e., to use land cover patterns to constrain the distances within which comparisons should be made).” | <p>Maps and figures are a clear way of displaying information. The inclusion of more figures to help illustrate the study areas would be beneficial.</p> | <p>The Proponent is encouraged to provide figures showing all survey locations for all bird species, in all study areas (Project, Local and Regional).</p> |
| BI-04 | <p>Section 7.2 Study Methods</p> <p>Table 7-1: Bird Valued Components:</p> <ul style="list-style-type: none"> “Forest Birds (proxy VC of Red-eyed Vireo [<i>Vireo olivaceus</i>] for deciduous forest, Ovenbird [<i>Seiurus aurocapilla</i>] for mixedwood forest, Dark-eyed Junco [<i>Junco hyemalis</i>] for coniferous forest and disturbed forest | <p>Section 8.9 Birds, migratory birds and their habitat</p> <p>“The Impact Statement must:...</p> <ul style="list-style-type: none"> at minimum, the combined information from existing data and field surveys needs to be detailed enough to describe the distribution and abundance of all bird species in relation to the study areas; ... | <p>Regarding proxy VCs, Section 7.3 of the Guidelines supports the use of proxy indicator species in situations where a VC cannot be easily measured directly and use of a proxy would provide a better resolution. This is not the case for Bird VCs.</p> | <p>Include in the Impact Statement the data and analysis for all bird species, as per Sections 7.4.2 and 8.9 of the Guidelines.</p> <p>Develop and run models for all species, and for species where models fail, identify the causes (e.g. point to the</p> |

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| | <ul style="list-style-type: none"> - Raptors (proxy VC of Osprey [<i>Pandion haliaetus</i>] for diurnal raptors and Boreal Owl [<i>Aegolius funereus</i>] for nocturnal raptors) - Shorebirds (proxy VC of Wilson's Snipe [<i>Gallinago delicata</i>]) - Waterfowl (proxy VC of Mallard [<i>Anas platyrhynchos</i>]) - Bog / Fen Birds and Other Wetland Birds (proxy VC of Palm Warbler [<i>Setophaga palmarum</i>] for bogs, Common Yellowthroat [<i>Geothlypis trichas</i>] for fens; and Northern Waterthrush [<i>Parkesia noveboracensis</i>] for swamps). “ <p>Section 9.4.1 Bird Habitat Models “Bird habitat models will be developed for proxy VCs in the Forest Birds, Raptors, Bog / Fen and Other Wetland Birds, Waterfowl, and Shorebirds VCs including SAR (Table 7-1) when there are sufficient survey data. Ontario's Provincial Satellite Derived Disturbance Mapping digital resource will be utilized to describe fire disturbed land cover for potentially affected habitats of the Forest Birds VC and Bog / Fen Birds and Other Wetland Birds VC.”</p> | <ul style="list-style-type: none"> - provide documentation and digital files for all results and analyses that allow for a clear understanding of the methods and a replication of the results (raw scripts or workflows are preferred in place of descriptive documentation);... - species communities should not be collapsed into diversity metrics or the focus narrowed to indicator species. Species identity, distribution, abundance and where possible estimates of breeding status should be the primary targets of quantification. <p>Section 7.3 Consideration and methodology in selecting valued components “In selecting a valued component to be included, the following factors should be considered:....</p> <ul style="list-style-type: none"> - Whether the potential effects of the Project on the valued component can be measured and/or monitored or would be better ascertained through the analysis of a proxy valued component.” <p>Section 7.4.2 Temporal boundaries “For valued components related to wetlands, eskers, birds, wildlife, and Species at Risk, define temporal boundaries in a manner that enables detection of all species that use the project study area, local study area, and regional study area throughout the year and between years, and to estimate their temporal pattern of use (e.g., breeding, or migrants stopping on northward and/or southward migration). Baseline data collection for all biophysical valued components is to be provided for a minimum of two years, unless specified otherwise. Temporal boundaries spanning more than one year will enable accounting for variation due to irregular events (e.g., masting events, storms on migration, late snowfalls).”</p> | <p>Collapsing assessments into proxy species is likely to lead to inaccurate estimates of project impacts since the Project is expected to impact many bird species. Use of proxy (equivalent to focal or indicator) species is likely to lead to unreliable conclusions since the assumption of equal impacts to all species within groups is usually unfounded.</p> <p>Extrapolating from indicator species is generally not supported by the current scientific literature, as it often will fail to estimate impacts to individual species. This can lead to over- or under-estimation of expected impacts to other species in the group, and for a misrepresentation of the group as a whole.</p> <p>Section 7.4.2 of the Guidelines requires defining temporal boundaries in a manner that enables detection of all bird species in the study areas.</p> <p>Section 8.9 of the Guidelines directs the proponent to avoid narrowing the focus to indicator species. Focal/proxy/indicator species should not be used to represent multiple bird species. In addition, documentation and digital files, modelling results and simulations must be provided so that methods are clear and results are replicable for <u>all</u> species.</p> | <p>species frequency of occurrence and/or abundance in the summary of sampling results).</p> <p>Analyze all detected bird species, assess the analysis results and provide the documentation and digital files as parts of the Impact Statement.</p> |
| BI-05 | <p>7.2.1 Field Surveys Figure 7-1 Breeding Bird Survey Locations (2018-2019)</p> <p>9.4.2 Predicted Effects of the Project</p> <p>“Models will be used to extrapolate abundance (i.e., mean across years or density when possible) and distribution (i.e., mean across sites) at the PDA, LSA and RSA scale.”</p> | <p>Section 8.9 Birds, migratory birds and their habitat “survey protocol planning should include modeling and simulations to estimate sampling requirements, and analysis to evaluate resulting design options: ...</p> <ul style="list-style-type: none"> o sampling effort per unit area - field survey effort should be most intensive within the project study area. The level of effort per unit area may be similar or somewhat less within the remainder of the local study area, but should be scaled to the likelihood that project effects will impact birds within that zone. Efforts outside the project study area should be carefully designed to ensure that estimates comparing within and across the project study area, local study area and regional study area are unbiased and as precise as possible;... o simulation modelling should be used to assess bias and precision between project study area, local study area, and regional study area to ensure the estimates are useful for comparison. Field surveys should occur within the regional study area since there are few existing sources of data that effectively describe regional bird populations in areas, including this area, that are distant from road networks.” | <p>The study plan does not indicate that sampling will occur within the regional study area (RSA), which will result in an inability to estimate potential impacts at the regional scale and will impair evaluations of potential impacts at the project study area (PSA) and local study area (LSA) scales.</p> <p>As noted in Section 8.9 of the Guidelines, there are few existing sources of data to describe regional bird populations. Therefore, sampling within the RSA is necessary to serve as a comparison with the LSA and PSA. Extrapolations to the RSA based exclusively on data from the LSA are unlikely to be reliable.</p> <p>An important part of the impact assessment process is data from the RSA. Failing to sample within the RSA will make a direct comparison with the LSA and PSA bird populations impossible and will increase the</p> | <p>Include data and analysis based on sampling within the RSA in the Impact Statement as per Section 8.9 of the Guidelines</p> |

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| | | | <p>risk of unreliable conclusions. Predicting abundances/densities in the RSA from models parameterized using LSA data alone will not lead to reliable comparisons across scales.</p> <p>In addition, if the RSA is not sampled there will be no comparable data from an unaffected but similar area to evaluate project effects within the PSA and LSA. It will also lead to an inability to assess the accuracy of extrapolations to the RSA from the LSA sampling.</p> <p>To illustrate: Consider a hypothetical scenario where there was no project effect on a species within the LSA or RSA, but the population of that species was declining in the region due to causes unrelated to the project. In the absence of sampling in the RSA, it would not be possible to evaluate if the declines were caused by the project or by regional effects unrelated to the project. However, if baseline and post-construction sampling was conducted in the LSA and RSA, the conclusion could reliably be made that the project <u>did not</u> affect the species.</p> | |
| <p>BI-06</p> | <p>Section 7.2.1.1.1 Study Design “Breeding bird point counts were conducted from June 5 to June 14, 2018 and June 28 to July 7, 2018 at 101 survey stations within the LSA (Zoetica 2018a). Breeding bird point counts were conducted at 70 survey stations from June 13 to June 17, 2019 to fill data gaps and minor realignments (Golder 2019). The allocation of breeding bird survey stations within each land cover type (riparian habitats excluded in the table) are shown in Table 7-2. Due to safety concerns from helicopter pilots or limited time, 101 of the 171 survey stations were visited at least twice as per CWS (2008) guidelines for a total of 273 site visits. Breeding bird survey stations are spatially distributed across the full extent of the current LSA with the exception of a 20.7-km route option added in August 2020...”</p> | <p>Section 8.9 Birds, migratory birds and their habitat “The Impact Statement must:...</p> <ul style="list-style-type: none"> - Collect data in a manner that enables reliable extrapolations in space (i.e., at minimum to Project, local and regional study areas) and in time (i.e., across years): <ul style="list-style-type: none"> o design surveys so that they represent the spatial and temporal targets of modeling and extrapolations, and to produce scientifically defensible predictions of impacts and estimates of mitigation effectiveness. Survey designs should be sensitive enough to detect and quantify the impacts at the spatial and temporal scales identified above (i.e., project study area, local study area, and regional study area), any departures from predictions, and the effectiveness of mitigations. Justify the selection of modeling techniques based on current and recent scientific literature; ... o provide documentation and digital files for all results of analyses that allow for a clear understanding of the methods and a replication of the results ... o provide a justification on the approach chosen. If necessary to constrain or adjust site selection based on access limitations, simulation modelling should provide evidence that this sampling strategy has not resulted in the introduction of bias. Survey vegetation features of concern in a manner that is not disproportionate to other | <p>There is a strong risk of incorrect conclusions if variations in data collection methods are not clearly explained, understood and accounted for, in the analysis.</p> <p>It is not possible to understand if designs described in section 7.2.1.1.1 of the study plan will affect the use of data collected from these sites. As currently written, section 7.2.1.1.1 does not sufficiently describe the 2019 sampling (e.g. to make it clear that GRTS was <u>not</u> used in 2019 site selection and that an ad hoc visual gap filling was performed).</p> <p>As a further example, it is not clear if point count/ARU locations are clustered and how specific locations within clusters were chosen.</p> | <p>As per Section 8.9 of the Guidelines, include documentation in the Impact Statement to demonstrate clearly the methods and survey design elements, and make explicit how the analysis of data successfully accommodated differing designs while minimizing bias. This includes a detailed description of all survey designs and gap evaluation procedures, as well as an evaluation of impacts on the data from the varied survey designs.</p> <p>Include detailed descriptions of each design and process for selecting sample locations in the Impact Statement.</p> |

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| | | types. Avoid bias in estimates of abundance and impair extrapolation and statistical inference;” | | |
| BI-07 | <p>Section 7.2.1.1.1 Study Design “Three additional constraints were applied to the point count selection procedures: 1) minimum of 200 m between points to avoid double counting birds; ...”</p> <p>Section 7.2.1.1.3 Survey Protocol “Breeding bird point count surveys will be conducted at each station, separated by a minimum distance of 200 m where possible, twice during the breeding bird season (June 1 through July 10 in the Northern Ontario Ecozone; June 1 through July 17 in Hudson Bay Lowlands Ecozone), and 10 days apart.”</p> | <p>Section 8.9 Birds, migratory birds and their habitat “The Impact Statement must:...</p> <ul style="list-style-type: none"> design suggestions for Project Study Area and Local Study Area scales: Use a standardized design approach during survey planning. The resulting design details will serve as the basis to develop alternative designs, evaluate options for particular design details, and to identify potential efficiencies. The approaches and tools suggested elsewhere in this document (e.g., land cover analysis, data simulations) should be considered during the planning phase. The following should be considered as inputs to design planning and evaluation; ... transects and sites: ... <ul style="list-style-type: none"> survey sites along transect should be located as follows: 1 site on centreline of route, sites spaced every 250 metres up to 1 kilometre, then spaced every 500 metres to end of transect. A 5-kilometre transect should have 15 survey sites;...” | <p>Survey sites spaced less than 250 m apart can result in double-counting of individual birds among sites. This can lead to incorrect analysis results.</p> <p>Both Forest Bird Monitoring Program and the Breeding Bird Atlas also recommend minimum 250 m.</p> | As per Section 8.9 of the Guidelines, increase spacing to a minimum of 250m for bird data collection. For any historic sampling locations, ensure between-point spacing is included in the analysis, to account for potential double-counting of individuals. |
| BI-08 | <p>7.2.1.1.1 Study Design “Breeding bird survey stations are spatially distributed across the full extent of the current LSA with the exception of a 20.7-km route option added in August 2020 (Figure 7-1).”</p> | <p>Section 7.4.2 Temporal boundaries “...Baseline data collection for all biophysical valued components is to be provided for a minimum of two years, unless specified otherwise...”</p> <p>Section 8.9 Birds, migratory birds and their habitat “...The Impact statement must: -collect field data over at least two years. The goal of collecting data over multiple years is to improve the understanding of natural variability in populations. Two years of sampling is suggested as a minimum. As the number of sampling years increases so does the understanding of natural variability;...”</p> | The Study Plan does not address how the lack of a year of sampling on this “20.7-km route option added in August 2020” will be addressed in future fieldwork. More detail is needed. | <p>Ensure that the analysis on impacts to birds in the Impact Statement is based on two years of data collection along the preferred route as required by Section 8.9 of the Guidelines.</p> <p>Provide details on when and how an additional year of detail data collection on the route option added in August 2020 will occur.</p> |
| BI-09 | <p>Section 7.2.1.1.2 Study Design Bias and Representativity, p28 “The bird species models for the existing 273 site visits selected with the GRTS study design shows initial signs of decreasing variance (Appendix C). The mean and variance in the TISG benchmark study design is stable at a fairly low number of site visits (Appendix C). The variance in the other study design options stabilize by 573 site visits (Appendix C). This indicates that 300 additional site visits (two site visits at 150 survey stations) on top of the 273 site visits already completed (Zoetica 2018b, Golder 2019), is a reasonable “optimal” sample size that stabilizes the precision of model estimates and minimizes bias relative to the TISG benchmark study design. The GRTS study design is the preferable option for selecting additional survey stations based on the lower variance and mean bias by 573 site visits for SAR such as Canada Warbler and Olive-sided Flycatcher (Appendix C)”</p> <p>Appendix C MFFN Bird Study Design and Modelling Memo</p> <p>Section 6.2 Results “A total of 20 of 50 simulations selected 150 survey stations where elevation, aboveground biomass, change year, and dynamic</p> | <p>Section 8.9 Birds, migratory birds and their habitat</p> <ul style="list-style-type: none"> “survey protocol planning should include modeling and simulations to estimate sampling requirements, and analysis to evaluate resulting design options: ... <ul style="list-style-type: none"> simulation modelling should be used to assess bias and precision between project study area, local study area, and regional study area to ensure the estimates are useful for comparison. Field surveys should occur within the regional study area since there are few existing sources of data that effectively describe regional bird populations in areas, including this area, that are distant from road networks.... provide documentation and digital files for all results of analyses that allow for a clear understanding of the methods and a replication of the results (raw scripts or workflows are preferred in place of descriptive documentation);” | <p>Appendix C demonstrates a good direction and encouraging efforts to align with the Guidelines. Similar types of quantitative work is strongly encouraged.</p> <p>As described in the Guidelines, it will be important to show <u>clearly</u> in the Impact Statement how conclusions were reached.</p> <p>The work behind Appendix C is helpful and on the correct path, but adjustments will be required. As is, Appendix C does not yet provide sufficient support for the choice of 573 site-visits as being optimal.</p> | <p>As per Section 8.9 of the Guidelines, include the documentation and digital files in the Impact Statement that allow for a clear understanding of the methods used and allow a replication of the results.</p> <p>Describe clearly the simulation results by showing in the Impact Statement:</p> <ul style="list-style-type: none"> parameter estimates and error estimates separately, the topics of bias and precision evaluated separately, and repeat visits clearly and distinguished from visits of new sites in sample size calculations. |

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| | habitat that were similar to both the LSA and RSA. Surface roughness is highly skewed and difficult to represent completely with 150 survey stations, although one simulation (Simulation 2) did provide a relatively similar distribution for the LSA (Figure 4-1). Figure 4-1 is an example of a simulation showing an adequate distribution's Kolmogorov-Smirnov results for each covariate, the predicted relative abundance map across the LSA for Olive-sided flycatcher, and graphically displays the relative over/under-sampling representativity of the additional 150 survey stations." | | | |
| BI-10 | <p>Section 7.2.1.2.2 Survey Protocol "ARUs will be the sole source of data collection for bird SAR (Common Nighthawk, Eastern Whip-poor-will, Short-eared Owl, and Yellow Rail) requiring species-specific surveys at dusk or during the evening due to safety concerns. ARUs will be deployed in suitable habitat for each of these species as identified during the desktop review with the sample size per species to be provided in the work plan. Golder (2019) deployed eight ARUs targeting Eastern Whip-poor-will in suitable habitat within a 2.5 km buffer LSA (Figure 7-2). ARU deployment in future programs will target the same locations and will identify additional locations in the expanded 3.0 km buffer LSA based on a desktop review.</p> <p>For bird SAR where ARUs are the sole source of data collection, survey windows and survey timing will be species-specific and located in suitable habitat as described in Section 7.2.1.5."</p> <p>Section 7.2.1.4.1 Desktop Review "Potential nesting habitat for Bank Swallow (i.e., vertical riverbanks and bluffs), Barn Swallow (i.e. man-made structures), Chimney Swift (i.e., hollow trees, tree cavities, caves) and Peregrine Falcon (i.e., cliffs close to large bodies of water) will be identified through interpretation of aerial imagery where possible."</p> <p>Section 7.2.1.4.2 Field Surveys "Potential nesting habitat identified through desktop review as well as locations where Bank Swallow, Barn Swallow, Chimney Swift and Peregrine Falcon were will be searched for within the PDA and LSA in conjunction with vegetation and bat habitat identification surveys as described in the VC-Vegetation Study Plan and VC-Wildlife Study Plan. Golder (2019) identified no suitable nesting habitat for Barn Swallow or Bank Swallow within a 2.5-km buffer LSA based on a desktop review and aerial / ground reconnaissance. Future desktop review and aerial / ground reconnaissance in will expand the search area to the additional 20.7 km route option (including the 3 km buffer LSA)."</p> | <p>Section 8.9 Birds, migratory birds and their habitat</p> <ul style="list-style-type: none"> “survey protocol planning should include modeling and simulations to estimate sampling requirements, and analysis to evaluate resulting design options: ... <ul style="list-style-type: none"> rare species require more survey effort to detect than common species, and species rarity should be accounted for in survey design by increasing the number and duration of surveys; ... generate measures of abundance and distribution using spatially balanced, randomly selected sample locations. Sampling should include edges and transitions between habitat types and should not be focused exclusively within homogeneous patches of a given habitat type: ... <ul style="list-style-type: none"> use simulation modelling prior to sampling to ensure coverage is broad enough to estimate and account for detection error as well as provide unbiased estimates of abundance and distributions;” <p>Section 8.11 Species at Risk “The Impact Statement must: ...</p> <ul style="list-style-type: none"> account for the fact that rare species will require more survey effort to detect, which should be reflected in survey design by increasing the number and duration of surveys:” | <p>The study plan does not contain sufficient details to show that the Impact Statement will have sufficient samples and an appropriate survey design to reliably model the abundance and density of the bird species targeted by these surveys.</p> <p>As described in the Guidelines, it is important to show how all survey designs will produce data that are representative of the study areas and that sampling was sufficient and aligned with the requirements of the Guidelines.</p> <p>The absence of a clear and detailed survey design for these targeted surveys will impair evaluations of the Impact Statement with respect to the risks of incorrect conclusions (due to imprecision and/or bias in the data).</p> <p>The approach described the risks of under sampling, which will impair decision-making by producing highly variable estimates of baseline conditions. There is also a risk of incorrect decisions based on biased estimates of baseline conditions and a high uncertainty of impact estimates due to insufficient sample sizes.</p> <p>Imprecise estimates can prevent the calculation of predicted project impacts and prevent the differentiation of any differences in populations between the PSA, LSA, and RSA. Additionally, designs that do not incorporate randomization and related principles can lead to bias in the data, which then lead to inaccurate estimates and erroneous conclusions. The proponent needs to address all these potential issues.</p> | <p>As per Section 8.9 of the Guidelines, base analysis on data collected according to the described survey design principles and practices. This also applies to targeted surveys.</p> <p>Demonstrate that a desktop review and the sampling undertaken will be sufficient for the target species and for assessing data sufficiency.</p> |
| BI-11 | <p>Section 7.2.1.2.3 ARU Data Collection “ Survey sampling effort for Common Nighthawk, Eastern Whip-poor-will, Short-eared Owl, and Yellow Rail will be based on a binomial expansion (Correia 2015) of published detection probabilities that provide at least a 95% certainty of estimating their population sizes: $1-(1-p)^k$ Where: p = probability of detection k = sampling replicates</p> | <p>Section 8.11 Species at Risk “The Impact Statement must: ...</p> <ul style="list-style-type: none"> account for the fact that rare species will require more survey effort to detect, which should be reflected in survey design by increasing the number and duration of surveys:” | <p>The Guidelines states that the number of interpreted segments should be higher for rare species and those that vocalize infrequently. A narrow focus on results from a single study in northern Alberta is not satisfactory; time periods need to be expanded beyond 2AM.</p> | <p>As per Section 8.11 of the Guidelines, more sampling for rare species is required. The analysis for rare species in the Impact Statement should be based on higher numbers of sample.</p> <p>Consider a first pass of automated processing targeting yellow rail, then validate with acoustic interpretation of</p> |

| New comments based on the Birds Study Plan submitted June, 2021. | | | | |
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| # | Study Plan Section | Tailored Impact Statement Guidelines Section (the Guidelines) | Context | Required Action for the Proponent |
| | <p>ARU data for Common Nighthawk, Eastern Whip-poor-will, Short-eared Owl, and Yellow Rail will be analyzed from species-specific time periods with the highest detection probability based on published literature. Detection of these species outside of specified time periods and during other analyses will be classified as incidental observations.</p> <p>...</p> <p>For Yellow Rail, ARU data collection will be partially based on the Marsh Monitoring Program (BSC 2000). ARUs will be placed near suitable Yellow Rail habitat in the LSA including graminoid fens, the herbaceous vegetation of bogs, and floodplains of rivers and streams (COSEWIC 2001). The number and location of survey stations will be provided at a later date. ARU data segments will be randomly selected from the breeding season between May 20 and July 5. Data segments will have no precipitation and wind speeds below 20 km/h (as per BSC 2000). Unlike the Marsh Monitoring Program, a one-minute ARU data segment will be randomly selected at 2:00 AM where a detection probability of 0.630 for Yellow Rail was reported in Northern Alberta (Hedley <i>et al.</i> 2020). Binomial expansion applied to the detection probability of 0.630 indicates that analyzing three data segments provides a 95.2% certainty of estimating the Yellow Rail population size (Table 7-4)."</p> | | <p>An insufficient number of recording segments can result in biased and incorrect conclusions about species presence.</p> <p>The Correia 2015 reference, upon which the estimates of sampling sufficiency were based in the Study Plan, is in the online journal "e-Journal for Nondestructive Testing" that is not focused on the relevant fields of biology, ecology or survey design. The formula described does not in fact lead to "a 95% certainty of estimating their population sizes" and the formula is not relevant to estimations of population size. Therefore a different reference should be used.</p> | <p>segments selected from sites where the first pass suggested occupancy.</p> |
| BI-12 | <p>7.2.1.2.3 ARU Data Collection</p> <p>"For Common Nighthawk...The number and location of survey stations will be provided at a later date"</p> <p>"For Yellow Rail...The number and location of survey stations will be provided at a later date.</p> | <p>Section 8.9 Birds, migratory birds and their habitat "- survey protocol planning should include modeling and simulations to estimate sampling requirements, and analysis to evaluate resulting design options: ...</p> <ul style="list-style-type: none"> o sample size must be planned to support evaluation of the project study area within the context of the local study area and regional study area. Appropriate design of surveys will need to consider multiple survey locations in order to represent the habitat heterogeneity of the regional study area, and to yield multiple survey locations per land cover or habitat class, without requiring aggregation of habitat classes post-hoc;" <p>Section 8.11 Species at Risk "- account for the fact that rare species will require more survey effort to detect, which should be reflected in survey design by increasing the number and duration of surveys:...</p> <ul style="list-style-type: none"> o design of surveys will need to consider multiple number of survey locations in order to represent the habitat heterogeneity of the regional study area, and to plan the number of survey locations per land cover or habitat class so that aggregation of habitat classes post-hoc is not required;" | <p>The study plan indicates that locations of survey stations for Common Nighthawk and Yellow Rail, will be provided 'at a later date'.</p> <p>The lack of specific information on the location of survey stations limits the advice that the Federal Review Team can provide at this stage in terms of the suitability of the number of survey stations, and their spatial distribution within the study area, in order to confirm their acceptability with the Guidelines.</p> | <p>Include in the Impact Statement maps with all the locations of survey stations for every bird species surveyed.</p> <p>Provide in the Impact Statement a clear description of the timing and frequencies of data collection for every bird species surveyed, and how the survey protocols followed the requirements of the Guidelines.</p> |
| BI-13 | <p>Section 7.2.1.5 Aerial Surveys Table 7-5: Sampling Effort for Aerial Bird Surveys</p> <p>Section 7.2.1.5.2 Survey Protocol "Aerial surveys will be conducted in the LSA on two occasions during spring and fall to capture early to late migration of waterfowl and shorebirds and on two occasions during the breeding season for waterfowl and raptors</p> | <p>Section 8.9 Birds, migratory birds and their habitat "The Impact Statement must: ...</p> <ul style="list-style-type: none"> o collect bird data to adequately represent the following temporal sources of variation: <ul style="list-style-type: none"> o among years; o within and among seasons (e.g., spring migration, breeding, fall migration, overwintering); and o within the 24 hour daily cycle. ... | <p>The study plan does not contain adequate details to show that the Impact Statement will have sufficient samples and an appropriate survey design to reliably model the abundance and density of the birds targeted by these surveys.</p> <p>Materials discussed with the proponent about survey designs and using simulations</p> | <p>As per Section 8.9 of the Guidelines, base the Impact Statement on data collection methods according to designs that align with the described survey design principles and practices.</p> <p>Use sampling designs that are appropriate for producing reliable and sufficient data, in order to demonstrate that correct conclusions have been drawn.</p> |

| New comments based on the Birds Study Plan submitted June, 2021. | | | | |
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| # | Study Plan Section | Tailored Impact Statement Guidelines Section (the Guidelines) | Context | Required Action for the Proponent |
| | <p>Potential stopover / staging areas will be examined by circling areas of suitable open habitats and counting the number of individual waterfowl and shorebirds, identified to lowest taxonomic level possible. Aerial surveys conducted during the breeding season will focus on identifying breeding pairs / broods and incubating adults of conspicuous waterfowl species (Table 7-5).</p> <p>Zoetica (2018b) conducted aerial surveys to identify inactive stick nests during the late winter of 2018 with confirmation of nest activity during the spring and summer of 2018. All stick nests identified in 2018 and during planned spring migration aerial surveys will be verified during subsequent aerial and ground surveys to confirm breeding status. Raptor stick nests will be identified to species, where possible, based on nest and stick size if no raptors are found near the nest. The Universal Transverse Mercator (UTM) location of all waterfowl, shorebird, and raptors observations will be recorded to map their seasonal abundance and distribution by habitat type in the LSA.</p> <p>Aerial surveys will be conducted using helicopters if possible, as they are generally preferable to fixed-wing aircraft given the lower flight speed and better outward visibility and thereby improved ability to detect birds (Ministry of Environment, Lands and Park Resources Inventory Branch 1999). Surveys will be consistent as possible with respect to altitude, time of day, flight speed, etc. and conducted during calm weather conditions (little to no precipitation and wind speeds less than four on the Beaufort Scale)."</p> | <ul style="list-style-type: none"> • collect data in a manner that enables reliable extrapolations in space (i.e., at minimum to Project, local and regional study areas) and in time (i.e., across years): <ul style="list-style-type: none"> ○ design surveys so that they represent the spatial and temporal targets of modeling and extrapolations, and to produce scientifically defensible predictions of impacts and estimates of mitigation effectiveness. Survey designs should be sensitive enough to detect and quantify the impacts at the spatial and temporal scales identified above (i.e., project study area, local study area, and regional study area), any departures from predictions, and the effectiveness of mitigations. Justify the selection of modeling techniques based on current and recent scientific literature; ○ survey protocol planning should include modeling and simulations to estimate sampling requirements, and analysis to evaluate resulting design options: <ul style="list-style-type: none"> ... ▪ sample size must be planned to support evaluation of the project study area within the context of the local study area and regional study area. Appropriate design of surveys will need to consider multiple survey locations in order to represent the habitat heterogeneity of the regional study area, and to yield multiple survey locations per land cover or habitat class, without requiring aggregation of habitat classes post-hoc; ▪ sampling effort per unit area - field survey effort should be most intensive within the project study area. The level of effort per unit area may be similar or somewhat less within the remainder of the local study area, but should be scaled to the likelihood that project effects will impact birds within that zone. Efforts outside the project study area should be carefully designed to ensure that estimates comparing within and across the project study area, local study area and regional study area are unbiased and as precise as possible; ▪ rare species require more survey effort to detect than common species, and species rarity should be accounted for in survey design by increasing the number and duration of surveys; and ▪ simulation modelling should be used to assess bias and precision between project study area, local study area, and regional study area to ensure the estimates are useful for comparison. Field surveys should occur within the regional study area since there are few existing sources of data that effectively describe regional bird populations in areas, including this area, that are distant from road networks." | <p>to assess sampling sufficiency apply to the aerial survey for birds mentioned in the study plan. Section 8.9 of the Guidelines has additional guidance on principles for designing surveys on birds.</p> <p>Helicopter methods are generally recognized as necessary for the species level identifications of waterfowl, shorebirds and waterbirds that are required for the - specified species level analysis outlined in the Guidelines</p> <p>However, imprecise estimates can prevent calculation of predicted project impacts and prevent differentiation of any differences in populations between the PSA, LSA and RSA. Additionally, designs that do not incorporate randomization and related principles can lead to bias in the data, which then can lead to inaccurate estimates and erroneous conclusions.</p> <p>The absence of a clear and detailed survey design will impair evaluation of the Impact Statement, due to imprecision and/or bias in the data, which increases the risk of incorrect conclusions being drawn.</p> | |
| BI-14 | <p>Section 9.2 Valued Components and Indicators Table 9-2 Bird Indicators "Rationale for Selection</p> <ul style="list-style-type: none"> - Cultural and social significance associated with this VC. - Functional role in the ecosystem and food web." | <p>Section 2.4 Regulatory framework and the role of government "The Impact Statement must identify:...</p> <ul style="list-style-type: none"> • legislation and other regulatory approvals that are applicable to the Project at the federal, provincial, | <p>The study plan does not mention the <i>Migratory Birds Convention Act, 1994</i> as a rationale for the selection of any of the selected Birds VCs.</p> | <p>Ensure that the Impact Statement includes references to the <i>Migratory Birds Convention Act, 1994</i>, as a federal legislative mechanism applicable to the Project.</p> |

| New comments based on the Birds Study Plan submitted June, 2021. | | | | |
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| # | Study Plan Section | Tailored Impact Statement Guidelines Section (the Guidelines) | Context | Required Action for the Proponent |
| | | regional and municipal levels or from any body—including a co-management body—established under a land claim agreement referred to in section 5 of the <i>Constitution Act, 1982</i> , or from an Indigenous governing body as defined in the <i>Impact Assessment Act</i> (IAA) that has powers, duties or functions in relation to the environmental effects of a project, including a list of the federal, provincial or territorial GHG legislation, policies or regulations that will apply to the Project, as per the Strategic Assessment of Climate Change;...” | | |
| BI-15 | <p>Section 9.3 Indirect Effects “A direct effect occurs through the direct interaction of an activity with an environmental discipline. The Project-environment interactions currently anticipated, based upon preliminary analysis, to result in direct effects to Birds have been identified in Table 9-1. The potential direct effects resulting from the Project-environment interactions will be confirmed during the IA / EA process and will be based on input received through the Indigenous Knowledge Program and Consultation and Engagement Program, regulatory agency guidance, and professional judgement.</p> <p>An indirect effect occurs when a change to one environmental discipline resulting from a Project activity causes a change to another environmental discipline (e.g., changes in groundwater could indirectly affect birds). Table 9-3 provides a preliminary identification of how changes to Birds may result in indirect effects to other environmental disciplines.”</p> | <p>Section 15.2 Birds, migratory birds and their habitat “The Impact Statement must:</p> <ul style="list-style-type: none"> describe direct, incidental and cumulative predicted positive and/or adverse effects to migratory birds and non-migratory birds, including population level effects that could be caused by all project activities... consult A Framework for the Scientific Assessment of Potential Project Impacts on Birds Appendix 2 and 3 for overview of potential impacts to birds from road projects57; ... <ul style="list-style-type: none"> non-linear, indirect and synergistic responses to the project should be explicitly explored where reasonable;” | <p>Section 9.3 of the study plan indicates that Table 9-3 provides a preliminary identification of <i>how</i> changes to birds may cause indirect effects to other disciplines. However, it appears that table 9.3 does not indicate <i>how</i> changes to birds may result in indirect effects to other environmental disciplines, but rather <i>whether</i> those interactions may occur.</p> <p>The more relevant consideration for this study plan is whether changes to other environmental disciplines/VCs may result in indirect effects to birds.</p> | <p>Ensure that potential interactions that may result in indirect effects to birds are identified.</p> <p>Clarify that Table 9-3 indicates not how but whether indirect effects may occur.</p> |
| BI-16 | <p>Section 9.6 Residual Effects Definitions of:</p> <ul style="list-style-type: none"> Negligible: Small scope of effect and slight severity of effect to Bird VCs. Low: Restricted scope of effect and moderate severity of effect to Bird VCs. Medium: Large scope of effect and serious severity of effect to Bird VCs. High: Large to pervasive scope and high to extreme severity of effect to Bird VCs. | <p>Section 13.1 Methodology “The effects to each valued component outlined in sub-sections 14.3, 15.2, 15.3, 15.4 must be described using the following criteria:</p> <ul style="list-style-type: none"> Scope, defined spatially as the proportion of the valued component’s occurrence or population within the study areas (project study area, local study area and regional study area) 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: <ul style="list-style-type: none"> pervasive: the effect is likely to be pervasive in its scope, affecting the valued component across all or most (71-100%) of its occurrence or population within the study areas; large: the effect is likely to be widespread in its scope, affecting the valued component across much (31-70%) of its occurrence or population within the study areas; restricted: the effect is likely to be restricted in its scope, affecting the valued component across some (11-30%) of its occurrence or population within the study areas; and small: the effect is likely to be very narrow in its scope, affecting the valued component across a small proportion (1-10%) of its occurrence or population within the study areas. | <p>As outlined in Section 15.2 of the Guidelines, the criteria described in Section 13.1 of the Guidelines need to be used to describe effects to valued components outlined in Section 15.2.</p> <p>While the proposed criteria are similar, the definitions do not accommodate the entirety of possible combinations of scope and severity. For example, how would small scope and extreme severity be classified?</p> | <p>Use the criteria found in Section 13.1 of the Guidelines to describe effects to birds from this project in the Impact Statement.</p> |

New comments based on the Birds Study Plan submitted June, 2021.

| # | Study Plan Section | Tailored Impact Statement Guidelines Section (the Guidelines) | Context | Required Action for the Proponent |
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| | | <ul style="list-style-type: none"> • 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 severity of each predicted adverse effect on each valued component as follows: <ul style="list-style-type: none"> ○ extreme: within the scope, the effect is likely to destroy or eliminate the valued component or reduce its population by 71-100% within ten years or three generations; ○ serious: within the scope, the effect is likely to seriously degrade/reduce the valued component or reduce its population by 31-70% within ten years or three generations; ○ moderate: within the scope, the effect is likely to moderately degrade/reduce the valued component or reduce its population by 11-30% within ten years or three generations; and ○ slight: within the scope, the effect is likely to only slightly degrade/reduce the valued component or reduce its population by 1-10% within ten years or three generations. • Irreversibility, or permanence, is defined as the degree to which the effect can be reversed and the valued component restored, if the effect no longer existed. Characterize the irreversibility of each predicted adverse effect on each valued component as follows: <ul style="list-style-type: none"> ○ very high: the effects cannot be reversed and it is very unlikely the valued component can be restored, and/or it would take more than 100 years to achieve this (e.g., wetlands converted to a shopping center); ○ high: the effects can technically be reversed and the valued component restored, but it is not practically affordable and/or it would take 21-100 years to achieve this (e.g., wetland converted to agriculture); ○ medium: the effects can be reversed and the valued component restored with a reasonable commitment of resources and/or within 6-20 years (e.g., ditching and draining of wetland); and ○ low: the effects are easily reversible and the valued component can be easily restored at a relatively low cost and/or within 0-5 years (e.g., off-road vehicles trespassing in wetland). • characterize the magnitude of each predicted adverse effect on each valued component as follows: <ul style="list-style-type: none"> ○ magnitude = scope x severity (see graph) • characterize the degree of each predicted adverse effect on each valued component as follows: <ul style="list-style-type: none"> ○ degree of effect = magnitude x irreversibility (see graph) | | |
| BI-17 | <p>Section 9.7 Consideration of Meeting Canada’s Environmental Obligations</p> <p>“Where the Project may contribute to Canada’s ability to meet these obligations, the ISA / EA Report will describe plans and</p> | <p>Editorial</p> | | <p>Change occurrences of “ISA / EA Report” to “IS / EA Report”.</p> |

| New comments based on the Birds Study Plan submitted June, 2021. | | | | |
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| # | Study Plan Section | Tailored Impact Statement Guidelines Section (the Guidelines) | Context | Required Action for the Proponent |
| | commitments to help to ensure that positive contributions are met.” | | | |
| BI-18 | <p>Section 11 Concordance with Federal and Provincial Guidance Row 19 of the Concordance table “For each of the valued components that will be assessed in the Impact Statement, the proponent must create a study plan and a work plan to be validated by the Agency. Upon receipt of a study plan, the Agency may request that the proponent present and discuss the study plan at technical meetings, which will be scheduled during the impact statement phase.”</p> <p>“The Study Plan meets this requirement. A summary of the Technical discussions with agencies have been summarized in Section 3 of the Study Plan</p> | Editorial | To date only a study plan, and not a workplan, was submitted to the Agency for validation. | Provide a workplan to the Agency for validation that outlines how the data will be collected, such as information on location, scheduling, sequencing (i.e., how to action the study plan). |
| BI-19 | <p>Section 11, Table 11-1 Federal Concordance – Conformance with Requirements, ID #54 “This information will be collected as described in the Land and Resource Use Study Plan.” Study Plan Reference - Land and Resource Use Plan</p> | <p>Section 8.9 Birds, migratory birds and their habitat “...The Impact Statement must: – describe the use of (magnitude, timing) migratory and non-migratory birds as a source of country foods (traditional foods) or where use has Indigenous cultural importance (e.g., Canada Goose, Snow goose, Swans, Gyrfalcon, Loon, Peregrine Falcon, and duck species);...”</p> | The Land and Resource Use study plan does not address this requirement from Section 8.9 of the Guidelines regarding country foods, contrary to what Table 11-1 of the study plan suggests. | Correct this omission within the Land and Resource use study plan and/or Birds study plan to ensure that this part of Section 8.9 of the Guidelines is addressed. |
| BI-20 | <p>Table 11-1: Study Plan Federal Concordance – Conformance with Requirements, ID #128 “This information will be collected as described in the Land and Resource Use Study Plan.” Study Plan Reference - Land and Resource Use Plan</p> | <p>Section 17.6 Culture “...The Impact Statement must assess potential impacts to surrounding communities, including local Indigenous communities. The spatial and temporal boundaries for the assessment should be determined with the input from the community based on pre-contact in consideration of aspects that are relevant to the community’s understanding of their culture. The Impact Statement must assess changes to: – Culturally significant plants or wildlife...”</p> | The Land and Resource Use Plan does not address this requirement from Section 17.6 of the Guidelines regarding culturally significant plants or wildlife, contrary to what Table 11-1 of the study plan suggests. | Correct this omission within the Land and Resource use study plan and/or the Birds Study plan to ensure that this part of Section 17.6 of the Guidelines is addressed. |
| BI-21 | <p>Editorial - Footnote 10 “In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs. The VCs will be consulted and engaged on early in the IA/ EA process and finalized taking into consideration the input received. Therefore, only information relevant to the Project that arises from the regional assessment of the Ring of Fire within an appropriate timeline will inform the VCs for the Project.”</p> | | The statement in the footnote “ <i>In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs.</i> ” should be corrected to reflect the fact that the Regional Assessment in the Ring of Fire area has not yet begun. | Consider replacing the text in the footnote with “ <i>In February 2020, the Minister of Environment and Climate Change determined that a regional assessment will be conducted in an area centred on the Ring of Fire mineral deposits in northern Ontario. However, at this time, the Regional Assessment in the Ring of Fire area is not sufficiently advanced to inform the Project VCs.</i> ” |
| BI-22 | <p>Table 11-3: Study Plan Federal and Provincial Concordance – Requirement Deviations</p> | | <p>Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process.</p> <p>The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team.</p> | |

Comments on Marten Falls Community Access Road Project (Project) revised Fish and Fish Habitat Study Plan – August 24, 2021

It is essential that the Impact Statement for the Marten Falls Community Access Road Project (the Project) address all requirements outlined in the Tailored Impact Statement Guidelines (the Guidelines), and that the study plans outline a clear approach to achieving these requirements. The Impact Assessment Agency of Canada (the Agency) has highlighted sections of the Guidelines where requirements for the Impact Statement may not be met, based on content of the draft study plan submitted to the Agency. Note that this table does not provide an exhaustive list of the requirements described in the Guidelines. The Guidelines should be reviewed in their entirety, including the sections identified below.

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| GC-01 | Section 5 - Public Participation and views (including 5.1, 5.2) | <p>Provide a clear description in the study plans of how public engagement opportunities have been and/or will be integrated into the impact statement phase. This must include detail on how the public will have opportunities to provide input to contribute to the development of the Impact Statement, as required in Section 5 of the Guidelines.</p> <p>Describe what engagement with the members of the public listed in the Public Participation Plan has been done in the development of the study plans, and/or any planned engagement with members of the public on the proposed study plans.</p> | <ul style="list-style-type: none"> - Section 4: describes how the Proponent will provide Project notices and opportunities with members of the public listed in the Public Partnership Plan. This will also include the opportunity to provide input on the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures as applicable. A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input. - The study plans have recognized public and agency input received on the Project to date. | Section 4.1 “A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.” | <p>Section 4.1 of the study plan mentions that “<i>a variety of activities will be offered</i>”, however, no details on the likely engagement activities are provided.</p> <p>As required by Sections 5 and 6 of the Guidelines, the Impact Statement must provide a record of engagement that describes all efforts taken to seek the views of local communities and other stakeholders with respect to the Project, including on the study plans. This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement, including prior to and during the planning phase, and in the preparation of the Impact Statement.</p> <p>Provide details on the timeline for public engagement relative to the project workplan, including engagement relative to the schedule for baseline work, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> |
| GC-02 | Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3) | <p>Provide a clear description in the study plans of how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will have opportunities to provide Indigenous knowledge, including the validation of how information they provided was applied. The study plan should include a description of the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that the guidance outlined in Section 6.2 of the Guidelines has been incorporated into the study plans.</p> <p>Describe what engagement with all the Indigenous groups listed in the Indigenous Engagement and Partnership Plan has been done in the development of the study plans, and/or any planned engagement with Indigenous groups on the proposed study plans, particularly in relation to collection of Indigenous knowledge (i.e. develop the work plan in collaboration with those Indigenous groups that would need to provide knowledge).</p> | <ul style="list-style-type: none"> - In Section 4.2 it is noted that the Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in the Indigenous Partnership and Engagement Plan. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input. - Section 2.1.1 outlines the approach to handling confidential information, by means of permission from Indigenous communities to include Indigenous Knowledge in the IS / EA Report, regardless of the source of the Indigenous Knowledge. - The study plans have recognized Indigenous community input received on the Project to date. | Section 4.2 “...A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input...” “...Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process...” | <p>Section 4.2 of the study plan states that “<i>a variety of activities will be offered</i>”, however, no details on the planned engagement activities are provided.</p> <p>Section 4.2 of the study plan also states that “<i>Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process</i>”, however, it is unclear on which components of the study plans the project team plans to engage. It is also unclear whether Indigenous groups will be provided with a meaningful opportunity to provide input on a preliminary approach/method for baseline data collection, as required in Section 6 of the Guidelines, or if engagement will take place after the baseline data collection is complete. Provide details on the timeline for Indigenous engagement on the fish and fish habitat study plan, including engagement relative to the schedule for baseline work, and spatial and temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> <p>Demonstrate in the Impact Statement that comments provided by Indigenous groups and members of the public on fish and fish habitat were taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions</p> |

¹ Refer to complete sections of the Guidelines for more context.

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| GC-03 | Section 6.2 - Analysis and response to questions, comments, and issues raised | Revise the study plans to include an approach to handling confidential information that demonstrates adherence to the guidance provided in Section 6.2 of the Guidelines. | <ul style="list-style-type: none"> - Section 2.1.1: Section has been updated to include information regarding both confidentiality and permission information on all collected Indigenous Knowledge, regardless of the source. - This section also includes how information regarding the Indigenous Knowledge Sharing Agreements will be established by the Proponent and Indigenous community participating in the Program. | Section 2.1.1 “...Sensitive and / or confidential information collected through Indigenous Knowledge Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the Indigenous Knowledge Program prior to the sharing and use of any sensitive information. Instances where Indigenous Knowledge sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement, including where Indigenous Knowledge was incorporated into Project decisions and into the IS / EA Report (i.e., specifics will not be included in the Record of Consultation and Engagement given the potential sensitivity and / or confidentiality of the information shared)...” | <p>As required in Section 6 of the Guidelines, incorporate in the Impact Statement content that describes the confidential information provided by each Indigenous group. Present the content in sufficient detail to support understanding of the potential effects and impacts on rights, while also protecting confidential/sensitive specifics and respecting stipulations in the confidentiality agreements (e.g, use buffer areas instead of specific locations, etc.).</p> <p>Provide to the Agency, in the form of a letter from the Indigenous group that shared confidential information, a letter confirming that:</p> <ul style="list-style-type: none"> • the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; • the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed. |
| GC-04 | Study plans spatial boundaries | <p>Describe the approach to be implemented to demonstrate how the definitions of the proposed study area boundaries:</p> <ul style="list-style-type: none"> • encompass the anticipated boundaries of the Project’s effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan; and • take into account community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, | <ul style="list-style-type: none"> - Section 6.2: General information on study areas for the Project, including a detailed list of what was considered to develop the discipline-specific local and region study areas, is included in each study plan. Each study area has been proposed taking into consideration community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices, physical, ecological, technical, social, health, economic and cultural considerations available at this time. - The proposed discipline-specific study areas are preliminary. The proposed study areas will be consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program provides additional | Section 6.2.2 “Tertiary sub-watersheds traversed by project components of Alternative 1 and Alternative 4...Baseline characterization of fish and fish habitat where direct effects outside of the PDA and LSA are not likely, however the potential for broad, indirect effects persist” | <p>As required in Section 7 of the Guidelines, provide details to demonstrate that the fish and fish habitat Regional Study Area encompasses the anticipated boundaries of the Project’s effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan. Note that the Regional Study Area must encompass the spatial boundary of cumulative effects.</p> <p>As required in Section 7.4.1 of the Guidelines, provide information regarding how the following were/will be taken into account in defining the spatial boundaries: community knowledge and Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and</p> |

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| | | nature and location of past, present and foreseeable future projects and activities. | opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples to be shared in greater detail. | | the size, nature and location of past, present and reasonably foreseeable future projects and activities. Provide the above information in a way that allows those who provided the knowledge to the proponent and the Agency to see their input reflected in the Impact Statement. It is not sufficient to state that “input from participants will be/was taken into account”. |
| GC-05 | Section 7 - Baseline Methodologies (Including 7.1, 7.2, 7.3, 7.4) | <p>Provide clear descriptions in the study plans of the proposed study areas and the criteria used to define the study areas for each valued component.</p> <p>Provide clear descriptions of the timing of previously collected data (days/month/year) and future approximate (month/year or season/year) timing for every field work planned and the criteria used to tailor the temporal boundaries to the valued components under consideration.</p> <p>Describe how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be, or have been, engaged to provide input on spatial and temporal boundaries.</p> <p>Explain how the Agency will be provided opportunities to validate spatial and temporal boundaries.</p> | <ul style="list-style-type: none"> - Local Study Area (LSA) and Regional Study Area (RSA) for each valued component are described in Table 6-1, including rationale used to define the area. - Study plans have been designed considering historical information, where applicable and available. Study plans will be updated with appended Work Plans, to be submitted at a future date, which will detail upcoming planned field activities. - As detailed in both Section 4.2 and Section 6.2 the Proponent will continue to provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, including the LSAs and RSAs. - Government agencies and interested persons will have the opportunity to comment on component of the study plans throughout the IS / EA Report consultation and engagement process | Sections 4.2 and 6 | <p>This comment has been mostly addressed through the study plan and the work plan.</p> <p>See comment FH-01 in the table below for detail about the outstanding information still required in relation to Fish and Fish Habitat baseline data.</p> |
| GC-06 | | Provide further details in the study plans on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines | <ul style="list-style-type: none"> - Section 4.3 has been updated to include the consideration of Identity and Gender-Based Analysis Plus (GBA+) including both Indigenous communities and their relevant subpopulations and non-Indigenous communities and their subpopulations. During consultation and engagement activities these groups (and any others defined during consultation) will be engaged with on targeted input. | Section 4.3 | <p>Describe how GBA+ has been or will be applied to the consideration of engagement activities. Identify specific methods targeted to specific subgroups.</p> <p>Provide detail on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines.</p> <p>It is not sufficient to mention that Gender-Based Analysis Plus will be applied to the assessment. Clear descriptions of how GBA+ was integrated (including to which variables, method, and how it influenced results' interpretation) are needed in the Impact Statement.</p> |
| GC-07 | Section 13 - Effects Assessment (including 13.1, 13.2) | <p>Provide details to demonstrate how the Project's potential effects will be considered, as per the requirements in Sections 13 to 19 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work.</p> <p>Provide detail on how engagement with all Indigenous groups listed in the Indigenous Engagement and Partnership Plan and the public will inform the effects assessment and the selection of mitigation measures and follow-up program measures.</p> | <ul style="list-style-type: none"> - Project environmental interaction are separated into Project phases, and Project activities for each environmental discipline in their VC-specific study plan listed as Table 9-1. - Information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the Indigenous Knowledge Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs. | Throughout the study plan, Section 9 | <p>As required in Sections 7 and 13 of the Guidelines, ensure that the effects assessment considers the effects of each of the project components (including but not limited to all alternative routes brought forward in the Impact Statement, all aggregates sources, access roads, etc.) and physical activities, in all phases, and that the assessment is based on a comparison to the data and information gathered during the proposed baseline work.</p> <p>Clarify the level of information that will be shared with, and explained to, the Indigenous Knowledge Program leads and whether study plans will be made available to all Indigenous groups listed in the Indigenous Engagement and Partnership Plan.</p> |

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| GC-08 | Section 13.1 | Provide clear descriptions of the rationale behind the assumptions, including but not limited to the assumed average daily traffic and vehicles composition during the construction and operation phases that will be considered for the effects assessment and the cumulative effects assessment. | - Section 10: Current assumptions to be used in the effects assessment have been identified. Any additional assumptions will be identified and rationale will be provided in the IS / EA Report. | Section 10 | Before conducting the effects assessment analysis, the Agency advises the proponent to seek the Federal Review Team's confirmation of the assumptions that will be used in the analysis or, at a minimum, to discuss the type of assumptions that will be considered. As required by Section 13.1 of the Guidelines, ensure that the Impact Statement clearly outlines the assumptions used for the assessment of effects, including cumulative effects, on each valued component. |
| GC-09 | Section 19.2 - Impacts on the Exercise of Aboriginal and Treaty Rights | Describe an approach for identifying the potentially impacted rights of Indigenous peoples of Canada that are recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> , and for integrating the potential impacts on those rights into the collection of baseline information and the effects assessment. | - All study plans reference how potential effects on Indigenous rights will be assessed in the Aboriginal and Treaty Rights and Interests Study Plan. - Impacts on Rights considerations are explained in the rationale for defining a Local Study Area and Regional Study Area for Aboriginal and Treaty Rights and Interests VCs. Further information for this is listed in Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan. | Section 5, and Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan | Feedback will be provided in the Federal Review Team's comments package on the Aboriginal and Treaty Rights and Interests Study Plan. |
| GC-10 | Section 20 - Mitigation and enhancement measures | Provide detail on the approach to meeting the requirements of Section 20 of the Guidelines regarding the identification of mitigation and enhancement measures. | - Section 9: Approach to mitigation and enhancement measures, specifically noting that once potential effects have been identified, the effects assessment will explore technically and economically feasible mitigation measures to avoid or minimize the identified negative effects and enhancement measures to increase positive effects. | Section 9.5.1 (lists relevant requirements) "Potential effects and specific mitigation measures will be established as part of the effects assessment and selection of the preferred alternative." Concordance table "Section 20 of the TISG describes the requirements around mitigation and enhancement measures that must be considered in the IS" | Section 9.5.1 of the study plan is listing the requirements outlined in Section 20 of the Guidelines. Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 20 of the Guidelines. |
| GC-11 | Section 25 – Description of the Project's contribution to sustainability | Provide detail on the approach to meeting the requirements of Section 25 of the Guidelines regarding the description of the Project's contribution to sustainability. | - Section 9: the sustainability assessment for the Project will be undertaken on the preferred alternative and will characterize the Project's contribution to sustainability incorporating the requirements set out in Section 25 of the TISG. | Section 9.7 | Section 9.7 of the study plan is listing the requirements outlined in Section 25 of the Guidelines. Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 25 of the Guidelines. |

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| FH-01 | <p>Section 4.1.2.1 Sites Surveyed “164 waterbody crossings were surveyed from a helicopter during an aerial reconnaissance survey on September 5 and September 6, 2019. All proposed crossings on Route Alternatives 1 and 4 were included in the aerial reconnaissance survey. Eleven proposed waterbody crossings were assessed for fish and fish habitat from September 6 to September 10, 2019 (Table 1). Three of the assessed waterbody crossings were on the Alternative 1 ROW, five were on the Alternative 4 ROW, and three were on overlapping sections of Alternatives 1 and 4. Detailed fish habitat assessments were completed at all 11 waterbody crossings and fish sampling was completed at seven waterbody crossings”.</p> <p>Section 4.3 Study Methods “The field study will involve a habitat and biological assessment at a 50% subset of locations where the PSA or Project footprint of route alternatives 1 and 4 intersect potential fish habitat.”</p> | <p>Section 7.2 Sources of Baseline Information “With regard to field studies, survey work must be planned to include multiple sampling locations and multiple visits to each location to support all required assessment analyses.”</p> <p>Section 7.4.2 “Baseline data collection for all biophysical valued components is to be provided for a minimum of two years, unless specified otherwise. Temporal boundaries spanning more than one year will enable accounting for variation due to irregular events (e.g., masting events, storms on migration, late snowfalls).”</p> | <p>Provide details to clarify the proposed number and site locations of field data collection for the second year of baseline data collection, to demonstrate that two years of baseline data will be collected, as per the requirements in Section 7.4.2 of the Guidelines Provide details to clarify which waterbody crossings were sampled in 2019.</p> <p>Provide the referenced “Table 1”.</p> | <p>Details regarding 2019 / 2020 field studies including site selection rationale are included in the Study Plan. As desktop review continues, the number of sites may be subject to change; as such, we proposed a percent sampling coverage, by aspect of the Fish and Fish Habitat program. Rationale for site selection (for past and future studies) are provided in the Study Plan. The Study Plan was revised to include additional information regarding desktop and proposed field studies. Results of field investigations will be provided at a later date.</p> <p>The reference to Table 1 has been removed but we have included Figures showing location of sampling sites previously visited.</p> | <p>Appendix C Figures 1 to 6</p> <p>Section 7.2.3 Future Field Studies “Sites proposed for future assessment will be selected pending further desktop review, review of recent field studies (2019-2020), health and safety considerations and logistical constraints such as access and gear- type. To achieve the target % subsets (Section 7.2.1.1), the balance of the sites remaining after previous field investigations (2011 / 2012, 2019 and 2020) will be assessed. Based on information available at this time, this translates to approximately 40 additional sites to be completed for habitat assessment and fish community sampling, and approximately 7 sites for benthic invertebrate collection. The detailed field schedule for future fish and fish habitat assessment is yet to be finalized.”</p> | <p>This comment has not been adequately addressed.</p> <p>Figures 1 to 6 in Appendix C summarize all the watercourse crossings but do not provide information of what field investigation was completed at each site. There are colours to represent electrofishing effort, minnow trapping and general fishing effort; however, more detail describing what field investigation was completed at each site is required.</p> <p>Additionally, the proponent indicated that 40 additional sites will be completed for habitat assessment and fish community sampling, and approximately seven sites for benthic invertebrate collection. It remains unclear where these sites are, what sampling will be done at each site and the rationale for selection of the sites. Provide a table in an updated aquatics work plan that:</p> <ul style="list-style-type: none"> • Lists all sites that were sampled in 2019 and 2020, and any sites that will be in future field studies; • Provides details about the specific surveys that were completed at each site; • Indicates why each site was selected for this project as appropriate for a representative subset of the Alternative Routes |

² Refer to complete sections of the Guidelines for more context

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| # | Draft Study Plan Section | Tailored Impact Statement Guidelines Section ² | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on June 11, 2021 - Fish and Fish Habitat Study Plan |
| FH-02 | Section 4.2 Desktop Assessment “desktop analysis and existing background information gathering will also rely heavily of community knowledge, public consultation and Indigenous Knowledge (IK).” | Section 6 “The proponent must engage with all Indigenous groups that may be impacted by the Project. The Indigenous Engagement and Partnership Plan, issued by the Agency, is available to assist the proponent in further developing or refining their engagement strategy and supporting ongoing trust and relationship-building. In addition to the requirements set out in section 6.1, 6.2 and 6.3, the proponent must provide Indigenous groups with an opportunity to: provide Indigenous knowledge during baseline data collection; comment on the list of valued components and indicators...” Section 7.4.1 “Spatial boundaries are defined taking into account the appropriate scale and spatial extent of potential effects and impacts of the Project; community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; and physical, ecological, technical, social, health, economic and cultural considerations.” | Provide further details to demonstrate how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be engaged with, and provided opportunities to provide Indigenous knowledge on fish and fish habitat. This includes incorporating into the plan where Indigenous groups will be provided with opportunities to: <ul style="list-style-type: none"> • provide Indigenous knowledge during baseline data collection; • comment on the list of valued components and indicators; • inform the effects assessment and review its conclusions; and • inform the development of mitigation measures and follow-up programs. | As identified in Section 4.2 of the Study Plan, the Proponent will provide opportunities for consultation and engagement with Indigenous communities identified in Table 4-1, which is inclusive of all Indigenous communities identified in the Indigenous Partnership and Engagement Plan for the Marten Falls Community Access Road Project Impact Assessment (IAAC 2020a). Further information on how Indigenous Knowledge will be considered in the IS / EA Report has been included in Section 5 of the Study Plan. Section 5 of the Study Plan provides further details on the two concurrent and complementary avenues for Indigenous communities and groups to be engaged with and provide input on the Project: the Indigenous Knowledge Program and the Consultation and Engagement Program. | Section 7.1 Desktop Assessment “ Through consultation with the public and Indigenous community members, the MFFN CAR Project Team intends to collect specific fishery information and traditional uses of waterbodies in the study areas, such as traditional and current fishing grounds, spawning habitat and migration corridors.” Section 7.2.1.1 Site Selection “The site selection process for the subset of waterbody crossing locations for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, cultural importance (which, to date has been provided by only MFFN), available background information and previous studies (e.g., waterbody crossing locations surveyed previously in support of the Cliffs Chromite Project Environmental Assessment [Golder 2013] where sections of the preferred route alternatives overlap with the alignment of the Cliffs route), waterbody type and abundance within the tertiary watershed.” | This comment has not been adequately addressed. It remains unclear if Indigenous groups have had the opportunity to provide Indigenous knowledge during baseline data collection or comment on the list of valued components and indicators. Describe how and when Indigenous groups will have the opportunity to comment on baseline data collection related to Fish and Fish Habitat. Provide details to demonstrate how and when: <ul style="list-style-type: none"> • Indigenous groups have been provided the opportunity to comment on the Fish and Fish Habitat study plan or field program to date; and • Indigenous knowledge has influenced or will influence the selection of subset sites that will be sampled for the fish and fish habitat study. |
| FH-03 | Section 4.2 Desktop Assessment “Available existing information will be reviewed to characterize the context of the fish and fish habitat within the study areas of the Project as defined in Section 3. Resources that will be reviewed for existing information will include (but not limited to) waterbodies, thermal | Section 7.2 “The Impact Statement must provide detailed descriptions of specific data sources, data collection, sampling, survey and research protocols and methods followed for each baseline environmental, health, social and economic condition that is described, in order to corroborate the validity and accuracy of the baseline information collected...” | Provide detailed descriptions of specific data sources that will be used to identify baseline conditions, as proposed in Section 4.2 of the study plan. Sources should be listed and preferably correlated to the criteria and indicators that they will inform. | Appendix A of the Study Plan was revised to include specific sources. The results of the desktop studies will be provided at a later date. | Section 7.2.2.1 Historic Field Studies Undertaken “ Fish sampling and habitat assessment was carried out at 19 watercourse crossings in 2011 / 2012 by Golder in support of the Cliffs Chromite Project (Project EA since terminated) and results are available that are pertinent for this Project because the study areas for both projects have some overlap. Therefore, previous information collected for the Cliffs Chromite Project will be used to supplement | This comment has not been adequately addressed. Information on historical data used by watercourse crossing should be available and included in an updated aquatics work plan as an Appendix. Provide a table that outlines information on which crossings have available information from the Cliffs Chromite Project by Golder (or other project) and what type of survey was done at that site (for example, fish habitat |

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| | regimes, fish species, significant fish habitat features (e.g., spawning habitat, nursery habitat, migration barriers), aquatic Species at Risk (SAR), Species of Conservation Concern, and SAR habitat. The reviewed resources will include (but not limited to) those listed in Appendix A, in addition to preliminary Project-related reports. Furthermore, desktop analysis and existing background information gathering will also rely heavily of community knowledge, public consultation and Indigenous Knowledge (IK)." | "If using existing data sources, the Impact Statement must provide justification to show that the data sources are relevant in spatial and temporal coverage to the Project. Some data sources may have good coverage in Southern Ontario or existing road networks but be unsuitable as a baseline for these northern areas where there are not roads." | Provide justifications to demonstrate that each data source is relevant in spatial and temporal coverage to the project. | | the data collected for this Project to understand significant long-term changes in fish habitat where there is overlap in sampling locations." | assessment, fish sampling, biological sampling, etc.). |
| FH-04 | <p>Section 4.3.1.1 Fish "Fish sampling will be completed once at each assessment site during either the spring, summer, and fall months of a single sampling season"</p> <p>Section 5.2.2 Biological Analysis "The scope of the fish sampling program and data collected as described in Section 4.2.2 will include quantitative and qualitative data that will describe: Species seasonal variation, by conducting sampling over the course of spring, summer and fall (as conditions and access allow)".</p> | <p>Section 7.4.2 "Baseline data collection for all biophysical valued components is to be provided for a minimum of two years, unless specified otherwise. Temporal boundaries spanning more than one year will enable accounting for variation due to irregular events (e.g., masting events, storms on migration, late snowfalls)."</p> | Provide clarity on timing of the fish sampling conducted in 2019, and for the sampling proposed in future years. Provide justification for situations where the timing may be different in future years from the 2019 timing. | Study Plan was revised to provide additional details on timing of previous surveys. Future studies are anticipated for spring and / or fall of 2021. | <p>Section 7.2.3 Future Field Studies "Field studies will be completed under appropriate seasonal and weather conditions to facilitate safe access for field crews and appropriate conditions for visual inspection, such as minimal snow cover, open water, and avoidance of flood conditions.</p> <p>The detailed field schedule for future fish and fish habitat assessment is yet to be finalized."</p> | <p>The requirement has been met for two years of field data, however Fisheries and Oceans Canada strongly recommends spring data collection in addition to fall data collection.</p> <p>There is value in collecting data in other seasons, particularly spring, to provide a more complete picture of the site of the watercourse crossing (for example, data collected during the spring may provide information on important habitat for fish based on seasonal water levels and flows).</p> |
| FH-05 | <p>Section 4.3.2.2 Lotic Habitat "Lotic habitat assessment, where there is evidence of unidirectional flow at the</p> | <p>Section 15.1 "Describe and justify watercourse-crossing techniques to be used and the criteria for determining the techniques proposed for each watercourse crossing."</p> | Describe and justify water-crossing techniques for each watercourse crossing, as is required in Section 15.1 of the | Velocity measurements will be collected for the purpose of characterizing the baseline conditions of the fish habitat. | Section 7 | This comment has been adequately addressed. |

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| # | Draft Study Plan Section | Tailored Impact Statement Guidelines Section ² | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on June 11, 2021 - Fish and Fish Habitat Study Plan |
| | time of assessment with the potential to support fish, will include the extent of the watercourse and riparian area within the PSA. Habitat assessments will involve the establishment of a transect at the CL of the proposed route alignment, and at regular intervals upstream and downstream of the CL within the boundaries of the PSA. The following data will be collected at each transect:..” | | Guidelines. It is recommended that this include a discussion of fish passage. To meet this requirement, baseline velocity at the site locations should be measured to determine if fish can pass through the culvert structures. | Crossing structures will be designed to avoid fish passage issues; a more fulsome discussion of criteria considering when identifying and designing crossing structures will be included in the IS / EA Report. | | |
| FH-06 | Section 4.3.2.1 Lentic Habitat and Section 4.3.2.2 Lotic Habitat “Suitable sensitive habitat features or potential important habitat function such as spawning, migration, overwintering, nursery, productive feeding areas, fish passage barriers, etc. will be delineated or mapped, photographed and described.” Table 5-1 Examples of Literature Reviewing indicator Species Habitat Suitability Patterns | Section 8.8 “provide a characterization of fish habitat features that may demonstrate the presence of fish species in terms of appropriate habitats—water quality and quantity characteristics, sediment type characteristics, benthic features, prey, shelter, refuge, feeding, spawning habitats, nursery habitats, rearing habitats, overwintering, migration routes and the sensitive times for these activities;” | Provide details to demonstrate how the spawning locations for the species listed in Table 5-1 will be determined. Clarify if spawning surveys have been completed, or will be completed. Provide any desktop or field data that has been collected relating to spawning, including from any spawning surveys that have been undertaken. | Standalone spawning surveys have not been completed, nor are they proposed. The known spawning locations within the PDA for the indicator species will be identified through desktop analysis, field assessment, and Indigenous Knowledge (where available). Where suitable spawning habitat is observed through desktop analysis and fish habitat assessment, it will be documented, photographed and mapped. The results of the desktop and field assessment studies will be provided at a later date. | Section 7, Appendix A | This comment has been adequately addressed. |
| FH-07 | Section 7 Concordance with Federal and Provincial Guidance “Qualitative and/or quantitative description (as applicable) of potential stressors and effects, and anticipated residual effects will include potential changes to such changes to fish habitat” | Section 15.1 (relevant to many requirements) | Update the study plan to explain the proposed approach and methods used to fully integrate the requirements of Section 15.1 of the Guidelines into the study plan. | The Concordance Table 7 (now numbered Table 11-1, 1-2, and 11-3) has been revised to provide concise responses to the requirements of the TISG. The Study Plan was revised to specify the potential effects that are expected to be quantified and measurable, such as the area of direct loss or alteration of habitat caused by project infrastructure (water crossings), area of loss of riparian vegetation, area of loss or alteration of important habitat features (e.g. suitable spawning | Section 9, Section 11 | This comment has been adequately addressed. |

| Federal Review Team comments on the Marten Falls Community Access Road Project Draft Fish and Fish Habitat Study Plan – July 20, 2020 | | | | | | |
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| # | Draft Study Plan Section | Tailored Impact Statement Guidelines Section ² | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on June 11, 2021 - Fish and Fish Habitat Study Plan |
| | | | | habitat), and those that are not expected to be measurable (i.e. changes in light penetration effects of existing local activities). | | |
| FH-08 | Section 7 Concordance with Federal and Provincial Guidance “Sampling of zooplankton and phytoplankton is not proposed.” | Section 8.8 “provide a description of the biodiversity within the freshwater environment, including: trophic state, periphyton, phytoplankton, zooplankton, fish and the interactions and relative significance of each species with the identified food chains;” | Provide further detail on proposed methodologies, including the rationale, to demonstrate how the baseline studies described in the study plan will meet all requirements of Section 8.8 of the Guidelines. | Amendment to this requirement will be requested (please refer to Table 11-2 of the Study Plan). Baseline studies including zooplankton and phytoplankton sampling are unprecedented for an assessment of projects of similar scope, as it is generally accepted that negative residual effects to these aspects of fish and fish habitat are unlikely to occur with current industry practices. Studies are not typically required by the DFO Fish Habitat Protection Program, the Ontario Ministry of Transportation Class EA process and Protocol for Protecting Fish and Fish Habitat on Provincial Transportation Undertakings, and the Ontario Crown Land Bridge Guidelines or Ontario Environmental Guide for Access Roads. | Section 11 | Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process. The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team. |
| FH-09 | Section 7 Concordance with Federal and Provincial Guidance “data collection through desktop or field studies and/or biological sampling specific to assess fertility, recruitment, mortality, re-colonization, sex ratios, population regulation, stability, and behavioural studies are not proposed.” | Section 8.8 “provides a characterization of fish (as defined in subsection 2(1) of the <i>Fisheries Act</i>) and other aquatic species on the basis of resident and migratory species, food webs and trophic levels, structural and functional linkages, life history and population dynamics, such as dispersion, fertility, recruitment, mortality rates, re-colonization, age structure, sex ratios, population regulation, stability, distribution (communities, stocks, subpopulations, metapopulations), movements, migratory patterns, routes and preferred corridor, seasonal and annual trends in abundance, sensitive habitats and periods in relation to the study area, behavioural habitat selection, mating strategies, social interactions, predator-prey interactions at multiple spatial and temporal scales, which are critical to identifying effects to population | Provide a rationale for the decision to exclude biological sampling specific to assess fertility, recruitment, mortality, re-colonization, sex ratios, population regulation, stability, and behavioural studies from the proposed desktop or field studies, as required in Section 8.8 of the Guidelines. | Amendment to this requirement will be requested (please refer to Table 11-3 of the Study Plan). Baseline studies including dispersion, fertility, recruitment, mortality, re-colonization, sex-ratios, etc. are unprecedented for an assessment of projects of similar scope, as it is generally accepted that negative residual effects to these aspects of fish and fish habitat are unlikely to occur with current industry practices. Such studies are not required by the DFO Fish Habitat Protection Program project review process, Ontario Ministry of Transportation Class EA process and Protocol for Protecting Fish and Fish Habitat on Provincial Transportation Undertakings, and the Ontario Crown Land Bridge Guidelines or Ontario Environmental Guide for Access Roads. | Section 11 | Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process. The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team. |

| Federal Review Team comments on the Marten Falls Community Access Road Project Draft Fish and Fish Habitat Study Plan – July 20, 2020 | | | | | | |
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| # | Draft Study Plan Section | Tailored Impact Statement Guidelines Section ² | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on June 11, 2021 - Fish and Fish Habitat Study Plan |
| | | persistence and ecological processes”. | | | | |
| FH-10 | Section 7 Concordance with Federal and Provincial Guidance “To be completed during desktop analysis and field habitat assessment for geophysical information including depth.” | Section 15.1 “provide a characterization of fish habitat features that may demonstrate the presence of fish species in terms of appropriate habitats—water quality and quantity characteristics, sediment type characteristics, benthic features, prey, shelter, refuge, feeding, spawning habitats, nursery habitats, rearing habitats, overwintering, migration routes and the sensitive times for these activities; provide a description of habitat information that includes water depths (bathymetry) and the littoral, sublittoral, limnetic, profundal, and benthic zones. Stratification information will include epilimnion, metalimnion, and hypolimnion depths in combination with a water chemistry profile (dissolved oxygen, pH, conductivity, etc.)”. | Provide details to demonstrate which aspects of the requirements in Section 15.1 of the Guidelines will be completed by a desktop analysis or habitat assessment. Provide details about methods and specific data that will be used. | Information to be collected through fish habitat field assessment and desktop analysis are described in Section 7 of the Study Plan. Additional detail of the relevant desktop information sources to-date was provided in Appendix A. Additional information on water chemistry can be found in the Surface Water VC Study Plan. | Section 7 Appendix A Surface Water VC Study Plan | This comment has been adequately addressed. |
| FH-11 | Section 7 Concordance with Federal and Provincial Guidance “Summary of desktop analysis and background information review will provide a description of such effects and activities” | Section 15.1 “describe any existing effects associated with previous or current activities (e.g., angling pressures, commercial fisheries)” | Provide details to demonstrate how any existing effects associated with previous or current activities (e.g., angling pressures, commercial fisheries) will be assessed, including descriptions of specific data sources that will be used. | The IS / EA Report will include a discussion of these activities and the identified or and potential effects of these activities to fish and fish habitat, where available and relevant to understanding Project-related effects. Consequential effects on Land and Resource Use and Aboriginal and Treaty Rights and Interests will also be considered in the IS / EA Report. Data on resource use activities will be gathered as described in those referenced Study Plans. | Section 9.4 Methods for Predicting Future Conditions “Qualitative discussion of the existing activities and infrastructure which may currently or previously have had an effect on fish and fish habitat. Existing activities will be identified using desktop analysis, consultation with local Indigenous communities, and field observations...” | The Federal Review Team recommends that a regional provincial biologist be included in this discussion as they may have specific examples of past or current activities that have caused problems or been beneficial. Provide additional detail in the Impact Statement to demonstrate the methods and approach used in the analysis, consultation with local Indigenous groups, and field observations to address the requirement in Section 15.1 of the Guidelines. |
| FH-12 | Section 7 Concordance with Federal and Provincial Guidance “Currently not proposed for fish program baseline assessment. Refer to Field Work Plan – Surface Water” | Section 15.1 “potential for direct effects of contamination downstream of the Project on fish and bioaccumulation of contaminants (e.g., selenium, mercury, chromium, arsenic) in fish that may be consumed by Indigenous groups; | Provide details to demonstrate how effects of contamination downstream of the Project on fish, and bioaccumulation of contaminants (e.g., selenium, mercury, chromium, arsenic) in | The IA / EA will evaluate the potential for contaminant bioaccumulation as result of the project. If it is determined by the IA / EA that a residual effect pathway for contaminant bioaccumulation exists (i.e., after mitigation), additional baseline studies may be proposed. Please see the Physiography, Terrain | Physiography, Terrain and Soils Study Plan Groundwater Study Plan Surface Water Study Plan | This comment has been adequately addressed. |

Federal Review Team comments on the Marten Falls Community Access Road Project Draft Fish and Fish Habitat Study Plan – July 20, 2020

| # | Draft Study Plan Section | Tailored Impact Statement Guidelines Section ² | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on June 11, 2021 - Fish and Fish Habitat Study Plan |
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| | <p>Surface Water Study Plan: "...additional in situ measurements may be collected as part of the Fish and Fish Habitat VC field program (refer to the Fish and Fish Habitat VC Study Plan)." "Qualitative methods will be used to assess potential effects of the Project to surface water quality based on an understanding of baseline surface water quality, likely Contaminants of Potential Concern associated with different project activities and in consideration of mitigation measures."</p> | <p>...describe the effects of changes to the aquatic environment on fish and fish habitat, including: contaminant levels in harvested species and their prey".</p> | <p>fish that may be consumed by Indigenous groups will be assessed. Provide information about methods and approaches that will be used to meet the requirements in Section 15.1 of the Guidelines.</p> | <p>and Soils Study Plan, the Groundwater and Geochemistry Study Plan, and the Surface Water Study Plan for details on methods and approaches for assessing the potential for contaminant release into the environment as result of the Project.</p> | | |

| New comments from the Federal Review Team on the revised Fish and Fish Habitat Study Plan submitted in June 2021. | | | | |
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| # | Study Plan Section | Tailored Impact Statement Guidelines Section | Context | Required Action for the Proponent |
| FH-13 | <p>Section 3 Study Plan Technical Discussions</p> <p>“Review of 2019 field studies, proposed 2020 studies and site selection, including additional details regarding site selection rationale (for both 2019 and 2020 studies).</p> <p>DFO review of the additional details provided and acknowledgement of the information provided satisfying the request for additional information (Comment FH-01, Appendix B)</p> | <p>Section 7.2 Sources of Baseline Information “With regard to field studies, survey work must be planned to include multiple sampling locations and multiple visits to each location to support all required assessment analyses.”</p> <p>Section 7.4.2 “Baseline data collection for all biophysical valued components is to be provided for a minimum of two years, unless specified otherwise. Temporal boundaries spanning more than one year will enable accounting for variation due to irregular events (e.g., masting events, storms on migration, late snowfalls).”</p> | <p>The requested information has not been included in the updated study plan.</p> <p>Review FH-01 above for further detail.</p> | Refer to the required actions for FH-01. |
| FH-14 | <p>Footnote 10, Section 9.2 “In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs. The VCs will be consulted and engaged on early in the IA/EA process and finalized taking into consideration the input received. Therefore, only information relevant to the Project that arises from the regional assessment of the Ring of Fire within an appropriate timeline will inform the VCs for the Project.”</p> | Editorial comment | <p>The statement in the footnote 10 in Section 9.2 “<i>In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs.</i>” is inaccurate, as the Regional Assessment in the Ring of Fire area has not yet begun.</p> | <p>Replace the text in footnote 10 with “<i>In February 2020, the Minister of Environment and Climate Change determined that a regional assessment will be conducted in an area centred on the Ring of Fire mineral deposits in northern Ontario. Relevant information available in relation to the Regional Assessment in the Ring of Fire area would be considered in the impact assessment of the Project.</i>”</p> |
| FH-15 | <p>Table 11-3: Study Plan Federal and Provincial Concordance – Requirement Deviations</p> | | <p>Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process.</p> <p>The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team.</p> | |

Comments from the Federal Review Team on Marten Falls Community Access Road Project Land and Resource Use Study Plan – August 26, 2021

It is essential that the Impact Statement for the Marten Falls Community Access Road Project (the Project) address all requirements outlined in the Tailored Impact Statement Guidelines (the Guidelines), and that the study plans outline a clear approach to achieving these requirements. The Impact Assessment Agency of Canada (the Agency) has highlighted sections of the Guidelines where requirements for the Impact Statement may not be met, based on content of the draft study plan submitted to the Agency. Note that this table does not provide an exhaustive list of the requirements described in the Guidelines. The Guidelines should be reviewed in their entirety, including the sections identified below.

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| GC-01 | Section 5 - Public Participation and views (including 5.1, 5.2) | <p>Provide a clear description in the study plans of how public engagement opportunities have been and/or will be integrated into the impact statement phase. This must include detail on how the public will have opportunities to provide input to contribute to the development of the Impact Statement, as required in Section 5 of the Guidelines.</p> <p>Describe what engagement with the members of the public listed in the Public Participation Plan has been done in the development of the study plans, and/or any planned engagement with members of the public on the proposed study plans.</p> | <p>Section 4: describes how the Proponent will provide Project notices and opportunities with members of the public listed in the Public Partnership Plan. This will also include the opportunity to provide input on the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures as applicable. A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.</p> <ul style="list-style-type: none"> - The study plans have recognized public and agency input received on the Project to date. | Section 4.1 “A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.” | <p>Section 4.1 of the study plan mentions that “a variety of activities will be offered”, however, no details on the likely engagement activities are provided.</p> <p>As required by Section 5 of the Guidelines, the Impact Statement must provide a record of engagement that describes all efforts taken to seek the views of local communities and other stakeholders with respect to the Project, including on the study plans. This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement, including prior to and during the planning phase, and in the preparation of the Impact Statement.</p> <p>Provide details on the timeline for public engagement relative to the project workplan, including engagement relative to the schedule for baseline work, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> <p>Demonstrate in the Impact Statement that comments provided by members of the public on the use of land and resource were taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions</p> |
| GC-02 | Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3) | <p>Provide a clear description in the study plans of how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will have opportunities to provide Indigenous knowledge, including the validation of how information they provided was applied. The study plan should include a description of the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that the guidance outlined in Section 6.2 of the Guidelines has been incorporated into the study plans.</p> <p>Describe what engagement with all the Indigenous groups listed in the Indigenous Engagement and Partnership Plan has been done in the development of the study plans, and/or</p> | <ul style="list-style-type: none"> - In Section 4.2 it is noted that the Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in the Indigenous Partnership and Engagement Plan. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input. - Section 2.1.1 outlines the approach to handling confidential information, by means of permission from Indigenous communities to include Indigenous Knowledge in the IS / EA Report, regardless of the source of the Indigenous Knowledge. - The study plans have recognized Indigenous community input received on the Project to date. | <p>Sections 4.1 “...A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input...”</p> <p>“...Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process...”</p> | <p>Section 4.2 of the study plan states that “a variety of activities will be offered”, however, no details on the planned engagement activities are provided.</p> <p>Section 4.2 of the study plan also states that “Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process”, however, it is unclear on which components of the study plans the project team plans to engage. It is also unclear whether Indigenous groups will be provided with a meaningful opportunity to provide input on a preliminary approach/method for baseline data collection, as required in Section 6 of the</p> |

¹ Refer to complete sections of the Guidelines for more context.

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| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| | | any planned engagement with Indigenous groups on the proposed study plans, particularly in relation to collection of Indigenous knowledge (i.e. develop the work plan in collaboration with those Indigenous groups that would need to provide knowledge). | | | <p>Guidelines, or if engagement will take place after the baseline data collection is complete.</p> <p>Provide details on the timeline for Indigenous engagement on the study plan, including engagement relative to the schedule for baseline work, and spatial and temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge, and in consideration of the project team's timeline for the development of the Impact Statement.</p> <p>Demonstrate in the Impact Statement that comments provided by Indigenous groups on the use of land and resource were taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions</p> |
| GC-03 | Section 6.2 - Analysis and response to questions, comments, and issues raised | Revise the study plans to include an approach to handling confidential information that demonstrates adherence to the guidance provided in Section 6.2 of the Guidelines. | <ul style="list-style-type: none"> - Section 2.1.1: Section has been updated to include information regarding both confidentiality and permission information on all collected Indigenous Knowledge, regardless of the source. - This section also includes how information regarding the Indigenous Knowledge Sharing Agreements will be established by the Proponent and Indigenous community participating in the Program. | Section 2.1.1 “...Sensitive and / or confidential information collected through Indigenous Knowledge Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the Indigenous Knowledge Program prior to the sharing and use of any sensitive information. Instances where Indigenous Knowledge sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement, including where Indigenous Knowledge was incorporated into Project decisions and into the IS / EA Report (i.e., specifics will not be included in the Record of Consultation and Engagement given the potential sensitivity and / or confidentiality of the information shared)...” | <p>As required in Section 6 of the Guidelines, incorporate in the Impact Statement content that describes the confidential information provided by each Indigenous group. Present the content in sufficient detail to support understanding of the potential effects and impacts on rights, while also protecting confidential/sensitive specifics and respecting stipulations in the confidentiality agreements (e.g, use buffer areas instead of specific locations, etc.).</p> <p>Provide to the Agency, in the form of a letter from the Indigenous group that shared confidential information, a letter confirming that:</p> <ul style="list-style-type: none"> • the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; • the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed. |
| GC-04 | Study plans spatial boundaries | <p>Describe the approach to be implemented to demonstrate how the definitions of the proposed study area boundaries:</p> <ul style="list-style-type: none"> • encompass the anticipated boundaries of the Project's effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan; and • take into account community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, technical, social, | <ul style="list-style-type: none"> - Section 6.2: General information on study areas for the Project, including a detailed list of what was considered to develop the discipline-specific local and region study areas, is included in each study plan. Each study area has been proposed taking into consideration community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices, physical, ecological, technical, social, health, economic and cultural considerations available at this time. | Section 6.2.1 “The preliminary LSA currently being considered within the scope of the ongoing provincial regulatory review process generally includes the area within 2.5 km of the centreline of Alternative 1 and Alternative 4.” | <p>Section 7 of the Guidelines, states that “The size, nature and location of past, present and foreseeable future projects and activities are factors that should be included in the definition of spatial boundaries.”</p> <p>It is unclear how a Local Study Area of 2.5 km from the centreline of the Project would be appropriate to assess direct effects on land and resource use. At a minimum, the upgrades to the Anaconda and Painter Lake forestry access roads, the Northern Road Link Road Project, the Webequie Supply Road Project, as well as winter roads, activities and</p> |

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| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| | | health, economic and cultural considerations; and the size, nature and location of past, present and foreseeable future projects and activities. | - The proposed discipline-specific study areas are preliminary. The proposed study areas will be consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program provides additional opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples to be shared in greater detail. | | <p>communities connected through these roads should be included in the Local Study Area.</p> <p>Update the study plan to demonstrate that factors outlined in section 7 of the Guidelines where taken into account in defining preliminary spatial boundaries for the Project.</p> <p>As required in Section 7.4.1 of the Guidelines, provide information regarding how the following were/will be taken into account in defining the spatial boundaries: community knowledge and Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and reasonably foreseeable future projects and activities.</p> <p>Ensure that the land and resources use Regional Study Area encompasses the spatial boundary of cumulative effects.</p> <p>Provide the above information in a way that allows those who provided the knowledge to the proponent and the Agency to see their input reflected in the Impact Statement. It is not sufficient to state that "input from participants will be/was taken into account".</p> |
| GC-05 | Section 7 - Baseline Methodologies (Including 7.1, 7.2, 7.3, 7.4) | <p>Provide clear descriptions in the study plans of the proposed study areas and the criteria used to define the study areas for each valued component.</p> <p>Provide clear descriptions of the timing of previously collected data (days/month/year) and future approximate (month/year or season/year) timing for every field work planned and the criteria used to tailor the temporal boundaries to the valued components under consideration.</p> <p>Describe how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be, or have been, engaged to provide input on spatial and temporal boundaries.</p> <p>Explain how the Agency will be provided opportunities to validate spatial and temporal boundaries.</p> | <ul style="list-style-type: none"> - Local Study Area (LSA) and Regional Study Area (RSA) for each valued component are described in Table 6-1, including rationale used to define the area. - Study plans have been designed considering historical information, where applicable and available. Study plans will be updated with appended Work Plans, to be submitted at a future date, which will detail upcoming planned field activities. - As detailed in both Section 4.2 and Section 6.2 the Proponent will continue to provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, including the LSAs and RSAs. - Government agencies and interested persons will have the opportunity to comment on component of the study plans throughout the IS / EA Report consultation and engagement process | Sections 4.2 and 6 | <p>To ensure that baseline data collection will meet the requirements of the Guidelines, the Agency advises the project team to share a workplan describing how the survey for land and resources use data collection will be conducted. If it is not possible to provide this information in the study plans or workplans, the Agency requires an opportunity to review the collected baseline data/baseline reports prior to the preparation of the Impact Statement documentation.</p> <p>Include in the Impact Statement a baseline community profile for each Indigenous group listed in the Indigenous Engagement and Partnership Plan and for each local community listed in the Public Participation Plan, to meet the requirements of Section 10 of the Guidelines. The baseline community profiles should be used to inform the effects assessment required by Section 17 of the Guidelines.</p> |

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| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| GC-06 | | Provide further details in the study plans on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines | - Section 4.3 has been updated to include the consideration of Identity and Gender-Based Analysis Plus (GBA+) including both Indigenous communities and their relevant subpopulations and non-Indigenous communities and their subpopulations. During consultation and engagement activities these groups (and any others defined during consultation) will be engaged with on targeted input. | Sections 4.3 and 9.7 | <p>The study plan does not sufficiently describe how GBA+ will be utilized throughout the engagement process to better inform the baseline data and the assessment of effects and impacts.</p> <p>A GBA+ framework should be applied to analyze historic and current power relations, decision-making processes, and how gender intersects with health, social, and economic conditions.</p> <p>Include equity considerations as a tool to ensure inclusiveness in the engagement process.</p> <p>Describe how GBA+ has been or will be applied to the consideration of engagement activities. Identify specific methods targeted to specific subgroups.</p> <p>Provide detail on how GBA+ has been integrated into all aspects of data collection methodology, including for the definition of indicators, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines.</p> <p>It is not sufficient to mention that Gender-Based Analysis Plus will be applied to the assessment. Clear descriptions of how GBA+ was integrated (including to which variables, method, and how it influenced results' interpretation) are needed in the Impact Statement.</p> |
| GC-07 | Section 13 - Effects Assessment (including 13.1, 13.2) | <p>Provide details to demonstrate how the Project's potential effects will be considered, as per the requirements in Sections 13 to 19 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work.</p> <p>Provide detail on how engagement with all Indigenous groups listed in the Indigenous Engagement and Partnership Plan and the public will inform the effects assessment and the selection of mitigation measures and follow-up program measures.</p> | <p>- Project environmental interaction are separated into Project phases, and Project activities for each environmental discipline in their VC-specific study plan listed as Table 9-1.</p> <p>- Information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the Indigenous Knowledge Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs.</p> | Throughout the study plan, Sections 6.2 and 9 | <p>As required in Sections 7 and 13 of the Guidelines, ensure that the effects assessment considers the effects of each of the project components (including but not limited to all alternative routes brought forward in the Impact Statement, all aggregates sources, access roads, etc.) and physical activities, in all phases, and that the assessment is based on a comparison to the data and information gathered during the proposed baseline work.</p> <p>Clarify the level of information that will be shared with, and explained to, the Indigenous Knowledge Program leads and whether study plans will be made available to all Indigenous groups listed in the Indigenous Engagement and Partnership Plan.</p> |
| GC-08 | Section 13.1 | Provide clear descriptions of the rationale behind the assumptions, including but not limited to the assumed average daily traffic and vehicles composition during the construction and operation phases that will be considered for the effects assessment and the cumulative effects assessment. | - Section 10: Current assumptions to be used in the effects assessment have been identified. Any additional assumptions will be identified and rationale will be provided in the IS / EA Report. | Section 10 | Before conducting the effects assessment analysis, the Agency advises the proponent to seek the Federal Review Team's confirmation of the assumptions that will be used in the analysis or, at a minimum, to discuss the type of assumptions that will be considered. |

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| | | | | | As required by Section 13.1 of the Guidelines, ensure that the Impact Statement clearly outlines the assumptions used for the assessment of effects, including cumulative effects, on each valued component. |
| GC-09 | Section 19.2 - Impacts on the Exercise of Aboriginal and Treaty Rights | Describe an approach for identifying the potentially impacted rights of Indigenous peoples of Canada that are recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> , and for integrating the potential impacts on those rights into the collection of baseline information and the effects assessment. | <ul style="list-style-type: none"> - All study plans reference how potential effects on Indigenous rights will be assessed in the Aboriginal and Treaty Rights and Interests Study Plan. - Impacts on Rights considerations are explained in the rationale for defining a Local Study Area and Regional Study Area for Aboriginal and Treaty Rights and Interests VCs. Further information for this is listed in Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan. | Section 5, and Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan | Feedback will be provided in the Federal Review Team's comments package on the Aboriginal and Treaty Rights and Interests Study Plan. |
| GC-10 | Section 20 - Mitigation and enhancement measures | Provide detail on the approach to meeting the requirements of Section 20 of the Guidelines regarding the identification of mitigation and enhancement measures. | <ul style="list-style-type: none"> - Section 9: Approach to mitigation and enhancement measures, specifically noting that once potential effects have been identified, the effects assessment will explore technically and economically feasible mitigation measures to avoid or minimize the identified negative effects and enhancement measures to increase positive effects. | Section 9.4.1 Concordance table "Section 20 of the Guidelines describes the requirements around mitigation and enhancement measures that must be considered in the IS" | <p>Section 9.4.1 of the study plan is listing the requirements outlined in Section 20 of the Guidelines.</p> <p>Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 20 of the Guidelines.</p> |
| GC-11 | Section 25 – Description of the Project's contribution to sustainability | Provide detail on the approach to meeting the requirements of Section 25 of the Guidelines regarding the description of the Project's contribution to sustainability. | <ul style="list-style-type: none"> - Section 9: the sustainability assessment for the Project will be undertaken on the preferred alternative and will characterize the Project's contribution to sustainability incorporating the requirements set out in Section 25 of the Guidelines. | Section 9.6 | <p>Section 9.6 of the study plan is listing the requirements outlined in Section 25 of the Guidelines.</p> <p>Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 25 of the Guidelines.</p> |
| GC-15 | Concordance with Federal Guidance | Provide a separate concordance table containing all requirements of the Guidelines. This is required to show how all requirements of the Guidelines, including the interactions of effects and interconnectedness of valued components, would be addressed. | <ul style="list-style-type: none"> - Please refer to Table 11-1, Table 11-3 and the General Comments Table Response. | Table 1-2 | <p>The Agency has identified inconsistencies between the cross-references presented and the information contained in the study plans. For example, the Land and Resource Use study plan indicates that "changes to waterways and navigation on waterways will be in the Surface Water Study Plan". However, this information is not found in the Surface Water study plan.</p> <p>In addition, the Land and Resource Use study plan indicates that "Changes to community well-being as a result of land and resource use changes will be in the Social Study Plan", however no information could be found in the Social Study plan.</p> <p>Provide a separate concordance table that describes the content of each study plans. This is needed to cross-check all plans against the Guidelines and demonstrate how all requirements of the Guidelines would be met.</p> |

| Preliminary Comments from the Impact Assessment Agency of Canada on the Draft Land and Resource Study Plan submitted on May 22, 2020: | | | | | | |
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| # | Draft Study Plan Section | TISG Section ² | Required Action for Proponent | Proponent Response | June 2021 Study Plan Reference | Agency Response |
| LRU-01 | Section 2 | Sections 10 and 17 | Required Action # 1: Update the study plan to reflect the requirements of Sections 10 and 17 of the Guidelines regarding non-Indigenous land and resources use. | Section 4 of the study plan outlines consultation and engagement activities to support the Land and Resource Use Assessment. Section 7.2 provides a list of public interest groups that are expected to be engaged with for data collection purposes related to Land and Resource Use. Section 4 of the study plan outlines consultation and engagement activities to support the Land and Resource Use Assessment. Section 7.2 provides a list of public interest groups that are expected to be engaged with for data collection purposes related to Land and Resource Use. | Section 4.1 of the study plan states that “ <i>The Proponent will provide Project notices and advise of opportunities for consultation and engagement with interested persons which includes, at a minimum, members of the public outlined in the Public Participation Plan for the Marten Falls Community Access Road Project Impact Assessment (the Agency 2020) (referred to as the Public Participation Plan).</i> ” Section 7.2 of the LRU study plan states that “ <i>The Land and Resource Use Assessment will examine Indigenous land use for non-traditional purposes, as it is anticipated that Indigenous communities will be the major land users in the study area. Indigenous communities identified in the Table 4-1 may be engaged for the purposes of data collection related to Indigenous land use for non-traditional purposes. If required, the following potentially impacted groups and stakeholders identified in the Public Participation Plan may be engaged for the purposes of Land and Resource Use data collection...</i> ” | Required action # 1 was partially addressed. In section 4.1 of the study plan the proponent states that engagement opportunities <i>will</i> be provided while in section 7.2 of the study plan the proponent states that “Indigenous communities identified in the Table 4-1 “ <i>may be engaged</i> ” and “ <i>If required</i> ”, the following potentially impacted groups and stakeholders identified in the Public Participation Plan <i>may be engaged</i> for the purposes of Land and Resource Use data collection”. As per Section 5 of the Guidelines, the Agency expects the proponent to engage with, at a minimum, the members of the public listed in the Public Partnership Plan. As per Section 6 of the Guidelines, the Agency expects the proponent to engage with, at a minimum, the Indigenous groups listed in the Indigenous Engagement and Partnership Plan. Ensure that the approach proposed meets the requirements of Sections 5 and 6 of the Guidelines and that the information is consistent throughout the study plan. |
| LRU-02 | Section 3 | Section 6.2 | Required Action # 2: Update the study plan to reflect how the requirements of Section 6.2 of the Guidelines will be met. | Section 5 of the Study Plan describes how Indigenous Knowledge will be collected and considered in the IS / EA for the Project. Section 2.1 has additional information on the Project’s approach to handling confidential information. | Section 2.1 Section 5 | Required action # 2 was partially addressed. See comment GC-03. |
| LRU-03 | Sections 3 and 4.1 | Section 6.2 | Required Action # 3: Provide detail on what baseline information will be sourced from primary information sources, and what will be sourced from secondary information sources so that it is clear where information is being sourced for the criteria and indicators listed in the study plan. Required Action # 4: Regarding primary information collection, the study plan requires additional detail on how the collection methodology would meet the expectations of the Guidelines, including: – Identify other types of engagement activities (surveys, community sessions, chief and council sessions, workshops, etc.), additional to questionnaires that are indicated in Section 4.1 of the study plan. – Describe how Gender-Based Analysis Plus (GBA+) has been applied to the | Section 4.2 outlines how Indigenous communities will be engaged with including for the purposes of data verification. Section 5 of the Study Plan describes how Indigenous Knowledge will be collected and considered in the IS / EA for the Project. | Sections 4.2 and 5 | Required action # 3 was addressed. Required action # 4 was partially addressed. Provide further detail regarding planned or past engagement activities on the Land and Resource Use study plan. Describe the types of questions/ information being asked in/ planned for general engagement activities and in VC-specific engagement activities. Identify sample surveys, interview questions, or other data collection tools in an appendix to the work plan. Required action # 5 was addressed. |

² Refer to complete sections of the Guidelines for more context

Preliminary Comments from the Impact Assessment Agency of Canada on the Draft Land and Resource Study Plan submitted on May 22, 2020:

| # | Draft Study Plan Section | TISG Section ² | Required Action for Proponent | Proponent Response | June 2021 Study Plan Reference | Agency Response |
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| | | | <p>consideration of engagement activities. Identify any specific methods targeted to specific subgroups.</p> <ul style="list-style-type: none"> - Specify participants in engagement activities (reflecting the Indigenous groups listed in the Indigenous Engagement and Partnership Plan and members of the public listed in the PPP) including rationale for how the selection of participants meets the objectives of the study and demonstrates accessibility considerations (e.g., language requirements) and GBA+. - Describe the approach the proponent intends to take to encourage or attract participation, including how opportunities to participate will be planned and advertised. - Describe how Indigenous knowledge will be used to inform types of engagement activities and participant selection, including the identification of community consultation coordinators. - If sample surveys, interview questions, or other data collection tools exist, identify them in an appendix to the study plan, and provide clear links to how they relate to the social criteria. - Identify past public or Indigenous engagement activities that have taken place and are being used to inform this study plan. <p>Required Action # 5: For secondary information collection, provide specific information sources to be used, and for which criteria and indicators they apply. The study plan should provide a clear outline of which criteria and indicator data will come from existing secondary sources and what those sources are. Provide more detail on how the proponent has considered GBA+ requirements in the identification of secondary information sources.</p> | | | |
| | | | <p>Required Action # 6: Provide a clear description in your study plan how Indigenous groups will have opportunities to provide Indigenous knowledge, including the validation of the baseline collected. The description should include the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that guidance outlined in Section 6.2 of the</p> | | | <p>Required action # 6 was partially addressed. See comments GC-02 and GC-03.</p> |

| Preliminary Comments from the Impact Assessment Agency of Canada on the Draft Land and Resource Study Plan submitted on May 22, 2020: | | | | | | |
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| # | Draft Study Plan Section | TISG Section ² | Required Action for Proponent | Proponent Response | June 2021 Study Plan Reference | Agency Response |
| | | | Guidelines has been incorporated into this study plan. | | | |
| LRU-04 | Section 4 | Sections 5.2, 6.3 and 10 | Required Action # 7: Update the study plan to demonstrate how GBA+ has been integrated into all aspects of data collection methodology and the assessment of effects and impacts. This should include a description of how the proponent will engage diverse populations to collect information necessary to support the GBA+ analysis and how the information will be tracked, considered and reported in the Impact Statement. | Section 4.3 speaks to how GBA+ requirements will be accommodated as part of the Land and Resource Use Assessment. | Section 4.3 | Required action # 7 was partially addressed. See comment GC-06. |
| LRU-05 | Section 5.1.2 | Sections 5, 6, and 7.4 | Required Action # 8: Update the study plan to demonstrate whether the public and Indigenous groups were engaged to define the spatial boundaries for valued components, especially for valued components that are identified by Indigenous groups. Alternatively, provide clarity regarding when Indigenous groups and public groups will be able to contribute to the definition of the spatial and temporal boundaries of valued components. | Section 6 of the Study Plan describes the rationale for the temporal and spatial boundaries for the Project. Section 6.2 of the Study Plan identifies how the PDA (formerly PSA), LSA and RSA have been defined for the Project, including for the Land and Resource Use Environment. This section also identifies that the study areas <u>can be</u> further refined based on input from neighbouring Indigenous communities and interested persons. | Section 6.2.2 “Indigenous communities and interested persons will be consulted on their interest, concern and perceptions regarding the potential for land and resource use impacts. Further, the Proponent remains open to receiving information from communities on their activities within the PDA and how interlinkages between the Project and those communities may result in land and resource use effects. If there is rationale to alter study areas, the extents of the applicable study areas will be revised accordingly (i.e., if additional information is provided that warrants a community or land user groups inclusion in one of the Land and Resource Use LSAs, the specific Land and Resource Use LSA may be adjusted). Alternatively, if requested, a community may be removed from the study area should the Project effects not be relevant to the community.” | Required action # 8 was not adequately addressed. Section 7.4 of the Guidelines states that “The proponent should engage with Indigenous groups when defining spatial and temporal boundaries for valued components, especially for those that are identified by Indigenous groups”. Ensure that the workplan clearly outlines the approach to engage Indigenous groups listed in the Indigenous Engagement and Partnership Plan, and members of the public listed in the Public Participation Plan, in determining the spatial and temporal boundaries specifically for the Land and Resource Use valued component. The Impact Statement should clearly outline all perspectives and input received on spatial and temporal boundaries, including Indigenous and community knowledge, and demonstrate how these were integrated into or contributed to decisions regarding the Project (e.g., project design). If the Proponent determined that some perspectives and input received during engagement activities did not warrant consideration or integration into the decisions regarding the Project, a detailed description of the input and rationale for exclusion must be provided in the Impact Statement. |
| LRU-06 | Section 5.1.2 | Section 1.1 | Required Action # 9: Update the study plan to define study areas that capture the Project’s effects on land and resources use due to potential changes to environment, health, social and economic conditions. | Table 6-1, which explains each of the study areas, includes references to how the extent of impact areas of other study disciplines is to be considered in the Land and Resource Use Assessment. | Table 6-1 | Required action # 9 was adequately addressed. |
| LRU-07 | Section 5.2 | Sections 7 and 17 | Required Action # 10: Update Table 3 of the study plan to include detailed criteria, detailed and measurable indicators, and rationale for the indicators selected to demonstrate how the requirements in Section 17 of the Guidelines would be met. | The Study Plan has been updated to include a list of the VCs, indicators, sub-indicators and their rationale for inclusion. | Table 9-2 | Table 9-2 in Section 9.2 of the study plan presents a list of “indicators” and “sub-indicators”, however, the level of detail of the description provided is not sufficient. Update the study plan to provide further detail to describe each variable that will be used to characterize the “change” (positive, negative, or unintended) related to indicators identified in the study plan. |

| Comments from the Federal Review Team on the Marten Falls Community Access Road Project Land and Resource Use Study Plan submitted in June 2021 | | | | |
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| Comment ID # | Study Plan Section | Tailored Impact Statement Guidelines Section ³ | Context | Required Action for the Proponent |
| LRU-08 | Table 9-3: Potential Discipline Interactions | Editorial | Section 2 of the study plan states that surface water was considered in conducting the Land and Resource Use (LRU) Assessment, however, Table 9-3 does not indicate surface water as a discipline for interactions. | Include in Table 9-3 all potential disciplines for interactions with the Land and Resource Use valued component. |
| LRU-09 | <p>Section 4.2 “The Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in Table 4-1, which is inclusive of all Indigenous communities identified in the <i>Indigenous Partnership and Engagement Plan for the Marten Falls Community Access Road Project Impact Assessment</i> (the Agency 2020a) (referred to as the Indigenous Engagement and Partnership Plan).</p> <p>Indigenous communities will be provided the opportunity to be involved at critical decision-making points throughout the IS / EA Report so that the Proponent can consider and incorporate, where appropriate Indigenous Knowledge and Indigenous land and resource use information into the Project as it pertains to the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input. The study plans have recognized Indigenous community input received on the Project to date. Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process.”</p> | <p>Section 12 “...Where Indigenous groups do not wish to participate, the proponent is encouraged to continue sharing information and analysis with the Indigenous groups of the potential effects of the Project, and to use available public sources of information to support the assessment...”</p> | <p>The study plan does not describe how information will be shared with Indigenous groups who do not wish to participate, and/or withdraw their participation.</p> <p>A description of efforts to engage with individuals or groups who are not amongst ‘interested persons’ should be provided. Certain populations may be less likely to voluntarily express their views, and steps should be taken to remove barriers to ensure their participation.</p> | <p>Include in the Impact Statement detailed descriptions of the Indigenous groups that are being engaged and of those that do not wish to participate, and provide contextual information regarding historical and current trends.</p> <p>Describe actions taken to raise interest in the Project from potentially impacted Indigenous groups who chose not to participate in engagement activities.</p> <p>Clarify how information will continue to be shared with Indigenous groups who chose not to participate in engagement activities.</p> |
| LRU-10 | Section 9.2 and Table 9-2 | <p>Sections 17 “...Indicators should be developed by the proponent using best practice, Agency guidance, and through engagement with Indigenous groups and the public. Rationale for the indicators chosen should be provided...”</p> | <p>Table- 9-2 states the indicator for Recreation and Tourism is “Land and waterway disruption and access”, however, none of the sub indicators assesses effects to waterways.</p> <p>Table 9-2 should include sub-indicators that account for changes to access and disruption of waterways.</p> | Include sub-indicators to account for effects to waterways (e.g. access to waterways, disruption of waterways) in the effects assessment. |
| LRU-11 | <p>Section 9.2 Valued Components and Indicators</p> <p>Table 9-2: Land and Resource Use Indicators</p> | <p>Sections 17 “Indicators should be developed by the proponent using best practice, Agency guidance, and through engagement with Indigenous groups and the public. Rationale for the indicators chosen should be provided.”</p> | <p>The following information sources should also be used when considering the Land Use Compatibility valued component:</p> <ul style="list-style-type: none"> - MNR’s Crown Land Use Policy Atlas (CLUPA) for southern part (within the area of undertaking South of Glaze Lake approx. 30 km) - Provincial Park Management Plans <p>If the Project may be incompatible with any of the policies or guidelines found in CLUP or a Park Management Plan, an amendment to such plans may be required. Consultation with the Ministry of Northern Development, Mines, Natural Resources and Forestry is recommended.</p> | |
| LRU-12 | <p>Section 11. Concordance with Federal and Provincial Guidance</p> <p>Table 11-1: Study Plan Federal Concordance – Conformance with Requirements</p> | <p>Section 10 “...In preparing a baseline, the proponent must identify the social area of influence of the Project and prepare a community profile. To understand the community context, the information provided must describe:</p> | The Land and Resource Use study plan does not provide a description of ownership and use of resources, including ownership of land surrounding water crossings, as required by Section 10 of the Guidelines. | Provide in the Impact Statement information on the ownership and use of resources, including ownership of land surrounding water crossings, in order to meet the requirements of Section 10 of the Guidelines. |

³ Refer to complete sections of the Guidelines for more context.

| Comments from the Federal Review Team on the Marten Falls Community Access Road Project Land and Resource Use Study Plan submitted in June 2021 | | | | |
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| Comment ID # | Study Plan Section | Tailored Impact Statement Guidelines Section ³ | Context | Required Action for the Proponent |
| | ID#4: "Access, ownership and use of resources (e.g., land tenure, forestry, minerals, aggregate, food, water, social infrastructure, current road systems and seasonal roads), including ownership of land surrounding water crossings;" | - access, ownership and use of resources (e.g., land tenure, forestry, minerals, aggregate, food, water, social infrastructure, current road systems and seasonal roads), including ownership of land surrounding water crossings'..." | | |
| LRU-13 | <p>Section 11. Concordance with Federal and Provincial Guidance</p> <p>Table 11-1: Study Plan Federal Concordance – Conformance with Requirements</p> <p>ID#6: "Relevant historical community background and applicable history with previous developers, including historical and recent proponents of mineral and other natural resource exploration and development projects and aspirations for future social and economic development."</p> | <p>Section 10</p> <p>"...In preparing a baseline, the proponent must identify the social area of influence of the Project and prepare a community profile. To understand the community context, the information provided must describe:...</p> <ul style="list-style-type: none"> • Relevant historical community background and applicable history with previous developers, including historical and recent proponents of mineral and other natural resource exploration and development projects and aspirations for future social and economic development..." | The Land and Resource Use study plan does not provide enough information about the relevant historical community background and applicable history with previous and recent developers, as required by Section 10 of the Guidelines. | Include in the Impact Statement further detail on relevant historical community background and applicable history with previous and recent developers to meet the requirements of Section 10 of the Guidelines. |
| LRU-14 | <p>Section 11. Concordance with Federal and Provincial Guidance</p> <p>Table 11-1: Study Plan Federal Concordance – Conformance with Requirements</p> <p>ID#8 - Navigation</p> <p>"...Information on the biophysical nature of waterways will be included in relevant biophysical reports such as the Surface Water Assessment.</p> <ul style="list-style-type: none"> - Descriptions on the current, planned future and historical use of waterways, including land ownership at crossings will be described in the Land and Resource Use Assessment. This will include recreational events, uses by Indigenous persons and cultural importance. - Project-related or existing obstructions, restrictions and expansions of navigable waterways will be described consistent with information available. This will include portage routes..." | <p>Section 10</p> <p>"...The Impact Statement must provide information on the following social conditions:...</p> <p>Navigation:</p> <ul style="list-style-type: none"> • existing navigable waterways and navigation use including type, volume, seasonality, manoeuvrability, and physical characteristics (e.g., width, depth, etc.), bank/bottom features, biological components, flow/tides, etc.; • describe past, current, and anticipated future use of all waterways and waterbodies, including recreational uses by Indigenous groups and the public (including special events, fishing, cottagers, etc.); • describe the use of water-ways with Indigenous cultural importance (e.g., Albany River, Ogoki River and Attawapiskat Rivers); and • potential of obstructions, restrictions, or expansions of access to navigable waterways (e.g., portage routes and access roads)..." | The Land and Resource Use study plan does not provide enough information regarding how data collection will be conducted to describe baseline and assess effects to the navigation/use of waterways valued component, as required by Section 10 of the Guidelines. | Describe in the Impact Statement all waterways that would interact with the project footprint, indicating whether waterways are navigable, are used for navigation purposes and if any effects to navigation are anticipated, in order to meet the requirements of Section 10 of the Guidelines. |
| LRU-15 | <p>Section 11. Concordance with Federal and Provincial Guidance</p> <p>Table 11-1: Study Plan Federal Concordance – Conformance with Requirements</p> <p>ID #9: "...The Land and Resource Use Assessment will consider potential effects to all listed items with the following exceptions:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Changes to community well-being due to changes in Land and Resource Use will be addressed in the Social Assessment. <input type="checkbox"/> Changes to environmental conditions will be considered as a proxy for quality with the assumption that changes in the environmental conditions may | <p>Section 17.2</p> <p>"...The Impact Statement Must:...</p> <ul style="list-style-type: none"> - Describe the potential interactions of the Project with local and regional land use and resource activities, including adverse and positive effects to: <ul style="list-style-type: none"> • transportation, utilities and communication corridors (including community airports and winter roads); • residential land use; • forestry and logging operations; • mining operations; • mineral exploration activities; • commercial outfitters; • land use for traditional purposes; and | The Land and Resource Use study plan does not provide enough information regarding potential impacts to community airports and winter roads, residential land use, or commercial outfitters, as required by Section 17.2 of the Guidelines. | Include in the Impact Statement information regarding potential interactions of the Project with local and regional land use and resource activities, including adverse and positive effects to community airports, winter roads, residential land use and commercial outfitters, to meet the requirements of Section 17.2 of the Guidelines. |

| Comments from the Federal Review Team on the Marten Falls Community Access Road Project Land and Resource Use Study Plan submitted in June 2021 | | | | |
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| Comment ID # | Study Plan Section | Tailored Impact Statement Guidelines Section ³ | Context | Required Action for the Proponent |
| | impact the quality of the experience for some users based on their expectations for the experience...” | <ul style="list-style-type: none"> agriculture and other land uses...” | | |
| LRU-16 | <p>Section 11. Concordance with Federal and Provincial Guidance</p> <p>Table 11-1: Study Plan Federal Concordance – Conformance with Requirements</p> <p>ID #9: “...The Land and Resource Use Assessment will consider potential effects to all listed items with the following exceptions: <input type="checkbox"/> Changes to community well-being due to changes in Land and Resource Use will be addressed in the Social Assessment. <input type="checkbox"/> Changes to environmental conditions will be considered as a proxy for quality with the assumption that changes in the environmental conditions may impact the quality of the experience for some users based on their expectations for the experience...”</p> | <p>Section 17.2 “...The Impact Statement must:...</p> <ul style="list-style-type: none"> Identify predicted effects of the Project on the quality and quantity of ground or surface water and implications for recreational uses...” | The Land and Resource Use study plan does not provide enough information regarding potential impacts to the quality and quantity of ground or surface water and potential implications for recreational uses as required by Section 17.2 of the Guidelines. | Provide in the Impact Statement information on potential adverse effects of the Project on quality and quantity of ground or surface water and potential implications for recreational uses, in order to meet the requirements of Section 17.2 of the Guidelines. |
| LRU-17 | <p>Section 11. Concordance with Federal and Provincial Guidance</p> <p>Table 11-1: Study Plan Federal Concordance – Conformance with Requirements</p> <p>ID #10 “The Land and Resource Use Assessment will consider potential effects to all listed items with the following exceptions: <input type="checkbox"/> Changes to physical characteristics will be considered in the Surface Water Assessment. The effects of these changes on use will be considered within the Land and Resource Use Assessment. <input type="checkbox"/> The use of waterways for traditional purposes will be covered under the Aboriginal and Treaty Rights and Interests Assessment...”</p> | <p>Section 17.3 Navigation “...The Impact Statement must:</p> <ul style="list-style-type: none"> describe effects to navigable waterways, including to physical characteristics (e.g., width, depth, etc.), bank/bottom features, biological components, flow/tides, etc.; describe ancillary project components that will be constructed in, on, under, over, through or across navigable waterways to support the Project; describe potentially affected waterway users and describe consultation with waterway users and Indigenous groups regarding navigational use, issues raised and how issues were addressed; and describe project effects to navigation and navigation safety, including potential obstructions to navigation (natural/man-made, other works, navigation aids, etc.)...” | The Land and Resource Use study plan does not provide enough information about ancillary project components that will be constructed in, on, under, over, through or across navigable waterways to support the Project; and project effects to navigation and navigation safety, including potential obstructions to navigation (natural/man-made, other works, navigation aids, etc.), as required by Section 17.3 of the Guidelines. | Include in the Impact Statement information on ancillary project components that will be constructed in, on, under, over, through or across navigable waterways to support the Project; and project effects to navigation and navigation safety, including potential obstructions to navigation (natural/man-made, other works, navigation aids, etc.), to meet the requirements of section 17.3 of the Guidelines. |
| LRU-18 | <p>Editorial - Footnote 8, Section 9.2 “In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs. The VCs will be consulted and engaged on early in the IA/EA process and finalized taking into consideration the input received. Therefore, only information relevant to the Project that arises from the regional assessment of the Ring of Fire within an appropriate timeline will inform the VCs for the Project.”</p> | | The statement in the footnote 8 in Section 9.2 “ <i>In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs.</i> ” is inaccurate, as the Regional Assessment in the Ring of Fire area has not yet begun. | Replace the text in footnote 8 with “ <i>In February 2020, the Minister of Environment and Climate Change determined that a regional assessment will be conducted in an area centred on the Ring of Fire mineral deposits in northern Ontario. Relevant information available in relation to the Regional Assessment in the Ring of Fire area would be considered in the impact assessment of the Project.</i> ” |

Comments on Marten Falls Community Access Road Project (Project) revised Surface Water Study Plan – September 8, 2021

It is essential that the Impact Statement for the Marten Falls Community Access Road Project (the Project) address all requirements outlined in the Tailored Impact Statement Guidelines (the Guidelines), and that the study plans outline a clear approach to achieving these requirements. The Impact Assessment Agency of Canada (the Agency) has highlighted sections of the Guidelines where requirements for the Impact Statement may not be met, based on content of the study plan submitted to the Agency. Note that this table does not provide an exhaustive list of the requirements described in the Guidelines. The Guidelines should be reviewed in their entirety, including the sections identified below.

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on June 3, 2021 - Surface Water Study Plan |
| GC-01 | Section 5 - Public Participation and views (including 5.1, 5.2) | <p>Provide a clear description in the study plans of how public engagement opportunities have been and/or will be integrated into the impact statement phase. This must include detail on how the public will have opportunities to provide input to contribute to the development of the Impact Statement, as required in Section 5 of the Guidelines.</p> <p>Describe what engagement with the members of the public listed in the Public Participation Plan has been done in the development of the study plans, and/or any planned engagement with members of the public on the proposed study plans.</p> | <p>Section 4: describes how the Proponent will provide Project notices and opportunities with members of the public listed in the Public Partnership Plan. This will also include the opportunity to provide input on the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures as applicable. A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.</p> <p>The study plans have recognized public and agency input received on the Project to date.</p> | Section 4.1 “A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.” | <p>Section 4.1 of the study plan mentions that “a variety of activities will be offered”, however, no details on the likely engagement activities are provided.</p> <p>As required by Section 5 of the Guidelines, the Impact Statement must provide a record of engagement that describes all efforts taken to seek the views of local communities and other stakeholders with respect to the Project, including on the study plans. This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement, including prior to and during the planning phase, and in the preparation of the Impact Statement.</p> <p>Provide details on the timeline for public engagement relative to the project workplan, including engagement relative to the schedule for baseline work, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> <p>Demonstrate in the Impact Statement that comments provided by members of the public on surface water were taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions</p> |
| GC-02 | Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3) | <p>Provide a clear description in the study plans of how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will have opportunities to provide Indigenous knowledge, including the validation of how information they provided was applied. The study plan should include a description of the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that the guidance outlined in Section 6.2 of the Guidelines has been incorporated into the study plans.</p> <p>Describe what engagement with all the Indigenous groups listed in the Indigenous Engagement and Partnership Plan has</p> | <p>In Section 4.2 it is noted that the Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in the Indigenous Partnership and Engagement Plan. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input.</p> <p>Section 2.1.1 outlines the approach to handling confidential information, by means of permission from Indigenous communities to include Indigenous Knowledge in the IS / EA Report, regardless of the source of the Indigenous Knowledge.</p> <p>The study plans have recognized Indigenous community input received on the Project to date.</p> | Section 4.2 “...A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input...” “...Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process...” | <p>Section 4.2 of the study plan states that “a variety of activities will be offered”, however, no details on the planned engagement activities are provided.</p> <p>Section 4.2 of the study plan also states that “Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process”, however, it is unclear on which components of the study plans the project team plans to engage. It is also unclear whether Indigenous groups will be provided with a meaningful opportunity to provide input on a preliminary approach/method for baseline data collection, as required in Section 6 of the Guidelines, or if engagement will take place after the baseline data collection is complete. Provide details on the timeline for Indigenous engagement on the Surface Water study plan, including engagement relative to the schedule for baseline work, and spatial and temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> <p>Demonstrate in the Impact Statement that comments provided by Indigenous groups on surface water were taken into consideration. Comments provided to the Agency are available on the Canadian Impact</p> |

¹ Refer to complete sections of the Guidelines for more context.

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| | | been done in the development of the study plans, and/or any planned engagement with Indigenous groups on the proposed study plans, particularly in relation to collection of Indigenous knowledge (i.e. develop the work plan in collaboration with those Indigenous groups that would need to provide knowledge). | | | Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions |
| GC-03 | Section 6.2 - Analysis and response to questions, comments, and issues raised | Revise the study plans to include an approach to handling confidential information that demonstrates adherence to the guidance provided in Section 6.2 of the Guidelines. | <p>Section 2.1.1: Section has been updated to include information regarding both confidentiality and permission information on all collected Indigenous Knowledge, regardless of the source.</p> <p>This section also includes how information regarding the Indigenous Knowledge Sharing Agreements will be established by the Proponent and Indigenous community participating in the Program.</p> | Section 2.1.1 “...Sensitive and / or confidential information collected through Indigenous Knowledge Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the Indigenous Knowledge Program prior to the sharing and use of any sensitive information. Instances where Indigenous Knowledge sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement, including where Indigenous Knowledge was incorporated into Project decisions and into the IS / EA Report (i.e., specifics will not be included in the Record of Consultation and Engagement given the potential sensitivity and / or confidentiality of the information shared)...” | <p>As required in Section 6 of the Guidelines, incorporate in the Impact Statement content that describes the confidential information provided by each Indigenous group. Present the content in sufficient detail to support understanding of the potential effects and impacts on rights, while also protecting confidential/sensitive specifics and respecting stipulations in the confidentiality agreements (e.g, use buffer areas instead of specific locations, etc.).</p> <p>Provide to the Agency, in the form of a letter from the Indigenous group that shared confidential information, a letter confirming that:</p> <ul style="list-style-type: none"> the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed. |
| GC-04 | Study plans spatial boundaries | <p>Describe the approach to be implemented to demonstrate how the definitions of the proposed study area boundaries:</p> <ul style="list-style-type: none"> encompass the anticipated boundaries of the Project's effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan; and take into account community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and foreseeable future projects and activities. | <p>Section 6.2: General information on study areas for the Project, including a detailed list of what was considered to develop the discipline-specific local and region study areas, is included in each study plan. Each study area has been proposed taking into consideration community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices, physical, ecological, technical, social, health, economic and cultural considerations available at this time.</p> <p>The proposed discipline-specific study areas are preliminary. The proposed study areas will be consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program provides additional opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples to be shared in greater detail.</p> | Section 6.2 The PDA encompasses the 100 metre-wide CAR right-of-way (ROW), temporary construction access roads, work areas, worker camps, and pits, quarries and associated access roads. The preliminary LSA currently being considered within the scope of the ongoing provincial regulatory review process generally includes the area within 2.5 km of the centreline of Alternative 1 and Alternative 4.... ... The LSA for Surface Water is consistent with the general LSA considered for the Project that generally includes the area within 2.5 km of the PDAs of Alternative 1 and Alternative 4, but is expanded to include a 2.5 km buffer around temporary infrastructure (e.g., pits and quarries, work camps). The buffer will account for waterbodies where direct interaction with Project components are not proposed, but where there is the potential for off-site direct or indirect Project effects that are measurable. The LSA for Surface Water encompasses the LSA for the other VCs that may affect surface water.... | <p>As required in Section 7 of the Guidelines, provide details to demonstrate that the surface water Regional Study Area encompasses the anticipated boundaries of the Project's effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan. Note that the Regional Study Area must encompass the spatial boundary of cumulative effects.</p> <p>As required in Section 7.4.1 of the Guidelines, provide information regarding how the following were/will be taken into account in defining the spatial boundaries: community knowledge and Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and reasonably foreseeable future projects and activities.</p> <p>Provide the above information in a way that allows those who provided the knowledge to the proponent and the Agency to see their input reflected in the Impact Statement. It is not sufficient to state that “input from participants will be/was taken into account”.</p> |

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| | | | | ... The RSA for Surface Water encompasses 21 quaternary watersheds crossed by the LSA. This area includes the area where surface water could potentially be affected by Project effects within the PDA and LSA as water flows downstream, and by regional indirect Project effects (e.g., potential regional-scale changes in groundwater-surface water interactions, changes to wetlands and peatland that could affect surface water, air quality changes resulting in long-distance transport and deposition of pollutants;... | |
| GC-05 | Section 7 - Baseline Methodologies (Including 7.1, 7.2, 7.3, 7.4) | <p>Provide clear descriptions in the study plans of the proposed study areas and the criteria used to define the study areas for each valued component.</p> <p>Provide clear descriptions of the timing of previously collected data (days/month/year) and future approximate (month/year or season/year) for every field work planned and the criteria used to tailor the temporal boundaries to the valued components under consideration.</p> <p>Describe how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be, or have been, engaged to provide input on spatial and temporal boundaries.</p> <p>Explain how the Agency will be provided opportunities to validate spatial and temporal boundaries.</p> | <p>Local Study Area (LSA) and Regional Study Area (RSA) for each valued component are described in Table 6-1, including rationale used to define the area.</p> <p>Study plans have been designed considering historical information, where applicable and available. Study plans will be updated with appended Work Plans, to be submitted at a future date, which will detail upcoming planned field activities.</p> <p>As detailed in both Section 4.2 and Section 6.2 the Proponent will continue to provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, including the LSAs and RSAs.</p> <p>Government agencies and interested persons will have the opportunity to comment on component of the study plans throughout the IS / EA Report consultation and engagement process</p> | Sections 4.2 and 6 | This comment has been partially addressed through the study plan and work plan. See comments SW-01 and SW-06 in the table below for detail about the outstanding information still required in relation to Surface Water study plan area boundaries and baseline data. |
| GC-06 | | Provide further details in the study plans on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines | Section 4.3 has been updated to include the consideration of Identity and Gender-Based Analysis Plus (GBA+) including both Indigenous communities and their relevant subpopulations and non-Indigenous communities and their subpopulations. During consultation and engagement activities these groups (and any others defined during consultation) will be engaged with on targeted input. | Section 4.3 | <p>Describe how GBA+ has been or will be applied to the consideration of engagement activities. Identify specific methods targeted to specific subgroups.</p> <p>Provide detail on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines.</p> <p>It is not sufficient to mention that Gender-Based Analysis Plus will be applied to the assessment. Clear descriptions of how GBA+ was integrated (including to which variables, method, and how it influenced results' interpretation) are needed in the Impact Statement.</p> |
| GC-07 | Section 13 - Effects Assessment | Provide details to demonstrate how the Project's potential effects will be considered, as per the requirements in | Project environmental interaction are separated into Project phases, and Project activities for each | Throughout the study plan, Section 9 | As required in Sections 7 and 13 of the Guidelines, ensure that the effects assessment considers the effects of each of the project components (including but not limited to all alternative routes brought forward in the |

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| | (including 13.1, 13.2) | Sections 13 to 19 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work. Provide detail on how engagement with all Indigenous groups listed in the Indigenous Engagement and Partnership Plan and the public will inform the effects assessment and the selection of mitigation measures and follow-up program measures. | environmental discipline in their VC-specific study plan listed as Table 9-1. Information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the Indigenous Knowledge Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs. | | Impact Statement, all aggregates sources, access roads, etc.) and physical activities, in all phases, and that the assessment is based on a comparison to the data and information gathered during the proposed baseline work. Clarify the level of information that will be shared with, and explained to, the Indigenous Knowledge Program leads and whether study plans will be made available to all Indigenous groups listed in the Indigenous Engagement and Partnership Plan. |
| GC-08 | Section 13.1 | Provide clear descriptions of the rationale behind the assumptions, including but not limited to the assumed average daily traffic and vehicles composition during the construction and operation phases that will be considered for the effects assessment and the cumulative effects assessment. | Section 10: Current assumptions to be used in the effects assessment have been identified. Any additional assumptions will be identified and rationale will be provided in the IS / EA Report. | Section 10 “Any assumption used in the effects assessment, for example the assumed average daily traffic on the CAR, will be clearly identified and a rationale provided in the IS / EA Report.” | Before conducting the effects assessment analysis, the Agency advises the proponent to seek the Federal Review Team’s confirmation of the assumptions that will be used in the analysis or, at a minimum, to discuss the type of assumptions that will be considered. As required by Section 13.1 of the Guidelines, ensure that the Impact Statement clearly outlines the assumptions used for the assessment of effects, including cumulative effects, on each valued component. |
| GC-09 | Section 19.2 - Impacts on the Exercise of Aboriginal and Treaty Rights | Describe an approach for identifying the potentially impacted rights of Indigenous peoples of Canada that are recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> , and for integrating the potential impacts on those rights into the collection of baseline information and the effects assessment. | All study plans reference how potential effects on Indigenous rights will be assessed in the Aboriginal and Treaty Rights and Interests Study Plan. Impacts on Rights considerations are explained in the rationale for defining a Local Study Area and Regional Study Area for Aboriginal and Treaty Rights and Interests VCs. Further information for this is listed in Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan. | Section 5, and Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan | Feedback will be provided in the Federal Review Team’s comments package on the Aboriginal and Treaty Rights and Interests Study Plan. |
| GC-10 | Section 20 - Mitigation and enhancement measures | Provide detail on the approach to meeting the requirements of Section 20 of the Guidelines regarding the identification of mitigation and enhancement measures. | Section 9: Approach to mitigation and enhancement measures, specifically noting that once potential effects have been identified, the effects assessment will explore technically and economically feasible mitigation measures to avoid or minimize the identified negative effects and enhancement measures to increase positive effects. | Section 9.5.1 “Mitigation requirements will be provided in the IS / EA Report and will include the general requirements for all VCs in addition to requirements that are specific to Surface Water as set out in Section 20 of the TISG (the Agency 2020c). The requirements specific to Surface Water are as follows...” (lists relevant requirements) | Section 9.5.1 of the study plan is listing the requirements outlined in Section 20 of the Guidelines. Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 20 of the Guidelines. |
| GC-11 | Section 25 – Description of the Project’s contribution to sustainability | Provide detail on the approach to meeting the requirements of Section 25 of the Guidelines regarding the description of the Project’s contribution to sustainability. | Section 9: the sustainability assessment for the Project will be undertaken on the preferred alternative and will characterize the Project’s contribution to sustainability incorporating the requirements set out in Section 25 of the TISG. | Section 9.7 | Section 9.7 of the study plan is listing the requirements outlined in Section 25 of the Guidelines. Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 25 of the Guidelines. |

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| GC-15 | Concordance with Federal Guidance | Provide a separate concordance table containing all requirements of the Guidelines. This is required to show how all requirements of the Guidelines, including the interactions of effects and interconnectedness of valued components, would be addressed. | Please refer to Table 11-1, Table 11-3 and the General Comments Table Response. | Section 11 | <p>Multiple requirements from Section 8.6 that are related to surface water are not included in the concordance table for the Surface Water study plan.</p> <p>Examples of missing Section 8.6 requirements include:</p> <ul style="list-style-type: none"> • provide the delineation of drainage basins, at appropriate scales (water bodies and watercourses), including intermittent streams, flood risk areas and wetlands, boundaries of the watershed and sub-watersheds, in relation to key project components; • provide written description and maps of primary, secondary and tertiary watersheds and major and minor rivers and lakes; • provide the design flood at each water crossing; • provide details on the hydraulic design of the water crossings; • quantify the effects of the Project on the hydrological regime of both the local and regional study area; in particular, in case of any watercourse diversions, describe the effects on the flow upstream and downstream of the diversion; <p>Include in the concordance table all relevant requirements. If they are covered in a separate plan, provide a cross reference to specify where the information is found.</p> |

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| Editorial Comment | Section 4.2.2: Surface Water Quality Figure 4-1: Proposed Surface Water Survey Locations | Editorial Comment | Provide a clear description of Figure 4-1 and reference the figure in the body of the study plan. | A location plan for the proposed surface water monitoring program (proposed water body crossing locations for ground-based field studies of water quantity and quality) has been included in the updated version of the Surface Water Study Plan. | | This comment has been addressed. |
| Editorial Comment | Section 4.2.2: Surface Water Quality “Proposed locations for surface water sampling are illustrated on Figure 4-2.... In situ parameters and water samples will be collected at the subset of watercrossings (Figure 4-2)” | Editorial Comment | Provide Figure 4-2 to clearly indicate the proposed locations for future surface water sampling and in situ parameter measurements. | The reference in Section 4.2.2 of the Draft Study Plan should have been Figure 4-1 (rather than Figure 4-2). Note as well that a location plan for the proposed surface water monitoring program has been included in the updated version of the Surface Water Study Plan. | | This comment has been addressed. |
| SW-01 | Section 3: Spatial Boundaries: Study Areas “The boundaries of the LSA will be confirmed and refined during the Baseline Study to consider flows in rivers and dilution and assimilation in water bodies, as may be required to capture the extent of direct and indirect project-related effects on surface water (Section 4.1). The RSA for the Water Quality VC encompasses Quaternary subwatersheds crossed by route Alternative 1 and Alternative 4 downstream of the PSA and LSA. This area includes the area where water bodies could potentially be affected by project effects within the PSA and LSA as water flows downstream, and by broad-scale indirect project effects (e.g., potential regional-scale changes in groundwater-surface water interactions and changes to wetlands and peatland hydrology that could affect surface water).” | Section 7.1 “...Considerations in assigning appropriate study areas or boundaries would include, but not be limited to: - areas potentially effected by changes to water quality and quantity or changes in flow in the watershed and hydrologically connected waters; - areas potentially effected by airborne emissions or odours; - areas determined by dispersion and deposition modelling; - areas within the range of vision, light and sound and the locations and characteristics of the most sensitive receptors; - species habitat areas, usage timing and migratory patterns; - emergency planning and emergency response zones; - the geographic extent of local and regional services; - any impacted local communities, including municipalities; - all potentially impacted Indigenous groups; | Provide details to demonstrate how the RSA spatial boundary was defined, given that water continues to flow further downstream. Provide detail to demonstrate how Indigenous knowledge has been, or will be, incorporated into the design of the field studies, including site selection. All Indigenous groups listed in the IEPP must be provided opportunities to: <ul style="list-style-type: none">• provide Indigenous knowledge during baseline data collection;• comment on the list of valued components and indicators;• inform the effects assessment and review its conclusions; and• inform the development of mitigation measures and follow-up programs. | The Surface Water Study Plan has updated to provide additional details on the RSA for Surface Water, with the understanding that the LSA and RSA are preliminary and cover the extent to which surface water could potentially be affected by Project activities. Provisions have been included to refine the LSA and RSA based on the results of the baseline studies, as well as future input from communities and Indigenous groups through consultation and engagement. As identified in Section 4.2 , the Proponent will provide opportunities for consultation and engagement with Indigenous communities (identified in Table 4-1), which is inclusive of all Indigenous communities identified in the <i>Indigenous Partnership and Engagement Plan for the Marten Falls Community Access Road Project Impact Assessment</i> (the Agency 2020a). Further information on how Indigenous Knowledge will be considered in the IS / EA Report has been included in Section 5 of the Surface Water Study Plan. This includes further details on the two concurrent and complementary avenues for Indigenous communities and groups to be engaged with, and provide input on, the Project, i.e. the Indigenous Knowledge Program | Section 4.2 Indigenous Communities “Indigenous communities will be provided the opportunity to be involved at critical decision-making points throughout the IS / EA Report so that the Proponent can consider and incorporate, where appropriate Indigenous Knowledge and Indigenous land and resource use information into the Project as it pertains to the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures.” Section 6.2.2 “The boundaries of the LSA and RSA will be confirmed and refined based on findings of the Baseline Study to consider flows in rivers and dilution and assimilation in water bodies, as well as the potential extent of Project effects on other VCs that may indirectly affect Surface Water” | This comment has been partially addressed. The Surface Water study plan does not clarify whether Indigenous Knowledge and Indigenous land and resource use data will inform the definition of the spatial boundaries of the surface water study areas. Provide a workplan that clearly outlines the approach to engage Indigenous groups listed in the Indigenous Engagement and Partnership Plan in determining the spatial and temporal boundaries specifically for the surface water valued component. See also comments GC-02, GC-03, GC-04 and GC-05. |

² Refer to complete sections of the Guidelines for more context

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| | <p>Section 4.2.2: Surface Water Quality “Water quality and sediment quality monitoring (...). The sites will be selected based on findings of the Desktop Assessment, field surveys conducted in 2019, and in consultation with MFFN. The sites selected will aim to capture the range of waterbody types and to consider important features such as fish and fish habitat, areas of groundwater-surface water interactions, and areas of Indigenous cultural importance for consumption.”</p> <p>Section: 6.1 Indicators and Expression of Change “The indicators have been determined for the Surface Water through consideration of the following: • consultation with Indigenous stakeholders, communities and Indigenous Knowledge;”</p> | <p>- areas of known Indigenous land, cultural, spiritual and resource use; and - existing effected infrastructure...”</p> <p>Section 7.4.1 “...Spatial boundaries are defined taking into account the appropriate scale and spatial extent of potential effects and impacts of the Project; community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; and physical, ecological, technical, social, health, economic and cultural considerations...”</p> <p>Section 8.6 “The Impact Statement must: ... • identify all springs and any other potable surface water resources within the local and regional project areas and describe their current use, potential for future use, and whether their consumption has Indigenous cultural importance; • describe the surface water quality baseline characterization program, including sampling site selection, monitoring duration and frequency, sampling protocol, and analytical protocol, including quality assurance and quality control measures;...”</p> | | and the Consultation and Engagement Program. | | |
| SW-02 | <p>Section 4.1: Desktop Assessment “The desktop assessment will include identification potable</p> | <p>Section 7.2 “...The Impact Statement must provide detailed descriptions of specific data</p> | Provide detail to demonstrate how the desktop assessment will determine whether consumption of | The identification and characterization of surface water drinking sources is captured in the Surface Water VC, with the understanding that Project-related | <p>Section 7.1 Desktop Assessment “The desktop review will include descriptions of the data sources,</p> | The Agency notes that the requirement to describe potable surface water resources current use, potential for future use, and whether their consumption has Indigenous cultural |

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| | <p>surface water sources within the local and regional project areas and a description of their current use, potential for future use, and whether their consumption has Indigenous cultural importance.”</p> | <p>sources, data collection, sampling, survey and research protocols and methods followed for each baseline environmental, health, social and economic condition that is described, in order to corroborate the validity and accuracy of the baseline information collected...”</p> <p>Section 8.6 “The Impact Statement must:... • identify all springs and any other potable surface water resources within the local and regional project areas and describe their current use, potential for future use, and whether their consumption has Indigenous cultural importance;...”</p> | <p>potable surface water sources has Indigenous cultural Importance.</p> <p>Describe in the study plan how Indigenous groups will have opportunities to provide Indigenous knowledge on potable surface water sources and validate the baseline data collected.</p> | <p>effects on these drinking water sources will be addressed in the Human Health and Community Safety VC. The identification and characterization of springs (and other groundwater-based potable water sources) is included in the study plan for the Groundwater VC.</p> | <p>data collection, sampling, survey and research protocols and methods for the existing relevant information sources as they relate to baseline conditions of surface water..... Potable surface water sources within the local and regional study areas will be identified and characterized as part of the background review for the surface water component (including a description of their current use, potential for future use, and whether their consumption has Indigenous cultural importance), with the understanding that Project-related effects on potable surface water sources will be assessed as part of the Human Health and Community Safety VC.”</p> <p>Table 11.1, ID#3 “The identification and characterization of springs is included in the study plan for the Groundwater VC. The identification and characterization of surface water drinking sources is captured in the Surface Water VC, with the understanding that Project-related effects on these drinking water sources will be addressed in the Human Health and Community Safety VC.”</p> | <p>importance, as indicated in Section 8.6 of the Guidelines, is also included in the Aboriginal and Treaty Rights (ATRI) study plan. The ATRI plan indicates that the Indigenous Knowledge program will be used to determine water sources that are culturally important.</p> <p>Describe, in the Surface Water study plan and in other, associated study plans, how the Section 8.6 requirements of the Guidelines will be met in relation to potable water resources.</p> <p>In each study plan, include cross references to the other plans (including ATRI study plan) where information on potable water resources is found.</p> |
| <p>SW-03</p> | <p>Section 4.1: Desktop Assessment “The information will include extensive field records that were obtained from the Cliffs Chromite Project Environmental Assessment project in 2011-2012 (Golder 2014) and other publicly available sources... ...A preliminary list of applicable information sources has been included in Appendix A and reflects</p> | <p>Section 7.2 “...The Impact Statement must provide detailed descriptions of specific data sources, data collection, sampling, survey and research protocols and methods followed for each baseline environmental, health, social and economic condition that is described, in order to corroborate the validity and accuracy of the</p> | <p>Provide detailed descriptions of specific data sources that will be used to identify gaps and inform baseline characterization of surface water. Sources should be listed and clearly correlated to the criteria and indicators that they will inform.</p> <p>Provide justifications to demonstrate that each data source is relevant in spatial and temporal coverage to the Project.</p> | <p>A preliminary list of background materials to support the surface water baseline characterization has been included in the updated version of the Surface Water Study Plan. Information on specific data sources and their relevance to the Project will be included in the IS / EA Report.</p> | | <p>This comment has been partially addressed. Refer to comment SW-06 for detail about the outstanding information still required in relation the use of the Cliffs Chromite Project data.</p> |

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| | federal and provincial guidance received to date.” | <p>baseline information collected...</p> <p>If using existing data sources, the Impact Statement must provide justification to show that the data sources are relevant in spatial and temporal coverage to the Project. Some data sources may have good coverage in Southern Ontario or existing road networks but be unsuitable as a baseline for these northern areas where there are not roads...”</p> | | | | |
| SW-04 | <p>Section 4.2.1.1: Introduction and Objectives “Based on a preliminary review of the alignment for Alternatives 1 and 4 (provided by AECOM on May 30, 2019) relative to available mapping and imagery, 164 waterbodies were identified as potentially being crossed by the Project. On-the-ground field data collection was completed at a subset of the identified waterbody crossings from the aerial reconnaissance to verify or augment the results and assumptions from the desktop analysis.”</p> <p>Section 4.2.3: Hydrology “Additional bathymetric information will only be collected at larger water crossings where more detailed hydraulic modelling is required. Location of bathymetry collection will be determined during detailed design phase and will generally be limited to locations where it has been determined that fish passage requirements must be met.”</p> | <p>Section 8.6 “...The Impact Statement must:...</p> <ul style="list-style-type: none"> - provide the design flood at each water crossing; - provide details on the hydraulic design of the water crossings; - quantify the effects of the Project on the hydrological regime of both the local and regional study area; in particular, in case of any watercourse diversions, describe the effects on the flow upstream and downstream of the diversion; - provide the timing of freeze/thaw cycles, ice cover, and ice conditions for surface water bodies in the Project area; <p>provide for each water body potentially effected by the Project, the total surface area, bathymetry, bank and bottom features, biological components, flows, maximum and mean depths, and type of substrate (sediments); ...”</p> | <p>Describe the information that will be determined during the desktop assessment for each waterbody crossing in a manner that demonstrates the requirements of Section 8.6 of the Guidelines will be met.</p> <p>Provide details on the rationale for the selection of the list of waterbody crossings that were selected during the 2019 on-the-ground field surveys.</p> <p>Provide the list of selected water crossings.</p> <p>Provide details to demonstrate how the effects on the hydrological regime of both the local and regional study area will be quantified, including upstream and downstream effects of any watercourse diversion, as per the requirement in Section 8.6 of the Guidelines.</p> | <p>The development of the preliminary water body crossing list for the Project, coupled with the site selection process for the surface water field program, has been detailed in the updated version of the Surface Water Study Plan and aligns with Section 8.6 of the TISG (the Agency 2020c) and past communications with the regulatory agencies. Of particular note, streamflow and water quality monitoring will be conducted at a subset of water body crossing locations (approximately 40% of the total number of crossing locations) over multiple seasons and varying catchment scales to characterize the natural variation in flow and water quality conditions, as well as to inform the preliminary design efforts.</p> <p>The effects assessment for the surface water VC will include an evaluation of Project-related changes on flow/runoff volumes, as well as for water diversion activities (e.g., dam and pump bypass to support the installation of water body crossing structures.</p> | <p>Section 7.2.1 Site Selection and Multi-Season Field Campaigns “The site selection process will be based primarily on a ‘scaled approach’, with the objective of selecting a representative number of waterbody crossings under different categories of watershed size (i.e., four categories for watersheds: greater than 500 km², between 50 and 500 km², between 2 and 50 km², and less than 2 km²).... Future field monitoring is anticipated to be completed at 35% to 40% of the waterbody crossings identified during the desktop assessment. This ratio of crossing locations aligns with recent planning experience and regulator feedback on other EAs in northwestern Ontario. It also considers that the site-specific data would be used, to the extent possible, to extrapolate results from surveyed locations to non-surveyed sites...”</p> | <p>Section 7.2.1 of the Surface Water study plan describes how the proponent plans to select 35 to 40% of the waterbody crossings for field surveys, and that the proponent plans to extrapolate results to non-surveyed sites.</p> <p>It is unclear how the proponent intends to extrapolate field results to non-surveyed sites. This may be particularly important as watersheds with significant wetland areas will not have a comparable flood response to forested watersheds. This would also be the case for watersheds of significantly different sizes.</p> <p>When extrapolating results from surveyed to non-surveyed sites, consider grouping watersheds with similar dominant landcover type (e.g. forest, swamp, fen, bog, etc.) and of similar size (i.e. the four watershed size categories described in the text of 7.2.1). To avoid extrapolating to water body sizes outside of the surveyed sample, ensure that water bodies selected for surveying encompass the extremes in terms of watershed size.</p> <p>Update the Surface Water study plan to provide details to demonstrate how field results will be extrapolated for non-surveyed sites, taking into account factors such as landcover type, flood response and watershed size.</p> <p>Update the Surface Water study plan to clarify why there are <u>four</u> categories of watershed sizes defined in the text, but only <u>three</u> categories in Table 7-1 Category of Water Body Size.</p> |

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| | | | | | | Describe in an updated study plan how the four watershed size categories compare to the three categories in Table 7-1. Specify if the sizes in Table 7-1 are qualitative estimates, or based on watershed delineation. |
| SW-05 | <p>Section 4.2.2: Surface Water Quality “The sites selected will aim to capture the range of waterbody types and to consider important features such as fish and fish habitat, areas of groundwater-surface water interactions, and areas of Indigenous cultural importance for consumption. Sites will include rivers that will require more substantial water crossings or requiring longer construction times (i.e., Albany River, Ogoki River, Dusey River, Wabassi River, Buffaloskin River, and Gourlie Creek) and approximately 10% of the wadeable water bodies crossed by the route alternatives. Proposed locations for surface water sampling are illustrated on Figure 4-2.”</p> | <p>Section 8.6 “...The Impact Statement must:... describe the surface water quality baseline characterization program, including sampling site selection, monitoring duration and frequency, sampling protocol, and analytical protocol, including quality assurance and quality control measures...”</p> | <p>Provide the number of surface water sampling locations and a description of each of these locations for each of the alternative routes in the surface water study plan.</p> | <p>The site selection process for the surface water field program has been detailed in the updated version of the Surface Water Study Plan and aligns with Section 8.6 of the TISG and past communications with the regulatory agencies. Note that streamflow and water quality monitoring will be conducted at a subset of water body crossing locations (approximately 40% of the total number of crossing locations) over multiple seasons and varying catchment scales to characterize the natural variation in flow and water quality conditions. Further to the above, a location plan for the proposed surface water monitoring program (proposed water body crossing locations for ground-based field studies of water quantity and quality) has been included in the updated version of the Surface Water Study Plan.</p> | | <p>This comment has been addressed.</p> |
| SW-06 | <p>Section 4.2.2: Surface Water Quality “The monitoring will be conducted to provide seasonal baseline surface water quality data for a duration of one year. Sampling will occur in spring (during high-flow conditions), and fall (during low-flow conditions). Winter sampling is not proposed due to winter access and safety concerns.”</p> | <p>Section 7.2 Sources of Baseline Information “...With regard to field studies, survey work must be planned to include multiple sampling locations and multiple visits to each location to support all required assessment analyses...”</p> <p>Section 8.6 “The Impact Statement must:... provide baseline surface water quality data, for a minimum of two years, for physicochemical parameters (temperature, pH, electrical conductivity, dissolved oxygen, turbidity, suspended solids) and relevant chemical constituents (major and minor ions, trace metals, radionuclides, nutrients, and</p> | <p>Provide details to demonstrate how baseline surface water quality data will be collected for a minimum of two years to illustrate inter-annual variability in baseline surface water quality, including possible changes due to groundwater-surface water interactions.</p> <p>Provide details to demonstrate how summer sampling will be conducted to illustrate seasonal variability in baseline surface water quality, including possible changes due to groundwater-surface water interactions.</p> | <p>A comprehensive surface water baseline monitoring / investigation program is proposed for the Surface Water VC. The details of this program are described in the updated version of the Surface Water Study Plan. Note that streamflow and water quality monitoring for future field studies will be conducted at a subset of water body crossing locations in the spring and summer to further characterize the natural variation in flow and water quality conditions. The results from the completed and future field studies over multiple seasons and years are expected to provide a means to define the characteristic range of natural variation in flows and water quality, recognizing that, to the extent possible, data from surveyed crossing locations will be extrapolated to non-surveyed sites with similar catchment areas, physiography, and flow regimes. In addition, it is anticipated that the ground-based field surveys conducted in 2011-</p> | <p>7.2.1 Site Selection and Multi-Season Field Campaigns “Waterbody crossings will be sampled and monitored in the spring and summer to characterize the seasonal patterns in flow and water quality, with the understanding that the spring field survey will be targeted during a period of high flow, while the summer field survey will be timed with a period of low flow. The existing field survey results from 2019 and 2020 (i.e., field data from 11 waterbody crossing locations in the summer of 2019 and 30 waterbody crossing locations in the fall of 2020), coupled with the previous field monitoring records from the Cliffs Chromite Project, will be relied on to further define the characteristic variability in surface water quantity and quality conditions.”</p> | <p>If the 2019 to 2021 field sampling results are significantly different from those of the Cliffs Chromite Project conducted by Golder in 2011-2012, the proponent may be required to conduct an additional year of baseline monitoring.</p> <p>Provide a Surface Water workplan that includes the status and timing of the spring and summer field survey for 2021, and details about when the sampling results will be available.</p> <p>When the sampling results are available, provide them to the Federal Review Team to determine if an additional year of baseline monitoring is required.</p> |

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| | | organic compounds, including those of potential concern); the data should illustrate the seasonal and inter-annual variability in baseline surface water quality, including possible changes due to groundwater–surface water interactions;...” | | 2012 by Golder in support of the Cliffs Chromite Project (Project EA since terminated) will help to further augment this understanding of natural fluctuations of baseline surface water and aquatic conditions, both on an inter- and intra-annual basis, given that these previous studies occurred in a similar geographic setting as the Project, and, in many cases, the locations of waterbody crossings overlap. | | |
| SW-07 | <p>Section 4.2.2: Surface Water Quality “The surface water quality monitoring will include field measurements of physicochemical parameters (i.e., temperature, pH, electrical conductivity, dissolved oxygen, turbidity) and the collection of surface water grab samples for laboratory analysis of relevant constituents including alkalinity, total suspended solids, major and minor ions, total metals, nutrients (total phosphorus, total ammonia, total Kjeldahl nitrogen), and total and dissolved organic carbon.</p> <p>Field monitoring protocols will follow the Protocols Manual for Water Quality Sampling in Canada (CCME 2011) and the sample collection methods will be adjusted on a site-specific basis to consider characteristics of the water body being sampled and to ensure safety of the sampling crew.”</p> | <p>Section 8.6 “The Impact Statement must:... - provide baseline surface water quality data, for a minimum of two years, for physicochemical parameters (temperature, pH, electrical conductivity, dissolved oxygen, turbidity, suspended solids) and relevant chemical constituents (major and minor ions, trace metals, radionuclides, nutrients, and organic compounds, including those of potential concern); the data should illustrate the seasonal and inter-annual variability in baseline surface water quality, including possible changes due to groundwater–surface water interactions;...”</p> | <p>Provide details to demonstrate that all of the physicochemical parameters listed in the Guidelines, including pH, conductivity, and turbidity, will be analyzed in the surface water grab samples in the laboratory.</p> <p>Provide details to demonstrate that surface water grab samples will be analyzed in the laboratory for both total and dissolved metals.</p> | <p>A comprehensive surface water and sediment quality baseline monitoring / investigation program is proposed for the Surface Water VC. The details of this program are described in the updated version of the Surface Water Study Plan. Of particular note, the surface water quality sampling will be conducted at a subset of water body crossing locations over multiple seasons and catchment scales to characterize the natural variation in water quality conditions. The testing of these water quality samples (in-situ and laboratory-based) has considered the requested water quality parameters from Section 8.6 of TISG and includes plans to obtain measurements of pH, conductivity, and turbidity both in the field and in the lab. The proposed parameter suite for the laboratory-based tests of water quality samples will be focused on total metals alone (for direct comparison to Provincial Water Quality Objectives).</p> | <p>7.2.3 Surface Water and Sediment Quality “The surface water quality monitoring will include field measurements of physicochemical parameters (i.e., temperature, pH, electrical conductivity, dissolved oxygen, turbidity) and the collection of surface water grab samples for laboratory analysis of relevant constituents identified in the TISG including pH, electrical conductivity, turbidity, alkalinity, hardness, total suspended solids, cations (H⁺, Mg²⁺, Na⁺, Ca²⁺, K⁺, NH₄⁺, CH₃Hg⁺), anions (Cl⁻, SO₄²⁻, F⁻, NO₃⁻, HCO₃⁻, CO₃²⁻, PO₄³⁻), total metals, oil and grease, nutrients (total phosphorus, total Kjeldahl nitrogen), and total and dissolved organic carbon (the Agency 2020c). Dissolved metals will not be included in the parameter list as total metals are used for direct assessment against water quality guidelines.”</p> | <p>Section 7.2.3 of the Surface Water study plan indicates that dissolved metals will not be included in the parameter list as total metals are used for direct assessment against water quality guidelines. Section 21 of the Guidelines indicates that where relevant, or where best practice or evidence-based thresholds exist, effects should be described using criteria to quantify adverse effects.</p> <p>The <i>Canadian Water Quality Guidelines for the Protection of Freshwater Aquatic Life</i> (found here: https://ccme.ca/en/summary-table) provides long-term benchmarks for dissolved zinc, not total zinc. Furthermore, there are also <i>Federal Environmental Quality Guidelines (FEQGs)</i> for various total and dissolved metals. Information on the FEQGs can be found via the following link: https://www.canada.ca/en/health-canada/services/chemical-substances/fact-sheets/federal-environmental-quality-guidelines.html#a6</p> <p>Add to the parameter list in Section 7.2.3 of the Surface Water study plan total and dissolved metal concentrations for metals, as applicable for assessment against the <i>Canadian Water Quality Guidelines for the Protection of Freshwater Aquatic Life</i> and the FEQGs.</p> |
| SW-08 | <p>Section 4.2.2: Surface Water Quality “Triplicate sediment samples will be collected at each monitoring site for laboratory analysis of grain size, total metals and nutrients (total organic carbon, total phosphorus, total Kjeldahl nitrogen) on a single sampling</p> | <p>Section 8.6 “The Impact Statement must:... describe the surface water quality baseline characterization program, including sampling site selection, monitoring duration and frequency, sampling protocol, and analytical</p> | <p>Clarify whether triplicate sediment samples will be collected at all monitoring sites.</p> | <p>Triplicate samples will be obtained at the sediment quality sampling locations.</p> | <p>Section 7.2.3 Surface Water and Sediment Quality “The sediment quality sampling will involve the collection of triplicate sediment samples for laboratory analysis of grain size, total metals and nutrients (total organic carbon, total phosphorus, total Kjeldahl nitrogen) on a single</p> | <p>Section 7.2.3 and Appendix B of the Surface Water study plan state that triplicate samples will be obtained at the sediment quality sampling locations. However, it is still unclear whether triplicate sediment samples will be collected at all monitoring locations listed in Table 7-1 or at a selection of the locations. More information is required to determine at which locations listed in Table 7-1 triplicate sediment samples will be</p> |

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| | event during the monitoring period.” | protocol, including quality assurance and quality control measures;...” | | | sampling event (in the spring or the summer).” | collected, and why those locations were chosen (if not proposed for all locations). Clarify, in an updated Surface Water study plan, at which locations listed in Table 7-1 triplicate sediment samples will be collected, and why those locations were chosen (if not proposed for all locations). |
| SW-09 | <p>Section 4.2.2: Surface Water Quality “The surface water quality monitoring will include field measurements of physicochemical parameters (i.e., temperature, pH, electrical conductivity, dissolved oxygen, turbidity) and the collection of surface water grab samples for laboratory analysis of relevant constituents including alkalinity, total suspended solids, major and minor ions, total metals, nutrients (total phosphorus, total ammonia, total Kjeldahl nitrogen), and total and dissolved organic carbon.”</p> <p>Section 5.1.2: Data Analysis “Water quality parameters will also be compared to Ontario Drinking Water Quality Standards (O. reg. 169/03 under the Safe Drinking Water Act, 2002, S.O. 2002, c. 32) for water bodies used or potentially used as a source of potable water including sources of Indigenous cultural importance for consumption.”</p> | <p>Section 8.6 “The Impact Statement must:... - provide baseline surface water quality data, for a minimum of two years, for physicochemical parameters (temperature, pH, electrical conductivity, dissolved oxygen, turbidity, suspended solids) and relevant chemical constituents (major and minor ions, trace metals, radionuclides, nutrients, and organic compounds, including those of potential concern);...”</p> <p>Section 16.1 “With respect to biophysical determinants of health, the Impact Statement must:... identify predicted effects of the Project on the quality and quantity of ground or surface water used for domestic uses based on the most stringent guideline values of the following criteria; Canadian Drinking Water Quality Guidelines (CDWQG), Ontario Drinking Water Quality Standards (ODWQS), or Ontario Soil, Groundwater and Sediment Standards (SGSS);...”</p> | <p>Update the study plan to provide a full list of COPCs to be addressed in the surface water study, including radionuclides and organic contaminants, as per Section 8.6 of the Guidelines.</p> <p>Revise the study plan to confirm that the most stringent guideline values will be used to compare data, as per Section 16.1 of the Guidelines.</p> | The updated version of the Surface Water Study Plan includes the full list of relevant Chemicals of Potential Concern, with the understanding that the most stringent guideline value will be considered as part of the baseline studies and effects assessment. | | This comment has been addressed. |
| SW-10 | <p>Section 5.1.2: Data Analysis “Water quality data will be summarized by site, season, and year using descriptive statistics...”</p> | <p>Section 8.6 “The Impact Statement must:... - provide baseline surface water quality data, for a minimum of two years, for physicochemical parameters (temperature, pH, electrical</p> | Update the study plan to provide detail regarding the water quality and sediment quality data that will be gathered and provided in the Impact Statement, per Section 8.6 of the Guidelines. | The updated version of the Surface Water Study Plan includes the full details of the proposed surface water field program. The specific monitoring locations, frequency and duration of sampling activities and measurements, and the relevant parameter list for water and sediment quality testing has been | Sections 7 and 8 | Provide all water and sediment sample results from their respective monitoring programs in a revised aquatics work plan, as appendices. If it is not possible to provide this information in the revised Aquatics work plan, the Federal Review Team requires an opportunity to review the collected baseline data/baseline reports prior |

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| | Sediment quality data will be summarized by site using descriptive statistics.” | conductivity, dissolved oxygen, turbidity, suspended solids) and relevant chemical constituents (major and minor ions, trace metals, radionuclides, nutrients, and organic compounds, including those of potential concern); the data should illustrate the seasonal and inter-annual variability in baseline surface water quality, including possible changes due to groundwater–surface water interactions;...” | | aligned with Section 8.6 of the TISG (the Agency 2020c) and past communications with the regulatory agencies, noting, in particular, that streamflow and water quality monitoring will be conducted at a subset of water body crossing locations (approximately 40% of the total number of crossing locations) over multiple seasons and varying catchment scales to characterize the natural variation in flow and water quality conditions, as well as to inform the preliminary design efforts. | | to the preparation of the Impact Statement documentation. |
| SW-11 | <p>Table 6-2: Magnitude Definition</p> <p>“Negligible <u>Definition:</u> There is little to no variation predicted in measurable parameters and is within the range of natural variation. <u>Rationale:</u> No discernable change to surface water therefore no impact on aquatic life or potable use.</p> <p>Low <u>Definition:</u> There is a small variation predicted in measurable parameters, that are outside the range of natural variation and below the applicable guideline/objective or threshold value or within 20% of existing condition values. <u>Rationale:</u> Change to surface water is discernable but remains protective of aquatic life and potable water sources.</p> <p>Medium <u>Definition:</u> There is a modest variation predicted in measurable parameters, is significantly different from existing conditions and is below the applicable guideline/objective or threshold value, or is between</p> | <p>Section 21 “...Proponents must describe the extent to which residual effects are adverse. Where relevant, or where best practice or evidence-based thresholds exist, effects should be described using criteria to quantify adverse effects. This includes criteria such as whether the effects are high or low in magnitude, the geographical extent, timing, frequency, duration and reversibility of the effects, taking into account any important contextual factors. Where the potential for human health effects exist due to exposure to a particular contaminant at any level (e.g., non-threshold air pollutants, including particulate matter and nitrogen dioxide, and water pollutants, such as but not limited to arsenic and lead) mitigation measures should aim to reduce the residual effects to as low as reasonably achievable.</p> <p>In addition, effects should be characterized using language most appropriate for the effect (for example, impacts on the exercise of Aboriginal and Treaty rights and social</p> | <p>Update the study plan to include, in the definitions for magnitude, criteria that are relevant to the protection of human health.</p> <p>Describe the approach that will be used to ensure that these criteria are appropriate for the human health impact assessment.</p> | <p>The updated version of the Surface Water Study Plan includes added details and rationale for the magnitude definition and residual effects.</p> <p>The identification and characterization of surface water drinking sources is captured in the Surface Water VC, with the understanding that Project-related effects on these drinking water sources will be addressed in the Human Health and Community Safety Study Plan.</p> | <p>Table 9-4: Magnitude Definition for Surface Water Quantity</p> <p>Table 9-5: Magnitude Definition for Surface Water and Sediment Quality</p> | <p>This comment regarding the magnitude definition has been addressed.</p> <p>Refer to the Human Health and Community Safety comment table for comments related to drinking water sources.</p> |

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| | <p>20% to 50% of existing condition values. <u>Rationale:</u> Change to surface water is significant but remains protective of aquatic life and potable water sources</p> <p>High <u>Definition:</u> There is a large variation predicted in measurable parameters, exceeds an applicable guideline/objective or threshold value, or is greater than 50% of existing condition values. <u>Rationale:</u> Change to surface water is discernable and can potentially impair aquatic life or potable uses of water.”</p> | <p>effects may be described differently from biophysical effects)...</p> <p>The Impact Statement must:</p> <ul style="list-style-type: none"> • characterize the residual effects using criteria most appropriate for the effect; • characterize residual effects for human health using human health-related criteria most appropriate for the carcinogenic and non-carcinogenic health effects of non-threshold contaminants;... • provide the rationale for the choice of criteria used to determine the extent to which the predicted effects are adverse. The information provided must be clear and sufficient to enable the Agency, review panel, technical and regulatory agencies, Indigenous groups, and the public to review the proponent's analysis of effects;...” | | | | |
| SW-12 | <p>Section 7: Conformance with Federal and Provincial Guidance “The hydrologic analysis will include changes to the runoff characteristics and drainage patterns on a watershed basis. Hydrologic analyses will be conducted as a high-level, quantitative assessment, given that information on watershed boundaries and runoff characteristics will be coarse....</p> <p>...Runoff rates will be calculated for the pre-construction (existing), during construction, and post construction conditions.”</p> | <p>Section 8.6 “The Impact Statement must:... - develop a quantitative surface water balance for components of the Project that may result in significant changes to surface water flow patterns (e.g., large quarry/aggregate extraction/stockpiles)...”</p> <p>Section 14.2 “...With respect to potential project effects on water quality in the receiving environment, the Impact Statement must: - present estimates of surface water runoff rates for major project components, including aggregate and overburden stockpiles;...”</p> | <p>Update the study plan to provide further detail to demonstrate how the requirements in Sections 8.6 and 14.2 of the Guidelines regarding the development of a surface water balance for components of the Project and the estimates of surface water runoff rates for major components of the Project, will be met.</p> | <p>Water balance analyses will be advanced to support groundwater studies at a discrete set of the proposed pits and quarries. The scope of work to conduct these water balance assessments has been documented in the Groundwater Study Plan. The baseline studies and effects assessments for the Surface Water VC will be used to evaluate the characteristic flow / runoff rates at a range of watershed scales and under existing and proposed conditions.</p> | Section 8.2 | This comment has been addressed. |

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| SW-13 | <p>Section 6: Effects Assessment Scoping</p> <p>Section 7: Conformance with Federal and Provincial Guidance “Monitoring programs will be identified as part of the EA.”</p> | <p>Section 14.2 “...With respect to potential project effects on water quality in the receiving environment, the Impact Statement must:...</p> <ul style="list-style-type: none"> - describe any applicable water quality treatment measures and provide evidence supporting the effectiveness of these measures; - compare the quality of all effluent streams to the Canadian Council of Ministers of the Environment (CCME) Water Quality Guidelines for the Protection of Aquatic Life, and to provincial water quality objectives for contaminants of concern (e.g., arsenic, chromium, mercury) that do not have CCME guidelines. CCME’s Water Quality Guideline values are national science-based voluntary guidelines developed collaboratively among provincial, territorial, and federal jurisdictions for the protection of freshwater and marine life; - describe any changes to groundwater quality that could affect surface water quality; - provide an assessment for off-site migration pathways for impacted groundwater, and an analysis of contaminant attenuation capacities within the hydrogeological units of the project study area; and | <p>Provide more detail on the methodology for the effects assessment, and how it will meet the requirements described in Section 14.2 of the Guidelines.</p> | <p>The study plan is updated to provide additional detail on methodology for the Effects Assessment per Section 14.2 of the TISG (the Agency 2020c).</p> <p>Additional information specific to groundwater quality is included in the Groundwater Study Plan.</p> | <p>Section 9</p> | <p>This comment has been addressed.</p> |

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| | | describe groundwater and surface water monitoring programs during the construction, operation and decommissioning and abandonment...” | | | | |
| SW-14 | Section 6: Effects Assessment Scoping | <p>Section 14.2 “...If the proponent undertakes quarrying activities to extract aggregate material that may results in effects on groundwater and surface water levels (i.e., quarrying below the water table), the Impact Statement must:</p> <ul style="list-style-type: none"> - present an integrated site water balance model incorporating surface and groundwater fluxes for the construction, operation and decommissioning of large quarrying sites; - describe the risk to the receiving environment related to effects to the quantity and quality of all effluent streams released from the site, including surface runoff from aggregate and overburden stockpiles, and dewatering discharge;... - identify potential risks to surface and seepage water quality from the aggregate and overburden stockpiles and project infrastructure during construction, and operation, decommissioning and abandonment; - provide aggregate sources, volumes and tonnage, and extraction construction methods;...” | Provide more detail on the methodology for the effects assessment, and how it will meet the requirements described in Section 14.2 of the Guidelines. | <p>The study plan is updated to provide additional detail on Project-environment Interactions and methodology for the Effects Assessment per Section 14.2 of the TISG (the Agency 2020c).</p> <p>Additional information specific to groundwater quality is included in the Groundwater Study Plan.</p> | Section 9 | This comment has been addressed. |

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| # | Study Plan Section | Tailored Impact Statement Guidelines Section | Context | Required Action for the Proponent |
| SW-15 | Sections 7 and 8 | Section 10 Navigation: <ul style="list-style-type: none"> - existing navigable waterways and navigation use including type, volume, seasonality, manoeuvrability, and physical characteristics (e.g., width, depth, etc.), - bank/bottom features, biological components, flow/tides, etc.; - describe past, current, and anticipated future use of all waterways and waterbodies, including recreational uses by Indigenous groups and the public (including special events, fishing, cottagers, etc.); - describe the use of water-ways with Indigenous cultural importance (e.g., Albany River, Ogoki River and Attawapiskat Rivers); and - potential of obstructions, restrictions, or expansions of access to navigable waterways (e.g., portage routes and access roads). | Sections 7 and 8 of the Surface Water study plan do not provide enough information to determine if all the requirements of Section 10 and 17.3 of the Guidelines related to navigation will be met. Additional detail regarding baseline data collection and effect assessment related to navigation is required to ensure the requirements will be met. | Include in the Impact Statement detail regarding baseline data collection and effect assessment for navigation for the waterways interacting with the Project, to meet the requirements of Section 10 and 17.3 of the Guidelines. |
| SW-16 | Footnote 7, Section 9.2 “In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs. The VCs will be consulted and engaged on early in the IA/EA process and finalized taking into consideration the input received. Therefore, only information relevant to the Project that arises from the regional assessment of the Ring of Fire within an appropriate timeline will inform the VCs for the Project.” | Editorial comment | The statement in the footnote 7 in Section 9.2 “ <i>In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs.</i> ” is inaccurate. A this time the Regional Assessment in the Ring of Fire area has not yet begun. | Replace the text in footnote 7 with “ <i>In February 2020, the Minister of Environment and Climate Change determined that a regional assessment will be conducted in an area centred on the Ring of Fire mineral deposits in northern Ontario. Relevant information available in relation to the Regional Assessment in the Ring of Fire area would be considered in the impact assessment of the Project.</i> ” |
| SW-17 | Table 11-1: Study Plan Federal Concordance – Conformance with Requirements “Study Plan Reference: Section 8.1.2” | Editorial Comment | The concordance table references a “Section 8.1.2” multiple times. However, this section does not exist. Please update the reference with the correct section number. | |
| SW-18 | Table 11-3: Study Plan Federal and Provincial Concordance – Requirement Deviations | | Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process. The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team. | |

Comments on Marten Falls Community Access Road Project (Project) revised Vegetation Study Plan – September 8, 2021

It is essential that the Impact Statement for the Marten Falls Community Access Road Project (the Project) address all requirements outlined in the Tailored Impact Statement Guidelines (the Guidelines), and that the study plans outline a clear approach to achieving these requirements. The Impact Assessment Agency of Canada (the Agency) has highlighted sections of the Guidelines where requirements for the Impact Statement may not be met, based on content of the draft study plan submitted to the Agency. Note that this table does not provide an exhaustive list of the requirements described in the Guidelines. The Guidelines should be reviewed in their entirety, including the sections identified below.

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on the June 11, 2021 - Vegetation Study Plan |
| GC-01 | Section 5 - Public Participation and views (including 5.1, 5.2) | <p>Provide a clear description in the study plans of how public engagement opportunities have been and/or will be integrated into the impact statement phase. This must include detail on how the public will have opportunities to provide input to contribute to the development of the Impact Statement, as required in Section 5 of the Guidelines.</p> <p>Describe what engagement with the members of the public listed in the Public Participation Plan has been done in the development of the study plans, and/or any planned engagement with members of the public on the proposed study plans.</p> | <ul style="list-style-type: none"> - Section 4: describes how the Proponent will provide Project notices and opportunities with members of the public listed in the Public Partnership Plan. This will also include the opportunity to provide input on the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures as applicable. A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input. - The study plans have recognized public and agency input received on the Project to date. | Section 4.1 “A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.” | <p>Section 4.1 of the study plan mentions that “a variety of activities will be offered”, however, no details on the likely engagement activities are provided.</p> <p>As required by Section 5 of the Guidelines, the Impact Statement must provide a record of engagement that describes all efforts taken to seek the views of local communities and other stakeholders with respect to the Project, including on the study plans. This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement, including prior to and during the planning phase, and in the preparation of the Impact Statement.</p> <p>Provide details on the timeline for public engagement relative to the project workplan, including engagement relative to the schedule for baseline work, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> <p>Demonstrate in the Impact Statement that comments provided by members of the public related to vegetation are taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions</p> |
| GC-02 | Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3) | <p>Provide a clear description in the study plans of how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will have opportunities to provide Indigenous knowledge, including the validation of how information they provided was applied. The study plan should include a description of the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that the guidance outlined in Section 6.2 of the Guidelines has been incorporated into the study plans.</p> <p>Describe what engagement with all the Indigenous groups listed in the Indigenous Engagement and Partnership Plan has been done in the development of the study plans, and/or any planned engagement with Indigenous groups on the proposed study plans, particularly in relation to collection of Indigenous knowledge (i.e. develop the work plan in</p> | <ul style="list-style-type: none"> - In Section 4.2 it is noted that the Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in the Indigenous Partnership and Engagement Plan. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input. - Section 2.1.1 outlines the approach to handling confidential information, by means of permission from Indigenous communities to include Indigenous Knowledge in the IS / EA Report, regardless of the source of the Indigenous Knowledge. - The study plans have recognized Indigenous community input received on the Project to date. | Section 4.2 “...A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input...” “...Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation | <p>Section 4.2 of the Vegetation study plan states that “a variety of activities will be offered”, however, no details on the planned engagement activities are provided.</p> <p>Section 4.2 of the Vegetation study plan also states that “Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process”, however, it is unclear on which components of the study plans the project team plans to engage. It is also unclear whether Indigenous groups will be provided with a meaningful opportunity to provide input on a preliminary approach/method for baseline data collection, as required in Section 6 of the Guidelines, or if engagement will take place after the baseline data collection is complete. Provide details on the timeline for Indigenous engagement on the fish and fish habitat study plan, including engagement relative to the schedule for baseline work, and spatial and</p> |

¹ Refer to complete sections of the Guidelines for more context.

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on the June 11, 2021 - Vegetation Study Plan |
| | | collaboration with those Indigenous groups that would need to provide knowledge). | | and engagement process...” | temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge, and in consideration of the project team’s timeline for the development of the Impact Statement. Demonstrate in the Impact Statement that comments provided by Indigenous groups related to vegetation are taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions |
| GC-03 | Section 6.2 - Analysis and response to questions, comments, and issues raised | Revise the study plans to include an approach to handling confidential information that demonstrates adherence to the guidance provided in Section 6.2 of the Guidelines. | <ul style="list-style-type: none"> - Section 2.1.1: Section has been updated to include information regarding both confidentiality and permission information on all collected Indigenous Knowledge, regardless of the source. - This section also includes how information regarding the Indigenous Knowledge Sharing Agreements will be established by the Proponent and Indigenous community participating in the Program. | Section 2.1.1 “...Sensitive and / or confidential information collected through Indigenous Knowledge Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the Indigenous Knowledge Program prior to the sharing and use of any sensitive information. Instances where Indigenous Knowledge sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement, including where Indigenous Knowledge was incorporated into Project decisions and into the IS / EA Report (i.e., specifics will not be included in the Record of Consultation and Engagement given the potential sensitivity and / or confidentiality of the information shared)...” | As required in Section 6 of the Guidelines, incorporate in the Impact Statement content that describes the confidential information provided by each Indigenous group. Present the content in sufficient detail to support understanding of the potential effects and impacts on rights, while also protecting confidential/sensitive specifics and respecting stipulations in the confidentiality agreements (e.g., use buffer areas instead of specific locations, etc.). Provide to the Agency, in the form of a letter from the Indigenous group that shared confidential information, a letter confirming that: <ul style="list-style-type: none"> • the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; • the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed. |
| GC-04 | Study plans spatial boundaries | Describe the approach to be implemented to demonstrate how the definitions of the proposed study area boundaries: <ul style="list-style-type: none"> • encompass the anticipated boundaries of the Project’s effects, including all potentially impacted local | - Section 6.2: General information on study areas for the Project, including a detailed list of what was considered to develop the discipline-specific local and region study areas, is included in each study plan. Each study area has been | Section 6.2.1 “The preliminary LSA currently being considered within the scope of the ongoing | As required in Section 7 of the Guidelines, provide details to demonstrate that the Regional Study Area encompasses the anticipated boundaries of the Project’s effects, including all potentially impacted local |

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on the June 11, 2021 - Vegetation Study Plan |
| | | <p>communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan; and</p> <ul style="list-style-type: none"> take into account community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and foreseeable future projects and activities. | <p>proposed taking into consideration community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices, physical, ecological, technical, social, health, economic and cultural considerations available at this time.</p> <ul style="list-style-type: none"> The proposed discipline-specific study areas are preliminary. The proposed study areas will be consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program provides additional opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples to be shared in greater detail. | <p>provincial regulatory review process generally includes the area within 2.5 km of the centreline of Alternative 1 and Alternative 4”</p> <p>Section 6.2.2 “Based on this analysis, the LSA boundary was estimated to extend to 2.8 km from the limits of the PDA. The LSA has been conservatively rounded to 3 km either side of centreline (6 km total).”</p> | <p>communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan. Note that the Regional Study Area must encompass the spatial boundary of cumulative effects.</p> <p>As required in Section 7.4.1 of the Guidelines, provide information regarding how the following were/will be taken into account in defining the spatial boundaries: community knowledge and Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and reasonably foreseeable future projects and activities.</p> <p>Provide the above information in a way that allows those who provided the knowledge to the proponent and the Agency to see their input reflected in the Impact Statement. It is not sufficient to state that “input from participants will be/was taken into account”.</p> |
| GC-05 | Section 7 - Baseline Methodologies (Including 7.1, 7.2, 7.3, 7.4) | <p>Provide clear descriptions in the study plans of the proposed study areas and the criteria used to define the study areas for each valued component.</p> <p>Provide clear descriptions of the timing of previously collected data (days/month/year) and future approximate (month/year or season/year) timing for every field work planned and the criteria used to tailor the temporal boundaries to the valued components under consideration.</p> <p>Describe how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be, or have been, engaged to provide input on spatial and temporal boundaries.</p> <p>Explain how the Agency will be provided opportunities to validate spatial and temporal boundaries.</p> | <ul style="list-style-type: none"> Local Study Area (LSA) and Regional Study Area (RSA) for each valued component are described in Table 6-1, including rationale used to define the area. Study plans have been designed considering historical information, where applicable and available. Study plans will be updated with appended Work Plans, to be submitted at a future date, which will detail upcoming planned field activities. As detailed in both Section 4.2 and Section 6.2 the Proponent will continue to provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, including the LSAs and RSAs. Government agencies and interested persons will have the opportunity to comment on component of the study plans throughout the IS / EA Report consultation and engagement process | Sections 4 and 6 | <p>To ensure that baseline data collection will meet the requirements of the Guidelines, the Agency advises the project team to share a map or detailed information on the locations of data sampling, as well as the timing of data collection for previously and newly collected data and future data collection activities (month/year or season/year). If it is not possible to provide this information in the Vegetation study plan or workplan, the Agency requires an opportunity to review the collected vegetation baseline data prior to the preparation of the Impact Statement documentation.</p> |
| GC-06 | | <p>Provide further details in the study plans on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines</p> | <ul style="list-style-type: none"> Section 4.3 has been updated to include the consideration of Identity and Gender-Based Analysis Plus (GBA+) including both Indigenous communities and their relevant subpopulations and non-Indigenous communities and their subpopulations. During consultation and engagement activities these groups (and any others defined during consultation) will be engaged with on targeted input. | Section 4.3 | <p>Describe how GBA+ has been or will be applied to the consideration of engagement activities. Identify specific methods targeted to specific subgroups.</p> <p>Provide detail on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines.</p> <p>It is not sufficient to mention that Gender-Based Analysis Plus will be applied to the assessment. Clear descriptions of how GBA+ was integrated (including to</p> |

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on the June 11, 2021 - Vegetation Study Plan |
| | | | | | which variables, method, and how it influenced results' interpretation) are needed in the Impact Statement. |
| GC-07 | Section 13 - Effects Assessment (including 13.1, 13.2) | Provide details to demonstrate how the Project's potential effects will be considered, as per the requirements in Sections 13 to 19 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work. Provide detail on how engagement with all Indigenous groups listed in the Indigenous Engagement and Partnership Plan and the public will inform the effects assessment and the selection of mitigation measures and follow-up program measures. | <ul style="list-style-type: none"> - Project environmental interaction are separated into Project phases, and Project activities for each environmental discipline in their VC-specific study plan listed as Table 9-1. - Information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the Indigenous Knowledge Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs. | Throughout the study plan, Section 9 | <p>As required in Sections 7 and 13 of the Guidelines, ensure that the effects assessment considers the effects of each of the project components (including but not limited to all alternative routes brought forward in the Impact Statement, all aggregates sources, access roads, etc.) and physical activities, in all phases, and that the assessment is based on a comparison to the data and information gathered during the proposed baseline work.</p> <p>Clarify the level of information that will be shared with, and explained to, the Indigenous Knowledge Program leads and whether study plans will be made available to all Indigenous groups listed in the Indigenous Engagement and Partnership Plan.</p> |
| GC-08 | Section 13.1 | Provide clear descriptions of the rationale behind the assumptions, including but not limited to the assumed average daily traffic and vehicles composition during the construction and operation phases that will be considered for the effects assessment and the cumulative effects assessment. | <ul style="list-style-type: none"> - Section 10: Current assumptions to be used in the effects assessment have been identified. Any additional assumptions will be identified and rationale will be provided in the IS / EA Report. | Section 10 | <p>Before conducting the effects assessment analysis, the Agency advises the proponent to seek the Federal Review Team's confirmation of the assumptions that will be used in the analysis or, at a minimum, to discuss the type of assumptions that will be considered.</p> <p>As required by Section 13.1 of the Guidelines, ensure that the Impact Statement clearly outlines the assumptions used for the assessment of effects, including cumulative effects, on each valued component.</p> |
| GC-09 | Section 19.2 - Impacts on the Exercise of Aboriginal and Treaty Rights | Describe an approach for identifying the potentially impacted rights of Indigenous peoples of Canada that are recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> , and for integrating the potential impacts on those rights into the collection of baseline information and the effects assessment. | <ul style="list-style-type: none"> - All study plans reference how potential effects on Indigenous rights will be assessed in the Aboriginal and Treaty Rights and Interests Study Plan. - Impacts on Rights considerations are explained in the rationale for defining a Local Study Area and Regional Study Area for Aboriginal and Treaty Rights and Interests VCs. Further information for this is listed in Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan. | Section 5, and Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan | Feedback will be provided in the Federal Review Team's comments package on the Aboriginal and Treaty Rights and Interests Study Plan. |
| GC-10 | Section 20 - Mitigation and enhancement measures | Provide detail on the approach to meeting the requirements of Section 20 of the Guidelines regarding the identification of mitigation and enhancement measures. | <ul style="list-style-type: none"> - Section 9: Approach to mitigation and enhancement measures, specifically noting that once potential effects have been identified, the effects assessment will explore technically and economically feasible mitigation measures to avoid or minimize the identified negative effects and enhancement measures to increase positive effects. | <p>Section 9.5.1 (lists relevant requirements) "Potential effects and specific mitigation measures will be established as part of the effects assessment and selection of the preferred alternative." Concordance table "Section 20 of the TISG describes the requirements around mitigation and enhancement measures"</p> | <p>Section 9.5.1 of the Vegetation study plan is listing the requirements outlined in Section 20 of the Guidelines.</p> <p>Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 20 of the Guidelines.</p> |

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on the June 11, 2021 - Vegetation Study Plan |
| | | | | that must be considered in the IS” | |
| GC-11 | Section 25 – Description of the Project’s contribution to sustainability | Provide detail on the approach to meeting the requirements of Section 25 of the Guidelines regarding the description of the Project’s contribution to sustainability. | - Section 9: the sustainability assessment for the Project will be undertaken on the preferred alternative and will characterize the Project’s contribution to sustainability incorporating the requirements set out in Section 25 of the TISG. | Section 9.7 | Section 9.7 of the study plan is listing the requirements outlined in Section 25 of the Guidelines. Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 25 of the Guidelines. |

| Federal Review Team comments on the Marten Falls Community Access Road Draft Vegetation Study Plan - July 10, 2020 | | | | | | |
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| # | Draft Study Plan Section | Tailored Impact Statement Guidelines Section | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on the June 11, 2021 - Vegetation Study Plan |
| VE-01 | Section 3 Spatial Boundaries: Study Areas Table 3-1: Vegetation Study Areas “Project Study Area 100 m from centerline” Figure 3-1: Vegetation Local and Regional Study Areas | Section 7.4 “...The spatial and temporal boundaries to be used in the impact assessment are outlined and discussed through the tailoring process, and include comments and input from federal and provincial government departments and agencies...” | Clarify the size of the Project Study Area. | The description provided in Section 6.2 has been updated to “100 m wide”. | Section 6.2 | This comment was addressed. |
| VE-02 | Section 4.1 2019 Vegetation Community Surveys Section 4.3.2 Field Survey Site Selection “Based on the anticipated size of the PSA (greater than 4000 hectares (ha), the intent of the field program is to complete field verification on 15 to 25% of the vegetation communities within the PSA. Ground Inspections and Visual Checks will be conducted in accordance with the survey intensity levels (Ecosystems Working Group 1998) at a ratio of 25:75 respectively. Although every effort will be made to adhere to this sampling intensity, the Project is located in a remote part of Canada with limited access. Access to vast portions of the proposed CAR will only be available by air, therefore survey locations will be limited to | Section 7.2 “Baseline data must be collected in a manner that enables reliable analysis, extrapolations and predictions. Resulting data should be suitable for analyses to estimate pre-project baseline conditions, derive predictions of impacts, and evaluate and compare post-project conditions and at scales of within and across the Project, Local and Regional Assessment areas. Modelling methods, error estimates and assumptions should be reported (as per section 7.1). Modelling and simulations should be used early in the planning phase to estimate the necessary sampling intensity and to quantitatively evaluate the effectiveness of design options.” Section 7.2 “With regard to field studies, survey work must be planned to include multiple sampling locations and | Provide information on the 2019 surveys, including survey locations, season/dates and number of visits. Provide detail to demonstrate that survey/ sampling designs meet the requirements in Section 7.2 of the Guidelines. Provide a schedule to demonstrate when all future surveys are planned to be conducted. Provide detail to demonstrate that two years of collected baseline data will be provided to inform the Impact Statement, as per the requirements in Section 7.2 and Section 7.4.2 of the Guidelines. | The study plan provides more details regarding the 2019 vegetation studies and proposed survey / sample design. Future surveys will be representative of the temporal perspective of multi-years of study by using baseline data from previous years / seasons and desktop studies to supplement proposed field studies. A detailed schedule for future field sampling will be outlined in an upcoming and separate Work Plan. | Section 7 | The comment was partially addressed. Although the revised Vegetation study plan contains slightly more detail, all the requested information has not been fully provided. More detail is needed in the workplan about the 2019 vegetation surveys, including survey locations, season/dates and number of visits at each location. Provide details in the workplan to demonstrate that survey/ sampling designs meet the requirements of Sections 7.2 and 7.4.2 of the Guidelines, including: <ul style="list-style-type: none"> the schedule for all future surveys to be conducted. details to demonstrate that two years of collected baseline data will be provided to inform the Impact Statement. |

| Federal Review Team comments on the Marten Falls Community Access Road Draft Vegetation Study Plan - July 10, 2020 | | | | | | |
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| # | Draft Study Plan Section | Tailored Impact Statement Guidelines Section | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on the June 11, 2021 - Vegetation Study Plan |
| | where a helicopter is capable of landing (i.e. cut helicopter landing pads, grassy riparian areas). Based on the anticipated size of the PSA (approximately 160,000 ha), the intent of the field program is to complete field verification on 2-4% of the vegetation communities within the PSA. Considering the level of existing information on vegetation communities within the RSA (Far North Land Cover and FRI mapping), field investigations for vegetation will not be conducted within the broader RSA. Effects on vegetation within the RSA are not expected to be wide ranging and therefore effects can adequately be assessed using the existing and desktop derived information." | multiple visits to each location to support all required assessment analyses. Existing data should be considered as a limited augmentation of this new data" Section 7.4.2 "Baseline data collection for all biophysical valued components is to be provided for a minimum of two years, unless specified otherwise. Temporal boundaries spanning more than one year will enable accounting for variation due to irregular events (e.g., masting events, storms on migration, late snowfalls)." | | | | |
| VE-04 | Section 4.3.5 Traditional use plants and SAR plant populations "Local indigenous communities will be engaged to develop an understanding of Traditional Use Plants and plants of importance to the various communities." | Section 6 "The proponent must engage with all Indigenous groups that may be impacted by the Project. The Indigenous Engagement and Partnership Plan (IEPP), issued by the Agency, is available to assist the proponent in further developing or refining their engagement strategy and supporting ongoing trust and relationship-building. In addition to the requirements set out in section 6.1, 6.2 and 6.3, the proponent must provide Indigenous groups with an opportunity to: provide Indigenous knowledge during baseline data collection; comment on the list of valued components and indicators; inform the effects assessment and review its conclusions; and inform the development of mitigation measures and follow-up programs." | Provide details to demonstrate that all of the Indigenous groups listed in the IEPP will be engaged with, including to develop an understanding of Traditional Use Plants and plants of importance. Provide details to demonstrate how Indigenous knowledge and input will be incorporated in data and information gathering, as well as the effects assessment and identifying mitigation measures and follow-up programs. | As identified in Section 4.2 of the Study Plan, the Proponent will provide opportunities for consultation and engagement with Indigenous communities identified in Table 4-1 , which is inclusive of all Indigenous communities identified in the <i>Indigenous Partnership and Engagement Plan for the Marten Falls Community Access Road Project Impact Assessment</i> (The Agency 2020a). Further information on how Indigenous Knowledge will be considered in the IS / EA Report has been included in Section 5 of the Study Plan. Section 5 of the Study Plan provides further details on the two concurrent and complementary avenues for Indigenous communities and groups to be engaged with and provide input on the Project: the Indigenous Knowledge Program; and the Consultation and Engagement Program. | Sections 4.2 and 5 | This comment has been partially addressed. See comments GC-02, GC-03 and GC-05. |
| VE-05 | Section 4.3.5 Traditional use plants and SAR plant populations "Using the information collected on the baseline condition of any observed non-native species, invasive species, and/or introduced species of concern, possible vegetation control approaches for the construction and operations | Section 8.7 "describe any considered vegetation control alternative (including manual vegetation control methods)." | Provide detail to demonstrate how baseline information will be collected to meet all of the requirements of Section 8.7 of the Guidelines, including any vegetation control alternative. Provide details to demonstrate how Indigenous knowledge and input will be | Detailed baseline botanical inventories will be completed at each ground investigation location including a thorough invasive species inventory. Vegetation control alternatives will be explored during future consultation with indigenous communities and will be incorporated | Section 7.5 | This comment has only been partially addressed. The revised Vegetation study plan provides no additional details about what types of vegetation control alternatives will be considered or assessed, only that it will be done in consultation with Indigenous groups. |

| Federal Review Team comments on the Marten Falls Community Access Road Draft Vegetation Study Plan - July 10, 2020 | | | | | | |
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| # | Draft Study Plan Section | Tailored Impact Statement Guidelines Section | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments on the June 11, 2021 - Vegetation Study Plan |
| | stage of the Project will be described. Such controls may include manual vegetation control" | | incorporated in the assessment of vegetation control alternatives. | into the effects assessment phase of the Project | | Provide, in the Impact Statement, a complete overview of the vegetation control alternatives considered and assessed, in order to meet the requirements of Section 8.7 of the Guidelines. |
| VE-06 | Concordance table "Impacts associated withwill be described" | Section 14.3. | Provide detail to demonstrate the proposed approach and methods used to integrate the requirements from Section 14.3 of the Guidelines in the study plan. | Effects assessment describes the methodologies for addressing Section 14.3 of the TISG (the Agency 2020b) and considers the effects of each Project component and physical activities and will be compared to the proposed baseline investigations. | Section 9 | The comment has been partially addressed. The Vegetation study plan provides some additional detail, but there is still not enough information to determine whether the requirements of Section 14.3 of the Guidelines will be met. There is not a clear connection between the baseline data being collected, the indicators proposed to assess effects and the information provided in Section 9.4 Methods for Predicting Future Conditions of the study plan. Update the Vegetation study plan to provide detail to demonstrate the proposed approach and methods used to integrate the requirements from Section 14.3 of the Guidelines into the effects assessment. Demonstrate clear linkages between the baseline data collection, proposed indicators and the information provided in Section 9.4 Methods for predicting future conditions of the study plan. See also comment: VE-09 |
| VE-07 | Section 6.1 Indicators and Expression of Change Table 6-1: Vegetation Indicators "Wetland and Riparian Ecosystems Upland Ecosystems Designated Areas Traditional Use Plants & SAR Plant Populations" | Section 8.11 "...key habitat associated with species at risk should be considered valued components, including eskers and similar geologic features, wetlands and peatlands; ..." | Provide details to demonstrate how the studies that will be conducted to estimate baseline conditions and the conduct of effects assessment for eskers. | Eskers are discussed in greater depth in the Wildlife Study Plan as they relate directly to SAR and wildlife habitat. Baseline information collection regarding eskers have been added to this Study Plan. Vegetation as it relates to eskers will be explored as part of the upland ecosystems. The LSA has been designed to allow for adequate field investigation of these rarer habitats on the landscape. | Section 7.3 | The comment was not addressed. The revised Vegetation study plan is clearer in terms of mentioning eskers, but does not demonstrate how the studies will adequately estimate baseline conditions for eskers, nor how effects will be assessed. Eskers are not included as an indicator for upland habitat and it is unclear how effects to eskers would be differentiated from other upland habitat. Given the potential for disproportionate project effects to eskers, eskers should be included as an indicator. Update the study plan to demonstrate how the studies to be conducted will estimate baseline conditions and how effects assessments for eskers will be conducted. |

| New comments from the Federal Review Team on the revised Vegetation Study Plan submitted in June 2021. | | | | |
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| # | Study Plan Section | Tailored Impact Statement Guidelines Section (the Guidelines) | Context | Required Action for the Proponent |
| VE-08 | <p>Section 7.3.1 Field Survey Site Selection “The minimum sample size will be representative of the entire LSA but will also support adequate spatial coverage (as assessed through distributions of latitude and longitude between sub-sample and all polygons across the LSA).”</p> | <p>Section 7.2 “... Baseline data must be collected in a manner that enables reliable analysis, extrapolations and predictions. Resulting data should be suitable for analyses to estimate pre-project baseline conditions, derive predictions of impacts, and evaluate and compare post-project conditions and at scales of within and across the Project, Local and Regional Assessment areas. Modelling methods, error estimates and assumptions should be reported (as per section 7.1). Modelling and simulations should be used early in the planning phase to estimate the necessary sampling intensity and to quantitatively evaluate the effectiveness of design options...”</p> | <p>The Vegetation study plan does not provide enough information on the proposed study design to assess whether the minimum sample size will be representative of the LSA. Section 7.2 of the Guidelines requires that baseline data be collected in a manner that enable reliable analysis, extrapolations and predictions.</p> <p>Additional details about the proposed study design are required to support the statement in Section 7.3.1 of the study plan.</p> | <p>Update the Vegetation study plan to provide more details about the proposed study design, including the minimum sample size, to justify the statement made in the study plan and ensure that the requirements of Section 7.2 of the Guidelines are met.</p> |
| VE-09 | <p>Section 9.4 Methods for Predicting Future Conditions “Assessments of biodiversity metrics, relative abundance and distribution of vegetation communities of ecological, economic or social importance will be included in the prediction of future conditions. Percentage of land cover types and changes to land cover can provide critical information on broad-scale ecosystem changes. In addition, the extent of wetland cover and amount of wetland loss are also strong indicators of change in biodiversity (Ontario Biodiversity Council 2020). To predict future conditions for the Vegetation VCs, an assessment of the level of pre-existing disturbance versus new disturbance will be assessed.</p> <p>Therefore, an assessment of fragmentation prior to Project development and predicted effects post-development will be included within the IS / EA Report. This will include an effective mesh size assessment similar to that completed by Jaeger 2000...</p> <p>Ecological process will be evaluated for potential susceptibility which will include consideration for: patterns and connectivity of habitat patches; continuation of key natural disturbance regimes; structural complexity; hydrogeological patterns; nutrient cycling; abiotic -biotic and biotic interactions; population dynamics, genetic diversity, Indigenous knowledge relevant for the conservation and sustainable use of relevant species populations, communities and associated habitats including geological features.”</p> | <p>Section 13.1 “... The assessment of the effects of each of the project components and physical activities, in all phases, must be based upon a comparison of baseline environmental, health, social and economic conditions and the predicted future conditions with the Project and the predicted future conditions without the Project. Predictions must be made on clearly stated assumptions and the Impact Statement must clearly describe how it has tested each assumption...”</p> | <p>Section 9 of the study plan does not clearly indicate whether the predicted future conditions with and without the Project for each indicator presented in Table 9-2 will be compared to the baseline conditions, as described by the data outlined in Sections 7.1, 7.2 and 7.3 for those indicators.</p> <p>Sections 9.3 and 9.4 of the study plan mention several potential changes that are not clearly linked to the indicators in Table 9-2.</p> | <p>Update the Vegetation study plan to clarify that predicted future conditions with and without the Project for each indicator in Table 9-2 will be compared to their baseline conditions, in order to meet the requirements of Section 13.1 of the Guidelines.</p> <p>Update the Vegetation study plan to clarify the rationale and the pathway of effects relevant to each chosen indicator described in Table 9-2.</p> |
| VE-10 | <p>Section 9.3 Potential Effects</p> | <p>Section 14.3 “The Impact Statement must: ...</p> | <p>Section 9.3 of the Vegetation study plan indicates that Table 9-3 provides a preliminary identification of <i>how</i></p> | <p>Ensure that potential interactions that may result in indirect effects to vegetation and the pathways of effects are described in the Impact Statement.</p> |

| New comments from the Federal Review Team on the revised Vegetation Study Plan submitted in June 2021. | | | | |
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| # | Study Plan Section | Tailored Impact Statement Guidelines Section (the Guidelines) | Context | Required Action for the Proponent |
| | "Table 9-3 provides a preliminary identification of how changes to Vegetation may result in indirect effects to other environmental disciplines." | <ul style="list-style-type: none"> describe direct, incidental and cumulative predicted positive and/or adverse effects to riparian, wetland (including separate description relevant to peatlands) and terrestrial biodiversity metrics, effects of fragmentation, changes to regional biodiversity that could be caused by all project activities, including but not limited to effects to wetland ecological functions, including effects that may alter the wetland's capacity to perform hydrological, biogeochemical cycling, habitat, and climate functions. ..." | <p>changes to vegetation may cause indirect effects to other environmental disciplines.</p> <p>However, it appears that Table 9.3 does not indicate how changes to vegetation may result in indirect effects to other environmental disciplines, but rather <i>whether</i> those interactions may occur.</p> | Clarify that Table 9-3 indicates whether indirect effects to other environmental disciplines may occur. Ensure that the Impact Statement provides information regarding how indirect effects to other environmental disciplines may occur as a result to changes in vegetation. |
| VE-11 | Section 9.6 Residual Effects Table 9-4 Vegetation Magnitude Definition Definitions of 'negligible', 'low', 'medium', and 'high' | Section 13.1 Methodology "... The effects to each valued component outlined in sub-sections 14.3, 15.2, 15.3, 15.4 must be described using the following criteria: <ul style="list-style-type: none"> Scope, defined spatially as the proportion of the valued component's occurrence or population within the study areas (project study area, local study area and regional study area) 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: <ul style="list-style-type: none"> pervasive: the effect is likely to be pervasive in its scope, affecting the valued component across all or most (71-100%) of its occurrence or population within the study areas; large: the effect is likely to be widespread in its scope, affecting the valued component across much (31-70%) of its occurrence or population within the study areas; restricted: the effect is likely to be restricted in its scope, affecting the valued component across some (11-30%) of its occurrence or population within the study areas; and small: the effect is likely to be very narrow in its scope, affecting the valued component across a small proportion (1-10%) of its occurrence or population within the study areas. 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 severity of each predicted adverse effect on each valued component as follows: <ul style="list-style-type: none"> extreme: within the scope, the effect is likely to destroy or eliminate the valued component or reduce its population by 71-100% within ten years or three generations; serious: within the scope, the effect is likely to seriously degrade/reduce the valued component or reduce its population by 31-70% within ten years or three generations; moderate: within the scope, the effect is likely to moderately degrade/reduce the valued component or reduce its population by 11-30% within ten years or three generations; and | <p>While the proposed criteria used in the Vegetation study plan are similar to those found in the Guidelines, the definitions do not accommodate the entirety of possible combinations of scope and severity. For example, how would small scope and extreme severity be classified?</p> <p>Criteria provided and defined in Section 13.1 of the Guidelines (page 81) must be used to describe effects to valued components outlined in Section 14.3, including vegetation.</p> | Ensure that the criteria defined in Section 13.1 of the Guidelines (page 81) are used to describe project effects to valued components outlined in Section 14.3, including vegetation. |

| New comments from the Federal Review Team on the revised Vegetation Study Plan submitted in June 2021. | | | | |
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| # | Study Plan Section | Tailored Impact Statement Guidelines Section (the Guidelines) | Context | Required Action for the Proponent |
| | | <ul style="list-style-type: none"> ○ slight: within the scope, the effect is likely to only slightly degrade/reduce the valued component or reduce its population by 1-10% within ten years or three generations. ● Irreversibility, or permanence, is defined as the degree to which the effect can be reversed and the valued component restored, if the effect no longer existed. Characterize the irreversibility of each predicted adverse effect on each valued component as follows: <ul style="list-style-type: none"> ○ very high: the effects cannot be reversed and it is very unlikely the valued component can be restored, and/or it would take more than 100 years to achieve this (e.g., wetlands converted to a shopping center); ○ high: the effects can technically be reversed and the valued component restored, but it is not practically affordable and/or it would take 21-100 years to achieve this (e.g., wetland converted to agriculture); ○ medium: the effects can be reversed and the valued component restored with a reasonable commitment of resources and/or within 6-20 years (e.g., ditching and draining of wetland); and ○ low: the effects are easily reversible and the valued component can be easily restored at a relatively low cost and/or within 0-5 years (e.g., off-road vehicles trespassing in wetland). ...” | | |
| VE-12 | <p>Section 11 Concordance with Federal and Provincial Guidance Table 11-1: Study Plan Federal Concordance – Conformance with Requirements</p> <p>ID# 1</p> <p>“The Guidelines correspond to factors to be considered in the IA. These factors are listed in subsection 22(1) of The Agency and prescribe that the IA of a designated project must take into account:</p> <ul style="list-style-type: none"> ● any change to the designated project that may be caused by the environment;” | <p>Section 1.1</p> <p>“The Guidelines correspond to factors to be considered in the impact assessment. These factors are listed in subsection 22(1) of IAA and prescribe that the impact assessment of a designated project must take into account:</p> <p>...</p> <p>j) any change to the designated project that may be caused by the environment;”</p> | <p>In response to this requirement the Vegetation study plan states:</p> <p>“The potential effects of the Project on vegetation and the potential effects of the environment on the Project will be assessed in accordance with applicable standards and guidance.”</p> <p>Section 9 of the study plan outlines how project components may impact vegetation. How the environment may impact or change the Project is not covered.</p> | <p>Include in the Impact Statement considerations of any change to the Project that may be caused by the changing environment in order to meet the requirements of Section 1.1 of the Guidelines.</p> |
| VE-13 | <p>Editorial - Footnote 8, Section 9.2</p> <p>“In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs. The VCs will be consulted and engaged on early in the I/VEA process and finalized taking into consideration the input received. Therefore, only information relevant to the Project that arises from the regional assessment of the Ring of Fire within an appropriate timeline will inform the VCs for the Project.”</p> | | <p>The statement in footnote 11 in Section 9.2 “<i>In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs.</i>” is inaccurate. At this time the Regional Assessment in the Ring of Fire area has not yet begun.</p> | <p>Replace the text in footnote 11 with “<i>In February 2020, the Minister of Environment and Climate Change determined that a regional assessment will be conducted in an area centred on the Ring of Fire mineral deposits in northern Ontario. Relevant information available in relation to the Regional Assessment in the Ring of Fire area would be considered in the impact assessment of the Project.</i>”</p> |

| New comments from the Federal Review Team on the revised Vegetation Study Plan submitted in June 2021. | | | | |
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| # | Study Plan Section | Tailored Impact Statement Guidelines Section (the Guidelines) | Context | Required Action for the Proponent |
| VE-14 | Table 11-3: Study Plan Federal and Provincial Concordance – Requirement Deviations | | <p>Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process.</p> <p>The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team.</p> | |

Comments on Marten Falls Community Access Road Project (Project) revised Groundwater and Geochemistry Study Plan and Physiography, Geology, Terrain and Soils Study Plan – October 1, 2021

It is essential that the Impact Statement for the Marten Falls Community Access Road Project (the Project) address all requirements outlined in the Tailored Impact Statement Guidelines (the Guidelines), and that the study plans outline a clear approach to achieving these requirements. The Impact Assessment Agency of Canada (the Agency) has highlighted sections of the Guidelines where requirements were not met in the draft study plans submitted to the Agency. Note that this is not an exhaustive list of Guidelines requirements and the Guidelines should be reviewed in its entirety, including the sections identified below.

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| GC-01 | Section 5 - Public Participation and views (including 5.1, 5.2) | <p>Provide a clear description in the study plans of how public engagement opportunities have been and/or will be integrated into the impact statement phase. This must include detail on how the public will have opportunities to provide input to contribute to the development of the Impact Statement, as required in Section 5 of the Guidelines.</p> <p>Describe what engagement with the members of the public listed in the Public Participation Plan has been done in the development of the study plans, and/or any planned engagement with members of the public on the proposed study plans.</p> | <p>Section 4: describes how the Proponent will provide Project notices and opportunities with members of the public listed in the Public Partnership Plan. This will also include the opportunity to provide input on the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures as applicable. A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.</p> <p>The study plans have recognized public and agency input received on the Project to date.</p> | Section 4.1 “A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.” | <p>Section 4.1 of the study plan mentions that “a variety of activities will be offered”, however, no details on the likely engagement activities are provided.</p> <p>As required by Sections 5 and 6 of the Guidelines, the Impact Statement must provide a record of engagement that describes all efforts taken to seek the views of local communities and other stakeholders with respect to the Project, including on the study plans. This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement, including prior to and during the planning phase, and in the preparation of the Impact Statement.</p> <p>Provide details on the timeline for public engagement relative to the project workplan, including engagement relative to the schedule for baseline work, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> <p>Demonstrate in the Impact Statement how comments provided by members of the public on physiography, geology, terrain and soils and groundwater and geochemistry were taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions</p> |
| GC-02 | Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3) | <p>Provide a clear description in the study plans of how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will have opportunities to provide Indigenous knowledge, including the validation of how information they provided was applied. The study plan should include a description of the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that the guidance outlined in Section 6.2 of the Guidelines has been incorporated into the study plans.</p> <p>Describe what engagement with all the Indigenous groups listed in the Indigenous</p> | <p>In Section 4.2 it is noted that the Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in the Indigenous Partnership and Engagement Plan. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input.</p> <p>Section 2.1.1 outlines the approach to handling confidential information, by means of permission from Indigenous communities to include Indigenous Knowledge in the IS / EA Report, regardless of the source of the Indigenous Knowledge.</p> <p>The study plans have recognized Indigenous community input received on the Project to date.</p> | Section 4.2 “...A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input...” “...Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process...” | <p>Section 4.2 of the study plan states that “a variety of activities will be offered”, however, no details on the planned engagement activities are provided.</p> <p>Section 4.2 of the study plan also states that “Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process”, however, it is unclear on which components of the study plans the project team plans to engage. It is also unclear whether Indigenous groups will be provided with a meaningful opportunity to provide input on a preliminary approach/method for baseline data collection, as required in Section 6 of the Guidelines, or if engagement will take place after the baseline data collection is complete. Provide details on the timeline for Indigenous engagement on the Physiography, Geology, Terrain and Soils Study Plan and the Groundwater and Geochemistry Study Plan including engagement relative to the schedule for baseline work, and spatial and temporal boundaries determinations, and particularly in relation to collection of</p> |

¹ Refer to complete sections of the Guidelines for more context.

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020

| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
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| | | Engagement and Partnership Plan has been done in the development of the study plans, and/or any planned engagement with Indigenous groups on the proposed study plans, particularly in relation to collection of Indigenous knowledge (i.e. develop the work plan in collaboration with those Indigenous groups that would need to provide knowledge). | | | Indigenous knowledge, and in consideration of the project team's timeline for the development of the Impact Statement. Demonstrate in the Impact Statement that comments provided by Indigenous groups on physiography, geology, terrain and soils and groundwater and geochemistry taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions |
| GC-03 | Section 6.2 - Analysis and response to questions, comments, and issues raised | Revise the study plans to include an approach to handling confidential information that demonstrates adherence to the guidance provided in Section 6.2 of the Guidelines. | Section 2.1.1: Section has been updated to include information regarding both confidentiality and permission information on all collected Indigenous Knowledge, regardless of the source. This section also includes how information regarding the Indigenous Knowledge Sharing Agreements will be established by the Proponent and Indigenous community participating in the Program. | Section 2.1.1 “...Sensitive and / or confidential information collected through Indigenous Knowledge Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the Indigenous Knowledge Program prior to the sharing and use of any sensitive information. Instances where Indigenous Knowledge sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement, including where Indigenous Knowledge was incorporated into Project decisions and into the IS / EA Report (i.e., specifics will not be included in the Record of Consultation and Engagement given the potential sensitivity and / or confidentiality of the information shared)...” | As required in Section 6 of the Guidelines, describe the confidential information provided by each Indigenous group. Present the content in sufficient detail to support understanding of the potential effects and impacts on rights, while also protecting confidential/sensitive specifics and respecting stipulations in the confidentiality agreements (e.g, use buffer areas instead of specific locations, etc.). Provide to the Agency, in the form of a letter from the Indigenous group that shared confidential information, a letter confirming that: <ul style="list-style-type: none"> • the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; • the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed. |
| GC-04 | Study plans spatial boundaries | Describe the approach to be implemented to demonstrate how the definitions of the proposed study area boundaries: <ul style="list-style-type: none"> • encompass the anticipated boundaries of the Project's effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan; and • take into account community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, technical, | Section 6.2: General information on study areas for the Project, including a detailed list of what was considered to develop the discipline-specific local and region study areas, is included in each study plan. Each study area has been proposed taking into consideration community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices, physical, ecological, technical, social, health, economic and cultural considerations available at this time. The proposed discipline-specific study areas are preliminary. The proposed study areas will be consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program provides additional opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and | Section 6.2.1 “The preliminary LSA currently being considered within the scope of the ongoing provincial regulatory review process generally includes the area within 2.5 km of the centreline of Alternative 1 and Alternative 4” | As required in Section 7 of the Guidelines, demonstrate how a Local Study Area of approximately one kilometre from the centerline would be appropriate to assess effects on groundwater and geochemistry. It is unclear if the proposed groundwater survey locations are representative of drinking water sources used by Indigenous groups and whether Indigenous input was incorporated in the development of the proposed study methods/locations. As required in Section 7 of the Guidelines, provide details to demonstrate that the physiography, geology, terrain and soils and the groundwater and geochemistry Regional Study Areas encompass the anticipated boundaries of the Project's effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan. Note that the Regional Study Area must encompass the spatial boundary of cumulative effects. As required in Section 7.4.1 of the Guidelines, provide information regarding how the following were/will be taken into account in |

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020

| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
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| | | social, health, economic and cultural considerations; and the size, nature and location of past, present and foreseeable future projects and activities. | Treaty Rights of Indigenous peoples to be shared in greater detail. | | <p>defining the spatial boundaries: community knowledge and Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and reasonably foreseeable future projects and activities.</p> <p>Provide the above information in a way that allows those who provided the knowledge to the proponent and the Agency to see their input reflected in the Impact Statement. It is not sufficient to state that “input from participants will be/was taken into account”.</p> |
| GC-06 | | Provide further details in the study plans on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines | Section 4.3 has been updated to include the consideration of Identity and Gender-Based Analysis Plus (GBA+) including both Indigenous communities and their relevant subpopulations and non-Indigenous communities and their subpopulations. During consultation and engagement activities these groups (and any others defined during consultation) will be engaged with on targeted input. | Section 4.3 | <p>Describe how GBA+ has been or will be applied to the consideration of engagement activities. Identify specific methods targeted to specific subgroups.</p> <p>Provide detail on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines.</p> <p>It is not sufficient to mention that Gender-Based Analysis Plus will be applied to the assessment. Clear descriptions of how GBA+ was integrated (including to which variables, method, and how it influenced results’ interpretation) are needed in the Impact Statement.</p> |
| GC-07 | Section 13 - Effects Assessment (including 13.1, 13.2) | <p>Provide details to demonstrate how the Project’s potential effects will be considered, as per the requirements in Sections 13 to 19 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work.</p> <p>Provide detail on how engagement with all Indigenous groups listed in the Indigenous Engagement and Partnership Plan and the public will inform the effects assessment and the selection of mitigation measures and follow-up program measures.</p> | <p>Project environmental interaction are separated into Project phases, and Project activities for each environmental discipline in their VC-specific study plan listed as Table 9-1.</p> <p>Information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the Indigenous Knowledge Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs.</p> | Throughout the study plan, Section 9 | <p>As required in Sections 7 and 13 of the Guidelines, ensure that the effects assessment considers the effects of each of the project components (including but not limited to all alternative routes brought forward in the Impact Statement, all aggregates sources, access roads, etc.) and physical activities, in all phases, and that the assessment is based on a comparison to the data and information gathered during the proposed baseline work.</p> <p>Clarify the level of information that will be shared with, and explained to, the Indigenous Knowledge Program leads and whether study plans will be made available to all Indigenous groups listed in the Indigenous Engagement and Partnership Plan.</p> |
| GC-09 | Section 19.2 - Impacts on the Exercise of Aboriginal and Treaty Rights | Describe an approach for identifying the potentially impacted rights of Indigenous peoples of Canada that are recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> , and for integrating the potential impacts on those rights into the collection of | <p>All study plans reference how potential effects on Indigenous rights will be assessed in the Aboriginal and Treaty Rights and Interests Study Plan.</p> <p>Impacts on Rights considerations are explained in the rationale for defining a Local Study Area and Regional Study Area for Aboriginal and Treaty Rights and Interests</p> | Section 5, and Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan | Feedback will be provided in the Federal Review Team’s comments package on the Aboriginal and Treaty Rights and Interests Study Plan. |

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| | | baseline information and the effects assessment. | VCS. Further information for this is listed in Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan. | | |
| GC-10 | Section 20 - Mitigation and enhancement measures | Provide detail on the approach to meeting the requirements of Section 20 of the Guidelines regarding the identification of mitigation and enhancement measures. | Section 9: Approach to mitigation and enhancement measures, specifically noting that once potential effects have been identified, the effects assessment will explore technically and economically feasible mitigation measures to avoid or minimize the identified negative effects and enhancement measures to increase positive effects. | Section 9.5 "Once potential effects have been identified, the effects assessment will explore technically and economically feasible mitigation measures to avoid or minimize the identified negative effects and enhancement measures to increase positive effects beyond those that are already inherent to the design" | Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 20 of the Guidelines. |
| GC-11 | Section 25 – Description of the Project's contribution to sustainability | Provide detail on the approach to meeting the requirements of Section 25 of the Guidelines regarding the description of the Project's contribution to sustainability. | Section 9: the sustainability assessment for the Project will be undertaken on the preferred alternative and will characterize the Project's contribution to sustainability incorporating the requirements set out in Section 25 of the TISG. | Section 9.7 | Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 25 of the Guidelines. |

| Response to Previous Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access draft Groundwater Study Plan – June 05, 2020 | | | | | | |
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| # | Draft Study Plan Section | Tailored Impact Statement Guidelines Section ² | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Federal Review Team comments on Response |
| GW-01 | <p>Table 3-1: Groundwater Study Areas Local Study Area (LSA): 2.0 km Regional Study Area (RSA): 5.0 km Rationale: Potential effects (s) to groundwater are considered to be localized and limited to the alignment and area immediately surrounding the alignment within the zone of influence (ZOI) that may be affected by Project construction activities.</p> <p>4.1 Desktop Assessment “...The desktop review will focus on published information obtained from Marten Falls First Nation... The report will include detailed information on registered water well locations and depths (including borehole logs, if available) and a figure showing domestic and public water well locations within two kilometres of the Project works.”</p> <p>4.2.1 Study Area Reconnaissance & Determination of Key Groundwater Monitoring Locations “The groundwater baseline study will include ... • Areas within two kilometres of the developed Marten Falls First Nation communities, particularly with potential dewatering and other effects to existing structures, infrastructure and/or local well supplies; • Areas within close proximity (two kilometres) to other existing groundwater users (e.g. registered and unregistered water supply wells);</p> <p>4.2.1.1 Water Well Locations “...A door-to-door water well survey will be completed within</p> | <p>Section 6 “...The proponent must engage with all Indigenous groups that may be impacted by the Project. The <i>Indigenous Engagement and Partnership Plan</i>, issued by the Agency, is available to assist the proponent in further developing or refining their engagement strategy and supporting ongoing trust and relationship-building.</p> <p>In addition to the requirements set out in section 6.1, 6.2 and 6.3, the proponent must provide Indigenous groups with an opportunity to:</p> <ul style="list-style-type: none"> • provide Indigenous knowledge during baseline data collection; • comment on the list of valued components and indicators;...” <p>Section 7.4.1 “...Spatial boundaries are defined taking into account the appropriate scale and spatial extent of potential effects and impacts of the Project; community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; and physical, ecological, technical, social, health, economic and cultural considerations...”</p> <p>Section 8.6 “...The Impact Statement must:... • identify all springs and any other potable surface water resources within the local and regional project areas and describe their current use, potential for future use, and whether their consumption has Indigenous cultural importance;</p> | <p>Provide details to demonstrate the approach that will be used to identify all domestic, communal, or municipal water wells within the local and regional project areas as per the Guidelines.</p> <p>Clarify the inconsistency between the geographic extent of the Regional Study Area mentioned in the Desktop Assessment report and the geographic extent of the Regional Study Area shown in Table 3-1.</p> <p>Describe in the study plan how Indigenous groups will have opportunities to provide Indigenous knowledge on the groundwater study plan and validate the baseline data collected.</p> <p>All Indigenous groups listed in the IEPP must be provided opportunities to:</p> <ul style="list-style-type: none"> • provide Indigenous knowledge during baseline data collection; • comment on the list of valued components and indicators; • inform the effects assessment and review its conclusions; and • inform the development of mitigation measures and follow-up programs. | <p>Section 4 was updated to clarify that government agencies, first nation communities and any interested persons will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process.</p> <p>The LSA was refined and edits to the text were made in Section 6.2.</p> <p>Revised text to include springs in Section 7.2.1.1 and Section 8.2.2. Any spring water samples will be samples for the same parameters and at the same frequency as groundwater.</p> <p>Sections 7.2.1.1 and 8.2.2 were updated to include water levels and hydrostratigraphic units.</p> <p>Section 7.1 and 7.2.1.1 outline the approach used to identify all domestic, communal, or municipal water wells / springs within the local and regional project area.</p> | <p>Section 4 Section 6.2 Section 7.1 Section 7.2.1.1 Section 8.2.2</p> | <p>This comment has been partially addressed.</p> <p>See also comments GC-01 and GC-02 above.</p> |

² Refer to complete sections of the Guidelines for more context

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| | Marten Falls and any outpost camps within two kilometres of the proposed CAR, associated borrow source areas, associated roads and construction lay down areas to identify unregistered water supply wells and to verify the locations of registered wells.” | <ul style="list-style-type: none"> describe the surface water quality baseline characterization program, including sampling site selection, monitoring duration and frequency, sampling protocol, and analytical protocol, including quality assurance and quality control measures;... identify all domestic, communal, or municipal water wells within the local and regional project areas, including their screened hydrostratigraphic unit and piezometric level; describe their current use, potential for future use, and whether their consumption has any Indigenous cultural importance;...” | | | | |
| GW-02 | <p>Section 4.1 Desktop Assessment The desktop assessment will include the following tasks: A review of previous studies pertaining to the Project or conducted within the RSA that may provide additional hydrogeological, geological, hydrological, geochemical or biological data relevant to the Project. A desktop review of available reports and other pertinent information from within the RSA, if any;</p> <p>Section 7 Conformance with Federal and Provincial Guidance “The desktop assessment and/or the baseline groundwater report will provide detailed descriptions of specific data sources and data collection methods associated with groundwater.”</p> | <p>Section 7.1 “...Ensure baseline data is representative of project site conditions. If surrogate data from reference sites are used rather than site-specific surveys, the proponent should demonstrate that the data are representative of project site conditions...”</p> <p>Section 7.2 “...The Impact Statement must provide detailed descriptions of specific data sources, data collection, sampling, survey and research protocols and methods followed for each baseline environmental, health, social and economic condition that is described, in order to corroborate the validity and accuracy of the baseline information collected....</p> <p>If using existing data sources, the Impact Statement must provide justification to show that the data sources are relevant in spatial and temporal coverage to the Project...”</p> | Provide details to demonstrate that existing data sources are relevant in spatial and temporal coverage to the Project. | Revised text in Section 7.1. Site Specific baseline data will be collected. Surrogate data from other sites will not be used in place of site-specific baseline data for the Project area, but may be used to supplement site specific data if the data are from nearby sites within the region. | Section 7.1.1 | This comment has been addressed. |
| GW-03 | <p>5.2.2 Data Analysis and Reporting “Upon completion of the two-year groundwater monitoring program, water quality and quantity data will be analyzed and the findings</p> | <p>Section 9 “...To understand the community and Indigenous context and baseline health profile, the proponent must:...</p> | Clarify whether any water wells that may be used as drinking water sources will be identified as drinking water sources in the baseline study and how water quality data will be | The drinking water sources (groundwater or surface water) will be identified during the desktop assessment and / or the field water well /spring surveys. Any water wells that have potential to provide drinking water will be treated as drinking water sources. | Section 7.2.1.1 Section 8.2.2 | This comment has been addressed. |

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| | <p>will be presented in a hydrogeology baseline report... The hydrogeology baseline report will include:...</p> <ul style="list-style-type: none"> • Plan maps showing: <ul style="list-style-type: none"> ○ The Project location and key features (i.e. the selected CAR, aggregate borrow source area, access roads, camp and laydown areas, the Marten Falls First Nation community and registered and unregistered water wells); ○ Project study areas, encompassing the spatial boundaries of the Project, including any associated project components and the anticipated boundaries of the Project effects that may potentially effected local communities, municipalities and Indigenous groups; ○ Bedrock and surficial geology, including major structural features (e.g. faults); ○ Groundwater monitoring locations and inferred groundwater flow directions” • Groundwater quality results will be compared to applicable guidelines and standards for aquatic life and drinking water uses, including the Canadian drinking water quality guidelines, Ontario drinking water quality guidelines and the Ontario Groundwater Standards;” | <ul style="list-style-type: none"> • describe drinking water sources which may be effected by the Project, including surface and/or groundwater (permanent, seasonal, periodic or temporary), their distance from project activities and approximate wellhead capture zones;...” <p>Section 16.1 “...With respect to biophysical determinants of health, the Impact Statement must:...</p> <ul style="list-style-type: none"> • identify predicted effects of the Project on the quality and quantity of ground or surface water used for domestic uses based on the most stringent guideline values of the following criteria; Canadian Drinking Water Quality Guidelines (CDWQG), Ontario Drinking Water Quality Standards (ODWQS), or Ontario Soil, Groundwater and Sediment Standards (SGSS);...” | <p>used for the health effects assessment.</p> <p>Provide detail to demonstrate that the potable groundwater contaminant levels will be compared to the most stringent guideline values, as per Section 16.1 of the Guidelines.</p> | <p>Water quality results will be compared against all applicable criteria for all suitable uses (drinking water, aquatic life, wildlife, etc.). Exceedances from all criteria will be flagged in the baseline and future reports, which includes the most stringent criteria.</p> | | |
| GW-04 | <p>5.2.2 Data Analysis and Reporting “The hydrogeology baseline report will include:</p> <ul style="list-style-type: none"> • Tables summarizing data such as: <ul style="list-style-type: none"> • Water well owners, water levels, reported yield and uses (domestic, | <p>Section 14.2 “...With respect to potential project effects on the physical hydrogeological system, the Impact Statement must:</p> <ul style="list-style-type: none"> • provide a project-specific water use assessment identifying and describing the quantity and quality of water resources | <p>Update the study plan to ensure that measured or inferred available drawdown with water well information are included, as required in Section 14.2 of the Guidelines.</p> | <p>Revised updated section 8.2.2 to specifically include "inferred available drawdown".</p> | | <p>This comment has been addressed.</p> |

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| | communal, municipal, commercial/industrial);” | <p>potentially affected by the Project, including:</p> <ul style="list-style-type: none"> ○ any withdrawal of groundwater or surface water; ○ changes to the groundwater recharge/discharge areas; ○ temporal and spatial changes in groundwater quantity, quality and flow (e.g., long-term changes in water levels), including how these changes may relate to domestic, communal or municipal water supply wells; ○ the flow or volume of water available in the water bodies; and <p>how any waste waters or dewatering water would be managed and where it would be discharged...”</p> | | | | |
| GW-05 | <p>6.2 Methods for Predicting Future Conditions “No modelling is proposed as part of the study plan for groundwater. There will be some analytical calculations and analysis software packages (e.g., AQTESOLV) required for the estimation of K values.”</p> | <p>Section 14.2 “...With respect to potential project effects on the physical hydrogeological system, the Impact Statement must:</p> <ul style="list-style-type: none"> • provide a project-specific water use assessment identifying and describing the quantity and quality of water resources potentially affected by the Project, including: <ul style="list-style-type: none"> ○ any withdrawal of groundwater or surface water; ○ changes to the groundwater recharge/discharge areas; ○ temporal and spatial changes in groundwater quantity, quality and flow (e.g., long-term changes in water levels), including how these changes may relate to domestic, communal or municipal water supply wells; ○ the flow or volume of water available in the water bodies; • how any waste waters or dewatering water would be | <p>Provide details about the methods that will be used to quantify the magnitude of the effects to groundwater quantity in a manner that meets the requirements of the Guidelines.</p> | <p>Analytical calculations and analysis software packages (e.g., AQTESOLVE) will be utilized for the estimation of hydraulic conductivity (K) values. Numerical models will use field derived aquifer properties to estimate CAR construction related zones of influence / drawdown cones to assess for potential interference for ecological systems or drinking water sources. In addition, a water balance model approach will be utilized to evaluate the impact of groundwater extraction on valued ecosystem components (receptors). The need for a more comprehensive groundwater model will be elevated following completion of project design.</p> | | <p>This comment has been addressed.</p> |

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| | | managed and where it would be discharged...” | | | | |
| GW-06 | <p>6.3 Magnitude of Effect Table 6-2: Groundwater Quality Magnitude Definition “Negligible <u>Definition:</u> There is little to no variation predicted in measurable parameters and is within the range of natural variation. <u>Rationale:</u> Monitoring wells show no discernable change to water quality, therefore no effect on ecological life or potable use.</p> <p>Low <u>Definition:</u> There is a small variation predicted in measurable parameters, that are outside the range of natural variation and below the applicable water quality criteria or within 20% of existing condition values. <u>Rationale:</u> Temporary effect or permanent change to water quality is discernable but remains protective of ecological life and potable water sources.</p> <p>Medium <u>Definition:</u> There is a modest variation predicted in measurable parameters, that is significantly different from existing conditions and is below the applicable water quality criteria or is between 20% to 50% of existing condition values. <u>Rationale:</u> Temporary effect or permanent change to water quality is significant but remains protective of ecological life and potable water sources.</p> <p>High <u>Definition:</u> There is a large variation predicted in measurable parameters, exceeds applicable water quality criteria, or is greater than 50% of existing condition values. <u>Rationale:</u> Temporary effect or permanent change to water</p> | <p>Section 21 “...Proponents must describe the extent to which residual effects are adverse. Where relevant, or where best practice or evidence-based thresholds exist, effects should be described using criteria to quantify adverse effects. This includes criteria such as whether the effects are high or low in magnitude, the geographical extent, timing, frequency, duration and reversibility of the effects, taking into account any important contextual factors. Where the potential for human health effects exist due to exposure to a particular contaminant at any level (e.g., non-threshold air pollutants, including particulate matter and nitrogen dioxide, and water pollutants, such as but not limited to arsenic and lead) mitigation measures should aim to reduce the residual effects to as low as reasonably achievable. In addition, effects should be characterized using language most appropriate for the effect (for example, impacts on the exercise of Aboriginal and Treaty rights and social effects may be described differently from biophysical effects)...”</p> <p>“...The Impact Statement must:</p> <ul style="list-style-type: none"> • characterize the residual effects using criteria most appropriate for the effect; • characterize residual effects for human health using human health-related criteria most appropriate for the carcinogenic and non-carcinogenic health effects of non-threshold contaminants;” • provide the rationale for the choice of criteria used to determine the extent to which the predicted effects are adverse. The information provided must be clear and sufficient to enable the Agency, review panel, | <p>Update the study plan to include, in the definitions for magnitude, criteria that are relevant to the protection of human health.</p> <p>Describe the approach that will be used to ensure that these criteria are appropriate for the human health impact assessment.</p> | <p>The percentage division values for water quality and quantity were selected using professional judgement. Water quality and quantity undergo natural seasonal fluctuations, therefore it is extremely challenging to state whether changes are natural or Project induced at less than 20% change. Once baseline data are collected, we will have a better idea of the range of natural seasonal variation and can adjust the approach as needed.</p> <p>The CDWQG’s do state concentrations for a few parameters (arsenic, lead, haloacetic acids, and vinyl chloride) should be ALARA (as low as reasonably achievable). That being said, they still undergo natural seasonal variation and it is extremely challenging to state whether changes are natural or Project induced at less than 20% change.</p> | <p>Table 9-4 Groundwater Quantity Magnitude Definition</p> <p>Table 9-5 Groundwater Quality Magnitude Definition</p> | <p>This comment was not addressed.</p> <p>The magnitude of residual effects continues to be determined partly based on the percentage deviation (e.g., between 20% and 50%) from the baseline condition (Table 9-5, pdf p.58 and 59). These threshold values appear to be arbitrary and are not justified for use in the evaluation of non-threshold contaminants. In addition, it appears that if baseline levels are already above the water quality criteria, then the magnitude of residual effects will be determined based solely on variation from baseline conditions. An explanation is still not provided on how the proposed judgement criteria are developed or whether they are adequate to protect human health.</p> <p>Update the study plan to provide clarification on how the proposed definitions for the magnitude of residual effects criteria are relevant to the protection of the health of project-impacted groundwater consumers.</p> <p>Consider aligning the residual effects magnitude definitions for groundwater quality with those for surface water quality.</p> |

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| | quality is discernable and can potentially impair ecological or potable uses of water.” | technical and regulatory agencies, Indigenous groups, and the public to review the proponent's analysis of effects;...” | | | | |
| GW-07 | Section 7 Conformance with Federal and Provincial Guidance “... will be included in future reporting (effects assessment), but will not be included as part of the baseline works.” | Section 14.2 | Provide more detail on the methodology of the effects assessment, and how the requirements described in Section 14.2 of the Guidelines will be met. Provide detail on how engagement with Indigenous groups and the public will inform the effects assessment, as well as the selection of mitigation and follow up program measures. | Additional wording added. | Section 4 Section 9 | This comment was partially addressed. See general comments GC-01, GC-02 and GC-07 above. |

| New comments based on the Groundwater and Geochemistry Study Plan submitted on June, 2021. | | | | |
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| # | Study Plan Section | Tailored Impact Statement Guidelines Section | Context | Required Action for the Proponent |
| GW-08 | Footnote 7, Section 9.2 “In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs. The VCs will be consulted and engaged on early in the IA/EA process and finalized taking into consideration the input received. Therefore, only information relevant to the Project that arises from the regional assessment of the Ring of Fire within an appropriate timeline will inform the VCs for the Project.” | Editorial comment | The statement in the footnote 7 in Section 9.2 “ <i>In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs.</i> ” is inaccurate, as the Regional Assessment in the Ring of Fire area has not yet begun. | Replace the text in footnote 7 with “ <i>In February 2020, the Minister of Environment and Climate Change determined that a regional assessment will be conducted in an area centred on the Ring of Fire mineral deposits in northern Ontario. Relevant information available in relation to the Regional Assessment in the Ring of Fire area would be considered in the impact assessment of the Project.</i> ” |
| GW-09 | Section 10 Assumptions “Existing condition values for groundwater quantity will be based on the seasonal range of groundwater levels collected three times per year (spring, summer and fall) over a period of two (2) years at all monitoring stations.” | | NRCan recommends that existing condition values for groundwater quantity be based on the seasonal range of groundwater levels collected continuously at instrumented monitoring stations, and three times per year (spring, summer and fall) at the remaining monitoring stations, over a period of two years. | |

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| # | Draft Study Plan Section | Tailored Impact Statement Guidelines Section ³ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Federal Review Team comments on Response |
| GE-01 | Section 3: Spatial Boundaries: Study Areas “The PSA encompasses the 100 m wide CAR right-of-way (ROW), temporary construction access roads, work areas, worker camps, and long-term aggregate sources and associated access roads. The LSA currently being considered within the scope of the ongoing regulatory review process generally includes the area within 2.5 km of the centreline of Alternative 1 and Alternative 4.” | Section 7.4.1 “...The Impact Statement must describe the spatial boundaries, including project, local and regional study areas, for each valued component included in assessing the potential adverse and positive environmental, health, social and economic effects of the Project and provide a rationale for each boundary... For valued components establish three study area spatial boundaries to assess impacts to each valued component: Project Study Area: defined as the project footprint for each alternative route; ...” | Update the study plan to clarify the spatial boundaries of the study areas, in particular of the Project Study Area, for all route alternatives under consideration. Update the study plan to provide a map showing the study areas for all route alternatives under consideration. | A map of the study areas is included. | Table 6-Section 6.2 | This comment has been addressed. |
| GE-02 | Figure 3-1 | Editorial | Update the legend of the map provided in Figure 3-1 to indicate what all various coloured areas represent. Several colors used in the map are not featured in the legend. | The study area plan map is updated. | Figure 6-2 Section 6.2 | This comment has been addressed. However, the original Figure 3-1 also showed auger and borehole sampling locations taken to date. This information has been removed in Figure 6-2 in the revised study plan. Ensure that maps that identify all sampling locations used for each field study are provided to the Federal Review Team for validation in the study plans or in the work plans in advance of conducting field studies. |
| GE-03 | Section 4: Baseline Study Design “This study plan focuses on the additional studies that are anticipated to be required to gather information beyond what is currently available through existing information sources, including those as described in Section 7.2 ‘Sources of baseline information’ in IAAC’s Tailored Impact Statement (TISG) for this Project” | Section 8.4 “...The Impact Statement must: ... - describe the geomorphology, topography and geotechnical characteristics of areas proposed for construction of major project components, including the presence and distribution of eskers and permafrost, if applicable; ... - provide maps depicting soil depth by horizon and soil order within the project site area to support soil salvage and reclamation efforts, and to outline potential for soil erosion; ... - describe the historical land use and the potential for contamination of soils and sediments and describe any known or suspected soil contamination with the study area that could be re-suspended, released or otherwise disturbed as a result of the Project; and - identify ecosystems that are sensitive or vulnerable to acidification resulting from the deposition of atmospheric contaminants; ...” | Update the study plan to provide information to demonstrate the proposed approaches and methods to be used to meet the requirements of Section 8.4 of the Guidelines. | The Study Plan is updated to include the relevant requirements of Section 8.4 of the Guidelines. | Section 7.1 Section 8.1 | This comment was partially addressed. While more information was provided in the revised study plan, the following aspects of Section 8.4 of the Guidelines still appear to be missing: - describe the historical land use and the potential for contamination of soils and sediments and describe any known or suspected soil contamination with the study area that could be re-suspended, released or otherwise disturbed as a result of the Project; - identify ecosystems that are sensitive or vulnerable to acidification resulting from the deposition of atmospheric contaminants - describe permafrost conditions including distribution of frozen and unfrozen ground, if applicable; and describe the potential for thaw settlement and terrain instability associated with ground thawing in permafrost areas, if applicable.” Ensure that the Impact Statement includes the information required by Section 8.4 of the Guidelines. |

³ Refer to complete sections of the Guidelines for more context

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| | | <ul style="list-style-type: none"> - provide written description and maps of the current location of eskers and other post-glacial deposits on a map; - describe permafrost conditions including distribution of frozen and unfrozen ground, if applicable; and - describe the potential for thaw settlement and terrain instability associated with ground thawing in permafrost areas, if applicable... | | | | |
| GE-04 | <p>Section 4.1: Desktop Assessment “Due to the large Project area, the study will be largely based on previous investigations and published existing data / information in the area.”</p> <p>Section 7: Conformance with Federal and Provincial Guidance “The summary report will provide detailed descriptions of specific data sources and data collection methods associated with physiology, geology, geochemistry, terrain and soils.”</p> | <p>Section 7.1 “...Ensure baseline data is representative of project site conditions. If surrogate data from reference sites are used rather than site-specific surveys, the proponent should demonstrate that the data are representative of project site conditions...”</p> <p>Section 7.2 “...The Impact Statement must provide detailed descriptions of specific data sources, data collection, sampling, survey and research protocols and methods followed for each baseline environmental, health, social and economic condition that is described, in order to corroborate the validity and accuracy of the baseline information collected...”</p> | <p>Demonstrate that the reports are representative of all of the terrain units and settings encountered by the Project.</p> <p>Provide details about the published existing data and information that will be used to characterize the baseline conditions, as required in Section 7.2 of the Guidelines.</p> <p>If surrogate data sources from reference sites are used rather than site-specific surveys, provide detail to demonstrate that the data are representative of project site conditions and clarify how potential gaps in the spatial coverage of the data will be addressed.</p> <p>Ensure that a clear map showing all proposed route alternatives, along with the borehole and auger data used for each alternative, is provided in the Impact Statement. Ensure that in composite the existing and new data meet the requirements of the Guidelines.</p> | <p>The Study Plan is updated to indicate if any surrogate data are referenced, justification for utilizing these data (i.e., spatial and temporal relevance with respect to the Project RSA), detailed descriptions, and specific data sources will be provided in the baseline report. Note that site-specific data will also be collected, as described below. The Project will not be solely relying on surrogate data from reference sites.</p> <p>The map showing the proposed routes is included (Figure 6-2).</p> | Section 7.1 Figure 6-2 | This comment was addressed. |
| GE-05 | <p>Section 4.3.1: Geochemistry (ML/ARD) “We have assumed that half of the samples will be collected at surface (bedrock outcrop hand samples) and the remainder will be collected from geotechnical drill core. The depth of the drill core samples will be shallower than the proposed depths of quarry / blasting operations to make certain that samples are representative of blast / fill material”</p> | <p>Section 3.2.2. “...The Impact Statement must describe the anticipated activities during the operation phase of the Project, including: ...</p> <ul style="list-style-type: none"> - characterization and management of borrow material, including overburden, and aggregate (storage, handling and transport of the volumes generated, mineralogical characterization, potential for metal leaching and acid rock drainage);...” <p>Section 8.3</p> | <p>Provide details to demonstrate that the samples collected at each location will be compositionally and spatially representative of material to be disturbed.</p> | <p>The Study Plan is updated to describe that approximately 25% of the samples will be collected near surface (<0.4 m below grade) and bedrock outcrop hand samples. Care will be taken to collect fresh outcrop samples and not exposed/weathered bedrock samples. The remainder of the samples will be collected from geotechnical drill core. The depth of the drill core</p> | Section 7.4.2 | This comment was addressed. |

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| | | “...The Impact Statement must: ... provide a characterization of the geochemical composition of all expected construction materials (i.e., eskers, quarries, etc.), in order to predict metal leaching and acid rock drainage including oxidation of primary sulphides and secondary soluble sulphate minerals...” | | samples will be shallower than the proposed depths of quarry / blasting operations to make certain that samples are representative of blast / fill material. | | |
| GE-06 | Section 4.3.1: Geochemistry (ML/ARD) “Mineralogy and Rietveld X-ray Diffraction: To determine the mineralogical composition of the rock samples.” | Section 8.3 “...The Impact Statement must: ... - provide a characterization of the geochemical composition of all expected construction materials (i.e., eskers, quarries, etc.), in order to predict metal leaching and acid rock drainage including oxidation of primary sulphides and secondary soluble sulphate minerals...” Section 14.2 “...If the proponent undertakes quarrying activities to extract aggregate material that may results in effects on groundwater and surface water levels (i.e., quarrying below the water table), the Impact Statement must: ... describe the methods used to predict acid rock drainage and/or metal leaching for construction materials, including sample collection and laboratory testing;...” | Revise the study plan to provide details to demonstrate that using QEMSCAN rather than Rietveld XRD will be considered, as it has a much lower detection limit for sulphide minerals. | Based on the level of this study at this time, XRD is considered sufficient and will allow for more samples to be collected due to the relative cost per analysis (~\$250 for XRD and ~\$1000 for QEMSCAN). In the future, we can use QEMSCAN for targeted locations as specified/requested by the professional geochemist. No changes to the text were made. | N/A | Natural Resources Canada has indicated that the costs for QEMSCAN have dropped significantly and should be comparable to XRD, should the proponent wish to explore this methodology further. |
| GE-07 | 4.3.2 Soil Sampling (...) Soil samples will be submitted for analysis of the following parameters: <ul style="list-style-type: none"> Total metals (including mercury, arsenic and chromium); Alkalinity; pH; Total organic carbon; Anions (chloride, bromide, fluoride and sulphate); Nutrients (nitrate, nitrite); Volatile organic compounds (VOCs); Poly-aromatic hydrocarbons (PAHs); and/or Radionuclide parameters. Table 6.1: Physiography, Geology, Geochemistry, Terrain, and Soils indicators Indicator: Physiography, Terrain and Soils | Section 9 “...The proponent should refer to Health Canada guidance documents such that best practices are followed in the collection of baseline information to assess real and perceived project-related impacts to human health due to changes in air quality, noise, drinking and recreational water quality, country foods and/or multiple pathways of exposure to contaminants. The proponent should provide a detailed rationale/explanation for any deviation from recommended baseline characterization approaches and methods, including from Health Canada’s guidance, or when determining such characterization is not warranted.” Section 16.1 “...With respect to biophysical determinants of health, the Impact Statement must: ... - describe and quantify the health risk from exposure to COPCs (e.g., arsenic, chromium, mercury) via consumption of country foods and differential risk for vulnerable subgroups; ...” | Provide details to demonstrate the methods used to screen the proposed COPCs into the soil quality assessment and to explain the rationale for the proposed methods. Describe interconnections and clarify how predicted changes in soil contaminant levels will be incorporated in the exposure pathway analysis for the human health effect assessment proposed in the human health and community safety study plan. Consult Section 7 of Health Canada’s Guidance for Evaluating Human Health Impacts in Environmental Assessment: Human Health Risk Assessment. | As Project emissions of concern will be determined primarily based on the outcomes of the Air Quality Study, it is not possible at this time to screen soils for COPCs. If Air Quality Study outcomes suggest a potential for significant deposition of air emissions of concern onto local soils, then the soil contact pathway will be considered for evaluation in a HHRA. This may necessitate a need for a surface soil survey in the areas predicted to receive the greatest potential deposition of air emissions, to generate baseline soil concentrations of the emissions of concern. Soil data may not be used at all in an assessment of country food consumption, should that exposure pathway be deemed necessary to assess in a | Section 7.3.3 provides rational for the list of soil parameters that will be analyzed for during the baseline studies. | This comment was partially addressed. It is unclear how ‘significance’ of air contaminants deposition onto soils will be determined in the Air Quality study, how areas expected to receive the greatest potential of deposition of air emissions will be determined and how baseline soil samples will be taken. Include in the Impact Statement additional information to clarify which criteria will be used to assess significance of air contaminants deposition onto soils as a pre-requisite for a human health risk assessment. |

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| | <p>Expression of Change: Degradation of physical or chemical characteristics of permafrost, terrain or topography (e.g., natural hazards) and soils.</p> <p>Rationale for selection: Important for geotechnical stability of civil infrastructure (e.g., roads), protection of human health, and protection of aquatic and terrestrial habitat associated with natural hazards (e.g., slope failures).</p> | <p>if a Human Health Risk Assessment is required, the assessment must identify all potential contaminant exposure pathways for contaminants of concern to adequately characterize potential biophysical risks to human health. A multimedia Human Health Risk Assessment may need to be considered and conducted for any contaminant of potential concern with an identified risk and multiple pathways;...”</p> | | <p>HHRA. Ideally, country food item tissue data would provide the concentrations of COPCs in the harvested food items of interest. Soil data are only relevant towards estimating COPC levels in country food items if the foods are harvested from the same locations that are expected to incur soil impacts due to air emissions, and are only relevant for food items that are in direct contact with soil (such as plants, berries). Soil data are typically irrelevant to any assessment of fish or game animal country food items (due to reasons such as animal home ranges and foraging behaviours, locations where harvesting occurs relative to areas where soil impacts are predicted). The noted HC guidance will be consulted should there be a need to assess human exposure pathways related to soil and/or country foods.</p> | | |
| GE-08 | <p>Section 4.3.2: Soil Sampling “As part of the ML/ARD sampling program, a single soil sampling event will be conducted to collect baseline soil quality data from proposed borrow source areas and disturbed areas.... For the purposes of this study, it is assumed that two samples from 30 individual locations (60 samples total) will be sufficient to assess baseline soil conditions within the Project disturbance footprint, but outside the CAR ROW. Samples will typically be collected on the downgradient side of the ROW within the upper 1 m using a shovel or hand auger”</p> | <p>Section 4.4 “...The determination of alternative means must be conducted in accordance with the Impact Assessment Agency of Canada’s policy and guidance documents⁴...”</p> <p>Section 8.4 “...The Impact Statement must: describe the landforms, soils and sediments within the local and regional project areas, including sediment stratigraphy; surficial geology maps and cross-sections of appropriate scale;...”</p> | <p>Provide details to demonstrate that landforms, soils and sediments within both the local and regional study areas, including sediment stratigraphy; surficial geology maps and cross-sections of appropriate scale, will be described in the Impact Statement.</p> <p>Provide details to demonstrate that a description of the 60 (total) samples planned to be collected (i.e. type of material such as clay, silt, sand, etc.) will be included in the Impact Statement.</p> <p>Ensure that all route alternatives under consideration, as well as</p> | <p>The baseline studies will provide details on landforms (e.g., eskers), soils and sediments within both the local and regional study areas. Surficial geology maps will be field-truthed at sampling locations. Cross-sections will not be completed at the baseline stage, but will be included at key locations in future reporting (e.g., Impact Statement).</p> <p>For the purposes of this study, it is assumed that two samples from 30 individual locations (60 samples total)</p> | <p>Section 7.4.3 Section 8.1</p> | <p>This comment was partially addressed.</p> <p>Ensure that all route alternatives under consideration, as well as the location of all other project components, particularly the aggregates sources (short-term and long-term), are determined prior to the baseline data collection and are scoped in the study plan. If a preferred alternative has not been identified before baseline studies start, then baseline data collection must be carried out for all route alternatives under consideration.</p> |

⁴ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-need-for-purpose-of-alternatives-to-and-alternative-means.html>

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| | | | the location of all other project components, particularly the aggregates sources (short-term and long-term), are determined prior to the baseline data collection and are scoped in the study plan. If a preferred alternative has not been identified before baseline studies start, then baseline data collection must be carried out for all route alternatives under consideration. Update the study plan to provide a map with the proposed location of the 30 sampling sites for the baseline data collection. Provide sufficient detail to demonstrate how the 30 locations represent all alternative project components. | will be sufficient to assess baseline soil conditions within the Project disturbance footprint, but outside the CAR ROW. Multiple samples will be collected from each lithology at spatially separated locations to allow for a more robust and representative dataset. Samples will typically be collected on the downgradient side of the ROW within the upper 1 m using a shovel or hand auger. If multiple landforms / surface soils are present at any station, additional soil samples will be collected to ensure multiple samples of each soil type are collected. The scope and budget of the analytical program will be refined following completions of the desktop study. Prior to field work, a plan map showing the regionally mapped surficial geology units and the proposed sampling locations will be created to ensure that samples are collected from all surficial geological units. | | |
| GE-09 | <p>Section 4.3.2: Soil Sampling “samples will be submitted for analysis of the following parameters: Total metals (including mercury, arsenic and chromium); Alkalinity; pH; Total organic carbon; Anions (chloride, bromide, fluoride and sulphate); Nutrients (nitrate, nitrite); Volatile organic compounds (VOCs); • Poly-aromatic hydrocarbons (PAHs); and/or Radionuclide parameters.</p> <p>The above suite of analytical parameters will be used to establish baseline soil quality and identify contaminants of potential concern associated with Project work, including placement of fill material</p> | <p>Section 8.4 “The Impact Statement must: ... describe the suitability of topsoil and overburden for use in the reclamation of disturbed areas including an assessment of the acid generating potential of overburden to be used;...”</p> | Update the study plan to describe considerations to using the same ABA test methods proposed in Section 4.3.1 of the study plan as part of the assessment of the acid generating potential of the soil and overburden. | <p>Soil sampling proposed for geochemical testing to support the development of a geochemical characterization of soil and overburden is discussed in the Groundwater and Geochemistry Study Plan. These samples will be focused on proposed quarry and pit areas.</p> <p>The soil samples collected as part of Section 7.4.3 in this Study Plan are intended to characterize generic soil quality and will be spatially distributed across the proposed CAR. Locations will not be focused on proposed quarry / pit areas. However,</p> | Section 7.4.2 Section 7.4.3 | This comment was addressed. |

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| | (general parameters, anions, metals and radionuclides), blasting residual (nutrients), acid rock drainage and buffering capabilities (metals and alkalinity), metal leaching (metals and general parameters), hydrocarbons and solvents (VOCs and PAHs) and permeant infrastructure, such as bridges, piles and culverts (metals). Radionuclide parameters will only be collected once from each area.” | | | there will be some areas where soil sampling for both generic and geochemistry analysis will be conducted. | | |
| GE-10 | Section 6: Effects Assessment Scoping | Section 14.3 “...The Impact Statement must: ... - describe any changes to permafrost conditions as a result of the Project; - describe any changes to eskers and similar geological features as a result of the Project; - describe any contaminants of concern (e.g., arsenic, chromium, mercury) potentially associated with the Project (including from spills or accidental discharges) that may affect soil, sediment, wetlands, and surface and ground water (including substances used during summer and winter maintenance activities); ... - describe the historical land use and the potential for contamination of soils and sediments and potential for loss of soil fertility. Describe any known or suspected soil contamination within the study area that could be re-suspended, released or otherwise disturbed as a result of the Project; ...” | Provide detail in the study plan to describe the approaches and methods to be used to meet the requirements identified in Section 14.3 of the Guidelines. | Available high-resolution imagery and regional surficial geological, terrain polygon, permafrost maps will be searched for and reviewed as part of the desktop study and ground-truthed during the field program (during soil and rock sampling). A review of the provincially known / registered contaminated sites database will be conducted to determine proximal contaminated sites with potential pre-existing soil quality issues. The baseline report will include the descriptions of the findings and present the location of key geological features and known contaminated sites. | Section 7.1 Section 8.1 | This comment was partially addressed. The revised Physiography, Geology, Terrain and Soils Study Plan provides a description of the contaminants of concerns potentially associated with the Project. However, changes to permafrost conditions (aside from its general degradation), and changes to eskers as a result of the Project are not described. Furthermore, the revised study plan does not describe how historical land use and its potential for contamination of soil will be studied/determined. Ensure that the Impact Statement includes the information required by Section 14.3 of the Guidelines. |
| GE-11 | Section 6.1: Indicators and Expression of Change Table 6-1 Physiography, Geology, Geochemistry, Terrain and Soils Indictors [Indicator – Physiography, Terrain and Soils] “Expression of Change Degradation of physical or chemical characteristics of permafrost, terrain or topography (e.g., natural hazards) and soils. Rationale for Selection | Section 8.3 “...The Impact Statement must: ... • identify any geological hazards that exist in the areas planned for the project facilities and infrastructure, including: ○ history of seismic activity in the area, including induced earthquakes, and secondary effects such as the risk of, landslides and liquefaction; ○ evidence of active faults; ○ isostatic rise or subsidence; and ○ history of landslides, slope erosion and the potential for ground and rock instability/landslides, and subsidence during and following project | Revise the study plan to provide details to demonstrate that all requirements in Section 8.3 of the Guidelines related to the identification of geological hazards will be met. Provide details to demonstrate how areas of ground instability will be identified, as required in Section 8.4 of the Guidelines. | As part of the desktop study, an online search for information regarding the earthquake and natural disaster history for the Project area will be conducted. This information will be used to identify potential geological hazards that exist in the areas planned for the Project facilities and infrastructure. Added a field study section (Section 7.4.4) the outlines the steps taken if any | Section 7.1 Section 7.4.4 | This comment was addressed. |

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| | Important for geotechnical stability of civil infrastructure (e.g., roads), protection of human health, and protection of aquatic and terrestrial habitat associated with natural hazards (e.g., slope failures)." | activities..." Section 8.4 "...The Impact Statement must: ... identify any areas of ground instability; ..." | | geological hazards are identified during the desktop assessment. In summary, the areas will be flagged to the Geotechnical and Project design teams so additional assessment and field truthing can be conducted, as required, based on the professional judgement of the geotechnical team. Any field study's will be completed under other disciplines (e.g., geotechnical). The Project design team will use this information when selecting and designing the preferred CAR alignment with the overall goal of minimizing road alignment through areas with known or suspect geological hazards. | | |
| GE-12 | Section 6.3: Magnitude of Effect Table 6-3 Geochemistry Magnitude Definition "Laboratory testing indicates that all rock types disturbed by the Project is non-ML, where non-ML is defined as: Predicted water quality results (dissolved metals) do not exceed applicable water quality standards or are similar to proximal baseline surface water quality results." | Section 8.3 "...The Impact Statement must: describe the bedrock geology and lithological units, including a summary table of geologic descriptions, mineralization styles (if applicable) supported by geological maps and cross-sections at appropriate scale (normally 1:50 000). Provide in the table an inferred risk rating (i.e., low, medium, high) for acid rock drainage and metal leaching potential based on the desk-top review of bedrock geology and mineralization;..." | Update the study plan to clarify what is meant by "predicted water quality results". Provide details to demonstrate how the requirement in Section 8.3 of the Guidelines related to inferred risk rating for ARD and ML will be met. | Baseline geochemistry has been moved to the Groundwater and Geochemistry Study Plan. The Groundwater and Geochemistry Study Plan is updated to change the wording to shake flask extraction. We agree that caution should be used when comparing laboratory shake flask extraction results with water quality standards. However, future studies will consider geochemical modelling, laboratory kinetic testing and field-scale testing to mimic site conditions. | Section 7.4.2 of the Groundwater and Geochemistry Study Plan | This comment was addressed. |
| GE-13 | Section 6.3 Magnitude of Effect "The residual effects will therefore be described in terms of the magnitude, geographic extent, timing, duration, frequency, social and ecological context, likelihood, and whether effects are reversible or irreversible. For magnitude, VC-specific definitions are required and are proposed below in Table 6-2 for Physiography, Geology, Geochemistry, Terrain and Soils. Tables 6-3 and 6-4 provide details | Section 14.2 ..."If the proponent undertakes quarrying activities to extract aggregate material that may results in effects on groundwater and surface water levels (i.e., quarrying below the water table), the Impact Statement must: ... • With respect to potential effects on water quality resulting from acid rock drainage and/or metal leaching, the Impact Statement must: provide estimates of the potential for aggregate extraction | Update the study plan to provide details to demonstrate that the geochemical characterization program summary report will identify if an ARD/ML monitoring and mitigation plan will be proposed, and if so, will provide a description of its scope and a timeline for its development and appropriate implementation. | Geochemistry has been moved to the Groundwater and Geochemistry Study Plan. The Groundwater and Geochemistry Study Plan has been updated accordingly. | Section 7.4.2 of the Groundwater and Geochemistry Study Plan | This comment was addressed. |

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| | of the definitions of geochemistry magnitude and soils magnitude, respectively.“ | <p>activities (i.e., eskers and quarries) and rock exposed in permanent rock cuts to be sources of acid rock drainage or metal leaching; ...</p> <ul style="list-style-type: none"> provide an acid rock drainage assessment and mitigation plan that describes the confirmatory monitoring of construction materials and potential mitigation strategies to prevent or control acid rock drainage and metal leaching during construction, operation, decommissioning and abandonment; and describe contingency plans, monitoring during operation, decommissioning and abandonment, and maintenance plans...” | | | | |
| GE-14 | <p>Table 6-4: Soils Magnitude Definition Negligible Definition: There is little to no variation predicted in soil concentrations which remain within the range of natural variability. Rationale: Soil quality shows no discernable change, therefore no effect on ecological life or human health (e.g., potable water use, physical contact).</p> <p>Low Definition: There is a small variation predicted in soil concentrations that is less than double current concentrations, but concentrations remain below applicable soil quality criteria. Rationale: Temporary effect or permanent change to soil quality is minor and remains protective of ecological life and human health.</p> <p>Medium Definition: There is a moderate variation predicted in soil concentrations that is less than five (5) times current concentrations, but concentrations are below the</p> | <p>Section 21 “...Proponents must describe the extent to which residual effects are adverse. Where relevant, or where best practice or evidence-based thresholds exist, effects should be described using criteria to quantify adverse effects. This includes criteria such as whether the effects are high or low in magnitude, the geographical extent, timing, frequency, duration and reversibility of the effects, taking into account any important contextual factors. Where the potential for human health effects exist due to exposure to a particular contaminant at any level (e.g., non-threshold air pollutants, including particulate matter and nitrogen dioxide, and water pollutants, such as but not limited to arsenic and lead) mitigation measures should aim to reduce the residual effects to as low as reasonably achievable...”</p> <p>The Impact Statement must:</p> <ul style="list-style-type: none"> characterize the residual effects using criteria most appropriate for the effect; characterize residual effects for human health using human health-related criteria most appropriate for the carcinogenic and non-carcinogenic health effects of non-threshold contaminants;... | <p>Update the study plan to include in the definitions for magnitude criteria that are relevant to the protection of human health.</p> <p>Describe the approach that will be used to ensure that these criteria are appropriate for the human health impact assessment.</p> <p>Health Canada encourages the proponent to use all available technologies to reduce their emissions as low as reasonably achievable (ALARA) and beyond those required to achieve applicable thresholds (i.e., Canadian Council of Ministers of the Environment’s (CCME⁵) Soil Quality Guidelines for the Protection of Environmental and Human Health and Ontario Soil, Groundwater and Sediment Standards⁶) in order to reduce the burden of soil and sediment pollution.</p> | The Study Plan is updated. | Table 9-5 Table 9-6 Section 9.6 | <p>This comment was not addressed.</p> <p>The definitions for the magnitude of residual effects criteria remain unchanged (Table 9-5), despite the new statement that “professional judgement and / or risk assessment may be required to assess impacts where no provincial or federal soil standard exists or when non-threshold parameters such as arsenic, chromium and lead are involved”. The chosen thresholds of increase above baseline conditions still appear arbitrary and no evidence is provided to support the rationale that the definitions are relevant to the protection of human health.</p> <p>Update the study plan to clarify how the thresholds of increase from baseline conditions were derived for residual effects magnitude criteria definitions, and how they are relevant to the protection of human health.</p> <p>Health Canada recommends the use of all available technologies to reduce their emissions as low as reasonably achievable (ALARA) and beyond those required to achieve applicable thresholds (i.e., Canadian Council of Ministers of the Environment’s (CCME⁷) Soil Quality Guidelines for the Protection of Environmental and Human Health and Ontario Soil, Groundwater and Sediment Standards⁸) in order to reduce the burden of soil and sediment pollution.</p> |

⁵ CCME, 2014. Soil Quality Guidelines for the Protection of Environmental and Human Health. Available at : <http://st-ts.ccme.ca/en/index.html?chems=all&chapters=4&pdf=1>

⁶ Ontario Soil, Groundwater and Sediment Standards. Available at: <https://www.ontario.ca/page/soil-ground-water-and-sediment-standards-use-under-part-xv1-environmental-protection-act>.

⁷ CCME, 2014. Soil Quality Guidelines for the Protection of Environmental and Human Health. Available at : <http://st-ts.ccme.ca/en/index.html?chems=all&chapters=4&pdf=1>

⁸ Ontario Soil, Groundwater and Sediment Standards. Available at: <https://www.ontario.ca/page/soil-ground-water-and-sediment-standards-use-under-part-xv1-environmental-protection-act>.

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| | <p>applicable soil quality criteria or less than 10 times current concentrations.</p> <p><u>Rationale:</u> Temporary effect or permanent change to soil quality is moderate but remains protective of ecological life and human health.</p> <p>High Definition: There is a large variation predicted in measurable parameters, concentrations exceed applicable soil quality criteria and are greater than 10 times current concentrations. <u>Rationale:</u> Temporary effect or permanent change to soil quality can potentially impair ecological life or human health.”</p> <p>Table 6-3: Geochemistry Magnitude Definition “(…) Minor incremental effects to surface water, groundwater and/or drinking water quality are anticipated to be discernable, but water quality remains protective of ecological life and human health for all time periods and life stages.”</p> | <p>provide the rationale for the choice of criteria used to determine the extent to which the predicted effects are adverse. The information provided must be clear and sufficient to enable the Agency, review panel, technical and regulatory agencies, Indigenous groups, and the public to review the proponent's analysis of effects;…”</p> | | | | |

| New comments based on the Physiography, Geology, Terrain and Soils Study Plan submitted in June, 2021. | | | | |
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| GE-15 | <p>Section 7.2 Summary of Previous Field Studies</p> <p>“In 2019, KGS completed a preliminary geotechnical investigation along Alternatives 1 and 4. The field investigations were focused on geological features which could be potential pits and quarries along the CAR.”</p> | <p>Section 3</p> <p>“...The Impact Statement must describe all project components including but not limited to:</p> <ul style="list-style-type: none"> • borrow pits, gravel or aggregate pits and quarries (footprint, geographic location, ownership, and development plans including pit phases and lifespan), including their location in relation to upland habitats and the presence of rare, limited and/or significant habitat (e.g., federal, provincial, or Indigenous protected and conserved areas, ANSIs (Areas of Natural and Scientific Interest), Ramsar sites, critical habitat identified under the Species at Risk Act, etc.; • waste rock, overburden, topsoil, gravel and rock storage and stock piles (footprint, locations, volumes, development plans and design criteria); • aggregate extraction and production (crushing/screening) facilities (footprint, technology, location)...” <p>Section 7.2</p> <p>“...The Impact Statement must provide detailed descriptions of specific data sources, data collection, sampling, survey and research protocols and methods followed for each baseline environmental, health, social and economic condition that is described, in order to corroborate the validity and accuracy of the baseline information collected...”</p> | <p>Potential location and description of project components, including but not limited to borrow pits, gravel or aggregate pits, quarries and access roads is not provided in the study plan.</p> | <p>Update the study plan or the work plan to provide a map of the 2019 KGS sampling location and identify “the geological features which could be potential pits and quarries along the CAR”.</p> <p>See general comment GC-07 above.</p> <p>Update the study plan to provide detail on how engagement with all Indigenous groups listed in the Indigenous Engagement and Partnership Plan and the public will inform the effects assessment and the selection of the location of project components, including but not limited to road alternative, borrow pits, gravel or aggregate pits, quarries, camps and access roads.</p> |
| GE-16 | <p>Section 7.4.2 Soil Quality Sampling</p> <p>“Prior to field work, a plan map showing the regionally mapped surficial geology units and the proposed sampling locations will be created to help ensure that samples are collected from all surficial geological units and proposed key areas, such as quarries and camps.”</p> | <p>Section 7.2</p> <p>“...The Impact Statement must provide detailed descriptions of specific data sources, data collection, sampling, survey and research protocols and methods followed for each baseline environmental, health, social and economic condition that is described, in order to corroborate the validity and accuracy of the baseline information collected...”</p> | <p>Similar to comment GE-15, the potential locations of “proposed key areas, such as quarries and camps” is not clearly presented in the study plan and the map provided in the Physiography, Terrain and Soils and Vegetation and Peatlands Field Logistics Work Plan does not identify proposed key areas.</p> | <p>Prior to field work, share with the Federal Review Team the map with the proposed sampling locations and proposed key areas, such as quarries and camps.</p> |
| GE-17 | <p>Section 9.2 Valued Components and Indicators</p> <p>Table 9-2: Physiography, Terrain and Soils Indicators</p> | <p>Section 7.1</p> <p>“...The information describing the existing baseline conditions may be provided as a stand-alone chapter in the Impact Statement or integrated into clearly defined sections for relevant valued components, including effects assessment of each valued component and valued component interactions, identification of mitigation measures, residual effects analysis and cumulative effects assessment...”</p> <p>Section 8.4 (entire section)</p> | <p>Table 9-2: Physiography, Terrain and Soils Indicators in Section 9.2 of the Study Plan only includes one valued component with one indicator to cover all requirements of Section 8.4 of the Guidelines.</p> <p>It unclear how all the requirements of Section 8.4 of the Guidelines will be met. Section 8.4 of the Guidelines requires the determination of the presence and distribution of eskers, however, eskers are not mentioned as valued components and no indicator is proposed for the assessment.</p> | <p>Update the study plan to include appropriate valued components and indicators to meet all requirements of Section 8.4 of the Guidelines, including but not limited to the distribution of eskers within the Local Study Area.</p> |
| GE-18 | <p>Section 9.4 Methods for Predicting Future Conditions</p> <p>“Modelling is a common approach to predicting future conditions for many disciplines / components of an IA / EA. However, modelling</p> | | <p>Section 9.4 of the Physiography, Terrain and Soils Study Plan states that “Modelling is a common approach to predicting future conditions for many disciplines / components of an IA / EA. However, modelling is not</p> | <p>Update the study plan to clarify how future conditions will be predicted to assess potential effects of the Project on Physiography, Geology, Terrain and Soils.</p> |

| New comments based on the Physiography, Geology, Terrain and Soils Study Plan submitted in June, 2021. | | | | |
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| # | Study Plan Section | Tailored Impact Statement Guidelines Section | Context | Required Action for the Proponent |
| | is not planned for the Physiography, Terrain and Soils baseline report or effects assessment.” | | planned for the Physiography, Geology, Terrain and Soils baseline report or effects assessment” and does not provide any further information. | |
| GE-19 | <p>Section 7.4.2: Soil Quality Sampling</p> <p>“Soil samples will be submitted for analysis of the following parameters:</p> <ul style="list-style-type: none"> • Total metals, including: <ul style="list-style-type: none"> – Aluminum, antimony, arsenic, barium, beryllium, bismuth, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, lithium, magnesium, manganese, molybdenum, nickel, phosphorus, potassium, selenium, silicon, silver, sodium, strontium, thallium, tin, titanium, uranium, vanadium and zinc – Mercury and methylmercury • Alkalinity; • pH; • Total organic carbon; • Anions (chloride, bromide, fluoride and sulphate); • Nutrients (nitrate, nitrite); • Volatile organic compounds (VOCs); • Poly-aromatic hydrocarbons (PAHs); and / or • Radionuclide parameters.” | <p>Section 8.4</p> <p>“...The Impact Statement must describe the historical land use and the potential for contamination of soils and sediments and describe any known or suspected soil contamination with the study area that could be re-suspended, released or otherwise disturbed as a result of the Project...”</p> | <p>The study plan indicates that as part of the sampling program, baseline soil quality data will be collected from proposed pit and quarry areas and disturbed areas along the CAR. Sampling locations will be focused on landforms of interest and areas undergoing terrain investigations, including areas near watercourses. Soil samples will be submitted for analysis of the parameters listed in Section 7.4.2 and the scope of the analytical program will be refined following completion of the desktop study.</p> <p>The study plan does not indicate whether the list of parameters to be sampled will be expanded to any parameters of concern in addition to those listed in Section 7.4.2 that may be identified during the desktop review of historical land use and potential soil contamination.</p> | <p>Expand the list of soil parameters to be sampled to include any additional parameters not listed in Section 7.4.2 that may be identified during the desktop assessment of historical land use and other existing studies, including the registered contaminated sites database.</p> <p>Include in the Impact Statement a description of the outcome of the desktop assessment of historical land use and indicate whether expanding the list of soil parameters was required.</p> |
| GE-20 | <p>Section 9.6.1 Magnitude</p> <p>“Professional judgement and / or risk assessment may be required to assess impacts where no provincial or federal soil standard exists or when non-threshold parameters such as arsenic, chromium and lead are involved.”</p> | <p>Section 8.4</p> <p>“...The Impact Statement must describe the historical land use and the potential for contamination of soils and sediments and describe any known or suspected soil contamination with the study area that could be re-suspended, released or otherwise disturbed as a result of the Project...”</p> | <p>There are the Canadian Council of Ministers of the Environment (CCME) Soil Quality Guidelines for arsenic, total and hexavalent chromium, and lead. It is therefore unclear under what circumstances professional judgement or risk assessment may be required to assess impacts.</p> | <p>Update the study plan to clarify and validate with the Federal Review Team the circumstances under which the relevant provincial and federal soil standards would not be applied and professional judgement or risk assessment may be required to assess impacts.</p> |
| GE-21 | <p>Footnote 8, Section 9.2</p> <p>“In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs. The VCs will be consulted and engaged on early in the IA/EA process and finalized taking into consideration the input received. Therefore, only information relevant to the Project that arises from the regional assessment of the Ring of Fire within an appropriate timeline will inform the VCs for the Project.”</p> | <p>Editorial comment</p> | <p>The statement in the footnote 8 in Section 9.2 “<i>In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs.</i>” is inaccurate, as the Regional Assessment in the Ring of Fire area has not yet begun.</p> | <p>Replace the text in footnote 8 with “<i>In February 2020, the Minister of Environment and Climate Change determined that a regional assessment will be conducted in an area centred on the Ring of Fire mineral deposits in northern Ontario. Relevant information available in relation to the Regional Assessment in the Ring of Fire area would be considered in the impact assessment of the Project.</i>”</p> |

Comments on the Marten Falls Community Access Road (the Project) Draft Ungulates Study Plan – October 8, 2021

It is essential that the Impact Statement for the Marten Falls Community Access Road Project (the Project) address all requirements outlined in the Tailored Impact Statement Guidelines (the Guidelines), and that the study plans outline a clear approach to achieving these requirements. The Impact Assessment Agency of Canada (the Agency) has highlighted sections of the Guidelines where requirements for the Impact Statement may not be met, based on content of the study plan submitted to the Agency. Note that this table does not provide an exhaustive list of the requirements described in the Guidelines. The Guidelines should be reviewed in their entirety, including the sections identified below.

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
|--|---|--|--|---|---|
| # | Tailored Impact Statement Guidelines Section¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| GC-01 | Section 5 - Public Participation and views (including 5.1, 5.2) | <p>Provide a clear description in the study plans of how public engagement opportunities have been and/or will be integrated into the impact statement phase. This must include detail on how the public will have opportunities to provide input to contribute to the development of the Impact Statement, as required in Section 5 of the Guidelines.</p> <p>Describe what engagement with the members of the public listed in the Public Participation Plan has been done in the development of the study plans, and/or any planned engagement with members of the public on the proposed study plans.</p> | <p>Section 4: describes how the Proponent will provide Project notices and opportunities with members of the public listed in the Public Partnership Plan. This will also include the opportunity to provide input on the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures as applicable. A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.</p> <p>The study plans have recognized public and agency input received on the Project to date.</p> | Section 4.1 “A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.” | <p>Section 4.1 of the study plan mentions that “a variety of activities will be offered”, however, no details on the likely engagement activities are provided.</p> <p>As required by Section 5 of the Guidelines, the Impact Statement must provide a record of engagement that describes all efforts taken to seek the views of local communities and other stakeholders with respect to the Project, including on the study plans. This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement, including prior to and during the planning phase, and in the preparation of the Impact Statement.</p> <p>Provide details on the timeline for public engagement relative to the project workplan, including engagement relative to the schedule for baseline work, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> <p>Demonstrate in the Impact Statement that comments provided by members of the public on ungulates_were taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions</p> |
| GC-02 | Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3) | <p>Provide a clear description in the study plans of how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will have opportunities to provide Indigenous knowledge, including the validation of how information they provided was applied. The study plan should include a description of the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that the guidance outlined in Section 6.2 of the Guidelines has been incorporated into the study plans.</p> <p>Describe what engagement with all the Indigenous groups listed in the Indigenous Engagement and Partnership Plan has been done in the development of the study plans, and/or any planned engagement with Indigenous groups on the proposed study plans, particularly in relation to collection of Indigenous knowledge (i.e. develop the</p> | <p>In Section 4.2 it is noted that the Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in the Indigenous Partnership and Engagement Plan. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input.</p> <p>Section 2.1.1 outlines the approach to handling confidential information, by means of permission from Indigenous communities to include Indigenous Knowledge in the IS / EA Report, regardless of the source of the Indigenous Knowledge.</p> <p>The study plans have recognized Indigenous community input received on the Project to date.</p> | Section 4.2 “...A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input...” “...Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process...” | <p>Section 4.2 of the study plan states that “a variety of activities will be offered”, however, no details on the planned engagement activities are provided.</p> <p>Section 4.2 of the study plan also states that “Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process”, however, it is unclear on which components of the study plans the project team plans to engage. It is also unclear whether Indigenous groups will be provided with a meaningful opportunity to provide input on a preliminary approach/method for baseline data collection, as required in Section 6 of the Guidelines, or if engagement will take place after the baseline data collection is complete. Provide details on the timeline for Indigenous engagement on the ungulates study plan, including engagement relative to the schedule for baseline work, and spatial and temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> <p>Demonstrate in the Impact Statement that comments provided by Indigenous groups ungulates_were taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions</p> |

¹ Refer to complete sections of the Guidelines for more context.

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020

| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
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| | | work plan in collaboration with those Indigenous groups that would need to provide knowledge). | | | |
| GC-03 | Section 6.2 - Analysis and response to questions, comments, and issues raised | Revise the study plans to include an approach to handling confidential information that demonstrates adherence to the guidance provided in Section 6.2 of the Guidelines. | <p>Section 2.1.1: Section has been updated to include information regarding both confidentiality and permission information on all collected Indigenous Knowledge, regardless of the source.</p> <p>This section also includes how information regarding the Indigenous Knowledge Sharing Agreements will be established by the Proponent and Indigenous community participating in the Program.</p> | Section 2.1.1 “...Sensitive and / or confidential information collected through Indigenous Knowledge Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the Indigenous Knowledge Program prior to the sharing and use of any sensitive information. Instances where Indigenous Knowledge sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement, including where Indigenous Knowledge was incorporated into Project decisions and into the IS / EA Report (i.e., specifics will not be included in the Record of Consultation and Engagement given the potential sensitivity and / or confidentiality of the information shared)...” | <p>As required in Section 6 of the Guidelines, incorporate in the Impact Statement content that describes the confidential information provided by each Indigenous group. Present the content in sufficient detail to support understanding of the potential effects and impacts on rights, while also protecting confidential/sensitive specifics and respecting stipulations in the confidentiality agreements (e.g, use buffer areas instead of specific locations, etc.).</p> <p>Provide to the Agency, in the form of a letter from the Indigenous group that shared confidential information, a letter confirming that:</p> <ul style="list-style-type: none"> the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed. |
| GC-04 | Study plans spatial boundaries | <p>Describe the approach to be implemented to demonstrate how the definitions of the proposed study area boundaries:</p> <ul style="list-style-type: none"> encompass the anticipated boundaries of the Project’s effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan; and take into account community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and foreseeable future projects and activities. | <p>Section 6.2: General information on study areas for the Project, including a detailed list of what was considered to develop the discipline-specific local and region study areas, is included in each study plan. Each study area has been proposed taking into consideration community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices, physical, ecological, technical, social, health, economic and cultural considerations available at this time.</p> <p>The proposed discipline-specific study areas are preliminary. The proposed study areas will be consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program provides additional opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples to be shared in greater detail.</p> | <p>Table 6-1 Ungulates (moose and caribou) Study Areas</p> <p><u>Ungulates Local Study Area</u> “The proposed Project route alternatives and 10 km buffer on either side of the centreline of the route alignments and all other proposed Project infrastructure (permanent and temporary)”</p> <p><u>Moose Regional Study Area</u> “All Wildlife Management Units (WMU) that intercept the Moose LSA (17, 1D, 18A).”</p> <p><u>Caribou Regional Study Area</u> “Caribou Ranges: Missisa Range, Ozhiski Range, Nipigon Range, and Pagwachuan Range”</p> <p>Section 6.2.2 Ungulates study area “The draft Study Plan for Ungulates proposed a Caribou LSA of a 35 km buffer around the</p> | <p>As required in Section 7.4.1 of the Guidelines, provide information regarding how the following were/will be taken into account in defining the spatial boundaries:</p> <ul style="list-style-type: none"> community knowledge and Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and size, nature and location of past, present and reasonably foreseeable future projects and activities. <p>Provide the above information in a way that allows those who provided the knowledge to the proponent and the Agency to see their input reflected in the Impact Statement. It is not sufficient to state that “input from participants will be/was taken into account”.</p> |

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020

| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
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| | | | | route alignments. This size was consistent with the surveys conducted over the Project route alternatives in 2018 (Zoetica 2018) and aligned with the direction in the TISG for a study area with a 10 km to 40 km buffer around the route.... The revised Ungulate LSA for the Project currently being considered includes the area within 10 km of the centreline of the route alternatives. This study area allows for the characterization of existing conditions and prediction of potential environmental effects for the Project.” | |
| GC-05 | Section 7 - Baseline Methodologies (Including 7.1, 7.2, 7.3, 7.4) | <p>Provide clear descriptions in the study plans of the proposed study areas and the criteria used to define the study areas for each valued component.</p> <p>Provide clear descriptions of the timing of previously collected data (days/month/year) and future approximate (month/year or season/year) for every field work planned and the criteria used to tailor the temporal boundaries to the valued components under consideration.</p> <p>Describe how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be, or have been, engaged to provide input on spatial and temporal boundaries.</p> <p>Explain how the Agency will be provided opportunities to validate spatial and temporal boundaries.</p> | <p>Local Study Area (LSA) and Regional Study Area (RSA) for each valued component are described in Table 6-1, including rationale used to define the area.</p> <p>Study plans have been designed considering historical information, where applicable and available. Study plans will be updated with appended Work Plans, to be submitted at a future date, which will detail upcoming planned field activities.</p> <p>As detailed in both Section 4.2 and Section 6.2 the Proponent will continue to provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, including the LSAs and RSAs.</p> <p>Government agencies and interested persons will have the opportunity to comment on component of the study plans throughout the IS / EA Report consultation and engagement process</p> | Sections 4.2 and 6 | This comment has been partially addressed. Refer to UN-08 in the table below for detail about the outstanding information still required in relation to ungulates study area boundaries. |
| GC-06 | | Provide further details in the study plans on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines | Section 4.3 has been updated to include the consideration of Identity and Gender-Based Analysis Plus (GBA+) including both Indigenous communities and their relevant subpopulations and non-Indigenous communities and their subpopulations. During consultation and engagement activities these groups (and any others defined during consultation) will be engaged with on targeted input. | Section 4.3 | <p>Describe how GBA+ has been or will be applied to the consideration of engagement activities. Identify specific methods targeted to specific subgroups.</p> <p>Provide detail on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines.</p> <p>It is not sufficient to mention that Gender-Based Analysis Plus will be applied to the assessment. Clear descriptions of how GBA+ was integrated (including to which variables, method, and how it influenced results’ interpretation) are needed in the Impact Statement.</p> |

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020

| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
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| GC-07 | Section 13 - Effects Assessment (including 13.1, 13.2) | <p>Provide details to demonstrate how the Project's potential effects will be considered, as per the requirements in Sections 13 to 19 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work.</p> <p>Provide detail on how engagement with all Indigenous groups listed in the Indigenous Engagement and Partnership Plan and the public will inform the effects assessment and the selection of mitigation measures and follow-up program measures.</p> | <p>Project environmental interaction are separated into Project phases, and Project activities for each environmental discipline in their VC-specific study plan listed as Table 9-1.</p> <p>Information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the Indigenous Knowledge Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs.</p> | Throughout the study plan, Section 9 | <p>As required in Sections 7 and 13 of the Guidelines, ensure that the effects assessment considers the effects of each of the project components (including but not limited to all alternative routes brought forward in the Impact Statement, all aggregates sources, access roads, etc.) and physical activities, in all phases, and that the assessment is based on a comparison to the data and information gathered during the proposed baseline work.</p> <p>Clarify the level of information that will be shared with, and explained to, the Indigenous Knowledge Program leads and whether study plans will be made available to all Indigenous groups listed in the Indigenous Engagement and Partnership Plan.</p> |
| GC-08 | Section 13.1 | <p>Provide clear descriptions of the rationale behind the assumptions, including but not limited to the assumed average daily traffic and vehicles composition during the construction and operation phases that will be considered for the effects assessment and the cumulative effects assessment.</p> | <p>Section 10: Current assumptions to be used in the effects assessment have been identified. Any additional assumptions will be identified and rationale will be provided in the IS / EA Report.</p> | Section 10 "Any assumption used in the effects assessment, for example the assumed average daily traffic on the CAR, will be clearly identified and a rationale provided in the IS / EA Report. Specific assumptions are listed in other sections of the Study Plan (e.g., Section 7)." | <p>Before conducting the effects assessment analysis, the Agency advises the proponent to seek the Federal Review Team's confirmation of the assumptions that will be used in the analysis or, at a minimum, to discuss the type of assumptions that will be considered.</p> <p>As required by Section 13.1 of the Guidelines, ensure that the Impact Statement clearly outlines the assumptions used for the assessment of effects, including cumulative effects, on each valued component.</p> |
| GC-09 | Section 19.2 - Impacts on the Exercise of Aboriginal and Treaty Rights | <p>Describe an approach for identifying the potentially impacted rights of Indigenous peoples of Canada that are recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i>, and for integrating the potential impacts on those rights into the collection of baseline information and the effects assessment.</p> | <p>All study plans reference how potential effects on Indigenous rights will be assessed in the Aboriginal and Treaty Rights and Interests Study Plan.</p> <p>Impacts on Rights considerations are explained in the rationale for defining a Local Study Area and Regional Study Area for Aboriginal and Treaty Rights and Interests VCs. Further information for this is listed in Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan.</p> | Section 5, and Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan | <p>Feedback will be provided in the Federal Review Team's comments package on the Aboriginal and Treaty Rights and Interests Study Plan.</p> |
| GC-10 | Section 20 - Mitigation and enhancement measures | <p>Provide detail on the approach to meeting the requirements of Section 20 of the Guidelines regarding the identification of mitigation and enhancement measures.</p> | <p>Section 9: Approach to mitigation and enhancement measures, specifically noting that once potential effects have been identified, the effects assessment will explore technically and economically feasible mitigation measures to avoid or minimize the identified negative effects and enhancement measures to increase positive effects.</p> | Section 9.5.1 "There are a number of generic requirements related to mitigation and enhancement measures listed in the TISG that are applicable to Ungulates. The IA / EA will consider the applicability of these generic measures and those that are specific to Ungulates VC including.." (lists relevant requirements) "...These are standard practice and are in addition to potential site and / or Project-specific measures which may be identified through Indigenous and community consultation, regulatory processes | <p>Section 9.5.1 of the study plan is listing the requirements outlined in Section 20 of the Guidelines.</p> <p>Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 20 of the Guidelines.</p> |

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| | | | | and agency guidance. These industry-standard practices will be discussed in the IS / EA Report and will be included in construction environmental management plan(s) (CEMP) and contract documents...” Concordance table “Section 20 of the TISG describes the requirements around mitigation and enhancement measures that must be considered in the Impact Statement” | |
| GC-11 | Section 25 – Description of the Project’s contribution to sustainability | Provide detail on the approach to meeting the requirements of Section 25 of the Guidelines regarding the description of the Project’s contribution to sustainability. | Section 9: the sustainability assessment for the Project will be undertaken on the preferred alternative and will characterize the Project’s contribution to sustainability incorporating the requirements set out in Section 25 of the TISG. | Section 9.7 | Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 25 of the Guidelines. |
| GC-15 | Concordance with Federal Guidance | Provide a separate concordance table containing all requirements of the Guidelines. This is required to show how all requirements of the Guidelines, including the interactions of effects and interconnectedness of valued components, would be addressed. | Please refer to Table 11-1, Table 11-3 and the General Comments Table Response. | Section 11 | The Agency has identified inconsistencies between the cross-references presented and the information contained in the study plans. For example, rows 30 and 31 in the concordance table indicate that the requirements will be met as described in the Land and Resource Use Plan. However, it is not clear where in the Lands and Resource Use study plan the information is provided as the requirements are not included in the Land and Resource Use concordance table. Provide a separate concordance table that describes the content of each study plans. This is needed to cross-check all plans against the Guidelines and demonstrate how all requirements of the Guidelines would be met. |

| Federal Review Team comments on the Marten Falls Community Access Road Project Draft Ungulates Study Plan – June, 2021 | | | | | | |
|--|---|---|---|---|------------------------------------|--|
| # | Draft Study Plan Section | Tailored Impact Statement Guidelines Section ² | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Federal Review Team comments on Response |
| Editorial Comment | Section 6.2.1 Moose Habitat Modelling “Provincial forest fire data and fires from the Far North disturbance layer will be combined into a fire layer. The combined fire layer will be intersected with OLCC data to identify areas associated with burns. Areas intersecting with fires less than 10 years or greater 20 years in age will be overwritten and classified as young forest habitat (Error! Reference source not found.)” | | Update the study plan with the reference and Figure 6.1 that currently are missing (Figure 6.1 - Suitability Relationships of Moose for Young Forest, Mature Conifer and Mixed Wood Habitat Interpolated from Rempel (2008)). | The figure referenced in this comment has been removed from the Study Plan. Information on moose habitat will be provided at a later date. | No reference | N/A |
| UN-01 | Section 3 Spatial Boundaries: Study Areas, Table 3-1: Ungulates (moose and caribou) Study Areas “Caribou Ranges: Missisa Range, Nipigon Range, and Pagwachuan Range” Section 7 Concordance with Federal and Provincial Guidance “Assess Project effects in relation to provincial Range-level population state. Population will not be assessed at the federal Range-level because it was not previously assessed at a fine enough or meaningful scale by Environment and Climate Canada in the Amended Recovery Strategy” | Section 7.4.1 “In addition to assessing project and cumulative effects at the scale of the three study areas defined above, also assess at the scale of the implicated Ontario caribou ranges (Missisa, Nipigon and Pagwachuan), and the federal Far North caribou range.” Section 15.4 “use population-level modeling to assess the effects of proposed disturbance on caribou at the scale of federal range boundaries and provincial range boundaries. Increases in predation caused mortality rates need to be considered as do the anticipated exacerbating effects of climate change... provide an assessment of the potential adverse effects of the Project on the population condition of the range (i.e., size and trend) at both the provincial range scale and the federal range scale” | Provide details to demonstrate how project and cumulative effects will be assessed at the scale of the federal Far North range. Include the Ozhiski range in Table 3-1 as part of the regional study area, and in the analyses discussed in Section 5.2 of the study plan. | As per technical discussion, the Federal Far North range will be considered in the assessment. The RSA will remain the same (Missisa, Nipigon, Ozhiski, Pagwachuan). | | This comment has been addressed. See related comment UN-17. |
| UN-02 | Section 4.3.2 Caribou Section 6.2 Methods for Predicting Future Conditions | Section 8.11 “describe the type and spatial extent of biophysical attributes, as defined in Appendix H of the 2019 proposed amended boreal caribou Recovery Strategy ⁴⁵ present in the study areas” Section 15.4 | Provide details to demonstrate how the requirements in Sections 8.11 and 15.4 related to biophysical attributes will be met. Provide details about the methods and approaches that will be used. | <ul style="list-style-type: none"> The proposed GPS collaring plan, aerial winter surveys and additional predator monitoring (through remote cameras) will meet the requirements in Section 8.11 and 15.4 of the TISG. Caribou habitat mapping will be carried out as described in Section 7.1 of the Study Plan. In addition, the Vegetation Study Plan includes a plan to delineate and classify | | This comment has been partially addressed. Ensure that GIS files and other data used to generate the maps and to calculate range condition are included in the Impact Statement to support the review of the type and extent of biophysical attributes. |

² Refer to complete sections of the Guidelines for more context

| Federal Review Team comments on the Marten Falls Community Access Road Project Draft Ungulates Study Plan – June, 2021 | | | | | | |
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| # | Draft Study Plan Section | Tailored Impact Statement Guidelines Section ² | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Federal Review Team comments on Response |
| | | “With respect to effects on biophysical attributes as defined in Appendix H of the boreal caribou Recovery Strategy: determine whether the Project is expected to remove or alter biophysical attributes necessary for boreal caribou recovery or survival and provide a rationale for the conclusion (provide GIS file if available)” | | vegetation ecosites, which we would use to describe the spatial extent and type of biophysical attributes. | | |
| UN-03 | <p>Section 4.3.2.2 Caribou GPS Collaring “Golder will register the Project under s.23.17 “Species protection, recovery activities” of O.Reg. 242 / 08 of the Ontario Endangered Species Act, 2007 (ESA) through a Notice of Activity (NoA) prior to commencement of collar deployment and prepare a mitigation plan. Safe handling procedures following MNRF protocol for this type of work will be followed”</p> | | Indicate in the study plan intent to ensure all required regulatory requirements and approvals are obtained prior to conducting any activities that may affect individuals, residences or critical habitat of species at risk. | If works occurs on any federal lands, an authorization under Section 73 of the Species at Risk Act (SARA) would be required to engage in capturing and deploying radio collars on a species listed on Schedule 1 of SARA. However, the only federal lands in the caribou LSA are within the boundaries of the MFFN community, where collaring will not occur; as such, a SARA permit is not anticipated to be required for this work. | | This comment has been addressed. |
| UN-04 | <p>Section 4.3.2.2 Caribou GPS Collaring “Between ten (10) and twenty (20) GPS collars will be deployed on female adult caribou over the course of up to seven days during February or early March 2021. Collars will be distributed throughout the LSA via helicopter by a professional capture crew (Figure 1, Section 3). Based on advice from MECP in the meeting on March 5, 2020, 20 collars were recommended as an appropriate number of collars to deploy in the study area.”</p> <p>Section 4.3.2.3 Summer Nursery Surveys “Surveys will occur at up to 20 pre-determined ground survey locations within the LSA, 10 per year, during each survey year.”</p> <p>Section 7 Concordance with Federal and Provincial Guidance “The information sources listed at left will be used to inform survey design.”</p> | <p>Section 7.2 “Baseline data must be collected in a manner that enables reliable analysis, extrapolations and predictions. Resulting data should be suitable for analyses to estimate pre-project baseline conditions, derive predictions of impacts, and evaluate and compare post-project conditions and at scales of within and across the Project, Local and Regional Assessment areas. Modelling methods, error estimates and assumptions should be reported (as per section 7.1). Modelling and simulations should be used early in the planning phase to estimate the necessary sampling intensity and to quantitatively evaluate the effectiveness of design options.”</p> <p>Section 8.11 “sample size must be planned to support a robust evaluation of the project study area within the context of the local study area and regional study area...”</p> | <p>Provide detail to demonstrate the rationale for the sample size and sample intensity for each type of survey that is proposed in the study plan.</p> <p>Provide detail about how the requirements in Sections 7.2 and 8.11 of the Guidelines have been integrated into the survey design for all proposed surveys in the study plan.</p> | Rationale to support the proposed sample size and intensity of surveys for each survey type proposed in the study plan and how the requirements in the Guidelines are integrated into our approach have been included in the Study Plan | <p>Section 7 “An initial sample size of 30 animals was selected following technical discussions (summarized in Section 3) and will allow for data from 20 animals to be used in the baseline assessment while accounting for mortalities that may occur between 2021 to 2024, including incidental mortalities that may occur as a consequence of the caribou capture and collaring program.”</p> | <p>This comment has been partially addressed. Sample sizes are generally provided (although not for remote camera monitoring program), but rationales that demonstrate those sample sizes are sufficient to meet the objectives are missing.</p> <p>Provide an updated study plan or work plan, to demonstrate that survey designs and sample sizes meet the requirements in Section 7.2 and Section 8.11 of the Guidelines.</p> |

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| | | <p>consult with experts of the relevant jurisdiction on appropriate survey methodologies for caribou. Provide a justification for the selected methodologies...</p> <p>survey protocols should provide a rationale for the scope of and the methodology used for surveys including design, sampling protocols and data manipulation and where using recognized standards, provide details of any modifications to the recommended methods and rationale for these modifications and indicate who was consulted in the development of the baseline surveys (e.g., federal/ provincial wildlife experts, specialists and local Indigenous groups)</p> <p>In designing surveys for caribou, the following information sources should be consulted”</p> | | | | |
| UN-05 | Section 5 Data Management and Analysis | <p>Section 8.10 and Section 8.11 “Submit complete data sets from all survey sites. These should be in the form of complete and quality assured relational databases, with precisely georeferenced site information, precise observation/visit information and with observations and measurements in un-summarized form. Databases and GIS files should be accompanied by detailed metadata that meets ISO 19115 standards. Provide documentation and digital files for all results of analyses that allow for a clear understanding of the methods and a replication of the results (raw scripts or workflows are preferred in place of descriptive documentation).”</p> | Provide detail to demonstrate that data sets, documentation and digital files will be submitted, in the form that is required in Section 8.10 and 8.11 of the Guidelines | Complete data sets from all survey sites will be provided. They will be in the form of complete and quality assured relational databases, with precisely georeferenced site information, precise observation / visit information and with observations and measurements in un-summarized form. Databases and GIS files will be accompanied by detailed metadata that meets ISO 19115 standards (or equivalent). Documentation and digital files will be provided for all results of analyses that allow for a clear understanding of the methods and a replication of the results. | | This comment has been addressed. |
| UN-06 | Section 5.1.1 Field Data “Field data collected for the baseline program will be supplemented by existing moose | Section 7.2 “The Impact Statement must provide detailed descriptions of specific data sources, data collection, sampling, survey and | Provide detailed descriptions of specific data sources that will be used to identify baseline moose conditions proposed in Section 5.1.1 of the study plan. Sources should be | Appendix A of the Study Plan was revised to include specific sources. The results of the desktop studies will be provided at a later date. | 7.1 Desktop Assessment States: Appendix A | This comment has been partially addressed. The response indicates that these details will be provided at a later date. In general, the correlation |

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| | data gathered from historic studies, agencies and online resources.” | research protocols and methods followed for each baseline environmental, health, social and economic condition that is described, in order to corroborate the validity and accuracy of the baseline information collected... If using existing data sources, the Impact Statement must provide justification to show that the data sources are relevant in spatial and temporal coverage to the Project. Some data sources may have good coverage in Southern Ontario or existing road networks but be unsuitable as a baseline for these northern areas where there are not roads.” | listed and preferably correlated to the criteria and indicators that they will inform. Provide justifications to demonstrate that each data source is relevant in spatial and temporal coverage to the project. | | | between baseline data collection, indicators, and effects assessment is not always clear. Provide an updated study plan that demonstrates that a clear correlation between the desktop studies and the criteria and indicators they informed. |
| UN-07 | Section 5.1.2 Indigenous Knowledge “Indigenous knowledge collected through engagement with Marten Falls First Nation community members as well as other First Nation communities with traditional territories in the vicinity of the Project will be considered with the background data and field data collected for the project. These data will be used to further inform where key habitats for moose occur.” | Section 6 “The proponent must engage with all Indigenous groups that may be impacted by the Project. The Indigenous Engagement and Partnership Plan, issued by the Agency, is available to assist the proponent in further developing or refining their engagement strategy and supporting ongoing trust and relationship-building. In addition to the requirements set out in section 6.1, 6.2 and 6.3, the proponent must provide Indigenous groups with an opportunity to: provide Indigenous knowledge during baseline data collection; comment on the list of valued components and indicators...” | Provide details to demonstrate that all of the Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be engaged with, including to inform where key habitats for moose, as well as other ungulates of importance to the groups, occur. | As identified in Section 4.2 of the Study Plan, the Proponent will provide opportunities for consultation and engagement with Indigenous communities identified in Table 4-1, which is inclusive of all Indigenous communities identified in the Indigenous Partnership and Engagement Plan for the Marten Falls Community Access Road Project Impact Assessment (the Agency 2020a). Further information on how Indigenous Knowledge will be considered in the IS / EA Report has been included in Section 5 of the Study Plan. Section 5 of the Study Plan provides further details on the two concurrent and complementary avenues for Indigenous communities and groups to be engaged with and provide input on the Project: the Indigenous Knowledge Program and the Consultation and Engagement Program. | Table 4-1: Identified Neighbouring Indigenous Communities, including their Provincial Territorial Organizations and / or Tribal Council Affiliations “Long Lake #58 First Nation** Animbiigoo Zaagi’igan Anishinaabek First Nation* * Indigenous communities or organizations identified by the MECP who should be consulted on the basis that they may be interested in the Community Access Road. **The MECP indicated in a letter to MFFN that Long Lake #58 First Nation was moved from interest-based to rights-based.” Section 5 | This comment has been addressed. Please note that for the federal impact assessment, Animbiigoo Zaagi’igan Anishinaabek First Nation and Long Lake #58 First Nation must be equitably engaged as per the requirements of Section 6 of the Guidelines. |
| UN-08 | Section 5.2 Caribou Section 7 Concordance with Federal and Provincial Guidance “Caribou: Indigenous Knowledge of caribou related to current and | Section 6 “The proponent must engage with all Indigenous groups that may be impacted by the Project. The Indigenous Engagement and Partnership Plan, issued by the | Provide details to demonstrate that all of the Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be engaged and provided opportunities to provide input on caribou use of the study areas and cultural importance. This | As identified in Section 4.2 of the Study Plan, the Proponent will provide opportunities for consultation and engagement with Indigenous communities identified in Table 4-1, which is inclusive of all Indigenous communities identified in the Indigenous Partnership and Engagement | Sections 4.2 and 5 | This comment has been partially addressed Provide a workplan that clearly outlines the approach and timing of engagement, with Indigenous groups listed in the Indigenous Engagement and Partnership Plan, on the Ungulates valued component, including the |

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| | historical use as well as cultural importance” | <p>Agency, is available to assist the proponent in further developing or refining their engagement strategy and supporting ongoing trust and relationship-building. In addition to the requirements set out in section 6.1, 6.2 and 6.3, the proponent must provide Indigenous groups with an opportunity to: provide Indigenous knowledge during baseline data collection; comment on the list of valued components and indicators...”</p> <p>Section 8.10 “describe the historic and current use of terrestrial wildlife as a source of country foods (traditional foods) or where use has Indigenous cultural importance (e.g., black bear, caribou, deer, moose, beaver, arctic fox, fisher, wolverine, rabbits, marten, muskrat, and otter);”</p> <p>Section 8.11 “describe boreal caribou use of the study areas (e.g., distribution, movement) over time using surveys to complement existing data if data within the project study areas are insufficient or unavailable to be able to understand how caribou use the habitat. Involve province of Ontario for data and survey requirements. Consider Indigenous knowledge and community knowledge”</p> | <p>includes incorporating into the plan where Indigenous groups will be provided with opportunities to:</p> <ul style="list-style-type: none"> • provide Indigenous knowledge during baseline data collection; • comment on the list of valued components and indicators; • inform the effects assessment and review its conclusions; and • inform the development of mitigation measures and follow-up programs. | <p>Plan for the Marten Falls Community Access Road Project Impact Assessment (the Agency 2020a). Further information on how Indigenous Knowledge will be considered in the IS / EA Report has been included in Section 5 of the Study Plan. Section 5 of the Study Plan provides further details on the two concurrent and complementary avenues for Indigenous communities and groups to be engaged with and provide input on the Project: the Indigenous Knowledge Program and the Consultation and Engagement Program.</p> | | determination of the spatial and temporal boundaries related to Ungulates. |
| UN-09 | <p>Section 3 Spatial Boundaries: Study Areas Table 3-1 “The proposed project routes and 35 km buffer on either side of the route alignments”</p> <p>Section 5.2.7 Collaring Data “GPS collaring data was acquired from the MECP (2019) for the Nipigon, Missisa, and Pagwachuan Ranges and will be spatially analyzed in relation to the EA route alternatives to determine number of collaring points in the vicinity of the</p> | <p>Section 7.4.1 “For caribou, the local study area should be at a minimum: project study area plus a 10-40-kilometre buffer. Simulation modeling may indicate a larger buffer. In addition to assessing project and cumulative effects at the scale of the three study areas defined above, also assess at the scale of the implicated Ontario caribou ranges (Missisa, Nipigon and Pagwachuan), and the federal Far North caribou range.”</p> | <p>Discuss why the data analysis of caribou collar data is scaled back to 10 km from the previously defined LSA spatial boundary of 35 km buffer on either side of the proposed project route and how consistency with previous ungulate surveys will be achieved.</p> | <p>The 10 km buffer was proposed because MNRF uses a 10 km buffer around nursery and winter ranges as standard practice in BMPs for mineral exploration and states that the ZOI is 10 km. Following discussions with regulators in September - November 2020, we have revised the size of the LSA to a 10 km buffer but will extend some of our aerial survey program to the larger 35 km extent for consistency with study coverage from the Zoetica report.</p> | | This comment has been addressed. |

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| | Project (within 10 km) and the time of year the points occurred.” | | | | | |
| UN-10 | <p>Section 6 Indicators and Expression of Change Table 6-1 “Indicators: • Relative significance of sub-range habitat features •Relative tolerance of the range to alteration / risk”</p> | <p>Section 15.4 [content regarding effects on caribou]</p> | Provide details about how these two indicators (relative significance of sub-range habitat features, relative tolerance of the range to alteration/ risk) will be assessed. | Relative significance of sub-range habitat features and relative tolerance of the range to alteration/ risk will be assessed through analysis and interpretation of provincial integrated range assessment reports and review of landscape changes in LSA and RSA at the Project and cumulative effects scales. | | <p>This comment has been partially addressed.</p> <p>Appendix B ‘Draft Study Plan Comments – Federal’ indicates that Section 9 of the study plan includes information about how the relative tolerance of the range to alteration/risk will be assessed. However, Section 9 does not provide any detail or mention this topic. More detail is required on how this will be done and how it relates to the indicators in Table 9.2, as well as other parts within Section 9, such as the assessment of potential effects, the methods for predicting future conditions, and mitigation and enhancement measures.</p> <p>In an updated study plan, provide the additional detail on how the relative tolerance of the range to alteration/risk will be assessed.</p> |
| UN-11 | <p>6.1.2 indicators “Ideally, effect threshold values for adaptability and resilience limits of a VC are known, and changes in indicators can be quantified accurately with a high degree of confidence to evaluate whether a threshold has been exceeded. However, critical thresholds such as amount or distribution of habitat required to maintain a self-sustaining population, or the specific number of individuals required to maintain an ecologically effective population size, are rarely available for wildlife VCs.... Consequently, a detailed and transparent account of predicted effects associated with estimated cumulative changes to each measurement indicator will be provided for each VC using available scientific literature, publicly available data, data collected during the baseline program, and logical reasoning (i.e., a weight of evidence, or reasoned narrative approach).”</p> | | Provide details to demonstrate if the approach to the effects assessment will differ for caribou since threshold values are known and used to define critical habitat and self-sustainability of local populations. | The thresholds from the federal recovery strategy for caribou will be used for the effects assessment (65% undisturbed habitat within the range) | | This comment has been addressed. |
| UN-12 | <p>Section 6.2 Methods for Predicting Future Conditions</p> | <p>Section 15.4 “assess the effects of all linear disturbances (e.g., new road access or rights of way) on caribou, including movements between</p> | Provide further detail to demonstrate how the requirements in Section 15.4 of the Guidelines specific to caribou will be met. | The information requested is provided in the updated Study Plan. | | This comment has been addressed. |

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| | | <p>seasonal habitats to account for functional habitat loss and effects of increased predation.⁵⁹;</p> <ul style="list-style-type: none"> • use population-level modeling to assess the effects of proposed disturbance on caribou at the scale of federal range boundaries and provincial range boundaries. Increases in predation caused mortality rates need to be considered as do the anticipated exacerbating effects of climate change; • with respect to effects on undisturbed habitat at the scale of the range: • provide an account (and GIS file if available) of added project disturbance using a 500-metre buffer, using the following formula: (Project footprint + 500metre buffer) - overlapping area(s) already considered disturbed habitat (see glossary in the federal recovery strategy); and • determine whether the Project is expected to compromise the ability of ranges to be maintained at the disturbance management threshold and provide a rationale for the conclusion. • With respect to effects on biophysical attributes as defined in Appendix H of the boreal caribou Recovery Strategy: determine whether the Project is expected to remove or alter biophysical attributes necessary for boreal caribou recovery or survival and provide a rationale for the conclusion (provide GIS file if available); • With respect to effects on connectivity: • determine whether the Project is expected to result in a reduction of connectivity within or between the ranges and provide a rationale for the conclusion; • evaluate habitat and range connectivity at the local, regional and range scales using | | | | |

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| | | <p>quantitative methods (e.g., habitat suitability analysis etc.); and</p> <ul style="list-style-type: none"> in addition, where telemetry data is available, evaluate movements of collared individuals using quantitative methods (e.g., step analysis), to determine existing movement corridors, and how these may be affected by project development. <p>with respect to the effects of predation: determine whether the Project is expected to result in an increase of predator and/or alternate prey access to undisturbed areas and provide a rationale for the conclusion”</p> | | | | |
| UN-13 | <p>Section 6.2.2 Caribou Habitat Modeling “The spatial file of the caribou GHD provided by the MECP includes nursery and winter use areas (Category 1 habitats), seasonal ranges (Category 2 habitat), and remaining areas in the range (Category 3 habitat). GHD categorization was not mutually exclusive meaning that multiple habitat types sometimes overlapped. For ease of presentation and reporting, a conservative approach was applied by assigning the most sensitive category to areas of overlapping habitat types”</p> | <p>Section 15.4 [See specific items related to Caribou (Habitat Protection) – Categorized Habitat at the Sub-range Level]</p> | <p>Provide further detail to demonstrate how the information required for each categorized habitat will be evaluated, as per the requirements in Section 15.4 of the Guidelines.</p> | <p>The information requested is provided in the updated Study Plan.</p> | | <p>This comment has been partially addressed.</p> <p>These items are generally addressed, but it is not clear whether habitat types will be assessed individually or only by category. For example the effects assessment speaks to category 1 habitat, but it is unclear whether nursery, over winter, calving, and travel areas be considered individually.</p> <p>Clarify whether category 1 habitats will be addressed individually and justify the approach.</p> |
| UN-14 | <p>Section 7 Concordance with Federal and Provincial Guidance “Moose: Spatial data and quantitative data will be used to describe the following for moose in the LSA: <ul style="list-style-type: none"> biodiversity, distribution and location. abundance and population status. life cycle. seasonal ranges, migration and movements. habitat requirements; and sensitive periods (e.g., seasonal, diurnal and nocturnal). </p> | <p>Section 8.10 “Identify wildlife species, other than avian species, of ecological, economic or human importance (particularly to Indigenous peoples), within the study area (including moose, rabbit, beavers, otters, muskrat, and frogs), that are likely to be directly or indirectly effected and describe each species: <ul style="list-style-type: none"> biodiversity, distribution and location; abundance and population status; life cycle; seasonal ranges, migration and </p> | <p>Provide detail to demonstrate how all aspects of Section 8.10 of the Guidelines will be described for moose, including the methodology and data used to describe the life cycle, seasonal ranges, migration, movements and sensitive periods.</p> <p>Provide detail to demonstrate how habitat type including its: function; location; suitability; structure; diversity; relative use, natural inter-annual and seasonal variability, and; abundance as it existed before project construction will be included in the Impact Statement. Specify</p> | <p>Observations of moose and moose habitat will be recorded during field programs (including aerial transect surveys, remote camera deployment, vegetation surveys). Additional information on observations collected during field work is provided in the updated Vegetation Study Plan.</p> | <p>Section 7.3.1 Vegetation Study Plan</p> | <p>This comment has been addressed.</p> |

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| | <ul style="list-style-type: none"> • qualitative and quantitative aspects of habitat described at left...” | <p>movements;</p> <ul style="list-style-type: none"> o habitat requirements; and o sensitive periods (e.g., seasonal, diurnal and nocturnal). <p>For the species identified above, describe and quantify the habitat type, including its: function; location; suitability; structure; diversity; relative use, natural inter-annual and seasonal variability, and; abundance as it existed before project construction”</p> | which aspects will be studied using qualitative or quantitative methods. | | | |
| UN-15 | <p>Section 7 Concordance with Federal and Provincial Guidance “...Examine changes to predator-prey dynamics between wolves and caribou associated with the Project“</p> | <p>Section 15.4 “assess the effects of all linear disturbances (e.g., new road access or rights of way) on caribou, including movements between seasonal habitats to account for functional habitat loss and effects of increased predation... ...Increases in predation caused mortality rates need to be considered... ...with respect to the effects of predation: determine whether the Project is expected to result in an increase of predator and/or alternate prey access to undisturbed areas and provide a rationale for the conclusion”</p> | Provide further detail to demonstrate how information on increased predation will be collected. Provide details about the methods and approaches that will be used. | We propose the addition of a remote camera monitoring program in the caribou LSA, which will monitor predators as well as other wildlife species year-round. A summary of the program was added to the study plan. | <p>Section 7.3.2.3 Remote Camera Monitoring Program States: Given our understanding of wolf predation as a limiting factor and the potential for linear features to alter caribou predation risk, a remote camera monitoring program focused on detecting wolves and moose (i.e., the target species) will establish baseline levels of wolves, moose, and other wildlife species in the LSA.</p> | <p>This comment has been partially addressed.</p> <p>Not enough detail is provided in the study plan on the remote camera program to determine if it will meet the requirements in Section 15.4 of the Guidelines. The Agency notes that information regarding the remote camera program was provided in the Ungulates work plan. Feedback will be provided in the Federal Review Team’s comments package on the Ungulates work plan.</p> |
| UN-16 | <p>Section 7 Concordance with Federal and Provincial Guidance “Assess other effects on caribou as a result of the Project including sensory disturbance, mortality (directly related to the Project including collisions with vehicles) and change in harvest by Indigenous groups.”</p> | <p>Section 15.4 “provide an assessment of the potential adverse effects on boreal caribou individuals (e.g., sensory disturbance, mortality, pollution) including legal harvest from indigenous groups... ...caribou (Species Protection) – Incidental mortality due to anthropogenic effects (e.g., vehicular collisions, increased hunting pressure) caribou (Species Protection) – Indirect mortality due to increase in alternate prey sources (moose and</p> | Provide details, including methods and approaches, to demonstrate how the requirements of Section 15.4 will be integrated into the study plan. | The proposed approach to assess effects of the Project are outlined in Section 9.0 of the Study Plan. | <p>Section 9.4 Methods for Predicting Future Conditions States: Predicted changes from baseline conditions for both route alternatives for ungulates will be estimated to describe and characterize potential adverse and positive effects, as follows: <input type="checkbox"/> Changes in habitat availability and animal use will be estimated quantitatively by calculating differences in the amount of</p> | <p>This comment has been partially addressed.</p> <p>Update the study plan to provide further details regarding the methods and approach, including what data will be used for the effects assessment for each of the requirements in Section 15.4 of the Guidelines.</p> |

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| | | <p>deer) leading to increased predation (wolves, bears, etc.) and increased potential for spread of disease (e.g., brainworm)</p> <p>caribou (Species Protection) – Indirect effects due to sensory disturbance (e.g., light, sound, vibration, olfactory) within 10 kilometres of the Project;”</p> | | | <p>Category 1, 2, and 3 habitat and biophysical attributes, and qualitatively considering potential changes in habitat use (e.g., avoidance due to sensory disturbance). ...</p> <p>Changes in species population state (changes to abundance from altering survival and reproduction) will be estimated quantitatively using the results from changes in habitat, recruitment rates, and predation risk in addition to a qualitative estimate of potential changes in abundance from other Project components and activities (e.g., animal-vehicle collisions). Population indicators will be evaluated at the WMU level of moose and the Range level for caribou.</p> | |

| New comments based on the Ungulates Study Plan submitted on June 11, 2021. | | | | |
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| UN-17 | <p>Section 9.3 Potential Effects, Table 9-3 "...Table 9-3 provides a preliminary identification of how changes to Ungulates may result in indirect effects to other environmental disciplines..."</p> | <p>Section 15.3 "...The Impact Statement must: - describe the potential direct, incidental and cumulative adverse effects to other wildlife and wildlife habitat, including population level effects that could be caused by all project activities, including but not limited to: project noise and sensory disturbances, habitat alteration, air emissions and dust, increased predation, increased potential for spread of disease, invasive species introductions, poaching opportunities, any linear access corridors (roads, rights of way) particularly in the vicinity of wetland (including peatlands), lake and riparian habitats and on migratory corridors..."</p> | <p>Section 9.3 of the study plan indicates that Table 9-3 provides a preliminary identification of <i>how</i> changes to ungulates may cause indirect effects to other disciplines. However, it appears that Table 9.3 does not indicate <i>how</i> changes to ungulates may result in indirect effects to other environmental disciplines, but rather <i>whether</i> those interactions may occur.</p> <p>The more relevant consideration for this study plan is whether changes to other environmental disciplines/VCs may result in indirect effects to ungulates.</p> | <p>Ensure that potential interactions that may result in indirect effects to ungulates are identified.</p> <p>Clarify that Table 9-3 indicates not how but whether indirect effects may occur.</p> |
| UN-18 | <p>Section 9.6 Residual Effects, Table 9-5 Definitions of 'negligible', 'low', 'medium', and 'high'</p> | <p>Section 13.1 "...The effects to each valued component outlined in sub-sections 14.3, 15.2, 15.3, 15.4 must be described using the following criteria..."</p> | <p>The criteria described in Section 13.1 of the Guidelines should be used to describe effects to valued components outlined in the Guidelines, Section 15.3 Terrestrial wildlife and their habitat and 15.4 Species at risk and their habitat.</p> | <p>Use the criteria outlined in Section 13.1 of the Guidelines to describe the degree of effect to ungulates, including the scope, severity, irreversibility and magnitude.</p> |
| UN-19 | <p>Editorial - Footnote 7, Section 9.2 "In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs. The VCs will be consulted and engaged on early in the IA/EA process and finalized taking into consideration the input received. Therefore, only information relevant to the Project that arises from the regional assessment of the Ring of Fire within an appropriate timeline will inform the VCs for the Project."</p> | | <p>The statement in footnote 7 in Section 9.2 "In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs." is inaccurate. At this time the Regional Assessment in the Ring of Fire area has not yet begun.</p> | <p>Replace the text in footnote 7 with "In February 2020, the Minister of Environment and Climate Change determined that a regional assessment will be conducted in an area centred on the Ring of Fire mineral deposits in northern Ontario. Relevant information available in relation to the Regional Assessment in the Ring of Fire area would be considered in the impact assessment of the Project."</p> |
| UN-20 | <p>8.10 Terrestrial wildlife and their habitat - describe the historic and current use of terrestrial wildlife as a source of country foods (traditional foods) or where use has Indigenous cultural importance (e.g., black bear, caribou, deer, moose, beaver, arctic fox, fisher, wolverine, rabbits, marten, muskrat, and otter);</p> <p>12.2 Current Use of Lands and Resources for Traditional Purposes</p> <ul style="list-style-type: none"> • traditional activities presently or historically practiced (e.g., hunting, fishing, trapping, gathering of plants or medicines, ceremonial or spiritual practices, passing on of Indigenous knowledge and/or language); • location of traditional uses, including hunting, trapping, and fishing camps, cabins, and gathering or teaching grounds; • types of traditional resources such as fish, wildlife, birds, plants, or other natural resources and their habitats of importance for supporting traditional use; • places where culturally important fish, wildlife, birds, plants, or other natural resources are harvested; • description of country foods (traditional foods); • the quality and quantity of resources (e.g., preferred species and perception of quality); | | | <p>The project team has indicated that potential impacts from the Project on Eastern Migratory Caribou will be assessed using a qualitative approach.</p> <p>Update the study plan to describe the proposed qualitative approach to assessing the importance of Eastern Migratory Caribou for the Indigenous groups listed in the IEPP as source of country food and for their exercise of their traditional practices.</p> |

Comments from the Federal Review Team on Marten Falls Community Access Road Project (Project) revised Aboriginal and Treaty Rights and Interests Study Plan – October 15, 2021

It is essential that the Impact Statement for the Marten Falls Community Access Road Project (the Project) address all requirements outlined in the Tailored Impact Statement Guidelines (the Guidelines), and that the study plans outline a clear approach to achieving these requirements. The Impact Assessment Agency of Canada (the Agency) has highlighted sections of the Guidelines where requirements for the Impact Statement may not be met, based on content of the draft study plan submitted to the Agency. Note that this table does not provide an exhaustive list of the requirements described in the Guidelines. The Guidelines should be reviewed in their entirety, including the sections identified below.

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| GC-02 | Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3) | <p>Provide a clear description in the study plans of how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will have opportunities to provide Indigenous knowledge, including the validation of how information they provided was applied. The study plan should include a description of the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that the guidance outlined in Section 6.2 of the Guidelines has been incorporated into the study plans.</p> <p>Describe what engagement with all the Indigenous groups listed in the Indigenous Engagement and Partnership Plan has been done in the development of the study plans, and/or any planned engagement with Indigenous groups on the proposed study plans, particularly in relation to collection of Indigenous knowledge (i.e. develop the work plan in collaboration with those Indigenous groups that would need to provide knowledge).</p> | <p>In Section 4.2 it is noted that the Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in the Indigenous Partnership and Engagement Plan. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input.</p> <p>Section 2.1.1 outlines the approach to handling confidential information, by means of permission from Indigenous communities to include Indigenous Knowledge in the IS / EA Report, regardless of the source of the Indigenous Knowledge.</p> <p>The study plans have recognized Indigenous community input received on the Project to date.</p> | <p>Section 4.2 "...A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input..."</p> <p>"...Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process..."</p> | <p>Section 4.2 of the study plan also states that "<i>Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process</i>", however, it is unclear on which components of the study plans the project team plans to engage. It is also unclear whether Indigenous groups will be provided with a meaningful opportunity to provide input on a preliminary approach/method for baseline data collection, as required in Section 6 of the Guidelines, or if engagement will take place after the baseline data collection is complete.</p> <p>Provide details on the timeline for Indigenous engagement on the aboriginal and treaty rights study plan, including engagement relative to the schedule for baseline work, and spatial and temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge, and in consideration of the project team's timeline for the development of the Impact Statement.</p> <p>Demonstrate in the Impact Statement that comments provided by Indigenous groups on aboriginal and treaty rights and interests were taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions</p> |
| GC-03 | Section 6.2 - Analysis and response to questions, comments, and issues raised | <p>Revise the study plans to include an approach to handling confidential information that demonstrates adherence to the guidance provided in Section 6.2 of the Guidelines.</p> | <p>Section 2.1.1: Section has been updated to include information regarding both confidentiality and permission information on all collected Indigenous Knowledge, regardless of the source.</p> <p>This section also includes how information regarding the Indigenous Knowledge Sharing Agreements will be established by the Proponent and Indigenous community participating in the Program.</p> | <p>Section 5.2 Sensitive and / or confidential information will be specifically collected through the IK Program to inform the IS / EA Report, and its use and publication will be governed by Indigenous community-specific IK Sharing Agreements. The IK Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the IK Program prior to the sharing and use of any sensitive information. Instances where IK sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement, including where IK was incorporated into Project decisions and into the IS / EA Report (i.e., specifics will not be included in the Record of Consultation and Engagement given the</p> | <p>As required in Section 6 of the Guidelines, incorporate in the Impact Statement content that describes the confidential information provided by each Indigenous group. Present the content in sufficient detail to support understanding of the potential effects and impacts on rights, while also protecting confidential/sensitive specifics and respecting stipulations in the confidentiality agreements (e.g, use buffer areas instead of specific locations, etc.).</p> <p>Provide to the Agency, in the form of a letter from the Indigenous group that shared confidential information, a letter confirming that:</p> <ul style="list-style-type: none"> the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed. |

¹ Refer to complete sections of the Guidelines for more context.

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020

| # | Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
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| | | | | potential sensitivity and / or confidentiality of the information shared). | |
| GC-04 | Study plans spatial boundaries | <p>Describe the approach to be implemented to demonstrate how the definitions of the proposed study area boundaries:</p> <ul style="list-style-type: none"> encompass the anticipated boundaries of the Project’s effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan; and take into account community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and foreseeable future projects and activities. | <p>Section 6.2: General information on study areas for the Project, including a detailed list of what was considered to develop the discipline-specific local and region study areas, is included in each study plan. Each study area has been proposed taking into consideration community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices, physical, ecological, technical, social, health, economic and cultural considerations available at this time.</p> <p>The proposed discipline-specific study areas are preliminary. The proposed study areas will be consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program provides additional opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples to be shared in greater detail.</p> | <p>Section 6.2.2, Table 6.1,</p> <p>Local Study Area/5 km buffer surrounding the PDA. The Local Study Area allows the MFFN CAR Project Team to gather specific information that can be used to help Project design by avoiding or mitigating effects to sensitive features. It also corresponds to the outermost boundaries of the combined Local Study Areas for the fish and fish habitat, surface water, vegetation, general wildlife, moose, and air quality valued components. It has been defined based on the key components that may be relied on (surface water, fish, vegetation, general wildlife and moose) or considered to influence (air quality) Indigenous culture and / or land and resource use.</p> <p>Regional Study Area/Combined area of the quaternary watersheds crossed by each of the road alignments. It corresponds to the outermost boundaries of the combined Regional Study Areas for the fish and fish habitat, surface water, vegetation, and general wildlife valued components given that these components may be relied on by Indigenous peoples for cultural and land and resource purposes. Consistency with the Regional Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date.”</p> <p>Section 6.2.2 An update on the revised Aboriginal and Treaty Rights and Interests study areas that includes an overview of the revisions to the RSA and associated rationale (i.e., nature of Indigenous community input) was shared with all Indigenous communities and groups identified in Table 4-1 in January 2021; this update is provided in Appendix D.</p> | <p>Section 7 of the Guidelines, states that “The size, nature and location of past, present and foreseeable future projects and activities are factors that should be included in the definition of spatial boundaries.”</p> <p>It is unclear how a Local Study Area of approximately five kilometres from the centreline of the Project would be appropriate to assess direct effects on the Aboriginal and Treaty Rights and Interests. At a minimum, the upgrades to the Anaconda and Painter Lake forestry access roads, the Northern Road Link Road Project, the Webequie Supply Road Project, as well as winter roads, activities and communities connected through these roads should be included in the Local Study Area.</p> <p>Both the LSA and the RSA for the Aboriginal and Treaty Rights and Interests have been delineated based on the proposed study areas for natural environment VCs. It is unclear whether all the factors in Section 7 of the Guidelines were taken into account. Update the study plan to demonstrate that factors outlined in Section 7 of the Guidelines, including spiritual practices, social, health and economic considerations, were taken into account in defining preliminary spatial boundaries for the Project.</p> <p>As required in Section 7.4.1 of the Guidelines, provide information regarding how the following were/will be taken into account in defining the spatial boundaries: community knowledge and Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and reasonably foreseeable future projects and activities.</p> <p>Ensure that the Aboriginal and Treaty Rights and Interests Regional Study Area encompasses the spatial boundary of cumulative effects.</p> |

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020

| # | Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
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| GC-06 | | Provide further details in the study plans on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines | Section 4.3 has been updated to include the consideration of Identity and Gender-Based Analysis Plus (GBA+) including both Indigenous communities and their relevant subpopulations and non-Indigenous communities and their subpopulations. During consultation and engagement activities these groups (and any others defined during consultation) will be engaged with on targeted input. | Section 4.3 | Describe how GBA+ has been or will be applied to the consideration of engagement activities. Identify specific methods targeted to specific subgroups. Provide detail on how GBA+ has been integrated into all aspects of data collection methodology, including for the definition of indicators, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines. It is not sufficient to mention that Gender-Based Analysis Plus will be applied to the assessment. Clear descriptions of how GBA+ was integrated (including to which variables, method, and how it influenced results' interpretation) are needed in the Impact Statement. |
| GC-07 | Section 13 - Effects Assessment (including 13.1, 13.2) | Provide details to demonstrate how the Project's potential effects will be considered, as per the requirements in Sections 13 to 19 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work. Provide detail on how engagement with all Indigenous groups listed in the Indigenous Engagement and Partnership Plan and the public will inform the effects assessment and the selection of mitigation measures and follow-up program measures. | Project environmental interaction are separated into Project phases, and Project activities for each environmental discipline in their VC-specific study plan listed as Table 9-1. Information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the Indigenous Knowledge Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs. | Throughout the study plan, Section 9 | As required in Sections 7 and 13 of the Guidelines, ensure that the effects assessment considers the effects of each of the project components (including but not limited to all alternative routes brought forward in the Impact Statement, all aggregates sources, access roads, etc.) and physical activities, in all phases, and that the assessment is based on a comparison to the data and information gathered during the proposed baseline work. Clarify the level of information that will be shared with, and explained to, the Indigenous Knowledge Program leads and whether study plans will be made available to all Indigenous groups listed in the Indigenous Engagement and Partnership Plan. |
| GC-08 | Section 13.1 | Provide clear descriptions of the rationale behind the assumptions, including but not limited to the assumed average daily traffic and vehicles composition during the construction and operation phases that will be considered for the effects assessment and the cumulative effects assessment. | Section 10: Current assumptions to be used in the effects assessment have been identified. Any additional assumptions will be identified and rationale will be provided in the IS / EA Report. | Section 10 | As required by Section 13.1 of the Guidelines, ensure that the Impact Statement clearly outlines the assumptions used for the assessment of effects, including cumulative effects, on each valued component. |
| GC-09 | Section 19.2 - Impacts on the Exercise of Aboriginal and Treaty Rights | Describe an approach for identifying the potentially impacted rights of Indigenous peoples of Canada that are recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> , and for integrating the potential impacts on those rights into the collection of baseline information and the effects assessment. | All study plans reference how potential effects on Indigenous rights will be assessed in the Aboriginal and Treaty Rights and Interests Study Plan. Impacts on Rights considerations are explained in the rationale for defining a Local Study Area and Regional Study Area for Aboriginal and Treaty Rights and Interests VCs. Further information for this is listed in Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan. | Section 5, and Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan Table 9-1 General Assessment Methodology for Aboriginal and Treaty Rights and Interests | Feedback will be provided in the Federal Review Team's comments package on the Aboriginal and Treaty Rights and Interests Study Plan. |
| GC-11 | Section 25 – Description of the Project's contribution to sustainability | Provide detail on the approach to meeting the requirements of Section 25 of the Guidelines regarding the description of the Project's contribution to sustainability. | Section 9: the sustainability assessment for the Project will be undertaken on the preferred alternative and will characterize the Project's contribution to sustainability incorporating the requirements set out in Section 25 of the TISG. | Section 9.7 | Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 25 of the Guidelines. |

| Agency's Comments on the Marten Falls Community Access Road Project Draft Indigenous Peoples Valued Components Study Plan – July 10, 2020 | | | | | | |
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| # | Study Plan Section | Guidelines Section ² | Required Action for Proponent | Proponent Response | Study Plan Section Reference | Federal Review Team Response |
| ATRI-01 | General Comment | | Required Action # 1: Update the study plan to include the list of all Indigenous groups that will be engaged, at a minimum the Indigenous groups listed in the IEPP, as part of the baseline data collection and effects assessment analysis. The list should be consistent throughout the study plan. | All Indigenous communities and groups identified in Table 4-1 will be consulted and have the opportunity to be engaged and participate in the IK Program. Through both the IK and Consultation and Engagement programs for the Project, all Indigenous communities and groups identified in Table 4-1 will be provided with an opportunity to provide IK during baseline data collection, comment on the list of valued components and indicators, inform the effects assessment and review its conclusions, and inform the development of mitigation measures and follow-up programs. | | Required action # 1 has been addressed. |
| ATRI-02 | General Comment | Section 7.1 of the Guidelines states that “the application of GBA+ to baseline conditions for diverse subgroups is necessary to support the GBA+ of effects. GBA+ uses standard social science quantitative and qualitative data collection and analysis methods to describe baseline conditions across diverse subgroups”. | Required Action # 2: Update the study plan to demonstrate how GBA+ has been integrated into all aspects of data collection methodology and the assessment of effects and impacts. | The Study Plan has been updated to demonstrate how the MFFN CAR Project Team will strive to apply GBA+ to baseline conditions for diverse subgroups to support the GBA+ of effects, where possible. The IK Program is a community-led process, which means that the communities will ultimately identify participants directly. However, information on the importance of diversity and GBA+ considerations when selecting participants for the IK Program, including Project-specific studies, has been included in the Guidance Document in support of GBA+ (refer to Section 6.1 of the Guidance Document). The Guidance Document has been shared with all Indigenous communities and groups identified in Table 4-1. | Section 4.1.6 of the consultation plan Consultation and engagement activities with these communities, subject to interest, will include subpopulation-specific community sessions. In addition to these activities, specialized knowledge will be gathered through other disciplines such as Social, Economic, Land and Resource Use and Aboriginal and Treaty Rights and Interests. The Socio-economic Data Collection Program is expected to include targeted interviews, focus groups, questionnaires and other niche tools to gather information from diverse populations to resolve gaps in socio-economic secondary data. | Required action # 2 was partially addressed. See comment GC-06 in the above table. |
| ATRI-03 | Section 3.2 of the study plan states that the preliminary Local Study Area (LSA) and Regional Study Area (RSA) were established by conducting a best practices literature review of “various publicly available Traditional Land | Section 7.1 of the Guidelines states that “study area boundaries need to encompass the spatial boundaries of the Project, including any associated project components or activities, and the anticipated boundaries of the Project’s effects, including all potentially impacted local communities, municipalities and Indigenous groups”. | Required Action # 3: Update the study plan to demonstrate that the preliminary LSA and RSA are appropriate for the Project and how the requirements of Section 7.1 of the Guidelines will be met. | The proposed LSA and RSA for the assessment on the Aboriginal and Treaty Rights and Interests VCs have been delineated based on the proposed study areas for relevant natural environment VCs given the interdependent nature of these VCs. The proposed spatial boundaries have also been informed by inputs from Indigenous communities received to date. The proposed spatial boundaries include the anticipated boundaries of the Project’s effects. | Section 6.2.2 Based on inputs received from Indigenous communities, the RSA was revised in October 2020 to include additional watersheds that the Project may interact with (e.g., at the southern terminus of the proposed Project and Painter Lake Road). These revisions were first communicated to the Indigenous communities that provided comments in October 2020. The LSA and revised RSA are shown in Figure 6-2. An update on the revised Aboriginal and Treaty Rights and Interests study areas that includes an overview of the revisions to the RSA and associated | Required action # 3 was partially addressed. See also comment GC-04 in the above table. The study plan indicates that the study boundaries have been informed by inputs from Indigenous groups received to date. Section 6.2 of the Guidelines states that “ <i>The Impact Statement must document... - where and how Indigenous groups’ knowledge, perspectives and input were integrated into or contributed to decisions regarding the Project (e.g., project design), including: o scoping, development and collection of baseline information;...</i> ” |

² Refer to complete sections of the Guidelines for more context

| Agency's Comments on the Marten Falls Community Access Road Project Draft Indigenous Peoples Valued Components Study Plan – July 10, 2020 | | | | | | |
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| # | Study Plan Section | Guidelines Section ² | Required Action for Proponent | Proponent Response | Study Plan Section Reference | Federal Review Team Response |
| | Use studies". Specifically, Section 3.2 states that the preliminary 5 kilometre-wide LSA and 25 kilometre-wide RSA were chosen for the Project as the majority of the publically available Traditional Land Use studies deemed these spatial boundaries sufficient to capture potential direct, indirect, and cumulative impacts of proposed projects. | | | | <p>rationale (i.e., nature of Indigenous community input) was shared with all Indigenous communities and groups identified in Table 4-1 in January 2021; this update is provided in Appendix D.</p> <p>Appendix D The MFFN Project Team has since received feedback on the preliminary study areas and updates to the study areas have been made accordingly. Specific responses have been provided to those communities who have provided comments in separate correspondence.</p> <p>The MFFN Project Team received comments on areas where the RSA is narrower than the LSA area and the need for the RSA to be inclusive of the LSA. The updated RSA is now wholly inclusive of the LSA. The MFFN Project Team received comments on the need the expand the RSA to more appropriately consider potential impacts to Indigenous communities associated with increased traffic flow onto Painter Lake Road. The RSA now includes a larger portion of Painter Lake Road to better capture potential indirect effects on Indigenous communities associated with vehicles accessing the MFFN Community Access Road. No further updates have been made as the extent of the RSA is considered good practice and sufficient to capture the potential downstream effects of the Project. The MFFN Project Team has received comments confirming this perspective.</p> | <p>Section 19 of the Guidelines states that "<i>The Impact Statement must indicate where input from Indigenous groups has been incorporated, including Indigenous knowledge. Information should be specific to the individual Indigenous group(s) involved in the assessment, and describe contextual information about the members within an Indigenous group (e.g., women, men, Elders and youth).</i>"requires that information should be specific to the individual Indigenous group(s) involved in the assessment, and describe contextual information about the members within an Indigenous group (e.g., women, men, Elders and youth)."</p> <p>Include in the Impact Statement further detail regarding the input received by Indigenous groups and members of the public to meet the requirements of Sections 6.2 and 19 of the Guidelines.</p> <p>Appendix D in the study plan indicates that "<i>the extent of the RSA is considered good practice and sufficient to capture the potential downstream effects of the project</i>". It is unclear if the potential pathways of effects on all relevant valued components (including social, economic, cultural, health and spiritual interests) have been included in this definition of the RSA. For example, effects to wildlife hunted by Indigenous people could also have adverse effects on health (food security, food sovereignty, mental health). Provide further detail to demonstrate how all relevant valued components, including social, health economic, cultural, and spiritual interests have been scoped into the definition of the RSA.</p> <p>Additionally, it is unclear how this statement could be made prior to conducting engagement with all the Indigenous groups listed in the Indigenous Engagement and Partnership Plan (IEPP) on all of the relevant valued components.</p> <p>Ensure that opportunities to comment on the study area boundaries for Aboriginal and Treaty Rights and Interests continue to be provided and that the study boundaries would be revised, as appropriate, based on new information arising or new concerns shared by the Indigenous groups listed in the IEPP.</p> |
| ATRI-04 | Section 4.1 | | Required Action # 4: In consideration of the ongoing COVID-19 pandemic and that some Indigenous groups are presently in a state of emergency, provide a rationale for the short timeframe extended to Indigenous groups for the review of the LSA/RSA. | The Study Plan includes the rationale for each of the proposed spatial boundaries. All Indigenous groups identified in Table 4-1 were provided with an opportunity to provide input on the proposed study areas in August-September, 2020. Comments since received led to refinements in October, | Section 6.2.2 | <p>Required actions # 4 and #5 were partially addressed.</p> <p>Provide a workplan that outlines details on the timeline for Indigenous engagement on each study plan (including on the economic, socio-community, human health, cultural and aboriginal and treaty rights) including engagement relative to the schedule for baseline work, and spatial and temporal boundaries</p> |

| Agency's Comments on the Marten Falls Community Access Road Project Draft Indigenous Peoples Valued Components Study Plan – July 10, 2020 | | | | | | |
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| # | Study Plan Section | Guidelines Section ² | Required Action for Proponent | Proponent Response | Study Plan Section Reference | Federal Review Team Response |
| | | | Required Action # 5: Taking into consideration that the Project-specific studies are to be carried out over the fall and winter seasons when many community members are out on the land or unavailable, provide a rationale for the short timeframe extended to Indigenous communities to complete the Project-specific studies. | <p>2020 – specifically the expansion of the RSA to include additional quaternary watersheds. The revised RSA was provided to all Indigenous groups identified in Table 4-1 when the Guidance Document was distributed in November 2020 (refer to Section 5 and Figure 1 of Appendix B of the Guidance Document).</p> <p>Communities that requested additional time beyond the 30-day period to comment on the preliminary study areas were provided with an extension. As noted in the updated Study Plan, MFFN will continue to provide opportunities for Indigenous communities to provide input and inform the effects assessment, including the study areas.</p> <p>The Project IA / EA schedule is currently being revised to reflect the reality of constraints posed by various factors, including the ongoing pandemic and the timelines for provincial funding agreements with Indigenous communities and groups. It is expected that as part of these revisions, the schedule for completing Project-specific studies will also be revised and as a result, are expected to no longer coincide with the fall and winter seasons.</p> | | determinations, and particularly in relation to collection of Indigenous knowledge, and in consideration of the project team's timeline for the development of the Impact Statement. |
| ATRI-05 | Section 4.1 | Section 7.4.2 of the Guidelines requires the study plan to consider how elements of environmental, health, social and economic well-being that local communities, including municipalities, and Indigenous groups, identify as being valuable could change over time. | Required Action #6 Update the study plan to provide a clear description of the proposed methods for the establishment of temporal boundaries for the baseline and effects assessment of Indigenous cultural sites, features and practices, Indigenous use of land and resources for traditional purposes, and exercise of section 35 rights. | The Study Plan has been updated to provide a clear description of the proposed temporal boundaries for baseline information collection and the assessment, with associated rationale. MFFN has proposed temporal boundaries for baseline information on Indigenous land and resource use and practices that consider past, present and foreseeable future Indigenous land and resource use and cultural practices. These are included in the Guidance Document that was shared with all Indigenous groups identified in Table 4-1 in November 2020 (refer to Section 6.5 of the Guidance Document). Temporal boundaries for the assessment span all phases of the Project. | Appendix B, Section 6.5 | Required action #6 has been addressed. |
| ATRI-06 | Section 4.3 of the study plan does not | | Required Action # 7: Update the study plan to provide information on which Indigenous groups from those | All Indigenous communities and groups identified in Table 4-1 will be consulted and have the opportunity to be engaged | | Required actions # 7 and #8 were addressed. |

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| | describe the Indigenous knowledge (IK) and Indigenous land and resource use (ILRU) studies in sufficient detail to understand how the IK/ILRU program will be carried out and to identify potential gaps in the IK/ILRU program design. | | <p>identified in the IEPP have been invited to participate in the IK/ILRU program and the rationale for including them while excluding others.</p> <p>Required Action # 8: Update the study plan to describe the specific information to be solicited from participating Indigenous groups. If sample questionnaires, interview questions, or other data collection tools exist, identify them in an appendix to the study plan, and describe how they relate to physical and cultural heritage, current use of lands and resources, and exercise of section 35 rights criteria identified in Sections 12.1, 12.2, 12.4, 17.6, 19.1, and 19.2 of the Guidelines.</p> | <p>and participate in the IK Program. Through both the IK and Consultation and Engagement programs for the Project, all Indigenous communities and groups identified in Table 4-1 will be provided with an opportunity to provide IK during baseline data collection, comment on the list of valued components and indicators, inform the effects assessment and review its conclusions, and inform the development of mitigation measures and follow-up programs</p> <p>A Guidance Document has been developed to support collecting and reporting on Indigenous Knowledge and information relevant to the Aboriginal and Treaty Rights and Interest VCs (e.g., physical and cultural heritage, current use of lands and resources for traditional purposes, section 35 rights). A set of guidance questions were developed based on the TISG requirements and included in the Guidance Document. The guidance questions will also support the collection of Indigenous Knowledge and information relevant to other Project VCs (e.g., wildlife, surface water, cultural heritage). The guidance document was also designed to be flexible, wherever possible, to adapt to the needs and interests of each specific Indigenous community or group. The Guidance Document was shared with all Indigenous communities and groups identified in Table 4-1 in November 2020.</p> | | |
| ATRI-07 | Section 4.3 of the study plan does not describe how the IK/ILRU program will identify the ways in which project components, activities, and effects could interact with the exercise of section 35 rights by Indigenous peoples. | | Required Action #9: Update the study plan to describe how the IK/ILRU program will identify the ways in which project components, activities, and effects could interact with the exercise of section 35 rights by Indigenous peoples, as required by section 19.2 of the Guidelines. | The updated Study Plan describes the level of engagement with Indigenous groups and the approach to the effects assessment on Aboriginal and Treaty Rights and Interests VCs. The specific considerations for the effects assessment for each of the Indigenous groups will be customized based on Indigenous group-specific discussions through consultation and engagement activities. | Table 9-1 Preliminary and potential pathways have been identified through background review (see Section 7.2), inputs from Indigenous communities and groups to date as part of the IK and Consultation and Engagement programs (see Sections 4, 5, 7.3, and 7.4), and the development of this Study Plan. The potential pathways included in this Study Plan will be explored further and built on with Indigenous communities and groups, as needed, through ongoing discussions and activities as part of the IK and Consultation and Engagement programs. | Required action #9 was addressed. |

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| | | | | | <p>□ Project-specific studies undertaken by Indigenous communities and groups may include information on of rights. Relevant information provided by Indigenous communities and groups will be used to inform pathways of impact.</p> <p>Consultation plan, table 4-2 Effects assessment: Request information to identify: – Indigenous community values and topics of interest – Potential effects and impact management measures to be considered – Impacts of Project on Aboriginal or Treaty Rights and potential impact management measures to avoid, mitigate and off-set the impact(s) ▪ Seek confirmation whether input and feedback provided during the previous milestone was captured appropriately</p> | |
| ATRI-08 | Section 4.3 of the study plan states that Indigenous knowledge (IK) and Indigenous land and resource use (ILRU) studies will involve the creation of a guidance document “to solicit specific information related to rights and current use of lands and resources for traditional purposes, as outlined in Section 12.2 and 12.4 of the Guidelines”. | Section 6.2 of the Guidelines indicates, “Indigenous knowledge is holistic and in impact assessments, it can provide insights related to knowledge of the environment, social, cultural, economic, health, Indigenous governance and resource use. It is important that Indigenous knowledge be included for all of these aspects of the technical assessments, not only to look at potential impacts of the Project on Indigenous peoples.” For example, baseline data on fish and fish habitat should include baseline information gathered through collection of Indigenous knowledge. | Required Action #10: Update the study plan to ensure that the approach to IK studies solicits knowledge on technical aspects of the impact assessment including the environment and health, social and economic conditions, in addition to soliciting information related to rights and current use of lands and resources. | <p>The Study Plan has been updated to reflect that the IK Program and associated Guidance Document will strive to collect IK and inputs that are relevant to other technical aspects of the assessment. The Guidance Document includes information on how IK and other information shared through the IK Program can be used to inform the various technical aspects of the impacts assessment including baseline conditions (refer to Section 4 of the Guidance Document). It also includes questions that could be used to solicit information to inform technical aspects of the assessment, including the natural and socio-economic environments (e.g., questions about important fish and wildlife use areas, questions about country food consumption – refer to Appendices D and E in the Guidance Document. It is also important to note that soliciting IK to inform baseline conditions for other technical aspects of the assessment does not necessary come just from direct questions but can be gleaned from information on Indigenous land and resources use (e.g., where certain species are harvested and why).</p> <p>The guiding questions included in the Guidance Document are intended to provide community members with an opportunity to share their perspectives</p> | <p>Section 5 study plan The following provides a general description of how IK will be considered in the IA / EA process. The extent to which IK is considered by each specific VC will vary depending on the nature of the VC, the potential for Project effects on the VC and whether IK that relates to a VC is provided / obtained. As such, not all aspects of the general approach described below may apply to all VCs / study plans.</p> <p>There are two concurrent and complementary avenues for Indigenous communities and groups to be engaged with and provide input on the Project: the IK Program and the Consultation and Engagement Program. Both programs serve to support the collection of Indigenous perspectives, values, and input on the Project, including Indigenous rights (i.e., Aboriginal and Treaty Rights) and Interests and how they may be impacted by the Project, to be integrated throughout the IA / EA process</p> <p>There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project, including information related to collection of existing information and the development of the IS / EA Report. The Proponent also invites feedback and</p> | Required action #10 was addressed. |

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| | | | | on the interconnectedness of the various valued components and how they or their community may be impacted by the Project (refer to Appendices E and F of the Guidance Document). Any information collected that is relevant to the various disciplines will be shared accordingly. However, it is important to note that while the IK and Consultation and Engagement programs will serve to support information collection for other technical aspects of the assessment, primary data collection for other disciplines (including human health and community safety, social and economic conditions) will be led by those technical disciplines. | inputs throughout the Project via the Project website and ongoing communications with the Proponent. Relevant information collected through both the IK and Consultation and Engagement programs, including potential effect pathways on Aboriginal and Treaty rights and interests, will be shared with each of the relevant disciplines throughout the IA / EA to: guide and inform VCs; support characterization of the existing environment; identify the potential effects of the Project on VCs; help identify mitigation measures and potential monitoring programs; and ultimately guide Project planning. | |
| ATRI-09 | Section 4 of the study plan suggests that IK/ILRU studies will be carried out with interested Indigenous groups. However, the IK/ILRU program should not act as the sole source of information on baseline data as not all Indigenous groups may have interest or capacity to participate in the IK/ILRU program but may still expect to be meaningfully engaged on the Project, baseline data, valued components and indicators, and provide recommendation on mitigation and follow-up program measures. More | | Required Action #11: Regarding primary information collection the study plan requires additional detail on how the collection methodology would meet the expectations of the Guidelines, including: <ul style="list-style-type: none"> Specify types of engagement activities (surveys, questionnaires, community sessions, chief and council sessions, workshops, etc.). Describe how GBA+ has been applied to the consideration of engagement activities. Identify any specific methods targeted to specific subgroups. Specify participants in engagement activities (reflecting the Indigenous groups listed in the IEPP) including rationale for how the selection of participants meets the objectives of the study and demonstrates accessibility considerations (e.g. language requirements) and GBA+. Describe the approach the proponent intends to take to encourage or attract participation, including how opportunities to participate will be planned and advertised. Describe how Indigenous knowledge will be used to inform types of engagement activities and participant selection. If sample questionnaires, interview questions, or other data collection tools exist, identify them in an | All Indigenous communities and groups identified in Table 4-1 will be consulted and have the opportunity to be engaged and participate in the IK Program. Through both the IK and Consultation and Engagement programs for the Project, all Indigenous communities and groups identified in Table 4-1 will be provided with an opportunity to provide IK during baseline data collection, comment on the list of valued components and indicators, inform the effects assessment and review its conclusions, and inform the development of mitigation measures and follow-up programs. The Study Plan has been updated to demonstrate how the MFFN CAR Project Team will strive to apply GBA+ to baseline conditions for diverse subgroups to support the GBA+ of effects, where possible. The IK Program is a community-led process, which means that the communities will ultimately identify participants directly. However, information on the importance of diversity and GBA+ considerations when selecting participants for the IK Program, including Project-specific studies, has been included in the Guidance Document in support of GBA+ (refer to Section 6.1 of the Guidance Document). The Guidance Document has been shared with all Indigenous communities and groups identified in Table 4-1 . | | Required actions #11 and #12 were addressed. |

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| | detail is required on the methodology of baseline information collection outside of the IK/ILRU Studies. | | <p>appendix to the study plan, and provide clear links to how they relate to physical and cultural heritage.</p> <ul style="list-style-type: none"> Identify past public or Indigenous engagement activities that have taken place and are being used to inform this study plan. <p>Required Action #12 For secondary information collection provide specific information sources to be used, and for which indicators they apply. Provide detail on how the proponent has considered GBA+ requirements in the identification of secondary information sources.</p> | <p>The IK and Consultation Programs for the Project both serve to support the collection of Indigenous perspectives, values, and input on the Project, including in terms of physical and cultural heritage. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes questions related to historical baseline conditions associated with Indigenous cultures (refer to Sections 6.3 and Appendix D in the Guidance Document). The Guidance Document also includes considerations for burial sites, oral histories, cultural values and experiences of being on the land, Indigenous laws and governance systems, and culturally important sites and resources (refer to Sections 6.6 and 6.7 and Appendices D and E in the Guidance Document). These considerations have also been factored into the identification of preliminary indicators for the assessment.</p> <p><input type="checkbox"/> In addition, information related to historical baseline conditions associated with Indigenous cultures will also be collected for the Cultural Heritage Assessment. Baseline information on cultural landscapes and archaeological potential and / or artifact places will primarily be collected through the cultural heritage studies – refer to the Cultural Heritage Study Plan.</p> <p>A general Project-specific study approach is included in the Guidance Document, which includes considerations for selecting study participants and the various approaches to collecting information (e.g., interviews, workshops).</p> <p><input type="checkbox"/> The sharing of the Guidance Document and other IK Program-related materials with all Indigenous communities and groups identified in Table 4-1 is intended to encourage participation in the IK Program. Ongoing Indigenous community and group engagement as part of the IK and Consultation and Engagement programs will serve to continue to encourage</p> | | |

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| | | | | <p>participation in the IK Program and the IA / EA Process.</p> <p>Information on how secondary information relevant to Indigenous communities that are being engaged for the Project, as well as sources related to emerging practices for cultural impact assessment, have informed the identification of valued components and indicators and is included in the updated Study Plan. Note that the sources of secondary information are generally relevant to all of the VCs and indicators. Secondary sources of information included in the Desktop Assessment and that may be used to inform the IA / EA Report will be reviewed through the lens of ability to disaggregate relevant information to support the GBA+ analysis.</p> | | |
| ATRI-10 | Section 5.1 | <p>Sections 12.1, 17.6 and 19.1 of the Guidelines require the consideration of the following material and non-material aspects of physical and cultural heritage when defining indicators:</p> <ul style="list-style-type: none"> • cultural values and experiences of being on the land, including harvesting specific resources (Section 12.1) • Indigenous governance systems and Indigenous laws tied to the landscape (Section 12.1); • anticipated effects to language, such as the relative balance of speakers of local languages, English, and French, and the availability of public services in these languages (Section 17.6); • traditional cultural activities (such as religious ceremonies, traditional hunting, etc.) that might be caused by the project (Section 17.6) • culturally significant plants of wildlife (Section 17.6); and • changes to the cultural value, spirituality, or importance associated with physical and | <p>Required Action #13 Update the study plan to describe the methodology or approach that will be used to identify detailed and measurable indicators related to non-material aspects cultural heritage and culturally significant plants and wildlife, as outlined in Sections 12.1, 17.6 and 19.1 of the Guidelines.</p> <p>Required Action #14 Update the study plan to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices as required by Section 6 of the Guidelines.</p> | <p>The Study Plan has been updated to include indicators related to non-material aspects of cultural heritage and culturally significant plants and wildlife.</p> <p>The Study Plan has been updated to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices.</p> | <p>Consultation plan Effects assessment methods</p> <p>Planned activities “▪ Engagement of Community Consultation Co-ordinators, as appropriate ▪ Hold discussions / meetings, considering applicable and relevant subgroups (e.g., women, youth, elders) ▪ PIC #1 (in-person / or virtual) ▪ Plain language Project updates (translated, as required) ▪ Key informant interviews ▪ Website update ▪ Newsletter and email update(s) ▪ Social media update(s) ▪ Follow-up communication to confirm information was received and the material(s) provided were understood”</p> <p>Target input “ Local and regional study areas, Project phases, criteria and indicators, Project-environment interactions and net effects characteristics”</p> <p>(summer 2021- fall 2021)</p> | <p>Required actions #13 was addressed.</p> <p>Required action #14 was partially addressed. Refer to comment ATRI-23 in the table below.</p> |

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| | | <p>cultural heritage (Section 19.1)</p> <p>Section 6 of the Guidelines requires the proponent to provide Indigenous groups with an opportunity to comment on the list of valued components and indicators.</p> | | | | |
| ATRI-11 | Section 5.1 | <p>Sections 12.2 and 19.1 of the Guidelines, require:</p> <ul style="list-style-type: none"> • a description of traditional activities presently or historically practised (e.g., hunting, fishing, trapping, gathering of plants or medicines, ceremonial or spiritual practices, passing on of Indigenous knowledge and/or language); • location of traditional uses, including hunting, trapping and fishing camps, cabins, and gathering or teaching grounds; • types of traditional resources such as fish, wildlife, birds, plants, or other natural resources and their habitats of importance for supporting traditional use; • frequency, duration, and/or timing of traditional practices; • where known, efforts of the groups to bring back traditional practices; • current and future availability and quality of country foods (traditional foods); and • the quality of resources (e.g., preferred species and perception of quality); <p>Section 6 of the Guidelines requires the proponent to provide Indigenous groups with an opportunity to comment on the list of valued components and indicators.</p> | <p>Required Action #15 Update the study plan to describe the methodology or approach that will be used to identify detailed and measurable indicators related to the location and timing of traditional practices and the quality of resources, as outlined in Sections 12.2 and 19.1 of the Guidelines.</p> <p>Required Action #16 Update the study plan to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices as required by Section 6 of the Guidelines.</p> | <p>The Study Plan has been updated to include indicators related to the location and timing of traditional practices and the quality of resources.</p> <p>The Study Plan has been updated to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices.</p> | <p>Table 9.3: Proposed Aboriginal and Treaty Rights and interests Indigenous Current Use of Lands and Resources for Traditional Purposes</p> <ul style="list-style-type: none"> -Alteration / change in or loss of sites and areas used for traditional activities (e.g., hunting, trapping, fishing, gathering). -Changes in the availability or quantity of resources (e.g., wildlife, fish, vegetation) for traditional activities (e.g., harvesting and gathering). -Changes in the quality or perceived quality of resources for traditional activities. -Changes in access to sites and areas used for traditional activities. | <p>Required Action #15 was not adequately addressed. It is unclear where “timing of traditional practices” was included as an indicator. The list of indicators in Table 9.3 does not appear to include timing of traditional practices.</p> <p>Provide detail to demonstrate how the study plan was updated to include indicators related to the timing of traditional practices, as stated in the response.</p> <p>Required Action #16 was addressed.</p> |
| ATRI-12 | Section 5.1 | <p>Sections 12.4 and 19.2 of the Guidelines, require:</p> <ul style="list-style-type: none"> • where possible, information about members within an Indigenous group, and their role in the exercise of rights (e.g., women, men, Elders, youth, people with disabilities); • how the Indigenous group's cultural traditions, laws and governance systems inform the manner in which they exercise the | <p>Required Action #17 Update the study plan to describe the methodology or approach that will be used to identify detailed and measurable indicators related to section 35 rights, as outlined in Sections 12.4 and 19.2 of the Guidelines.</p> <p>Required Action #18 Update the study plan to identify how and when Indigenous groups will be provided opportunities to validate the</p> | <p>The Study Plan has been updated to include indicators related to section 35 rights.</p> <p>The Study Plan has been updated to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices.</p> | | <p>Required actions #17 and #18 were addressed.</p> |

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| | | <p>rights (the who, what, when, how, where and why);</p> <ul style="list-style-type: none"> • where they exist, identification of thresholds identified by the community that, if exceeded, may impair the ability to meaningfully exercise of rights; • pre-existing (real or perceived) impacts and cumulative effects that are already interfering with the ability to exercise rights or to pass along Indigenous cultures and cultural practices (e.g., language, ceremonies, Indigenous knowledge). <p>Section 6 of the Guidelines requires the proponent to provide Indigenous groups with an opportunity to comment on the list of valued components and indicators.</p> | list of valued components and indicators related to Indigenous cultural sites, features, and practices as required by Section 6 of the Guidelines. | | | |
| ATRI-13 | Section 5.2 | | <p>Required Action #19 Update the study plan to include details on how the effects assessment methodology for the assessment of impacts on physical and cultural heritage, current use of land and resources for traditional purposes, and the exercise of section 35 rights would meet the expectations of Section 13.1 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work.</p> <p>Update the study plan to identify how and when Indigenous groups will have opportunities to define VC scoping and inform effects analysis, including the identification of VCs and the effects pathways that Indigenous groups have identified as likely to contribute to an impact on section 35 rights.</p> | <p>The Study Plan has been updated to include details on the effects assessment methodology to meet expectations of Section 13.1 of the TISG. The IS will describe in the detail the potential adverse and positive effects in relation to each phase of the Project, Preliminary potential effects have been included in the updates Study Plan.</p> <p>See responses to ID #1, #9, #10, #25, #26, #27, #32, #36.</p> | | Required action #19 was addressed. |

| New comments from the Federal Review Team on the Aboriginal and Treaty Rights and Interests Study Plan submitted in June, 2021. | | | | |
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| ATRI-14 | <p>Table 4-1: Identified Neighbouring Indigenous Communities, including their Provincial Territorial Organizations and / or Tribal Council Affiliations</p> <p>“Long Lake #58 First Nation**</p> <p>Animbiigoo Zaagi’igan Anishinaabek First Nation*</p> <p>* Indigenous communities or organizations identified by the MECP who should be consulted on the basis that they may be interested in the Community Access Road.</p> <p>** The MECP indicated in a letter to MFFN that Long Lake #58 First Nation was moved from interest-based to rights-based.”</p> <p>Consultation Plan, Section 3.1</p> <p>“...The above list of communities expected to have a heightened interest in the Project is preliminary, and it is expected that the list will evolve as new information becomes available and more neighbouring Indigenous communities engage in the consultation and engagement opportunities provided. In addition to receiving all statutory notices and being provided with comprehensive information related to the Project throughout the EA / IA processes and the full opportunity to review and comment on key EA / IS documents, these communities will also be encouraged to meet (in-person, by phone or online), more often and as needed, to discuss the Project and gather feedback from the community (see Table 4.2 for a list of the input that will be sought)...”</p> | <p>Section 6</p> <p>“...The Agency requires the proponent to engage with, at a minimum, the communities listed in the <i>Indigenous Engagement and Partnership Plan</i>...”</p> | <p>Animbiigoo Zaagi’igan Anishinaabek First Nation and Long Lake #58 First Nation are included in the Indigenous Engagement and Partnership Plan as Indigenous groups identified by the Agency for consultation, on the basis that the Project may adversely impact the exercise of Aboriginal and Treaty rights.</p> <p>Animbiigoo Zaagi’igan Anishinaabek First Nation indicated to the Agency that they exercise their rights on the land near the project area³.</p> <p>The Agency recommends engaging with Animbiigoo Zaagi’igan Anishinaabek First Nation to understand where and how they exercise their rights in the area surrounding the Project as well as assess potential impacts of the Project.</p> | <p>Section 6 of the Guidelines require that Animbiigoo Zaagi’igan Anishinaabek First Nation and Long Lake #58 First Nation be equitably engaged on the Project.</p> <p>Engage with Animbiigoo Zaagi’igan Anishinaabek First Nation to understand how they exercise their rights in the area surrounding the Project.</p> |
| ATRI-15 | <p>4.2 Indigenous Communities</p> <p>“The Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in Table 4-1, which is inclusive of all Indigenous communities identified in the <i>Indigenous Partnership and Engagement Plan for the Marten Falls Community Access Road Project Impact Assessment</i> (the Agency 2020a) (referred to as the Indigenous Engagement and Partnership Plan).</p> <p>Indigenous communities will be provided the opportunity to be involved at critical decision-making points throughout the IS / EA Report so that the Proponent can consider and incorporate, where appropriate Indigenous Knowledge and Indigenous land and resource use information into the Project as it pertains to the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input. The study plans have recognized Indigenous community input received on the Project to date. Indigenous communities will have the opportunity to comment on components of the</p> | <p>Section 12</p> <p>Proponents are required to engage with Indigenous groups in developing baseline conditions, in order to identify and understand the potential impacts of their projects on Indigenous peoples, the exercise of Aboriginal and Treaty rights and to incorporate Indigenous knowledge into the impact assessment. The results of any engagement should be presented in the Impact Statement, and, as best as possible should reflect the perspective of the Indigenous peoples involved.</p> <p>The proponent is required to provide an opportunity for Indigenous groups to review the information that pertains to them prior to submission of the Impact Statement. The Impact Statement must indicate where input from Indigenous groups has been incorporated, including Indigenous knowledge. To the extent possible, information should be specific to the individual Indigenous group(s) involved in the assessment, and describe contextual</p> | <p>A description of efforts to engage with individuals or groups who are not amongst ‘interested persons’ should be provided. Certain populations may be less likely to voluntarily express their views, and steps should be taken to remove barriers to ensure their participation.</p> | <p>Include in the Impact Statement detailed descriptions of the Indigenous groups that are being engaged and of those that do not wish to participate, and provide contextual information regarding historical and current trends.</p> <p>Describe actions taken to raise interest in the Project from potentially impacted Indigenous groups who chose not to participate in engagement activities.</p> |

³ [2020-02-24 - Marten Falls Community Access Road - Summary Table of Comments \(iaac-aeic.gc.ca\)](https://www2.gov.bc.ca/gov2/industry/03_environment_and_nature/03_environment/03_environmental_assessment/03_ea_projects/2020-02-24_-_Marten_Falls_Community_Access_Road_-_Summary_Table_of_Comments_(iaac-aeic.gc.ca))

New comments from the Federal Review Team on the Aboriginal and Treaty Rights and Interests Study Plan submitted in June, 2021.

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| | study plans throughout the IS / EA Report consultation and engagement process.” | <p>information about the members within an Indigenous group (e.g., women, men, Elders and youth).</p> <p>Where Indigenous groups do not wish to participate, the proponent is encouraged to continue sharing information and analysis with the Indigenous groups of the potential effects of the Project, and to use available public sources of information to support the assessment.</p> | | |
| ATRI-16 | Throughout the study plan – including Sections 4.3, 7, 7.3, table 9-1 | <p>Section 5 “...a description of efforts made by the proponent to engage diverse populations, including groups identified by gender, age or other community relevant factors (e.g., recreational hunters) to support the collection of information needed to complete the GBA+;...”</p> <p>Section 6 “...a description of efforts to engage diverse populations of each Indigenous group in culturally appropriate ways, including groups identified by gender, age or other community relevant factors (e.g., hunters, trappers, and other harvesters) to support the collection of information needed to complete the GBA+;...”</p> <p>Section 7 “...The application of GBA+ to baseline conditions for diverse subgroups is necessary to support the GBA+ of effects. GBA+ uses standard social science quantitative and qualitative data collection and analysis methods to describe baseline conditions across diverse subgroups...”</p> <p>Section 13.1 “...As applicable, the effects assessment must be sufficiently disaggregated and analysed to understand differences in norms, roles and relations for diverse subgroups; the different level of power they hold; their differing needs, constraints and opportunities, and the effects of these differences in their lives including consideration of disproportionate effects to surrounding communities...”</p> | <p>Although the proponent indicated intent to provide a detailed overview of the target population group(s) and local context, disaggregated baseline information will be essential to demonstrate changes over the life of the project and to provide a reference point for assessing gender equality results. This will allow clear identification of the segments of the population that will either benefit or be negatively impacted by the Project. Disaggregated data can provide a detailed description of how identity factors (gender, sex, age, ability, etc.) are, for example, tied to specific places or areas, culturally significant ceremonies, and relationships and responsibilities to the land and to the community.</p> <p>The Proponent has not included how the data/information collected from project specific activities will be disaggregated to identify and monitor potential benefits and adverse impacts.</p> | <p>Provide details to demonstrate how information or data collected will be disaggregated to identify and monitor potential benefits and adverse impacts, as per the requirements in Sections 5, 6, 7 and 13 of the Guidelines.</p> <p>Provide details to demonstrate how engagement opportunities will be designed to gather disaggregated data from diverse groups and subgroups.</p> |
| ATRI-17 | 7.3.2 Project-specific Studies “...Project-specific studies are intended to enable primary information and data collection to support the establishment of baseline conditions and the assessment for the Aboriginal and Treaty Rights and Interests VCs; these studies are also intended to support the collection of IK and perspectives | Section 6.3 “...The Impact Statement must provide a record of engagement that describes all efforts, successful and unsuccessful, taken to seek the views of each potentially affected Indigenous group with respect to the Project. This record of | While the proponent highlights the importance of selecting a diversity of participants, there are opportunities to clarify how barriers will be reduced for individuals who may face challenges to participation. Consider what the barriers are to participation and what concretely can be done to reduce barriers. Inclusion may require deliberate efforts to remove | Add a commitment to inclusive ongoing consultation with non-Indigenous groups, Indigenous groups, and diverse sub-groups from those populations. |

New comments from the Federal Review Team on the Aboriginal and Treaty Rights and Interests Study Plan submitted in June, 2021.

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| | <p>relevant to the technical aspects of the IA / EA including environment, health, social and economic conditions, where possible. As described in Section 7.3, the Guidance Document and associated materials are intended to facilitate this...</p> <p>...Select study participants: this should be done with consideration for the importance of selecting a diversity of participants (women, Elders, youth) to support Gender-Based Analysis Plus; ...</p> <p>...Collect the information: this could be done through workshops, focus groups, interviews, or a combination of these depending on what will work best for each community or group;..."</p> | <p>engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement during the planning phase and in the preparation of the Impact Statement. The Impact Statement must include, at a minimum:</p> <p>.... a description of efforts to engage diverse populations of each Indigenous group in culturally appropriate ways, including groups identified by gender, age or other community relevant factors (e.g., hunters, trappers, and other harvesters) to support the collection of information needed to complete the GBA+;..."</p> | <p>potential barriers (e.g. transportation costs, accessible buildings, surveying in public and/or consumer spaces such as shopping malls, child-friendly or child-minding services during focus group sessions). Community engagement and consultation will support an understanding of the social and historical context of the community but to be meaningful, it must include diverse perspectives (and particularly of those who's voices are less often heard). Engagement and consultation should also be regular and ongoing.</p> | |
| <p>ATRI-18</p> | <p>Table 9-1: General Assessment Methodology for Aboriginal and Treaty Rights and Interests</p> <p>Step 2: Understand the context in which impacts on rights would occur.</p> <p>General Description: Identify the environmental and socio-economic conditions that support the community's meaningful exercise of their rights.</p> | <p>Section 19.1 "...The potential effects, to consider assessing include both adverse and positive effects to the current use of land and resources for traditional purposes, physical and cultural heritage, and environmental, health, social and economic conditions of Indigenous peoples impacted by the Project, including interferences of the Project with the following..."</p> | <p>Section 19.1 of the Guidelines requires that the proponent assess the effects to environmental, health, social and economic conditions of Indigenous peoples impacted by the Project.</p> <p>Table 9-1 include environmental and socio-economic conditions but does not list health. Provide details to demonstrate that the effects to the health condition of Indigenous people will be considered as well as environmental, social and economic conditions.</p> | <p>Provide in the Impact Statement details to demonstrate that impacts of the Project to the health condition of Indigenous people will be considered in addition to environmental, social and economic effects, to meet the requirements of Section 19.1 of the Guidelines.</p> |
| <p>ATRI-19</p> | <p>Table 11-1 Study Plan Federal and Provincial Concordance – Conformance with Requirements "Information on how questions, comments and issues raised by Indigenous groups will be documented and responded to is provided in the Consultation and Engagement Plan to Support the Environmental Assessment / Impact Statement (IS / EA Consultation Plan)"</p> <p>"Information on the Record of Consultation and Engagement that will describe all efforts, successful and unsuccessful, taken to seek the views of each potentially affected Indigenous group with respect to the Project is provided in the IS / EA Consultation Plan. This Record of Consultation and Engagement will include all engagement activities undertaken prior to the submission of the Impact Statement during the planning phase and in the preparation of the Impact Statement."</p> | <p>Section 6.2 "...The Impact Statement must provide an analysis of the input received from all Indigenous groups and sub-populations (e.g., Indigenous women and youth) that may be differentially impacted by the Project, with respect to the Project. This analysis is to include all input received by Indigenous groups prior to, and since commencing, the impact assessment process. This analysis is to include, and not be limited to, the identification of potential effects and impacts, including impacts on the exercise of Aboriginal and Treaty rights and the identification of specific valued components where appropriate..."</p> <p>"...The Impact Statement must also document how the proponent responded to questions, comments and issues raised by Indigenous groups, and how unresolved matters have been addressed. Any proposed mitigation measures are to be clearly linked, to the extent possible, to valued components in the Impact Statement as well as to specific project components or activities. The analysis and responses are to include..."</p> | <p>The study plan seems to indicate that some engagement activities have taken place with Indigenous groups, however, no summary of the engagement activities that took place to date is provided in the study plan.</p> <p>The study plan indicates that the information was documented in the Record of Consultation.</p> <p>As per Sections 6.2 and 6.3 of the Guidelines, the Impact Statement must provide information on where and how Indigenous groups' knowledge, perspectives and input were integrated into or contributed to decisions regarding the Project and document how the proponent responded to questions, comments and issues raised by Indigenous groups, and how unresolved matters have been addressed.</p> | <p>Provide in the Impact Statement the necessary information to meet the requirements of Sections 6.2 and 6.3 of the Guidelines.</p> |

New comments from the Federal Review Team on the Aboriginal and Treaty Rights and Interests Study Plan submitted in June, 2021.

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| | | <p>- where and how Indigenous groups' knowledge, perspectives and input were integrated into or contributed to decisions regarding the Project..."</p> <p>Section 6.3 "...The Impact Statement must provide a record of engagement that describes all efforts, successful and unsuccessful, taken to seek the views of each potentially affected Indigenous group with respect to the Project. This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement during the planning phase and in the preparation of the Impact Statement..."</p> | | |
| <p>ATRI-20</p> | <p>Through out document</p> | <p>Section 7.3 "...Considerations in assigning appropriate study areas or boundaries would include, but not be limited to:</p> <ul style="list-style-type: none"> • areas of known Indigenous land, cultural, spiritual and resource use;..." <p>Section 7.4.1 "...The Impact Statement must describe the spatial boundaries...including cultural and spiritual practices; and physical, ecological, technical, social, health, economic and cultural considerations..."</p> | <p>The cultural valued component is referenced inconsistently throughout the study plan. For example, in Section 6.6 of the study plan there is a general category of 'Cultural, Spiritual and Sacred' and in Appendix E, question guide, there are questions specific to Cultural/Spiritual/Sacred Sites. However, there are other sections that only describe Cultural items and it is unclear what is meant by 'Cultural'.</p> | <p>Provide in the Impact Statement further clarity regarding the "cultural valued component", adding, as appropriate, 'spiritual' and/or 'sacred' to ensure these distinction are clearly indicated.</p> <p>Clarify the use of the term "cultural" in the study plan, perhaps by adding the meaning of the term for the study plan in the glossary. If appropriate, consider also clarifying the distinction between spiritual and/or sacred cultural valued component.</p> |
| <p>ATRI-21</p> | <p>Table 4-2: Consultation and Engagement Milestones, Schedules, Activities and Targeted Input</p> <p>Milestone: Notice of Commencement of the Provincial EA</p> | <p>Section 3.2 "...The Impact Statement must include a schedule including time of year, frequency, and duration for all project activities..."</p> | <p>The first milestone in Table 4-2 references the provincial process only. However, the "targeted input" references both the EA and IS.</p> <p>For clarity, it is recommended that the federal Impact assessment process be referenced as well.</p> | <p>Include in the consultation plan clear references to the milestones of the federal impact assessment process, as appropriate.</p> |
| <p>ATRI-22</p> | <p>Section 5 Consideration of Indigenous Knowledge in the IS / EA Report "All Indigenous communities and groups identified by the MECP and the Agency (see Table 4-1) have the opportunity to participate in the IK Program. The IK Program provides interested Indigenous communities with an opportunity to: share existing IK and information on Indigenous land and resource use and cultural values that may be relevant to the Project, and / or complete Project-specific studies to collect and share IK and information on Indigenous land and resource use and cultural values. The IK Program includes opportunities for Indigenous communities and groups to meet with the Proponent to discuss the program, ask questions, and share concerns and interests. The IS / EA Consultation Plan outlines the process for obtaining information and feedback about the Project from Indigenous communities (i.e., the</p> | <p>Section 8.6 "...The Impact Statement must: – identify all springs and any other potable surface water resources within the local and regional project areas and describe their current use, potential for future use, and whether their consumption has Indigenous cultural importance – identify all domestic, communal, or municipal water wells within the local and regional project areas, including their screened hydrostratigraphic unit and piezometric level; describe their current use, potential for future use, and whether their consumption has any Indigenous cultural importance..."</p> <p>Section 8.7</p> | <p>It is unclear how many of the requirements of the Guidelines (including, but not limited to Sections 8, 9, 10, 11 and 12) related to lands and resource uses by Indigenous people will be met if some Indigenous groups are unable or unwilling to participate in the Indigenous Knowledge program.</p> <p>Section 12.2 of the Guidelines requires that the Impact Statement include information on the current use of lands and resources for traditional purposes (e.g., hunting, fishing, trapping, plant gathering, ceremonial or spiritual practices) of all potentially impacted Indigenous groups.</p> <p>There are multiple examples in the concordance table where the response to these requirements (see examples in column to the left) is that information collected through the IK Program will be shared with each relevant technical</p> | <p>Include further information describing alternative approaches offered to gather information related to lands and resource use for Indigenous groups who are unable or unwilling to participate in the IK program.</p> <p>Provide engagement opportunities to groups to share information about land and resource use even if they are unwilling or unable to participate in the IK program.</p> <p>Submit to the Agency a workplan for the ATRI study plan that details how, when, who and what topics will be covered when technical teams engage groups to solicit perspectives and information relevant to the Project.</p> |

New comments from the Federal Review Team on the Aboriginal and Treaty Rights and Interests Study Plan submitted in June, 2021.

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| | <p>Consultation and Engagement Program).”</p> <p>7.2.3 Project Specific Studies “Project-specific studies are intended to enable primary information and data collection to support the establishment of baseline conditions and the assessment for the Aboriginal and Treaty Rights and Interests VCs; these studies are also intended to support the collection of IK and perspectives relevant to the technical aspects of the IA / EA including environment, health, social and economic conditions, where possible. Based on communications to date, it is expected that Indigenous communities or groups interested in participating in the IK Program and specifically in completing a Project-specific study will undertake these studies on their own or with the support of consultants.”</p> <p>Section 10 Assumptions “Indigenous communities and groups interested in meaningfully participating in the IA / EA but not necessarily interested or able to participate in the IK Program will be provided with opportunities to participate through the Consultation and Engagement Program for the Project.”</p> <p>Table 11-1 Study Plan Federal and Provincial Concordance – Conformance with Requirements “Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes questions related to.....(refer to Appendix E of the Guidance Document). There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the baselines and assessments”</p> <p>“The Study Plan has been updated to reflect that the IK Program and associated Guidance Document will strive to collect IK and inputs that are relevant to other technical aspects of the assessment. The Guidance Document includes information on how IK and other information shared through the IK Program can be used to inform the various technical aspects of the impacts assessment including baseline conditions (refer to Section 4 of the Guidance Document). It also includes questions that could be used to solicit information to inform technical aspects of the assessment, including the natural and socio-economic environments (e.g., questions about important fish and wildlife use areas, questions about country</p> | <p>“...The Impact Statement must: – describe the use of local vegetation for medicinal or cultural purposes or as a source of country foods (traditional foods) – describe any other plant species of concern for consumption or where use has any Indigenous cultural importance...”</p> <p>Section 8.8 “...The Impact Statement must: – describe the use of fish and/or aquatic species...for consumption or where use has Indigenous cultural importance...”</p> <p><i>(Note: the above are examples of requirements, please refer to the Guidelines for a complete list)</i></p> <p>Section 12.2 “...The Impact Statement should include information on the current use of lands and resources for traditional purposes (e.g., hunting, fishing, trapping, plant gathering, ceremonial or spiritual practices) of all potentially impacted Indigenous groups...”</p> | <p>discipline team and that the Guidance Document shared with the groups includes questions related to the topic.</p> <p>Indigenous groups who are not participating in the IK Program should still be provided with the opportunity to be engaged on traditional lands and resource use to meet the requirements of the Guidelines. Section 10 of the study plan indicates that these groups will be able to participate through the Consultation and Engagement Program. However, more details is needed to clarify whether the Consultation and Engagement program will target input on traditional lands and resource use for groups who are not participating in the IK program.</p> <p>More detail is needed about the opportunities for technical teams to engage with Indigenous groups on the baseline programs for other Valued Components that could be related to traditional uses (groundwater / surface water, vegetation, fish and fish habitat etc).</p> | |

New comments from the Federal Review Team on the Aboriginal and Treaty Rights and Interests Study Plan submitted in June, 2021.

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| | <p>food consumption – refer to Appendices D and E in the Guidance Document. It is also important to note that soliciting IK to inform baseline conditions for other technical aspects of the assessment does not necessary come just from direct questions but can be gleaned from information on Indigenous land and resources use (e.g., where certain species are harvested and why).”</p> <p>Consultation plan, Section 4.1.5 Summary of Consultation Activities</p> <p>If Indigenous Knowledge is brought forward by a neighbouring Indigenous community during consultation and engagement activities, the community will be invited to participate in the Indigenous Knowledge Program.</p> | | | |
| ATRI-23 | Consultation plan, Table 4-2 | <p>Section 6</p> <p>“In addition to the requirements set out in section 6.1, 6.2 and 6.3, the proponent must provide Indigenous groups with an opportunity to:</p> <ul style="list-style-type: none"> • provide Indigenous knowledge during baseline data collection; • comment on the list of valued components and indicators; • inform the effects assessment and review its conclusions; and • inform the development of mitigation measures and follow-up programs.” | <p>The Consultation Plan included in the ATRI study plan indicates that, in the summer and fall of 2021, feedback will be obtained on planned baseline field studies, existing conditions and results of baseline field studies completed, EA / IA processes, local and regional study areas, project phases, criteria and indicators, Project-environment interactions and characteristics of net effects.</p> <p>The Agency understands that this was the anticipated timeline and may have changed. However, it is unclear if this engagement has been done or if there is an updated schedule available.</p> | In a work plan, provide details to confirm whether this engagement has been completed. If not started or completed, provide an updated timeline to show when this engagement will be done. |
| ATRI-24 | <p>Editorial - Footnote 16, Section 9.3</p> <p>“In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs. The VCs will be consulted and engaged on early in the IA/EA process and finalized taking into consideration the input received. Therefore, only information relevant to the Project that arises from the regional assessment of the Ring of Fire within an appropriate timeline will inform the VCs for the Project.”</p> | | <p>The statement in the footnote 16 in Section 9.3 “<i>In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs.</i>” is inaccurate, as the Regional Assessment in the Ring of Fire area has not yet begun.</p> | <p>Replace the text in footnote 16 with “<i>In February 2020, the Minister of Environment and Climate Change determined that a regional assessment will be conducted in an area centred on the Ring of Fire mineral deposits in northern Ontario. Relevant information available in relation to the Regional Assessment in the Ring of Fire area would be considered in the impact assessment of the Project.</i>”</p> |
| ATRI-25 | <p>Section 10</p> <p>“The IS / EA Report will indicate where input from Indigenous communities and groups, including where IK, has been incorporated.”</p> | <p>Section 6.2</p> <p>“...where and how Indigenous groups’ knowledge, perspectives and input were integrated into or contributed to decisions regarding the Project (e.g., project design), including:</p> <ul style="list-style-type: none"> • scoping, development and collection of baseline information; • plans for construction, operation, decommissioning, abandonment, and maintenance; and • follow-up and monitoring.... <p>...Where and how Indigenous groups’ knowledge, perspectives and input were integrated in the characterization of the nature of environmental, health, social and economic</p> | <p>Section 10 of the study plan indicates that the IS/EA Report will include information about where input from Indigenous groups has been incorporated. Section 6 of the Guidelines requires information about where and <u>how</u> Indigenous groups’ knowledge, perspectives and input were integrated.</p> | <p>As required in Section 6 of the Guidelines, include in the Impact Statement details about where and how Indigenous groups’ knowledge, perspectives and input were:</p> <ul style="list-style-type: none"> • integrated into or contributed to decisions regarding the Project; • Integrated into the characterization of the nature of environmental, health, social and economic effects and impacts expected from the Project; and • integrated in avoiding, mitigating or accommodating identified effects and impacts. |

| New comments from the Federal Review Team on the Aboriginal and Treaty Rights and Interests Study Plan submitted in June, 2021. | | | | |
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| # | Study Plan Section | Guidelines Section | Context | Required Action for the Proponent |
| | | effects and impacts expected from the Project for each Indigenous group... ...where and how Indigenous groups' perspectives and Indigenous knowledge and input were integrated in avoiding, mitigating or accommodating identified effects and impacts..” | | |
| ATRI-26 | Table 11-3: Study Plan Federal and Provincial Concordance – Requirement Deviations | | Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process. The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team. | |
| ATRI-27 | Section 7.3 “...For each of the valued components that will be assessed in the Impact Statement, the proponent must create a study plan and a work plan to be validated by the Agency. Upon receipt of a study plan, the Agency may request that the proponent present and discuss the study plan at technical meetings, which will be scheduled during the impact statement phase...” | In order to meet the requirements of Section 7.3 of the Guidelines, a work plan for each valued component must be submitted to the Agency for validation. Since the Aboriginal and Treaty Rights and Interests study plan does not outline when baseline data will be collected for each Indigenous group (i.e., scheduling, sequencing), the submission of a work plan that provides this information is required. | Provide a work plan that outlines how the study plan will be executed in the field, including when baseline data will be collected. The work plan should include scheduling and sequencing of engagement activities relative to proposed baseline work, engagement on the study plan, spatial and temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge. In addition, the work plan should outline when information will be collected for each relevant valued component, including environmental, social, health and economic interests. See also comments ATRI-04, ATRI-22 and ATRI-23. | |

Comments from the Federal Review Team on Marten Falls Community Access Road Project Economic Study Plan – October 25, 2021

It is essential that the Impact Statement for the Marten Falls Community Access Road Project (the Project) address all requirements outlined in the Tailored Impact Statement Guidelines (the Guidelines), and that the study plans outline a clear approach to achieving these requirements. The Impact Assessment Agency of Canada (the Agency) has highlighted sections of the Guidelines where requirements for the Impact Statement may not be met, based on content of the draft study plan submitted to the Agency. Note that this table does not provide an exhaustive list of the requirements described in the Guidelines. The Guidelines should be reviewed in their entirety, including the sections identified below.

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| GC-01 | Section 5 - Public Participation and views (including 5.1, 5.2) | <p>Provide a clear description in the study plans of how public engagement opportunities have been and/or will be integrated into the impact statement phase. This must include detail on how the public will have opportunities to provide input to contribute to the development of the Impact Statement, as required in Section 5 of the Guidelines.</p> <p>Describe what engagement with the members of the public listed in the Public Participation Plan has been done in the development of the study plans, and/or any planned engagement with members of the public on the proposed study plans.</p> | <p>Section 4: describes how the Proponent will provide Project notices and opportunities with members of the public listed in the Public Partnership Plan. This will also include the opportunity to provide input on the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures as applicable. A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input. The study plans have recognized public and agency input received on the Project to date.</p> | Section 4.1 “A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.” | <p>Section 4.1 of the study plan mentions that “<i>a variety of activities will be offered</i>”, however, no details on the likely engagement activities are provided.</p> <p>As required by Section 5 of the Guidelines, the Impact Statement must provide a record of engagement that describes all efforts taken to seek the views of local communities and other stakeholders with respect to the Project, including on the study plans. This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement, including prior to and during the planning phase, and in the preparation of the Impact Statement.</p> <p>Provide details on the timeline for public engagement relative to the project workplan, including engagement relative to the schedule for baseline work, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> <p>Demonstrate in the Impact Statement how comments provided by members of the public on the economic conditions were taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions</p> |
| GC-02 | Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3) | <p>Provide a clear description in the study plans of how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will have opportunities to provide Indigenous knowledge, including the validation of how information they provided was applied. The study plan should include a description of the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that the guidance outlined in Section 6.2 of the Guidelines has been incorporated into the study plans.</p> | <p>In Section 4.2 it is noted that the Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in the Indigenous Partnership and Engagement Plan. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input.</p> <p>Section 2.1.1 outlines the approach to handling confidential information, by means of permission from Indigenous communities to include Indigenous Knowledge in the IS / EA Report, regardless of the source of the Indigenous Knowledge.</p> | <p>Sections 4.2 “...A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input...”</p> <p>“...Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process...”</p> | <p>Section 4.2 of the study plan states that “<i>a variety of activities will be offered</i>”, however, no details on the planned engagement activities are provided.</p> <p>Section 4.2 of the study plan also states that “<i>Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process</i>”, however, it is unclear on which components of the study plan the project team plans to engage. It is also unclear whether Indigenous groups will be provided with a meaningful opportunity to provide input on a preliminary approach/method for baseline data collection, as required in Section 6 of the Guidelines, or if engagement will take place after the baseline data collection is complete.</p> |

¹ Refer to complete sections of the Guidelines for more context.

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| | | Describe what engagement with all the Indigenous groups listed in the Indigenous Engagement and Partnership Plan has been done in the development of the study plans, and/or any planned engagement with Indigenous groups on the proposed study plans, particularly in relation to collection of Indigenous knowledge (i.e. develop the work plan in collaboration with those Indigenous groups that would need to provide knowledge). | The study plans have recognized Indigenous community input received on the Project to date. | | Provide details on the timeline for Indigenous engagement on the economic study plan, including engagement relative to the schedule for baseline work, and spatial and temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge, and in consideration of the project team's timeline for the development of the Impact Statement. Demonstrate in the Impact Statement that comments provided by Indigenous groups on the economic conditions were taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions |
| GC-03 | Section 6.2 - Analysis and response to questions, comments, and issues raised | Revise the study plans to include an approach to handling confidential information that demonstrates adherence to the guidance provided in Section 6.2 of the Guidelines. | Section 2.1.1: Section has been updated to include information regarding both confidentiality and permission information on all collected Indigenous Knowledge, regardless of the source. This section also includes how information regarding the Indigenous Knowledge Sharing Agreements will be established by the Proponent and Indigenous community participating in the Program. | Section 2.1.1 “...Sensitive and / or confidential information collected through Indigenous Knowledge Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the Indigenous Knowledge Program prior to the sharing and use of any sensitive information. Instances where Indigenous Knowledge sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement, including where Indigenous Knowledge was incorporated into Project decisions and into the IS / EA Report (i.e., specifics will not be included in the Record of Consultation and Engagement given the potential sensitivity and / or confidentiality of the information shared)...” | As required in Section 6 of the Guidelines describe the confidential information provided by each Indigenous group. Present the content in sufficient detail to support understanding of the potential effects and impacts on rights, while also protecting confidential/sensitive specifics and respecting stipulations in the confidentiality agreements (e.g. use buffer areas instead of specific locations, etc.). Provide to the Agency, in the form of a letter from the Indigenous group that shared confidential information, a letter confirming that: <ul style="list-style-type: none"> the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed. |
| GC-04 | Study plans spatial boundaries | Describe the approach to be implemented to demonstrate how the definitions of the proposed study area boundaries: <ul style="list-style-type: none"> encompass the anticipated boundaries of the Project's effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan; and take into account community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, | Section 6.2: General information on study areas for the Project, including a detailed list of what was considered to develop the discipline-specific local and region study areas, is included in each study plan. Each study area has been proposed taking into consideration community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices, physical, ecological, technical, social, health, economic and cultural considerations available at this time. The proposed discipline-specific study areas are preliminary. The proposed study areas will be | Section 6.2.1 “The preliminary LSA currently being considered within the scope of the ongoing provincial regulatory review process generally includes the area within 2.5 km of the centreline of Alternative 1 and Alternative 4.” | Section 7 of the Guidelines, states that “The size, nature and location of past, present and foreseeable future projects and activities are factors that should be included in the definition of spatial boundaries.” It is unclear how a Local Study Area of 2.5 km from the centreline of the Project would be appropriate to assess direct effects on economic conditions. At a minimum, the upgrades to the Anaconda and Painter Lake forestry access roads, the Northern Road Link Road Project, the Webequie Supply Road Project, as well as winter roads, activities and communities connected through these roads should be included in the Local Study Area. |

| General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020 | | | | | |
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| # | Tailored Impact Statement Guidelines Section ¹ | Required Action for Proponent | Proponent Response | Final Study Plan Section Reference | Agency comments |
| | | technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and foreseeable future projects and activities. | consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program provides additional opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples to be shared in greater detail. | | <p>Update the study plan to demonstrate that factors outlined in Section 7 of the Guidelines were taken into account in defining preliminary spatial boundaries for the Project.</p> <p>As required in Section 7.4.1 of the Guidelines, provide information regarding how the following were/will be taken into account in defining the spatial boundaries: community knowledge and Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and reasonably foreseeable future projects and activities.</p> <p>Ensure that the economic conditions Regional Study Area encompasses the spatial boundary of cumulative effects.</p> <p>Provide the above information in a way that allows those who provided the knowledge to the proponent and the Agency to see their input reflected in the Impact Statement. It is not sufficient to state that “input from participants will be/was taken into account”.</p> |
| GC-05 | Section 7 - Baseline Methodologies (Including 7.1, 7.2, 7.3, 7.4) | <p>Provide clear descriptions in the study plans of the proposed study areas and the criteria used to define the study areas for each valued component.</p> <p>Provide clear descriptions of the timing of previously collected data (days/month/year) and future approximate (month/year or season/year) for every field work planned and the criteria used to tailor the temporal boundaries to the valued components under consideration.</p> <p>Describe how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be, or have been, engaged to provide input on spatial and temporal boundaries.</p> <p>Explain how the Agency will be provided opportunities to validate spatial and temporal boundaries.</p> | <p>Local Study Area (LSA) and Regional Study Area (RSA) for each valued component are described in Table 6-1, including rationale used to define the area.</p> <p>Study plans have been designed considering historical information, where applicable and available. Study plans will be updated with appended Work Plans, to be submitted at a future date, which will detail upcoming planned field activities.</p> <p>As detailed in both Section 4.2 and Section 6.2 the Proponent will continue to provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, including the LSAs and RSAs.</p> <p>Government agencies and interested persons will have the opportunity to comment on component of the study plans throughout the IS / EA Report consultation and engagement process</p> | <p>Sections 4.3, 4.4, 7.2.2 and 7.3</p> <p>Section 4.3 “...The economic data collection program will include primary data collection activities that may involve for example, targeted interviews, focus groups, questionnaires and other niche tools to gather information from diverse populations to resolve gaps in economic secondary data...”</p> <p>Section 4.4 “...For the Indigenous communities that express specific economic concerns, targeted economic data collection will be implemented through the economic data collection program, consistent with the likelihood of effect anticipated to the community as defined by the MFFN CAR Project Team...”</p> <p>Section 7.2.2 “...Focused data collection on gaps identified in the secondary sources related to VCs and indicators such as quality factors for services and infrastructure...”</p> <p>Section 7.3</p> | <p>To ensure that baseline data collection will meet the requirements of the Guidelines, the Agency advises the project team to share a workplan describing how the survey for economic data collection will be conducted. If it is not possible to provide this information in the study plans or workplans, the Agency requires an opportunity to review the collected baseline data/baseline reports prior to the preparation of the Impact Statement documentation.</p> <p>Include in the Impact Statement a baseline community profile for each Indigenous group listed in the Indigenous Engagement and Partnership Plan and for each local community listed in the Public Participation Plan, to meet the requirements of Section 11 of the Guidelines. The baseline community profiles should be used to inform the effects assessment required by Section 18 of the Guidelines.</p> <p>It is unclear whether any secondary baseline studies have been conducted to identify potential gaps in the baseline information requirements described in Section 11 of the Guidelines. Primary data collection should be used where secondary sources are unable to provide the required information.</p> <p>Update the study plan to provide the current status of the secondary baseline data collection analysis and specify</p> |

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| | | | | “...The primary economic data collection is anticipated to be conducted during the Spring and Summer of 2021, however this timing is subject to change and dependent on the larger Project schedule, including engagement and consultation activities...” | where gaps need to be addressed to meet the requirements in Section 11 of the Guidelines. |
| GC-06 | | Provide further details in the study plans on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines. | Section 4.3 has been updated to include the consideration of Identity and Gender-Based Analysis Plus (GBA+) including both Indigenous communities and their relevant subpopulations and non-Indigenous communities and their subpopulations. During consultation and engagement activities these groups (and any others defined during consultation) will be engaged with on targeted input. | Sections 4.3 and 9.8 | <p>A GBA+ framework should be applied to analyze historic and current power relations, decision-making processes, and how gender intersects with health, social, and economic conditions.</p> <p>Include equity considerations as a tool to ensure inclusiveness in the engagement process.</p> <p>Describe how GBA+ has been and will be applied to the consideration of engagement activities. Identify specific methods targeted to specific subgroups.</p> <p>Provide detail on how GBA+ has been integrated into all aspects of data collection methodology, including for the definition of indicators, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines.</p> <p>It is not sufficient to mention that Gender-Based Analysis Plus will be applied to the assessment. Clear descriptions of how GBA+ was integrated (including to which variables, method, and how it influenced results' interpretation) are needed in the Impact Statement.</p> |
| GC-07 | Section 13 - Effects Assessment (including 13.1, 13.2) | <p>Provide details to demonstrate how the Project's potential effects will be considered, as per the requirements in Sections 13 to 19 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work.</p> <p>Provide detail on how engagement with all Indigenous groups listed in the Indigenous Engagement and Partnership Plan and the public will inform the effects assessment and the selection of mitigation measures and follow-up program measures.</p> | <p>Project environmental interaction are separated into Project phases, and Project activities for each environmental discipline in their VC-specific study plan listed as Table 9-1.</p> <p>Information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the Indigenous Knowledge Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs.</p> | Throughout the study plan, Sections 6.2 and 9 | <p>As required in Sections 7 and 13 of the Guidelines, ensure that the effects assessment considers the effects of each of the project components (including but not limited to all alternative routes brought forward in the Impact Statement, all aggregates sources, access roads, etc.) and physical activities, in all phases, and that the assessment is based on a comparison to the data and information gathered during the proposed baseline work.</p> <p>Clarify the level of information that will be shared with, and explained to, the Indigenous Knowledge Program leads and whether study plans will be made available to all Indigenous groups listed in the Indigenous Engagement and Partnership Plan.</p> |
| GC-08 | Section 13.1 | Provide clear descriptions of the rationale behind the assumptions, including but not limited to the assumed average daily traffic and vehicles composition during the construction and | Section 10: Current assumptions to be used in the effects assessment have been identified. Any additional assumptions will be identified and rationale will be provided in the IS / EA Report. | Section 10 | Before conducting the effects assessment analysis, the Agency advises the proponent to seek the Federal Review Team's confirmation of the assumptions that will be used in the analysis or, at a minimum, to discuss the type of assumptions that will be considered. |

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| | | operation phases that will be considered for the effects assessment and the cumulative effects assessment. | | | As required by Section 13.1 of the Guidelines, ensure that the Impact Statement clearly outlines the assumptions used for the assessment of effects, including cumulative effects, on each valued component. |
| GC-09 | Section 19.2 - Impacts on the Exercise of Aboriginal and Treaty Rights | Describe an approach for identifying the potentially impacted rights of Indigenous peoples of Canada that are recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> , and for integrating the potential impacts on those rights into the collection of baseline information and the effects assessment. | All study plans reference how potential effects on Indigenous rights will be assessed in the Aboriginal and Treaty Rights and Interests Study Plan. Impacts on Rights considerations are explained in the rationale for defining a Local Study Area and Regional Study Area for Aboriginal and Treaty Rights and Interests VCs. Further information for this is listed in Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan. | Section 5, and Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan | Feedback will be provided in the Federal Review Team's comments package on the Aboriginal and Treaty Rights and Interests Study Plan. |
| GC-11 | Section 25 – Description of the Project's contribution to sustainability | Provide detail on the approach to meeting the requirements of Section 25 of the Guidelines regarding the description of the Project's contribution to sustainability. | Section 9: the sustainability assessment for the Project will be undertaken on the preferred alternative and will characterize the Project's contribution to sustainability incorporating the requirements set out in Section 25 of the Guidelines. | Section 9.7 | Section 9.7 of the study plan is listing the requirements outlined in Section 25 of the Guidelines. Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 25 of the Guidelines. |

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| EC-01 | Section 4.1 | Section 6 | Required Action # 1: Update the study plan to include the list of all Indigenous groups that will be engaged, at a minimum the Indigenous groups listed in the IEPP, as part of the baseline data collection, defining the list of criteria and indicators, and effects assessment analysis. The list should be consistent throughout the study plan | Table 4-1 in the updated Study Plan provides a list of Indigenous communities that will be engaged and consulted with on the Project, which is inclusive of all the groups listed in the IEPP provided by the Agency. | Table 4-1, Section 4.3, Section 7.2 | <p>Required Action # 1 was partially addressed.</p> <p>Section 7.2 of the study plan states that “Indigenous communities identified in Table 4-1 <u>may</u> be engaged for the purposes of economic data collection”.</p> <p>Provide a workplan that clearly outlines the approach to engage Indigenous groups listed in the Indigenous Engagement and Partnership Plan in determining the spatial and temporal boundaries specifically for the economic conditions valued component.</p> <p>The Impact Statement should clearly outline all perspectives and input received on spatial and temporal boundaries, including Indigenous and community knowledge, and demonstrate how these were integrated into or contributed to decisions regarding the Project (e.g., project design). If the Proponent determined that some perspectives and input received during engagement activities did not warrant consideration or integration into the decisions regarding the Project, a detailed description of the input and rationale for exclusion must be provided in the Impact Statement.</p> <p>In addition, Section 7.2 of the study plan states that “The economic primary data collection program will select key socio-economic knowledge holders to participate in the program.” Clarify how key socio-economic knowledge holders were selected.</p> |
| EC-02 | Section 3 | Section 6.2 | Required Action # 2: Provide further details on how input received from Indigenous groups will be tracked, considered, and reported to the Agency in the Impact Statement, as per the expectations of Section 6 of the Guidelines. | Indigenous communities will be engaged with as part of the overall consultation and engagement program for the Project, which is summarized in Section 4 of the updated Study Plan. All information and comments received from Indigenous communities will be logged, tracked and responses generated where applicable. Section 5 of the Study Plan describes the Indigenous Knowledge Program, another avenue for Indigenous communities to provide input on the Project. Section 2.1 has additional information on the Project's approach to handling confidential information | Sections 2.1, 4 and 5 | Required Action # 2 was partially addressed. See comment GC-03. |
| EC-03 | Sections 4 and 4.3 | Sections 5.2 and 6.3 | Required Action # 3: Describe in the study plan how the proponent will engage diverse populations to collect information necessary to support the GBA+ and how that information will be tracked, considered and reported in the Impact Statement. | The Economic Study Plan will integrate a GBA+ framework into the Economic data collection and assessment program. | Section 4.3 | Required Action # 3 was partially addressed. See comment GC-06. |
| EC-04 | Section 4.1 | Section 5 | Required Action # 4: Update the study plan to include the list of the members of the public and public groups that will be engaged, at a minimum the public participants listed in the | Considering the Economic VCs as presented in Table 9.2, and the study areas presented in Section 6.2, the Municipality of Greenstone is the primary public body | Section 6, Table 6-1 | Required Action # 4 was partially addressed. See comments GC-04 and GC-05. |

² Refer to complete sections of the Guidelines for more context

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| | | | PPP, as part of the baseline data collection and effects assessment analysis. The list should be consistent throughout the study plan. | that will be engaged with for data collection purposes to support the Economic assessments. There are no other public interests (non- Indigenous communities) in the LSA expected to experience Economic impacts from the project. Other public interests such as land users will be engaged with to support the Land and Resource Use assessment. The study plan for that discipline should be referred to for a list of public interests that will be engaged with. | | Provide a workplan that clearly outlines the approach to engage the members of the public listed in the Public Participation Plan in determining the spatial and temporal boundaries specifically for the economic conditions valued component. To meet the requirements of Section 5 of the Guidelines, engagement opportunities must be offered to <u>all</u> members of the public listed in the Public Participation Plan to gather input on the preliminary spatial boundaries proposed by the project team. |
| EC-05 | Section 4.1 | Section 11 | Required Action # 5: Update the study plan to include additional details on what will be sourced from primary sources, and what will be sourced from secondary information sources so that it is clear where information is being sourced for the criteria and indicators listed in the study plan. Required Action # 6: Update the study plan to provide additional detail on how the collection methodology of primary information would meet the expectations of Section 11 and other relevant sections of the Guidelines. | Primary data sources are identified in Section 7.2.2. As noted in Table 3-1, discussions with the Agency indicated that primary collection would be collected to fill in the gaps from secondary data sources. Section 9.2 of the Study Plan identifies relevant VCs and indicators for the Economic Environment and how primary information will be considered. | Section 7.2.2 "Primary data collection will include field work to collect qualitative data on the Economic Environment within communities potentially affected by the Project (included in Table 6-1)." Section 9.2 | Required actions # 5 and # 6 were partially addressed. It is unclear how the determination to only collect qualitative data through the primary data collection field work was made. As a first step in the analysis, secondary sources should be studied to understand the gaps in the available baseline data. Subsequently, to fill potential gaps, primary data collection, qualitative and/or quantitative, may be required. This includes data collection to fill potential information gaps related to GBA+ and baseline economic conditions, as required in Sections 7.1 and 11 of the Guidelines. Provide a rationale on the determination to only collect qualitative data from the anticipated primary data collection field work. In your rationale, include the data gaps and indicators that have not been identified through your secondary data collection that require field work to meet the requirements of Section 11 of the Guidelines. |
| EC-06 | Section 4.2 | Section 11 | Required Action # 7: Update the study plan to provide additional detail on how the collection methodology of secondary information would meet the expectations of Section 11 and other relevant sections of the Guidelines, including information sources to be used, and for which criteria and indicators they apply. | A list of secondary data sources can be found in Section 7.2.1. Section 9.2 of the Study Plan identifies relevant VCs and indicators for the Economic Environment and which sources of information will be considered. | Sections 7.2.1 and 9.2 | Required Action # 7 was addressed. |
| EC-07 | Section 5.1.2 | Sections 5 and 6 | Required Action # 8: Revise the study plan to describe a methodology and engagement approach that will meet the requirements of Sections 5, 6 and 7.4 of the Guidelines. Required Action # 9: Provide further detail on the rationale that is used to define the PSA, Local Study Area (LSA) and Regional Study Area (RSA) for each valued component, and describe how Indigenous groups and the public have been, or will be, provided an opportunity to inform the spatial and temporal boundaries. | Section 6.2 of the Study Plan identifies how the PDA (formerly PSA), LSA and RSA have been defined for the Project, including for the Economic Environment. Section 6.2.1 of the Study Plan identifies that the study areas can be further refined based on input from neighbouring Indigenous communities and interested persons. | Section 6.2 | Required actions # 8 and # 9 were partially addressed. See comments EC-01 and EC-04. |
| EC-08 | Section 5.1.2 | Section 1.1 | Required Action # 10: Update the study plan to define study areas that capture the Project's economic effects due to potential changes to | As currently defined, the Economic study areas are defined to capture the potential Economic effects of the Project on the surrounding environment. The study areas are also reflective of potential changes to land | Section 6.2.2 "The Economic LSA and RSA were defined based on secondary source information, including existing mapping | Required Action # 10 was partially addressed. Section 7.4 of the Guidelines states that the spatial boundaries should vary depending on the valued component |

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| | | | environment, health, social and economic conditions. | use, health, and social conditions that could directly or indirectly impact Economic considerations. | <p>and reports profiling relevant communities, to understand the extent to which community-level socio-economic interest was apparent in the PDA. More specifically, this included assessing the use of the PDA and / or a connection to the Project that has the potential to alter the Economic Environment of a community.”</p> <p>Section 6.2.2 “Communities in the Economic LSA are those who are anticipated to experience noticeable changes due to the Project. Comparatively, communities in the Economic RSA, which is regionally defined, are likely to be impacted by the Project in a less noticeable and more variable manner due largely to their limited use and connection to the PDA and future transportation infrastructure.”</p> <p>Table 6-1 “Communities located in close proximity to the access road such that the Project or resulting access has the potential to directly influence the Economic Environment of these areas. This is the area where most economic impacts are expected.”</p> <p>Section 7.2.2 “The specific scope of the primary data collection program will be informed by the final Economic study areas. However, it is anticipated primary data collection will focus on the communities most likely to be affected by the Project including MFFN and Aroland First Nation (Section 6.2).”</p> | <p>and that the proponent should validate with the Agency the spatial boundaries for each valued component.</p> <p>The local study area proposed in the economic study plan is very narrow and too geographically linked to the Project’s footprint to represent the area of influence and fully capture the potential impacts of the Project on the economic conditions valued component.</p> <p>See also GC-02, GC-04, EC-01 and EC-07.</p> |
| EC-09 | Section 5.2 | Sections 11 and 18 | <p>Required Action # 11: Update the study plan to include detailed and measurable indicators that meet the requirements in Sections 11 and 18 of the Guidelines.</p> <p>Demonstrate how input received from Indigenous groups through engagement activities were incorporated into the development of the criteria and indicators.</p> | <p>Table 9-2 identifies the valued components, indicators, and sub-indicators that will be considered in the Economic assessment for the Project. This table includes the rationale for selection and potential sources of information.</p> <p>Inputs received to date from Indigenous communities, agencies and interested persons through the Consultation and Engagement Program, including inputs received on the Draft ToR, have also been used to</p> | Table 9-2, Section 9.2 | <p>Required Action # 11 was partially addressed.</p> <p>The indicators and sub-indicators presented in Table 9-2 do not adequately specify the indicators that would be collected and assessed to meet the requirements of Sections 11 and 18 of the Guidelines. Specifically, the sub-indicators identified in Table 9-2 lack appropriate detail required to provide useful and meaningful information for the effects assessment.</p> <p>Table 11-1 of the study plan does provide an explanation as to how the requirements of Sections 11 and 18 of the</p> |

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| | | | | inform the selection of the VCs and indicators for the Economic discipline | | <p>Guidelines would be met, which includes a qualitative discussion on the type of indicators that may be used as part of the baseline data requirements. However, Table 11-1 still does not provide specific and measurable indicators, whereas Appendix C of the study plan includes an appropriate example of potential indicators used to measure changes to the labour market.</p> <p>For example, row #5 in Table 11-1 notes that "Sources of income will be considered in Labour market baseline conditions using Statistics Canada data". Additional detail on the specific income-based indicators sourced from Statistics Canada is required to understand how the requirements of Sections 11 and 18 of the Guidelines would be met.</p> <p>Please refer to Appendix C of the study plan for examples of labour market indicators that could be used to meet the requirements of Sections 11 and 18 of the Guidelines. Include additional indicators of the same specificity for the other baseline information requirements as required in Sections 11 and 18 of the Guidelines.</p> <p>Update the study plan to provide additional detail to the response column in Table 11-1 with respect to the specific indicators that would be used to meet the requirements of Sections 11 and 18 of the Guidelines. This should include both quantitative and qualitative indicators that are specific, measurable, and accessible to source.</p> |
| EC-10 | Section 5.2 | Sections 11 and 18 | Required Action # 12: Update the study plan to provide further detail on the specific economic criteria and indicators that will be collected and assessed through other study plans. At a minimum, provide a cross reference as to where the specific economic criteria and indicators can be found in the other plans. | <p>Section 9.2 identifies which other plans will be collecting data relevant to the Economic Environment.</p> <ul style="list-style-type: none"> - The Social Assessment will document information on housing and infrastructure. - The Land and Resource Use Assessment includes information on industrial land uses and tourism establishments. - Elements of the traditional economy are covered in the Aboriginal and Treaty Rights and Interests Assessment. Findings and data included in these disciplines will be considered under relevant components of the Economic Assessment, as applicable. | Section 9.2; Social Study Plan Land and Resource Use Study Plan, Aboriginal and Treaty Rights and Interests Study Plan | Required Action # 12 was addressed. |
| EC-11 | Section 7, Table 5 | | Required Action # 13: Demonstrate that this study plan reflects the inclusion of all requirements outlined in the Guidelines and describe the approaches to collect the information. | Table 11-1 is a comprehensive list of the requirements of the Guidelines. This table responds to each requirement from the Guidelines and provides an updated Study Plan reference section to clearly identify where within the Study Plan each requirement is being considered. In the Economic study plan, Table 11-3 identifies the areas of non-conformance along with their justification. | Tables 11-1 and 11-3 | <p>Required Action # 13 was addressed.</p> <p>Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process.</p> <p>The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team.</p> |

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| EC-12 | Section 4.2 Indigenous Communities - Table 4-1: "...Identified Neighbouring Indigenous Communities, including their Provincial Territorial Organizations and / or Tribal Council Affiliations..." | <p>Section 19.1 "...As a best practice, proponents are encouraged to also include the following: - a commitment to preferentially employ Indigenous people from Indigenous groups identified in the <i>Indigenous Engagement and Partnership Plan</i> and use of the Northern Ontario Network of Indigenous Training Organizations (e.g., Indigenous Skills and Employment Training network);..."</p> <p>Section 20 "...The Impact Statement must: - describe education, training, hiring practices that encourage employment of local people , including the use of the Northern Ontario Network of Indigenous Training Organizations (e.g., the Indigenous Skills and Employment Training network);..."</p> | <p>The study plan indicates that consultation and engagement activities and key informant interviews would take place with Indigenous groups and/or local municipalities; however, there is a need to ensure that the Northern Ontario Network of Indigenous Training Organizations {e.g. Indigenous Skills and Employment (ISET) Program network} is knowledgeable of the activities related to the Project.</p> <p>It is important that communities are informed of all programs related to the Project, including the timeframe for the employment or opportunity, how long such opportunities will be available, types of jobs available, plans that would encourage employment, procurement and contracting opportunities for Indigenous peoples and communities.</p> | <p>Describe in the Impact Statement the education, training and hiring practices that would encourage employment of local people, including the use of the Northern Ontario Network of Indigenous Training Organizations, to meet the requirements of Section 20 of the Guidelines.</p> <p>It is recommended that the ISET Program service delivery network be mentioned in Section 4.2 and in Table 4-1 of the study plan.</p> <p>Additional information pertaining to the ISET Program service delivery network: There are currently 22 Indigenous service delivery organizations across Ontario (the link to the current service delivery network: https://www.canada.ca/en/employment-social-development/programs/indigenous-skills-employment-training/service-delivery-organizations.html#a4).</p> <p>In Northern Ontario there are currently nine service delivery organizations. Details of the nine service delivery organizations in Northern Ontario are below. {Kiikenomaga Kekenjigewen Employment and Training Services (KKETS) is the local service delivery organization.}</p> <p>ISET Service Providers in Northern Ontario:</p> <ol style="list-style-type: none"> 1. Wabun Tribal Council (Mamo-Nuskomitowin) - which is located in Timmins and serve the North East communities of Brunswick House, Chapleau Ojibway, Flying Post, Matachewan, Mattagami, Wahgoshig) 2. Kiikenomaga Kikenjigewen Employment and Training Services (KKETS) - based Thunder Bay, serves the Matawa First Nations, including Marten Falls and Webequie. 3. Wikwemikong Unceded Indian Reserve - provides services to First Nations on and near Manitoulin Island (e.g. Wiki, Curve Lake), as well as Sudbury ON and the surrounding areas. 4. Mamaweswen – The North Shore Tribal Council - based out of Cutler, Ontario. Serves the First Nations in the area near Elliot Lake, Blind River, Algoma, etc. 5. Anishinabek Nation (Union of Ontario Indians) - based in North Bay but serves clients from NE to NW Ontario - Thunder Bay (Bijnjitiwaabik Zaaging Anishinaabek/Rocky Bay, Binqwi Neyaashi Anishinaabek/Sandpoint, Kiashke Zaaging Anishinaabek/Gull Bay, Animbiigoo Zaagi'igan Anishinaabek/Lake Nipigon, Michipicoten, Ojibways of Pic River, Pays Plat, Pic Mober, Red Rock/Lake Helen). 6. Aboriginal Labour Force Development Circle (First Nation) - provides services to people living in urban settings and on-reserve, including Batchewana Bay, Sudbury, Sault Ste. Marie and more in Northern Ontario. 7. Shooniyaa Wa-Biitong - based in Kenora NW Ontario, with a catchment area throughout Treaty 3 which includes Kenora (Anishnaabeg of Naongashiing/Big Island, Big Grassy, |

³ Refer to complete sections of the Guidelines for more context.

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| | | | | <p>Couchiching, Grassy Narrows, Iskatewizaagegan # 39, Lac Des Mille Lacs, Lac La Croix, Naicatchewenin, Naotkamegwanning/Whitefish Bay, Nicickousemenecaning, Northwest Angle # 33, Northwest Angle # 37, Lac Seul, Ochiichagwe'babigo'ining/Dalles, Ojibways of Onegaming/Sabaskong, Onigaming, Rainy River, Nicickousemenecaning, Seine River, Shoal Lake #40, Stanjikoming, Wabaseemoong/Islington, Wabauskang, Washagamis Bay, Wauzhushk Oningum/Rat Portage).</p> <p>8. Sioux Lookout Area Aboriginal Management Board (SLAAMB) – based in Sioux Lookout NW Ontario, with a catchment area that includes Sioux Lookout (Bearskin Lake, Cat Lake, Deer Lake, Fort Severn, Kasabonika, Kee-Way-Win, Kingfisher, Kitchenuhmaykoosib Inninuwug/Big Trout Lake, Koocheching, Eagle Lake, McDowell Lake, Mishkeegogamang/Osnaburgh, Muskrat Dam, New Slate Falls, North Caribou Lake, North Spirit Lake, Pikangikum, Poplar Hill, Sachigo, Sandy Lake, Saugeen/Savant Lake, Wapekeka, Wabigoon Lake, Wawakapewin/Long Dog, Wunnumin).</p> <p>9. Mushkegowuk Council Employment & Training Service (METS) - serves the communities of Moose Factory (Fort Albany Attawapiskat, Chapleau Cree, Kashechewan, Missanabie Cree, Mocrebec, Moose Cree, Taykwa Tagamou, Weenusk/Peawanuck).</p> |
| <p>EC-13</p> | <p>Section 4.3 "...When feedback is received from interested persons and Indigenous communities, issues, comments and questions will be tracked, which is consistent with the process described in the IS / EA Consultation Plan. Specific to Gender-Based Analysis Plus (GBA Plus) objectives, this will include efforts to engage with diverse populations. It is expected this will include activities specific to subgroups and tabulation of consultation and engagement participation with respect to identity factors. This will provide summary statistics to demonstrate the diversity achieved in consultation and engagement..."</p> | <p>Section 11 "This economic baseline should document the local and regional economic conditions and trends based on the spatial and temporal boundaries selected, and must include economic indicators and activities for all potentially impacted local communities, including municipalities, and Indigenous groups. The scope and content of the economic baseline should be tailored to the specific project context, take into account community and Indigenous group input, and should include indicators and information that are useful and meaningful for the effects analysis. The information provided must: - be sufficient to provide a comprehensive understanding of the current state of each valued component, including relevant trends; - describe how community and Indigenous knowledge from related populations, including <u>input from diverse groups</u>, was used in establishing baseline conditions; - <u>describe baseline economic conditions using disaggregated data and gender-statistics for diverse subgroups within the community to support GBA+</u>; - conduct intersectional gender analysis to examine differences in the status of diverse subgroups (e.g., women, youth, and elders) and their differential access to resources, opportunities and services; and - describe any relevant indicators."</p> | <p>The study plan outlines opportunities for engagement with neighbouring Indigenous communities and non-Indigenous communities; however, there is no clear indication that this data will be disaggregated as required by Section 11 of the Guidelines.</p> <p>Summary statistics will not provide an intersectional gender analysis and will not achieve GBA Plus objectives that are needed to ensure diverse and inclusive engagement has occurred.</p> | <p>Update the study plan to demonstrate how engagement activities and surveys are designed to collect disaggregated data of diverse groups and subgroups to clearly identify the segments of the population that were/will be consulted and engaged during the preparation of the Impact Statement in order to meet the requirements of Sections 11 and 18 of the Guidelines.</p> |

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| | | <p>Section 18 "...The proponent must analyze the community and Indigenous knowledge across diverse subgroups where possible to identify differential effects highlighted by these groups..."</p> <p>"...In assessing effects to valued components listed [in Section 18], the analysis should discuss circumstances in a community where diverse subgroups, because of their particular circumstances, could experience adverse effects from the Project more severely than others, or be excluded from potential benefits, including Indigenous peoples or other community relevant subgroups (e.g., women, youth, elders)..."</p> | | |
| EC-14 | <p>Section 4.4 "...As part of the IS / EA Consultation Plan (AECOM 2020) and Indigenous Knowledge Program, Indigenous communities identified in Table 4-1 will be contacted to determine their level of interest in the Project and their concerns related to potential economic impacts. For the Indigenous communities that express specific economic concerns, targeted economic data collection will be implemented through the economic data collection program, consistent with the likelihood of effect anticipated to the community as defined by the MFFN CAR Project Team. In addition, interested persons identified through the general engagement program and listed in the Public Participation Plan (the Agency 2020) may also be engaged on potential economic concerns and impacts. Section 7.2 provides additional details on the targeted economic data collection approach..."</p> | <p>Section 6.2 "...The Impact Statement must also document how the proponent responded to questions, comments and issues raised by Indigenous groups, and how unresolved matters have been addressed. Any proposed mitigation measures are to be clearly linked, to the extent possible, to valued components in the Impact Statement as well as to specific project components or activities. The analysis and responses are to include: - a comprehensive list of all issues, questions and comments raised during the engagement activities by each Indigenous group and the proponent's responses, including how matters have been addressed in the Impact Statement or will be addressed through the impact assessment (including but not limited to avoidance, mitigation or other measures to address potential effects or impacts on the exercise of rights of Indigenous peoples);... ...- if engagement with certain Indigenous groups is not possible, rationale must be provided, including, as applicable, an outline of efforts made;... - where and how Indigenous groups' knowledge, perspectives and input were integrated into or contributed to decisions regarding the Project (e.g., project design), including: o scoping, development and collection of baseline information; o plans for construction, operation, decommissioning, abandonment, and maintenance; and o follow-up and monitoring. -where and how Indigenous groups' knowledge, perspectives and input were integrated in the characterization of the nature of environmental, health, social and economic effects and impacts expected from the Project for each Indigenous group; ..."</p> <p>Section 12 "...If an Indigenous group has</p> | <p>The study plan does not describe how information will be shared with participants that may be interested but face barriers to participate. Certain populations may be less likely to express their views voluntarily, and steps should be taken to remove barriers to ensure their participation.</p> <p>A description of efforts to engage with individuals or groups that may face barriers to participate should be provided to demonstrate engagement effort, as per Sections 6.2 and 12 of the Guidelines.</p> | <p>Describe in the study plan actions taken and to be taken to raise interest in the Project from Indigenous groups who may face barriers to participate in engagement activities.</p> <p>Clarify how information will continue to be shared with participants and Indigenous groups who may face barriers to participate in engagement activities.</p> <p>For the Indigenous groups that do not wish to participate, provide a rationale in an updated study plan by describing the barriers and the efforts made to overcome them, as per Sections 6.2 and 12 of the Guidelines. Include in the Impact Statement detailed descriptions of the Indigenous groups that are being engaged and of those that do not wish to participate.</p> |

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| | | <p>chosen not to participate, the proponent should identify the community and provide evidence of efforts to engage...</p> <p>...Where Indigenous groups do not wish to participate, the proponent is encouraged to continue sharing information and analysis with the Indigenous groups of the potential effects of the Project, and to use available public sources of information to support the assessment....”</p> | | |
| <p>EC-15</p> | <p>Section 7.3 “...The study methods that will be employed to characterize the economic baseline conditions include data collection, data analysis and qualitative descriptions and profiling. Multiple sources of data, including primary, secondary, engagement and Indigenous Knowledge, will be utilized for the purposes of economic data collection. Data collection methods are detailed in Section 7.2. The data collection process can be conceptualized as a matrix. For each indicator listed in Section 9.2, data will be collected for different groups of interest (e.g., communities, subgroups within the community). The data collected will be tracked and assessed using this approach, and, when required, primary data collection will target information gaps identified in the matrix. Data analysis will involve classifying, comparing and interpreting the data collected in line with this matrix approach....”</p> | <p>Section 7.1 “The Impact Statement must provide a description of the environmental, health, social and economic setting directly and incidentally related to the Project. This should include the existing environmental, health, social and economic components, interrelations and interactions as well as the variability in these components, processes and interactions over time scales and geographic boundaries appropriate to the Project,...”</p> <p>Section 13.1 “...The assessment of the effects of each of the project components and physical activities, in all phases, must be based upon a comparison of baseline environmental, health, social and economic conditions and the predicted future conditions with the Project and the predicted future conditions without the Project....”</p> | <p>Information regarding the methodology for conducting economic analysis, estimating figures and impacts, and forecasting is not provided in sufficient detail to meet the requirements of Sections 7 and 13 of the Guidelines.</p> | <p>Update the study plan to provide further detail on the methodology that was/will be used to conduct economic analysis, estimating figures and impacts, and forecasting in order to meet the requirements of Sections 7 and 13 of the Guidelines.</p> |
| <p>EC-16</p> | <p>Section 9, Table 9.2 - Economic Indicators “...Economic Opportunity Sub Indicators</p> <ul style="list-style-type: none"> ▪ Change in business opportunity ▪ Change in regional economic activity ▪ Change in output ▪ Change in GDP value-added <p>Procurement Sub indicators</p> <ul style="list-style-type: none"> ▪ Value of procurement opportunities associated with the Project <p>Employment Sub Indicators</p> <ul style="list-style-type: none"> ▪ Change in job opportunities ▪ Change in labour income <p>Training opportunities...”</p> | <p>Section 11 “...The information provided must: ...</p> <ul style="list-style-type: none"> ○ conduct intersectional gender analysis to examine differences in the status of diverse subgroups (e.g., women, youth, and elders) and their differential access to resources, opportunities and services; and ○ describe any relevant indicators...” | <p>When describing an indicator, the wording “change” by itself does not capture what will be evaluated (e.g. number of jobs created, new businesses opened/closed, and value of procurement to local or regional Indigenous / non Indigenous businesses). For example, change in business opportunity in itself is not a measurable indicator and it is not specific.</p> <p>Clarification is needed to help understand the scope and magnitude of the “change” overall and also among the sub-groups of local and regional population through an intersectional analysis, and offer a systematic approach to the next steps of measurement and monitoring. In order to fully understand the economic changes and its associated impacts, the change itself, whether positive, negative, or unintended, needs to be outlined and explained.</p> <p>The study plan does not provide sufficient details about “Training opportunities” related to the Project to meet the requirements of Section 11 of the Guidelines.</p> | <p>Update the study plan to specify each variable that will be used to characterize the “change” (positive, negative, or unintended) related to the indicators identified, to meet the requirements of Section 11 of the Guidelines.</p> <p>Update the study plan to provide more details about “Training opportunities” related to the Project.</p> <p>Consider describing potential training that would be provided to local and regional individuals to fit the Project’s needs.</p> |

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| EC-17 | <p>Section 9.2 -Table 9-2 "...Economic opportunity, change in business opportunity and change in regional economic activity..."</p> | <p>Section 11 "...Overall economy: o a brief overview of the regional economy in recent years..."</p> <p>Section 18.1 "The Impact Statement must: o describe the effects of the Project on the local and regional labour markets;..."</p> <p>Section 18.3 "The Impact Statement must: o describe the potential positive and negative effects of the Project on local and regional businesses, during both construction and operation phases of the Project,..."</p> | <p>The study plan does not define the indicator "Economic opportunity" and the sub-indicators "change in business opportunity" and "change in regional economic activity" presented in Table 9-2 with sufficient detail to meet the requirements of Sections 11, 18.1 and 18.3 of the Guidelines.</p> | <p>Update the study plan to provide further detail to clearly define the indicators presented in Table 9-2 and how changes will be evaluated and interpreted within those variables.</p> |
| EC-18 | <p>Section 9.2, Table 9-2 "...estimated price changes at an order of magnitude level for key consumptive goods..."</p> | <p>Section 11 "...The Impact Statement must provide information on the following economic conditions related to the Project and the economic opportunities: • Labour market: ... o housing and consumer prices;..."</p> <p>Section 18.2 "The Impact Statement must: ... • describe the effects of the Project on availability of goods and services and consumer prices, in particular for o food; o fuel; and o electricity."</p> | <p>The study plan does not define the sub-indicator "estimated price changes at an order of magnitude level for key consumptive goods" with sufficient detail to meet the requirements of Section 18.2 of the Guidelines. It is not clear what is meant by "estimated price changes at an order of magnitude level."</p> | <p>Update the study plan to specify the key consumer goods to define the sub-indicator "estimated price changes at an order of magnitude level for key consumptive good", in order to meet the requirements of Section 18.2 of the Guidelines.</p> <p>In addition, clarify the meaning of "estimated price changes at an order of magnitude level". Does this mean that price changes will only be registered if they change by a factor of ten? If so, more precision is needed with respect to price levels.</p> |
| EC-19 | <p>Section 9.2 - Table 9-2 "...traditional economies..."</p> | <p>Section 11 "...Overall economy: o a brief overview of the regional economy in recent years..."</p> <p>Section 18.1 "The Impact Statement must: o describe the effects of the Project on the local and regional labour markets...."</p> <p>Section 18.3 "The Impact Statement must: o describe the potential positive and negative effects of the Project on local and regional businesses, during both construction and operation phases of the Project,..."</p> | <p>The study plan does not define the indicator "traditional economies" with sufficient detail to meet the requirements of Sections 11, 18.1 and 18.3 of the Guidelines.</p> | <p>Provide further detail to define clearly the indicator "traditional economies" and how changes will be evaluated and interpreted.</p> |

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| EC-20 | Section 9.2, Table 9-2 “...change in job opportunities...” | <p>Section 11 “...The Impact Statement must provide information on the following economic conditions related to the Project and the economic opportunities:...</p> <ul style="list-style-type: none"> • Overall economy: <ul style="list-style-type: none"> ○ a brief overview of the regional economy in recent years (e.g., if there have been any major investments or closures, if the area’s resources and products have been in high or low demand, etc.);....” <p>Section 18.1 “ The Impact Statement must:</p> <ul style="list-style-type: none"> • describe the effects of the Project on the local and regional labour markets,” and “describe any skills-matching issues related to the Project...” | <p>Due to the limited data available at the regional level, it will be difficult to evaluate the regional change in job opportunities (as opposed to change in employment) caused by the Project. Consider replacing this sub-indicator with “permanent change in employment” and “temporary change in employment,” which would be easier to evaluate.</p> | |
| EC-21 | Section 9.2 -Table 9-2 “...training opportunities...” | <p>Section 11 “...Overall economy:</p> <ul style="list-style-type: none"> ○ a brief overview of the regional economy in recent years...” <p>Section 18.1 “ The Impact Statement must:</p> <ul style="list-style-type: none"> ○ describe the effects of the Project on the local and regional labour markets,” and “describe any skills-matching issues related to the Project...” | <p>The study plan does not define the sub-indicator “training opportunities” with sufficient detail to meet the requirements of Section 18.1 of the Guidelines. (Does it refer to training opportunities by the proponent, whether on-location or not, or to training opportunities in other locations that will become more easily accessible once a road is built, or to both?)</p> | <p>Update the study plan to provide further detail to define clearly the sub-indicator “training opportunities” offered and how changes will be evaluated and interpreted, in order to meet the requirements of Section 18.1 of the Guidelines.</p> |
| EC-22 | Section 9.2 -Table 9-2 ...Value Component, Labour Force and Employment – specifically under sub-heading Source of Information...” | <p>Section 20 “...The Impact Statement must: ...</p> <ul style="list-style-type: none"> • describe education, training, hiring practices that encourage employment of local people, including the use of the Northern Ontario Network of Indigenous Training Organizations (e.g., the Indigenous Skills and Employment Training network);....” | <p>The study plan mentions that engagement activities and key informant interviews would take place with Indigenous groups, however, there is a need to ensure that the Northern Ontario Network of Indigenous Training Organizations (e.g. ISET Program service delivery network) is made aware of all training or education programs or scholarships the proponent is supporting to enhance employment opportunities for local residents.</p> <p>It is recommended to include under the value component “Labour Force and Employment” and specifically under sub-heading “Source of Information” the ISET Program service delivery network.</p> | |
| EC-23 | Section 9.2 -Table 9-2 | <p>Section 2.2 “...If the Project is part of a larger sequence of projects, the Impact Statement must outline the larger context, including likely future developments by other proponents that may use project infrastructure, and activities that may be enabled by the current Project.”</p> | <p>Consider the following two reports as sources of information for economic analysis:</p> <ul style="list-style-type: none"> ○ The Mining Industry in Northwestern Ontario: An Analysis of Recent Development and the Strategy for Success (Northern Policy Institute, 2016) ○ Mining and Exploration Report (Thunder Bay Community Economic Development Commission, 2019) | |
| EC-24 | Section 9.2 -Table 9-2 “...Economic Opportunity...” | <p>Sections 11 and 18</p> | <p>Table 9-2 lists the indicator “<i>economic opportunity</i>” and four sub-indicators, including “<i>change in business opportunity</i>” and “<i>change in regional economic activity</i>”. However, the study plan does not provide any additional information on these sub-indicators, including what would be measured or how it would be measured.</p> <p>The information provided is not sufficient to clarify the approach planned to estimate project impacts on economic opportunities will be estimated and to determine</p> | <p>Include in the updated study plan further detail on the proposed variables identified to measure changes to economic opportunities and to economic activities, in order to demonstrate how the requirements of Section 18 of the Guidelines will be met.</p> |

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| | | | whether the requirements of Section 18 of the Guidelines would be met. | |
| EC-25 | Section 9.2 -Table 9-2 "...Procurement <ul style="list-style-type: none"> • The Project will require the procurement of goods and services – possibly from firms within the local area..." | Section 11 "...The Impact Statement must provide information on the following economic conditions related to the Project and the economic opportunities: ... <ul style="list-style-type: none"> • Business environment:... <ul style="list-style-type: none"> ○ broader economic contributors to the regional economy, such as small businesses (e.g., nature and outdoor tourism);..." | Information regarding how the potential for local businesses to fulfill procurement needs will be estimated should be provided to meet the requirements of Section 11 of the Guidelines. For example, are there efforts to assess capacity of local companies to participate in procurement processes? | Include in the updated study plan further detail on how the potential for local businesses to fulfill procurement needs will be estimated, in order to meet the requirements of Section 11 of the Guidelines. The Impact Statement should describe the overall procurement needs and share to be fulfilled by local businesses. |
| EC-26 | Section 9.2 -Table 9-2 "...Price of Goods..." | Section 18.2 "The Impact Statement must: <ul style="list-style-type: none"> • describe the predicted positive and adverse effects to accommodation/lodging, including housing supply, housing costs, and rental rates, both during the construction and operation phases; and..." | The current source of information is primary data, which would only cover existing/current prices. It is unclear how predicted adverse and positive effects over the life of the Project would be forecasted. | Include in the updated study plan further information on how changes in the price of goods through the project life will be forecasted, in order to meet the requirements of Section 18.2 of the Guidelines. |
| EC-27 | Section 9.2 -Table 9-2 "...Employment..." | Section 18.3 "The Impact Statement must: <ul style="list-style-type: none"> • describe the potential positive and negative effects of the Project on local and regional businesses, during both construction and operation phases of the Project, including: ... <ul style="list-style-type: none"> ○ an estimate of potential effects of the Project on the traditional economy, including the potential loss of traditional economies and jobs; and..." | Section 18 of the Guidelines requires a description of positive and negative economic impacts of the Project on the economic conditions. The study plan seems to focus mostly on the potential positive effects (rational for selection); however, negative effects should be considered as well. | Include in the updated study plan details on how job shifts in the local community will be assessed, including potential negative impacts such as loss of local employment, in order to meet the requirements of Section 18.3 of the Guidelines. |
| EC-28 | Editorial Section 9.2 -Table 9-2: "...Primary data (e.g., interviews with community members / key contacts; area businesses, municipal economic development office);..." | Section 18 "...The proponent must analyze the community and Indigenous knowledge across diverse subgroups where possible to identify differential effects highlighted by these groups..." | The study plan seems to indicate that the valued component "Labour Force and Employment" described in Table 9-2 will be informed by Indigenous knowledge as primary data source of information, but that is not clearly indicated in the table. | Update Table 9-2 of the study plan to list "Indigenous knowledge" amongst the "sources of information" in addition to "community interviews and knowledge". |
| EC-29 | Section 9.3 "...A direct effect occurs through the direct interaction of an activity with an environmental discipline. The Project-environment interactions currently anticipated, based upon preliminary analysis, to result in direct effects to the Economic discipline have been identified in Table 9-1...." | Section 18 "...The assessment must illustrate an understanding of linkages and effect pathways, so that when a change in one domain is predicted, there is an understanding of what other effects or consequences may be felt across the other domains..." | Section 9.3 of the study plan refers to a preliminary analysis that was completed by the Proponent to determine the direct effects of the Project on the environment, health, social or health conditions. This analysis was not included in the study plan, and so, it is unclear how these preliminary conclusions, illustrated in Table 9-1, were drawn. As required in Section 18 of the Guidelines, the effects assessment should illustrate an understanding of effect pathways, and potential linkages to other effects. The study plan does not provide an analysis on how those direct effect pathways were determined. | Update the study plan to include a description of the preliminary analysis conducted that informed Table 9-1. |
| EC-30 | | Section 16.2 "With respect to Social Determinants of Health, the Impact Statement must: ... <ul style="list-style-type: none"> • Consider adverse and positive effects on health (i.e., overall well-being) based on the social and economic valued components, and their respective indicators, as outlined in Sections 17 and 18. Specific priority | The study plan provides no information regarding mitigation measures for potential high school drop-out youth. Compared to high school graduates, high school drop-out Canadians are less likely to find a job (a good quality job) and more likely to live in poverty, which may negatively affect the community in the long-term. Training | Include in the Impact Statement mitigation measures against rates of potential high school drop-out youth. |

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| | | indicators must be determined or validated by community members but may include, for example: ... <ul style="list-style-type: none"> o Level-3 health determinants related to structural and equity factors (e.g., potential indicators related to income, high school drop-out rates associated with seeking project-related employment) that may affect Level 2 determinants of health." | opportunities and access to good quality jobs may mitigate the impact of high school drop-out. | |
| EC-31 | Section 9.4 "...As a result, it is proposed input-output multipliers developed by the Northern Policy Institute be used to consider economic effects at an unorganized district level or provincial-level consistent with the economic RSA (Moazzami 2019a). If this approach is utilized, provincial multipliers will be used to scale the regional multipliers when multipliers are not available through the Northern Policy Institute. Alternatively, Statistics Canada's National Input-Output model will be used to conduct a provincial level assessment of economic effects. The best practices method will be determined depending on the planned procurement of goods and service by the Proponent..." | Section 18.6 "...Where a generic multiplier may not accurately reflect the specific situation of the Project being assessed, evidence should be provided of specific economic activity that will result from the Project going ahead..." | The study plan does not provide sufficient evidence on the specific economic activity that will be assessed using the multipliers developed by the Northern Policy Institute. In addition, the study plan does not refer to the specific multipliers that are intended to be used in the assessment. The study plan seems to indicate that there is uncertainty whether or not this approach will be utilized, but no alternative methodologies are indicated. | Update the study plan to indicate the specific multipliers that will be used from the Northern Policy Institute, and indicate how each multiplier will be used to meet the requirements under Section 18 of the Guidelines. Update the study plan to clarify potential alternative methodologies under consideration. |
| EC-32 | Section 9.4 "...Input-output modelling is linear with a simplified macro-economic structure which removes key variables such as price-level, interest rates and unemployment rates (Statistics Canada 2009). Due to the reliance on existing economic relationships, price volatility can corrupt the linear relationships contained within these models making them less reliable, particularly over time (Statistics Canada 2009)...." | Section 13.1 "...The description of the effects can be either qualitative or quantitative. Effects must be described using criteria to quantify or qualify adverse effects, taking into account any important contextual factors. With respect to quantitative models and predictions, the Impact Statement must detail the model assumptions, parameters, the quality of the data and the degree of certainty of the predictions obtained..." Section 18.1 "The Impact Statement must: <ul style="list-style-type: none"> • describe the effects of the Project on the local and regional labour markets;... • describe longer-term labour market local and regional labour market effects as a result of the project;..." Section 18.2 "The Impact Statement must:... <ul style="list-style-type: none"> • describe the effects of the Project on availability of goods and services and consumer prices, in particular for <ul style="list-style-type: none"> o food; fuel; and o electricity." | It is unclear how changes to consumer process and labour market would be assessed to meet the requirements of Section 18 of the Guidelines. The study plan should propose appropriate economic analysis methodologies to measure the potential changes of the Project as described in Section 18 of the Guidelines. | Update the study plan to include specific examples of the economic analysis methodologies that are anticipated to be used to meet the requirements of Section 18 of the Guidelines, including the specific indicators that would be assessed to measure and express potential impacts to the baseline economic condition due to the Project. |

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| EC-33 | <p>Section 11, Table 11-1 "...the IS / EA Report will describe changes to direct, indirect and induced employment, which affects the regional labour market. This will include jobs by phase of the Project and will include expected rates of pay. A GBA+ analysis will be undertaken on these opportunities..."</p> | <p>Section 3.3 "...the Impact Statement must include Gender Based Analysis Plus GBA+ in its discussion of workforce requirements to describe any potential differential effects for diverse subgroups in the community. This must include a discussion of how hiring policies and programs, access to employment and training opportunities, investment in training, workplace policies and programs take into consideration vulnerable or underrepresented groups, including Indigenous people or other community relevant subgroups (e.g., women, youth, elders)."</p> <p>Section 18.1</p> | <p>Further detail is required regarding the consideration of vulnerable demographics/intersectional identity factors, number of local/regional workers and childcare requirements to meet the requirements of Section 3.3 of the Guidelines.</p> <p>While Table 11.1 of the study plan mentions barriers, an explicit bullet should be provided, within the labour market cells, to highlight the interconnectedness of labour market participation and availability of child care, particularly given the demographics of, and rapid growth within, the Indigenous population.</p> | <p>Update the study plan to include an approach for baseline data collection that describes in detail the extent to which vulnerable demographics/intersectional identity factors (i.e.; older workers age 45-64, youth, people with less than high school, women, persons with disability, recent immigrants, etc.) would be impacted by job opportunities, loss/displacement during the construction and closure phase of the project. This information would help inform potential cumulative socioeconomic impacts.</p> <p>Update the study plan to include an estimate of the number of local / regional workers (from diverse sub-groups) and their skill levels based on the National Occupational Classification.</p> <p>Include in the Impact Statement an assessment of child-care requirements in relation to any employment opportunities or shifts in the labour market as a result of the Project.</p> |
| EC-34 | <p>Section 11, Table 11-3 "...These principles will inform both primary and secondary data collection to support the Economic Assessment. Further, the Proponent will document baseline data consistent with these principles. The exception is data will not be disaggregated by gender as Statistics Canada does not disaggregate based on gender. Data disaggregated based on sex will be included..."</p> | <p>Section 13.1 "The Impact Statement must describe in detail the project's potential adverse and positive effects in relation to each phase of the designated project (construction, operation, maintenance, suspension, decommissioning, and abandonment). The environmental, health, social or economic effects should be described in terms of the context, magnitude, geographic extent, ecological context timing, duration and frequency, and whether effects are reversible or irreversible... As applicable, the effects assessment must be sufficiently disaggregated and analysed to understand differences in norms, roles and relations for diverse subgroups; the different level of power they hold; their differing needs, constraints and opportunities, and the effects of these differences in their lives including consideration of disproportionate effects to surrounding communities..."</p> | <p>Section 11 of the economic study plan indicates that "<i>data will not be disaggregated by gender as Statistics Canada does not disaggregate based on gender</i>".</p> <p>Where possible, primary data should be disaggregated to support impact and effects analysis of differences among diverse subgroups, to meet the requirements in Section 13.1 of the Guidelines. A rationale to explain the extent or limitations with the data disaggregation should be provided.</p> | <p>See comment GC-06.</p> <p>Include in the Impact Statement the detailed rationale that explains the extent and limitations with data disaggregation in the effects assessment.</p> <p>It is recommended that secondary data collection sources be analyzed in order to address gaps in data collections. If Statistics Canada does not disaggregate data based on gender, then peer-reviewed, published "academic research" should be consulted as a source for community labour and employment information.</p> |
| EC-35 | <p>Editorial - Footnote 8, Section 9.2 "In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs. The VCs will be consulted and engaged on early in the IA/EA process and finalized taking into consideration the input received. Therefore, only information relevant to the Project that arises from the regional assessment of the Ring of Fire within an appropriate timeline will inform the VCs for the Project."</p> | | <p>The statement in the footnote 8 in Section 9.2 "<i>In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs.</i>" is inaccurate, as the Regional Assessment in the Ring of Fire area has not yet begun.</p> | <p>Replace the text in footnote 8 with "<i>In February 2020, the Minister of Environment and Climate Change determined that a regional assessment will be conducted in an area centred on the Ring of Fire mineral deposits in northern Ontario. Relevant information available in relation to the Regional Assessment in the Ring of Fire area would be considered in the impact assessment of the Project.</i>"</p> |
| EC-36 | <p>Table 11-3: Study Plan Federal and Provincial Concordance – Requirement Deviations</p> | | <p>Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process.</p> <p>The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team.</p> | |

| New comments from the Federal Review Team on the Marten Falls Community Access Road Project Economic Study Plan submitted in June 2021 | | | | |
|--|---|--|--|---|
| ID # | Study Plan Section | Guidelines Section ³ | Context | Required Action for Proponent |
| EC-37 | <p>Section 7.3 "...For each of the valued components that will be assessed in the Impact Statement, the proponent must create a study plan and a work plan to be validated by the Agency. Upon receipt of a study plan, the Agency may request that the proponent present and discuss the study plan at technical meetings, which will be scheduled during the impact statement phase..."</p> | <p>In order to meet the requirements of Section 7.3 of the Guidelines, a work plan for each valued component must be submitted to the Agency for validation.</p> | <p>Since the economic study plan does not outline when baseline data will be collected for each Indigenous group (i.e., scheduling, sequencing), the submission of a work plan that provides this information is required.</p> | <p>Provide a work plan that outlines how the economic study plan will be executed in the field, including when baseline data will be collected. The work plan should include scheduling and sequencing of engagement activities relative to proposed baseline work, engagement on the study plan, spatial and temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge.</p> |

D2.3.1 IAAC



D2.3.2 Health Canada



Terms of Reference (TOR)– Comment Disposition Table – Health Canada

Marten Falls Community Access Road Project

Response requested by: December 21, 2020

| Department – Comment ID | TOR Section | Issue / Rationale | Recommendation |
|--|---|---|---|
| <p><i>Comments from Health Canada represent expertise, information or knowledge in Health Canada’s possession and are for the Responsible Authorities’ consideration.</i></p> | | | |
| Health Canada-1 | 7.1.4.2 Atmospheric Environment | <p>(pg.42) <i>“Provincial MECP air quality standards (Government of Ontario 2019d), Ontario Ambient Air Quality Criteria (MECP 2018) and Canadian Ambient Air Quality (CCME 2014) Standards provide acceptable values for air pollutants both provincially and federally based on health and other risk assessments. The measured air pollutant levels can be assessed using these values to determine potential existing air quality issues.”</i></p> <p>The Canadian Ambient Air Quality Standards (CAAQS) are numerical targets for air quality improvements across Canada. The values do not represent acceptable air pollutants levels for protection of human health. The Canadian Air Quality Management System (AQMS) explicitly recognizes that health effects occur below the CAAQS values, and proposes additional management levels in recognition of the health and environmental benefits that can be realized by taking actions to decrease or maintain background levels of air pollution.</p> | Health Canada recommends clarification on how the proposed air quality criteria would adequately protect human health at exposure levels below the CAAQS. Health Canada also recommends revising the air quality assessment approach in recognition of the fact that the air quality criteria (e.g., CAAQS) do not represent a safe threshold for human health. |
| Health Canada-2 | 7.1.4.10 Social, Economic and Built Environment | <p>(pg.60) <i>“Health Canada funds the Muskeg Thunder Clinic, located in Ogoki Post, which operates five days per week. Health staff provide nursing services, health promotion and community health programs”.</i></p> <p>Health Canada does not offer primary care funds or services for Indigenous peoples. Indigenous Services Canada (ISC), through its First Nations and Inuit Health Branch (FNIHB), provides health programs and health care services for First Nations and Inuit.</p> | Health Canada recommends Indigenous Services Canada be addressed as the federal department that funds the Muskeg Thunder Clinic. |
| Health Canada-3 | 7.2 Potential Environmental Effects | <p>(pg.64) <i>Table 7-6: Preliminary Identification of Potential Environmental Effects</i></p> | Health Canada recommends clarification on which health effects will be considered due to changes in diet (e.g., |

| | | | |
|------------------------|--|--|---|
| | | <p>“Changes to diet” was identified as one of the potential project effects on human health. However, it remains unclear whether the potential effect considers only changes in availability/quantity of foods, including traditional foods, or also includes changes to quality of foods (e.g., project-associated contamination of traditional foods, nutritional value of store-bought foods).</p> | <p>exposure to contaminants in country foods, changes in nutritional value, changes in food security).</p> |
| <p>Health Canada-4</p> | | <p>The TOR does not refer to any guidance documents to support the assessment of project effects on human health. HC recommends an assessment of the potential health impacts as per Health Canada’s guidance documents.</p> <p>TISG Section 9 Baseline conditions – Human Health (pg. 70) <i>“The proponent should refer to Health Canada guidance documents such that best practices are followed in the collection of baseline information to assess real and perceived project-related impacts to human health due to changes in air quality, noise, drinking and recreational water quality, country foods and/or multiple pathways of exposure to contaminants.”</i></p> <p>TISG Section 16.2 Social Determinants of Health (pg. 105) <i>“(…) It is requested that the proponent complete the checklists provided in the Health Canada guidance documents so as to assist Health Canada and other participants verify that the main components of the assessment are completed and to identify the locations of this information.”</i></p> | <p>Health Canada recommends the use of the following guidance documents to assess the project impacts on human health.</p> <p>Health Canada's Guidance for Evaluating Human Health Impacts in Environmental Assessment: AIR QUALITY (https://www.canada.ca/en/health-canada/services/publications/healthy-living/guidance-evaluating-human-health-impacts-air-quality.html) NOISE (https://www.canada.ca/en/health-canada/services/publications/healthy-living/guidance-evaluating-human-health-impacts-noise.html) WATER QUALITY (https://www.canada.ca/en/health-canada/services/publications/healthy-living/guidance-evaluating-human-health-impacts-water-quality.html) COUNTRY FOODS (https://www.canada.ca/en/health-canada/services/publications/healthy-living/guidance-evaluating-human-health-impacts-country-foods.html) HUMAN HEALTH RISK ASSESSMENT (https://www.canada.ca/en/health-canada/services/publications/healthy-living/guidance-evaluating-human-health-impacts-risk-assessment.html)</p> |

Marten Falls First Nation – Responses to Comments Received on the Terms of Reference



| ID # | Comment Received | Response to Comment | Reference ToR Section and Page # |
|--|--|---|----------------------------------|
| Government Review Team | | | |
| Health Canada – November 16, 2020 | | | |
| HC-1 | <p>7.1.4.2 Atmospheric Environment (pg.42) <i>“Provincial MECP air quality standards (Government of Ontario 2019d), Ontario Ambient Air Quality Criteria (MECP 2018) and Canadian Ambient Air Quality (CCME 2014) Standards provide acceptable values for air pollutants both provincially and federally based on health and other risk assessments. The measured air pollutant levels can be assessed using these values to determine potential existing air quality issues.”</i></p> <p>The Canadian Ambient Air Quality Standards (CAAQS) are numerical targets for air quality improvements across Canada. The values do not represent acceptable air pollutants levels for protection of human health. The Canadian Air Quality Management System (AQMS) explicitly recognizes that health effects occur below the CAAQS values, and proposes additional management levels in recognition of the health and environmental benefits that can be realized by taking actions to decrease or maintain background levels of air pollution.</p> <p>Health Canada recommends clarification on how the proposed air quality criteria would adequately protect human health at exposure levels below the CAAQS. Health Canada also recommends revising the air quality assessment approach in recognition of the fact that the air quality criteria (e.g., CAAQS) do not represent a safe threshold for human health.</p> | <p>Air quality during construction and operations will be predicted to determine effects of the Project on the Atmospheric Environment. The predicted air quality will also be used to predict effects on human health; however, the standards will not be limited to those identified in the ToR for the Atmospheric Environment but will consider appropriate benchmarks from other jurisdictions applicable to human health where appropriate.</p> | Commitment for EA |
| HC-2 | <p>7.1.4.10 Social, Economic and Built Environment (pg.60) <i>“Health Canada funds the Muskeg Thunder Clinic, located in Ogoki Post, which operates five days per week. Health staff provide nursing services, health promotion and community health programs”.</i></p> <p>Health Canada does not offer primary care funds or services for Indigenous peoples. Indigenous Services Canada (ISC), through its First Nations and Inuit Health Branch (FNIHB), provides health programs and health care services for First Nations and Inuit.</p> <p>Health Canada recommends Indigenous Services Canada be addressed as the federal department that funds the Muskeg Thunder Clinic.</p> | <p>Thank you for identifying this discrepancy. The corrected information has been noted so that, moving forward, it will be documented accurately in Project documentation (e.g., the EA Report).</p> | Commitment for EA |
| HC-3 | <p>7.2 Potential Environmental Effects (pg.64) Table 7-6: Preliminary Identification of Potential Environmental Effects</p> <p>“Changes to diet” was identified as one of the potential project effects on human health. However, it remains unclear whether the potential effect considers only changes in availability/quantity of foods, including traditional foods, or also includes changes to quality of foods (e.g., project-associated contamination of traditional foods, nutritional value of store-bought foods).</p> <p>Health Canada recommends clarification on which health effects will be considered due to changes in diet (e.g., exposure to contaminants in country foods, changes in nutritional value, changes in food security).</p> | <p>The EA will consider whether changes in diet due to exposure to contaminants may result in effects to human health. This will be determined as part of a Human Health Risk Assessment (HHRA). An early step of an HHRA is the problem formulation, which is conducted to identify chemicals of potential concern (COPCs), operable exposure pathways, human receptors and other issues or concerns that relate to human exposure to chemical substances in relation to the Project. Should the problem formulation identify COPCs (predicted Project emissions and / or expressed human health-related concerns) that have the potential to accumulate within country food items, potential effects to human health from exposure to COPCs in country foods will be evaluated further as part of the HHRA.</p> | Commitment for EA |
| HC-4 | <p>The TOR does not refer to any guidance documents to support the assessment of project effects on human health. HC recommends an assessment of the potential health impacts as per Health Canada’s guidance documents.</p> <p>TISG Section 9 Baseline conditions – Human Health (pg. 70)</p> <p><i>“The proponent should refer to Health Canada guidance documents such that best practices are followed in the collection of baseline information to assess real and perceived project-related impacts to human health due to changes in air quality, noise, drinking and recreational water quality, country foods and/or multiple pathways of exposure to contaminants.”</i></p> <p>TISG Section 16.2 Social Determinants of Health (pg. 105)</p> <p><i>“(…) It is requested that the proponent complete the checklists provided in the Health Canada guidance documents so as to assist Health Canada and other participants verify that the main components of the assessment are completed and to identify the locations of this information.”</i></p> | <p>The assessment of Project effects on human health will use relevant Health Canada guidance and associated checklists during the EA, as appropriate.</p> | Commitment for EA |

D3. Coordinated Federal and Provincial Agency Consultation

D3.1 Letters (LTR)

D3.2 Meeting Minutes and Materials (MIN)



D3.1 Letters (LTR)



Soulliere, Kenndal

From: Reese, Robin
Sent: Thursday, January 14, 2021 10:25 AM
To: MartenFalls (IAAC/AEIC); Qasim Saddique; Jennifer Bruin; [REDACTED]
[REDACTED] Bob Baxter; [REDACTED] Larissa Mikkelsen
Cc: Cinnamon, Christine; Beaney, Jessalyn; Soulliere, Kenndal; Heisey, Ariane (ENDM); MacInnis, Paul (ENDM); McLeod, Sasha (MECP); Kjartanson, Shawna
Subject: RE: Alternative Crossing - MFCAR
Attachments: MXD_Ogoki_River_20210111.pdf

Categories: Todo - Comm Record

Hi Chiara,

Please be advised that while investigating construction feasibility of the alternative routes in June 2020, a newly identified potential crossing location of the Ogoki River for Alternative 4 (figure attached) was identified to the west as shown on the attached Figure, and as presented in the MFCAR Terms of Reference submitted October 23, 2020 to MECP, which IAAC was also a recipient. This western crossing option of the Ogoki River presents numerous benefits including, but not limited to, the following.

- **Shorter Span Crossing of the Ogoki River:**

Alternative 4 requires a large-span crossing of the Ogoki River. The constructability of large-span crossings is more challenging than shorter span crossings; therefore, the location selected to cross a large waterbody has technical and cost implications. The constructability of the western crossing option of the Ogoki River is improved because the span length is approximately 200 m shorter. This would allow for the installation of a single span bridge of the Ogoki River rather than a multi-span bridge. It is also anticipated that a reduced span length may result in fewer effects to the environment.

- **Availability of Road Material:**

Quarries, borrow areas and aggregate source areas are needed to construct the Project. Most of the rock required for construction is expected to come from sources adjacent to the CAR; however, depending on resource availability, some sources may need to be developed further away. There is a potentially substantial aggregate source located west of Alternative 4 near the western Ogoki River crossing option that could be a potential source of construction materials for the Project. A CAR routed along this western alignment would reduce the length and / or remove the need for a haul route to access the aggregate should it be developed for the Project. A CAR routed further east would require the construction of a temporary haul road to obtain access to this potential source, which would have additional environmental effects and cost.

- **Schedule and Cost Implications:**

The above listed factors would lead to considerable reductions in terms of Project construction timelines and Project cost. A shorter-span crossing of the Ogoki River and easier access to construction material would reduce both the length of time required to construct the Project and the cost of construction.

The alternative will be incorporated into the Project's overall environmental assessment/Impact Statement planning.

Any questions, please let us know.

Thank you,

Robin Reese, M.E.Des., P.Biol., RPBio
Technical Leader Permitting - Western Canada, Environment

[REDACTED]

[REDACTED]

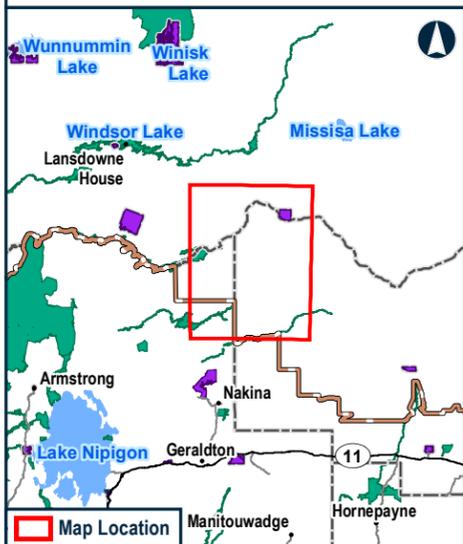
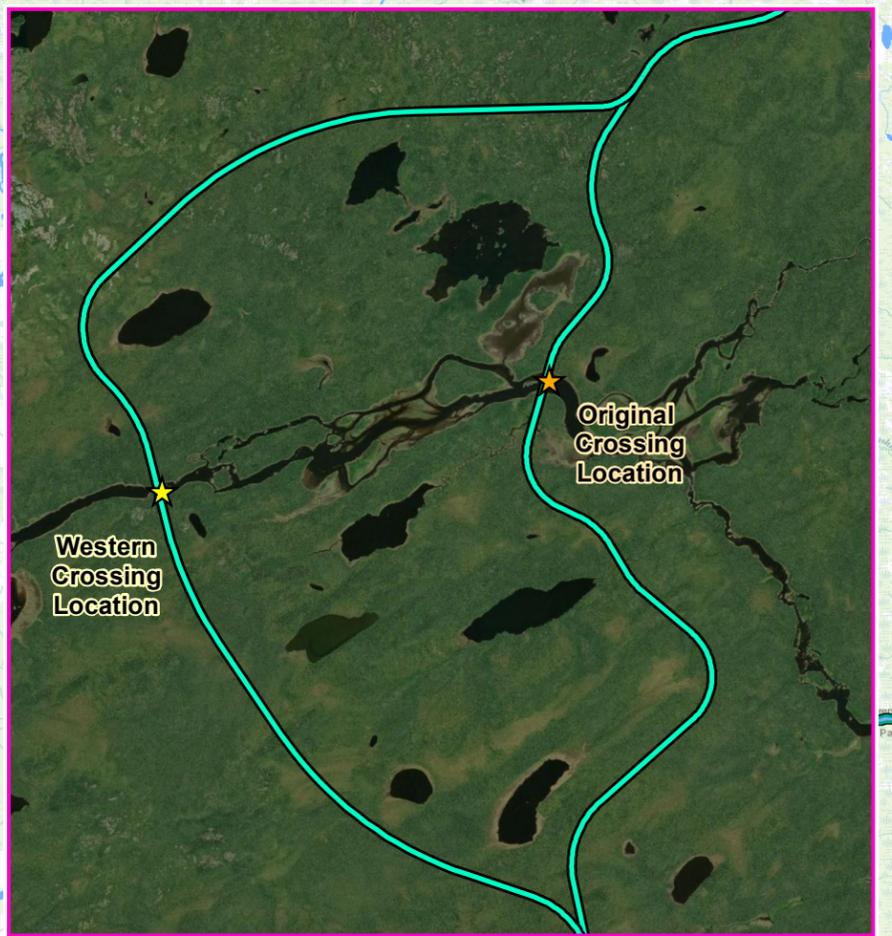
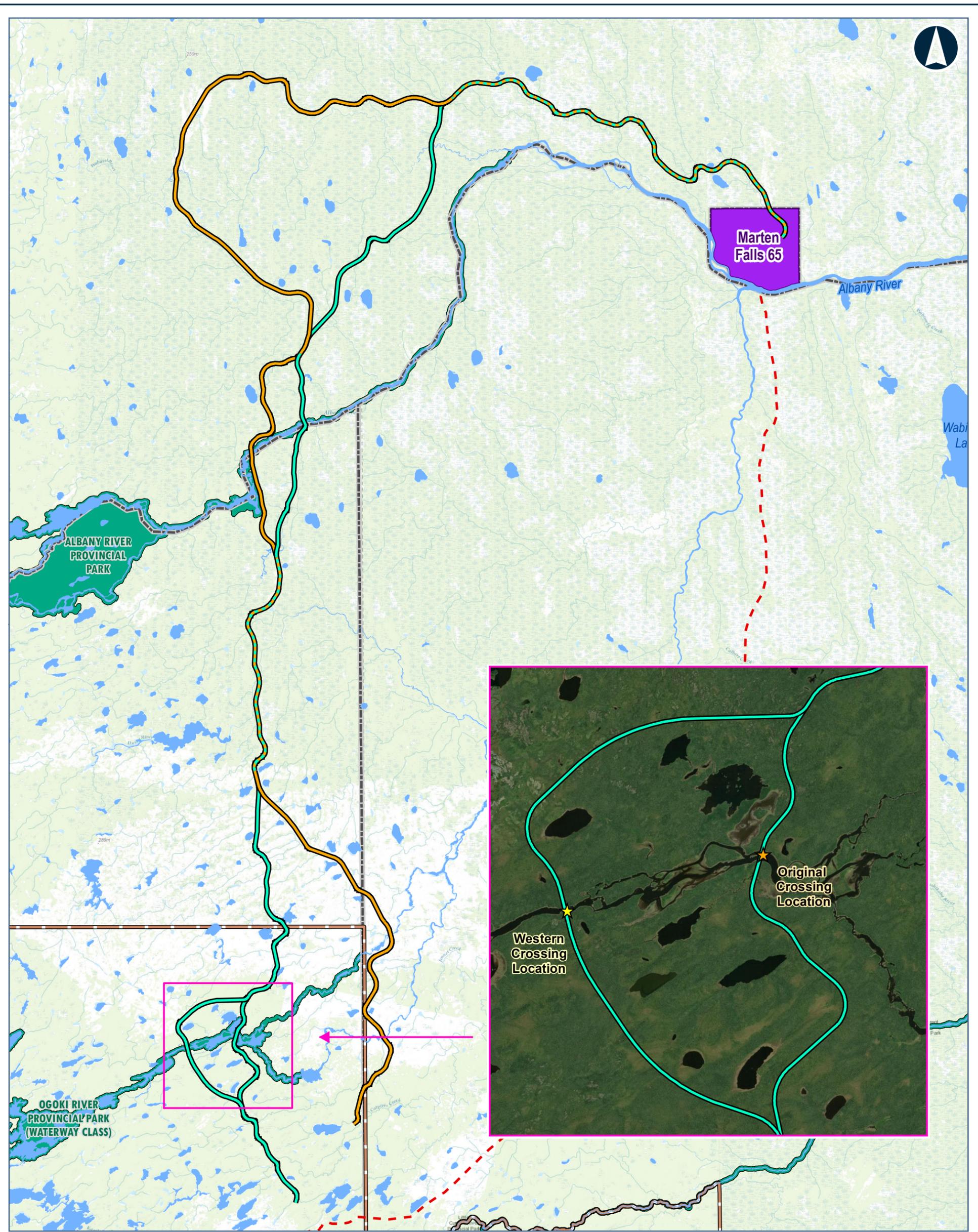
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Legend

Route Label

- Alternative 1
- Alternative 4
- Existing Winter Access
- Railway

- Waterbody
- First Nation Reserve
- Far North Boundary
- District Municipal Boundary
- Provincial Park

Notes:
None

Data Source:
Base Data: Provided by MNR 2019; Route Infrastructure - Provided by AECOM 2019. Contains information licensed under the Open Government Licence Ontario.
Aerial photography provided by:
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and

**MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD**

**Western Crossing Option
of the Ogoki River**



Datum: NAD 1983 UTM Zone 16N

Jan, 2021 1:400,000
* when printed 11"x17"

Rev:00

Figure 6-1



Contains information provided by Ontario Ministry of the Environment, Conservation and Parks or by Ontario Ministry of Natural Resources and Forestry (Copyright Queen's Printer of Ontario 2020), through a Sensitive Data License Agreement. This drawing has been prepared for use of AECOM client and may not be reproduced or relied upon by third parties, except as agreed by AECOM and its client, as required by law or for use by governmental reviewing agencies. AECOM accepts no responsibility, and denies any liability whatsoever, to any party that modifies this drawing without AECOM express written consent. The use of Sensitive Data in this drawing does not constitute an endorsement by the Ministry for this drawing or by AECOM of the Sensitive Data.

D3.2 Meeting Minutes and Materials (MIN)



Project Name: Marten Falls First Nation (MFFN) Community Access Road Date of Meeting: September 11, 2020
Time: 11:45 am to 12:45 pm
Project #: 60593122

Attendees:

AECOM:
Shawna Kjartanson (SK)
Leah Deveaux (LD1)
Michelle Wong Ken (MWK)
Christine Cinnamon (CC1)

Golder:
Erin Greenaway (EG)
Michelle Bacon (MB)

Dillon:
Dan Kuenstler (DK)

Project Team:
Jennifer Bruin (JB)
Qasim Saddique (QS)
Bob Baxter (BB)
Larissa Mikkelsen (LM1)
Lawrence Baxter (LB)
Jack Moonias (JM)

IAAC:
Chiara Calabrese (CC2)
Kimberly Valentine (KV)
Alexandra Oakes (AO)
Laura Decoste (LD2)

ECCC:
Denise Fell (DF)
Wendy Dunford (WD)
Lukas Mundy (LM2)
Josie Hughes (JH)
Allison Kroeze (AK)
Venita Harry (VH)
Mathieu Leblond (ML)
Sabrina Plura (SP)

MECP:
Sasha McLeod (SM)
Shannon Gauthier (SG)
Nikki Boucher (NB)
Kevin Green (KG)

MNRF:
Dave Barker (DB)

MENDM:
Paul MacInnis (PM)

Location: Conference Call

Absent: Robin Reese
Kendall Soulliere
Loraine Cox
Ariane Heisey
Brienne Brothers
Don McKinnon
Andrea Nokleby

Prepared By: Michelle Wong Ken

Regarding: IAAC – MECP Technical Meeting: Ungulates

Minutes of Meeting

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

| | Action |
|---|---|
| <p>Welcome, Introductions and Opening Remarks</p> <p>Safety Moment</p> <ul style="list-style-type: none"> ▪ When travelling to remote areas ensure you plan ahead by having the right equipment and letting relatives know where you will be. <p>Objectives</p> <ul style="list-style-type: none"> ▪ SK provided an overview of meeting objectives and introduced Golder to lead the comment discussion. | |
| <p>Item 5a – The use of the Federal Far North range in the caribou studies (UN-01)</p> <ul style="list-style-type: none"> ▪ The Consultant Team requested clarification on why the federal Far North Range was identified for assessment. AK and WD clarified that they are looking for more context for critical habitat disturbances in the federal Far North, specifically for ongoing assessment. ECCC is not suggesting modifying the study area. | <p>The revised Study Plan will reflect that the LSA and RSA will remain the same. Effects will be assessed for the four provincial ranges but will give some context relative to the federal Far North Range.</p> |
| <p>Item 5b – Collection of additional information related to predator surveys (UN-15)</p> <ul style="list-style-type: none"> ▪ CC2 clarified that IAAC is looking for more information on how data on increased predation will be collected. ▪ It was agreed that if the Consultant Team has questions regarding IAAC's expectations, they can contact IAAC rather than wait until the revised Study Plan is submitted. | <p>The revised Study Plan will include additional information on how increased predation will be monitored.</p> |
| <p>Item 5c – Winter aerial survey approaches and appropriate transect lengths (MECP4 and MECP7)</p> <ul style="list-style-type: none"> ▪ The Consultant Team requested clarification on the rationale for the 2 km spacing of transects for aerial surveys. KG explained that the Ozhiski guidelines should be applied to range level surveys and the 2 km transect spacing adheres to the Ranta 1997 guidelines which are more appropriate for local monitoring. Because the Project study area is relatively small, it is reasonable to increase the survey effort. ▪ The Consultant Team asked if the MECP is willing to be flexible regarding spacing. KG responded that there are a few examples in Ontario where 4 km and 5 m spacing has been used. If the Project Team identifies significant operational constraints that prevents increasing transects lengths then the MECP will discuss how to move forward. ▪ ML shared in the meeting chat a resource for caribou monitoring using transects: https://cmu.abmi.ca/wp-content/uploads/2017/10/REPORT_DeMars_et_al_Lit-review-and-recommendations-report-MarchFINAL.pdf | <p>The Project Team will discuss and revise the Study Plan accordingly.</p> |
| <p>Item 5d – Increasing number of caribou collars to collect year-round data, use of summer nursery surveys (MECP9 (SAR), MECP10 (SAR), MECP12 (SAR), MECP17 (SAR), MECP19 (SAR))</p> <ul style="list-style-type: none"> ▪ KG explained that 20 collars and a 3-year study are the minimum standards for a reasonable sample size. The potential for needing an ESA authorization in the future should be considered when designing the study plans. An Overall Benefit Permit may be sought for the Project, where research studies could be a component of the | <p>The Project Team will discuss and revise the Study Plan accordingly.</p> <p>Summer nursery surveys will not be</p> |

| | |
|--|---|
| <p>mitigation measures. Information from mortality studies, biological sampling, and recruitment studies could be useful for the Project in the bigger picture.</p> <ul style="list-style-type: none"> ▪ It was agreed that if the collaring program was increased and designed appropriately, summer nursery surveys will not be required since collaring is the preferred approach. | <p>undertaken if the number of collars is increased.</p> |
| <p>Item 5e – Additional data collection with collaring program (MECP15 (SAR) – mortality studies, MECP16 (SAR) – biological samples during collaring)</p> <ul style="list-style-type: none"> ▪ KG reiterated that mortality investigations and biological sampling will help understand the overall health of the caribou population (e.g., cause of mortality, pregnancy, recruitment rates, etc.) and assess the impact of the Project. ▪ The Consultant Team asked whether the province or the Project Team will be responsible for analyzing data from the mortality studies and biological sampling. KG responded that the Project Team would be responsible for the analysis of the samples. PM and BB asked whether these studies were requested for Wataynikaneyap Project. KG responded that the request was made for the project; however, the proponent was reluctant to undertake the collaring studies and chose not to. ▪ The Consultant Team requested information on the recent provincial collaring project to better understand the scope of work. DB responded that if the Consultant Team sent him their specific questions, he can provide the information. | <p>The Project Team will discuss and revise the Study Plan accordingly.</p> <p>The Consultant Team will send DB their questions on the provincial collaring program, specifically on biological sampling.</p> |
| <p>Item 5f - Consultation with MECP on using data for habitat categorization (MECP28 (SAR))</p> <ul style="list-style-type: none"> ▪ The Consultant Team asked for clarification on the process for mapping new information to update habitat categories. KG responded that the province usually leads the habitat categorization. He will need to review the process and follow up with the Consultant Team. | <p>KG will discuss the process for habitat categorization internally and follow up with the Consultant Team.</p> <p>The Project Team will wait until MECP's response before revising the Study Plan.</p> |
| <p>Next Steps</p> <ul style="list-style-type: none"> ▪ The comments that were not discussed during the meeting as well as Items 5a and 5b will be addressed in the revised Study Plan. ▪ Items 5c, 5d and 5e will need to be discussed by the Project Team before revising the Study Plan. A follow up technical meeting or conversation with IAAC and/or MECP may be required. This will be decided in approximately two weeks. ▪ The Consultant Team will follow up with KG if he does not provide a response to Item 5f within two weeks. | |
| <p>Closing Statements</p> | |



Project Name: Marten Falls First Nation (MFFN) Community Access Road

Date of Meeting: September 11, 2020

Time: 9:30 am to 11:30 am

Project #: 60593122

Location: Conference Call

Attendees:

AECOM:

Robin Reese (RR)
Leah Deveaux (LD1)
Shawna Kjartanson (SK)
Michelle Wong Ken (MWK)
Christine Cinnamon (CC1)
Kristan Washburn (KW)
Hugo Gee (HG)
James Kamstra (JK)

MENDM:

Paul MacInnis (PM)

IAAC:

Chiara Calabrese (CC2)
Kimberly Valentine (KV)
Lorraine Cox (LC)
Alexandra Oakes (AO)
Laura Decoste (LD2)

Project Team:

Jennifer Bruin (JB)
Qasim Saddique (QS)
Bob Baxter (BB1)
Lawrence Baxter (LB)
Jack Moonias (JM)
Larissa Mikkelsen (LM)

ECCC:

Denise Fell (DF)
Wendy Dunford (WD)
Russ Weeber (RW)
Lukas Mundy (LM)
Josie Hughes (JH)
Mathieu Leblond (ML)
Rich Russell (RR)
David Hope (DH)
Venita Harry (VH)
Sabrina Plura (SP)

MECP:

Sasha McLeod (SM)
Shannon Gauthier (SG)
Nikki Boucher (NB)
Brianna Brothers (BB2)
Kevin Green (KG)

Golder:

Erin Greenaway (EG)

MNRF:

Dave Barker (DB)

Absent:

Geneva Cloutis
Jessalyn Beaney
Ariane Heisey

Prepared By: Michelle Wong Ken

Regarding: IAAC – MECP Technical Meeting: Wildlife

Minutes of Meeting

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

| | Action |
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| <p>Welcome, Introductions</p> <p>Safety Moment</p> <ul style="list-style-type: none"> ▪ Ensure safety equipment are in working order prior to going into remote areas. <p>Opening Remarks</p> <ul style="list-style-type: none"> ▪ Comments not highlighted for discussion in the agenda are those that the project team agreed could be integrated into a revised study plan without further input from the experts. <p>Objectives</p> <ul style="list-style-type: none"> ▪ SK provided an overview of meeting objectives and introduced AECOM to lead the comment discussion. | |
| <p>Item 2a – Use and integration of past studies or reports within the study plan (WH05, WH08, WH09, WH10, WH11, WH13, WH14, WH15, WH17, WH34, WH35, MECP19, MECP20, MECP22, MECP34, MECP36, MECP2, MECP11, MECP12, MECP15, MECP16)</p> <ul style="list-style-type: none"> ▪ The Consultant Team requested to use past studies from Golder and Zoetica within the Study Plan given the difficult access into the study area. RW responded that the previous data may be useful to understand the variability that exists but is not considered sufficient. The suggested design from ECCC was not meant to be followed exactly but to compare options. DH explained that the previous data can be used to extract variance across different samples and test the design in the project area to see if targets are being met. DH indicated that it is not confident that previously collected data and study designs are sufficient for the purpose of the Tailored Impact Statement Guidelines (TISG). In the study plan, the proponent should provide a thorough demonstration of how the requirements of the TISG will be met. ECCC suggested it would be useful for the Consultant Team to engage a bio-statistician. ▪ The Consultant Team asked for clarification on the request for specific dates and point locations. <ul style="list-style-type: none"> ▪ KG responded that though it is understood that the locations could change, it would be helpful to understand the design if the locations and timing are specified. For example, Whip-poor-will surveys need to be done at specific times. The Consultant Team asked whether the timing and locations need to be specified for past surveys or if they are also required for upcoming surveys. KG responded that it is understood that the dates and locations could change; however, providing this information for upcoming surveys will provide a certain level of confidence in the results. The current Study Plan includes vague information for ground investigation sites and the MECP would like more information on the number, distribution, candidate areas, hair snag traps, etc. ▪ RW commented that it is not necessary to constrain a design to convenient helicopter landings as helicopters can go to randomly selected areas with a bushwhacking limit of a kilometre. In doing so, the Consultant Team would be able to reject sites and move on to another randomly selected site. The Consultant Team noted that in the project area, it may be many kilometres before finding another landing site. ▪ RW commented that the backbone of the Study Plan is a vegetation survey design which is not sufficient for a bird survey design. The ECCC would prefer a design specific to birds. | <p>The Consultant Team will schedule a meeting with the FRT to further discuss the use of previous studies and meeting the TISG requirements.</p> <p>The Consultant Team will review the guidelines to verify all requirements for study plans and work plans.</p> |

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| <ul style="list-style-type: none"> ▪ The Consultant Team asked whether the Study Plan would need to be revised or whether these factors would need to be incorporated into the modeling exercise. CC2 responded that the TISG require the proponent to submit a study plan and a work plan for each valued component. The Consultant Team asked if there is written guidance that define the difference between Study Plans and Work Plans. CC2 responded that the TISG describe the requirements to be captured by the activities, approaches and methods detailed in the study plan and work plan. The main distinction between study plans and work plans is while a study plan would describe the studies, surveys and other activities to be done, a work plan would capture how and when these activities would occur. The study plan and work plan may be combined and submitted as a single document. ▪ WD reiterated that ECCC is looking for details on the methodology for conducting surveys and study design (e.g. location, sample size etc.) to see if the TISG requirements would be met. | |
| <p>Item 2b – Model inputs / model design within the study plan (WH27, WH28, WH29, WH39, MECP42, MECP43, MECP48, MECP49, MECP50, MECP30 – on aerial ungulates)</p> <ul style="list-style-type: none"> ▪ The Consultant Team asked whether FRT agreed in theory on the proposed habitat suitability models and if specifics can be provided at a later date but before the Impact Statement is complete. <ul style="list-style-type: none"> ▪ RW responded that there is concern in using habitat suitability index (HSI) as the main approach as there is not enough sampling information available for the area, at least for birds. It is useful to use the HSI with data sampled in other regions and published data but not sufficient to draw reliable conclusions. There are more modern modeling methods that can extract additional, relevant data. There is literature available as well as case studies. ▪ The Consultant Team requested a rationale for the use of 2 km transect spacing as opposed to the proposed 10.6 km spacing for aerial surveys given that low likelihood to encounter species such as wolverine. <ul style="list-style-type: none"> ▪ KG responded that the 10 km spacing is more appropriate for large range studies and using 2 km spacing in transects increases the sample size. The Consultant Team commented that even if the effort is increased, obtaining data on wolverine would still be difficult. KG responded that if 10 km spacing is used and no wolverine were observed, the conclusion might be that there are none present, which is not the case. The Consultant Team responded that local knowledge and literature indicates the known presence of wolverine in the study areas. Therefore, the assumption will be that wolverine are present in the study area even if none are detected during aerial surveys. KG reiterated that the indicators being proposed for evaluation from a baseline perspective is important for low density species and it is important to sample sufficiently. ▪ BB1 commented that the data should incorporate Indigenous insight and a science only approach should not be taken. He has seen wolverine tracks in the area so knows they are present but are scarce. PM also recommended that community members should be consulted with regard to sightings. KG responded that MECP requires more details on how the harvest information and local Indigenous knowledge will be collected and used. | <p>The Consultant Team will investigate modeling techniques suggested by the ECCC and potentially discuss further with ECCC.</p> <p>Discussion on the transect spacing will be deferred to Technical Meeting on Ungulates.</p> <p>The Consultant Team will update the Study Plan to provide additional information on SAR such as wolverine.</p> |
| <p>Item 2c – Collaborative discussion on meaningful data collection</p> | <p>The Consultant Team will provide additional</p> |

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| <ul style="list-style-type: none"> ▪ The Consultant Team asked for clarification on the comment regarding monitoring of harvest rates post-construction as it seems more like an EA commitment than a study design component. KG responded that if an ESA authorization is required, acknowledging the value of harvest rates prior to the development of the road and how that is incorporated in the assessment could be very valuable. ▪ The Consultant Team asked for clarification on what information is being sought for pollinating insects. CC2 responded that they would like information in the Study Plan to describe the effort that is being proposed to describe the possible changes to the terrestrial habitat, water availability, etc. which could affect pollinator insects. ▪ The Consultant Team requested clarification on the comment regarding using mobile ARUs to measure bat densities. KG responded that the use of mobile ARUs was a suggestion as the Study Plan implied that abundance would be measured. The data might be useful to obtain an ESA authorization but the limitations in access are recognized. ▪ The Consultant Team asked for an example of a survey to identify bat migration corridors and whether this information is a requirement or something that would be good to know. KG responded that he can contact the bat experts for a survey methodology and that the agency would like the Project Team to gather this information. The Consultant Team responded that no suitable hibernacula were observed in the baseline studies to date. The studies are set up to note if any are observed. Some assumptions based on where the bats might travel would need to be made but meaningful baseline data would be difficult to get based on the number of monitors that would need to be set up; therefore, this would be more of a desktop review and modeling exercise. It was also noted that the study area is expected to be the end point of the bat migration. ▪ RW commented that the main road pathway will be along eskers which have unique upland forest which could have an impact on migratory birds and potentially bats. ▪ The Consultant Team asked for examples of field data that is expected from MECP on spatial distribution and abundance. KG responded that the MECP is looking for more information on how various indicators will be assessed. For example, wolverine are sensitive to human disturbances and are known to abandon den sites. The MECP is looking for acknowledgement of the value of these features and the method for how they will be studied. | <p>information on wolverine studies, bat migration, post-construction harvest and how changes in the habitat affect pollinating insects in the Study Plan. A revised Study Plan will be submitted to IAAC.</p> <p>KG will provide bat migration survey examples to the Consultant Team.</p> |
| <p>Next Steps</p> <ul style="list-style-type: none"> ▪ The Consultant Team will schedule a meeting to further discuss technical questions with the ECCC and IAAC. <ul style="list-style-type: none"> ▪ DF will contact agency experts regarding their availability for technical discussions with the Consultant Team tentatively scheduled around September 25, 2020. ▪ The Consultant Team will prepare a list of questions or topics to be discussed prior to the technical discussions. ▪ The Consultant Team will include SM on the invite for the technical discussions. SM will follow up with MECP staff to determine interest in participation. ▪ Changes in the study design based on the technical discussions will be incorporated into the revised Study Plan as well as changes based on comments that were not discussed during the meeting. | |



MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

Date of Meeting: September 17, 2020

Time: 11 a.m. – 12:15 p.m.

Project #: 60593122

Location: Conference Call

Prepared By: Jessalyn Beaney

Attendees: Sasha McLeod (MECP)
 Shannon Gauthier (MECP)
 Ariane Heisey (ENDM)
 Paul MacInnis (ENDM)
 Lawrence Baxter (MFFN Advisor)
 Bob Baxter (MFFN Advisor)
 Jack Moonias (MFFN Advisor)
 Qasim Saddique (MFFN Project Team)
 Jennifer Bruin (MFFN Project Team)
 Larissa Mikkelsen (MFFN Project Team)
 Christine Cinnamon (AECOM)
 Avril Fisken (AECOM)
 Jessalyn Beaney (AECOM)

Absent: N/A

Regarding: Marten Falls Community Access Road Project – Terms of Reference

Minutes of Meeting

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| <p>Status of the Terms of Reference (ToR):</p> <ul style="list-style-type: none"> - The updated ToR has been distributed to Marten Falls First Nation (MFFN) Chief and Council and community members for review. - A meeting with Chief and Council is scheduled for the following week (week of September 21, 2020) to go over the changes from the Draft ToR. - MFFN is reviewing the ToR for 2 weeks with the goal of receiving feedback to move forward with submission of the ToR to the Ministry of the Environment, Conservation and Parks (MECP), which is anticipated for late October 2020. - In response to the MECP's question related to exact timing of the proposed submission, AECOM confirmed that MFFN is aware of the 3 week notification requirement and will accommodate at the time of formal notification. The purpose of this meeting is to initiate the procedural aspects of the submission process because | None |





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| <p>of additional considerations due to COVID (e.g., potentially longer courier times) and relatively large distribution.</p> | |
| <p>Anticipated ToR Submission Schedule:</p> <ul style="list-style-type: none"> - MFFN Chief and Council and community members are reviewing the ToR, and a decision whether to endorse the ToR for submission is anticipated for September 30, 2020. Should MFFN Chief and Council endorse the ToR, the proposed submission date for ToR release is Friday October 23, 2020. - AECOM thanks MECP for the detailed ToR submission instructions shared in July 2020. The instructions summarize the overall timelines of when specific documentation and materials are to be provided to the MECP. To aid in meeting MFFN's anticipated schedule for submission of the ToR, early review of the materials by MECP is requested. - MECP clarified that when MFFN formally notifies the MECP of their intent to submit, MECP will prepare the cover letters that include the submission date that are to accompany the submission of the ToR to the Government Review Team (GRT), Indigenous communities and public record locations. MECP acknowledged the tight timelines leading up to document submission, and noted early reviews can be accommodated and that the letters would be provided in a timely manner. | <p>AECOM to provide the MECP with schedule of when materials will be provided to MECP for review.</p> |
| <p>Process Changes due to COVID:</p> <ul style="list-style-type: none"> - Viewing Location Availability: <ul style="list-style-type: none"> o MFFN has been in regular contact with the proposed public record locations to confirm if they are open to the public. The public record locations are at various levels of opening, with some locations identifying restrictions or closures. MFFN will continue to monitor the status of each location for inclusion in the public record location list that will be provided to MECP prior to ToR submission. Public record location restrictions currently in place include: <ul style="list-style-type: none"> ▪ Time limits; ▪ Reduced hours; ▪ Quarantine of materials; ▪ Curbside pick-up only; ▪ Open for essential services only (MFFN Satellite office); and ▪ Closed (Matawa First Nations Management, MECP offices). o MECP suggested the public record locations contact MFFN in the event someone visits but is unable to access the file. Other methods (e.g., link to website) could then be used to provide the documentation to the interested person. ENDM also suggested considering to provide additional copies at locations that quarantine materials. o MECP noted that wording will be provided to MFFN through MECP's review of the notice regarding document availability at public record locations if open for viewing. MECP anticipates completing review of the notice early next week (week of September 21, 2020). o AECOM noted that current understanding is the MECP offices are closed and cannot be used as public record locations. The two MECP offices have been retained on the notice provided to MECP for review in the event conditions improve and the offices re-open. Although the offices are closed, MECP advised that a complete hard copy of the ToR, RoC and any supporting documents should be sent to the MECP Toronto office for its official files. | <p>None</p> |





MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

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| <ul style="list-style-type: none"> ○ MECP plans to advise reviewers that the documentation is available on the Project website; however, some reviewers may request a USB or hard copy. AECOM noted that non-MECP GRT reviewers have been contacted and that most individuals have indicated the website link is sufficient for their review. ○ An MFFN Advisor asked whether the government has guidance information on sending documents during the pandemic. MECP will look into the request further and provide any information that may be available on minimizing risk of contamination (e.g., high touch areas, social distancing). ○ MECP advised that it is up to proponents to decide when to submit their ToR. AECOM clarified that each Indigenous community has been contacted to confirm whether they would like to review a copy of the ToR in hard copy, USB or electronically. - MECP Letter to Proponent: <ul style="list-style-type: none"> ○ MECP will provide MFFN with a letter after receipt of formal notification of intent to submit. The letter will cover some of the information being discussed during this call as well as changes in the submission process due to COVID. - Communities that Do Not Wish to Review the ToR <ul style="list-style-type: none"> ○ While undertaking outreach with Indigenous communities to confirm distribution preference for receipt of the ToR, Kitchenuhmaykoosib Inninuwug (KI) responded that they do not wish to receive a copy of the ToR. KI had also recently sent a letter to the chiefs of MFFN and Webequie identifying the concerns for caribou and request to pause the EA process on both projects. MECP and the Impact Assessment Agency of Canada (IAAC) were cc'd on the letter. MFFN is willing and wish to provide the information to KI but are seeking guidance from the MECP. MFFN Project Team to provide a copy of the correspondence to MECP and MECP to look into this further and provide guidance on how to proceed. - Comment Period: <ul style="list-style-type: none"> ○ MECP advised that it is leaning toward an extended comment period of 60 days for the review of the ToR given capacity issues being experienced by communities due to COVID. Based on the KI letter and other communities requesting additional time / pause in the EA process, MECP wants to be respectful and responsive to what it has heard from communities. It is anticipated that similar requests will be received related to the MFFN CAR ToR and that an extended review period could reduce the number of requests for additional time. The cover letter MECP will provide for MFFN submission will clearly identify that additional time is being provided. ○ It was also noted that a 60 day comment period based on a late October ToR submission would result in the end of the comment period occurring close to the holiday season when some communities or businesses may close down. The MFFN Project Team advised that should MFFN proceed with an extended comment period of 60 days, the comment period would not be extended any further to accommodate the holiday season. MECP responded that, generally speaking, if requests for additional time are received, MECP will need to consider the request and rationale for the request. | <ul style="list-style-type: none"> - MECP to look into whether there is any government guidance material available on minimizing risk of contamination for high touch surfaces. - MFFN Project Team to provide a copy of the KI email to MECP and MECP to look into this further and provide guidance on how to proceed. |
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MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD

- The MFFN Project Team shared that MFFN Chief and Council have provided direction to move forward with the minimum 30 day comment period. Although the pandemic is on-going, the province is in Stage 3 and this will be the third opportunity for persons to review and comment on the ToR documentation. MECP was asked whether MFFN could start with a 30 day review period, and depending on responses received and changes in the status of the pandemic, provide an extended period to Indigenous communities only. If so, clarification on the mechanism to extend the period (i.e., notification requirements) is requested from MECP. MECP reiterated its preference for the 60 day comment period to be respectful and responsive to what it has heard from communities regarding COVID-related challenges.
- MECP also shared that an extended comment period may increase the likelihood that the Minister's decision on the ToR is delayed. MECP will try to minimize the delay but it will depend on the number and nature of comments received and time it takes to respond to the comments. The MFFN Project Team can also help by being very responsive to the specific concerns raised, and do so in a timely manner. The 12 week timeline for Minister decision begins when the ToR is submitted (i.e., the comment period would be 60 days within the 12 weeks).

MFFN will discuss with MFFN Chief and Council 30 days vs. 60 days comment period.



Project Name: **Marten Falls First Nation (MFFN) Community Access Road** Date of Meeting: September 18, 2020
Time: 10:00 am to 11:15 am (EDT)
Project #: 60593122
Location: Conference Call

Attendees: **AECOM:**
Robin Reese (RR)
Leah Deveaux (LD)
Shawna Kjartanson (SK)
Christine Cinnamon (CC)
Michelle Wong Ken (MWK)

IAAC:
Chiara Calabrese (CC2)
Alexandra Oakes (AO)
Kimberley Valentine (KV)
Laura Decoste (LD)

Project Team:
Lawrence Baxter (LB)
Jack Moonias (JM)
Larissa Mikkelsen (LM)
Jennifer Bruin (JB)
Qasim Saddique (QS)

Dillon:
Hamish Corbett-Hains (HCH)
Doug Gay (DG)

MECP:
Sasha McLeod (SM)
Shannon Gauthier (SG)
Guowang Qiu (GQ)

ECCC:
Denise Fell (DF)
Hossein Naghdiane (HN)

Health Canada:
Barry Jessiman (BJ)
Dae Young Lee (DYL)
Aurelia Thevenot (AT)
Alexandra Iliescu (AI)
Tihut Asfaw (TA)
Ninon Lyrette (NL)
Umme Akhtar (UA)

ENDM:
Paul MacInnis (PM)

NRCan:
Walker Smith (WS)

Absent: Bob Baxter
Ariane Heisey
Marie-Eve Heroux
Wendy Wilson
Dan Kuenstler
Jessalyn Beaney
Geneva Cloutis

Prepared By: Michelle Wong Ken

Regarding: IAAC – MECP Technical Meeting: Atmospheric

Minutes of Meeting

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

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| <p>Welcome, Introductions</p> <p>Objectives</p> <ul style="list-style-type: none"> ▪ HCH provided an overview of the meeting objectives and lead the comment discussion. ▪ One of the objectives of the meeting is to discuss some comments submitted by the FRT on the draft atmospheric environment study plan. Comments not highlighted for discussion in the agenda are those that the project team agreed could be integrated into a revised study plan without further input from the experts. | |
| <p>Item 2a - Use and/or integration of key receptors and establishing representative background concentrations (AQ-01, AQ-04, AQ-18)</p> <ul style="list-style-type: none"> ▪ The Consultant Team intends to use the standard definition of sensitive receptors as well as incorporate receptors identified by Indigenous communities. CC2 responded that the approach seems appropriate, however, more information on the location of receptor points and the criteria applied to select the receptors, should be provided in the study plan. The outcome of engagement activities with Indigenous groups must inform baseline data collection and effects assessment for the atmospheric environment. The public and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan (IEPP) should be provided with an opportunity to comment on the proposed approach since people may be using the land around project study area and may have concerns. Confidential information should not be disclosed in a study plan. However, if an Indigenous group shares concerns regarding a location deemed sensitive, the proponent is required to demonstrate in the Impact Statement that such concern was taken into account and validate with the Indigenous group who provided the comment that the concern was addressed in a satisfactory way. ▪ BJ asked how the Consultant Team plans to obtain realistic data regarding timing of country food users, trappers, etc. (e.g., how often and time periods). HCH responded that this data has links with the ecological studies and would need to discuss with the Project Team. ▪ Regarding establishing background concentrations, the Consultant Team does not believe it is technologically feasible to obtain data in uninhabited areas due to a lack of power supply. CC2 responded that a fulsome rationale must be included in the study plan for any deviation from the Tailored Impact Statement Guidelines (Guidelines) that the Consultant Team would like to propose for Federal Review Team’s consideration. Any deviation from the Guidelines will need to go through an approval process and be on record. ▪ Regarding AQ-18, CC2 clarified that the proposed baseline air quality data collection seems to be an appropriate approach for capturing currently active regional emissions. However, for the cumulative effects assessment, the project team should also estimate future regional emissions caused by future projects during the life span of the Marten Falls Community Access Road project. CC2 indicated that the project team should refer to Section 22 of the Guidelines for requirements regarding the cumulative effects assessment. ▪ BJ commented that a discussion on incremental effects due to the project must be included in the Study Plan. | <p>The Consultant Team will revise the Study Plan to clarify the locations and types of receptors; seasonal activities of locals; address approved, future projects; discuss the potential of lower baseline concentrations outside of the community and qualitative assessment of the project incremental effects.</p> <p>The Consultant Team will consider the Agency’s comments on the desired outcomes for engagement in the impact assessment process.</p> |

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| <ul style="list-style-type: none"> ▪ CC2 recommended referring to the guidelines on how confidential information should be considered for the project. | |
| <p>Item 2b - Model inputs / model design within the study plan (AQ-03, AQ-08)</p> <ul style="list-style-type: none"> ▪ The Consultant Team is of the opinion that some of the meteorological parameters being requested by IAAC would not change the impact assessment and are therefore, unnecessary for the scope of the project. CC2 responded that if something was included in the guidelines, it is assumed to be relevant. Any deviation from the Guidelines will need to go through an approval process and be on record. A fulsome rationale must be included in the study plan for any deviation from the Guidelines that the Consultant Team would like to propose for Federal Review Team’s consideration. ▪ Regarding modelling scenarios for road maintenance, the Consultant Team intended to use two scenarios which would include road maintenance – initial construction and operations. Minor maintenance such as re-grading will not be modelled, since the Consultant Team’s opinion is that the initial construction assessment will conservatively assess all construction activities. ▪ MECP, Health Canada and ECCC responded that maintenance needs to be considered due to the potential to contribute to cumulative effects. | <p>The Consultant Team to provide a rationale in the Study Plan for why some meteorological parameters may not need to be studied for the project; and include a discussion on the potential air quality effects of emissions from the operation phase including road maintenance. The Consultant Team should clarify the maintenance scenarios considered in the revised study plan.</p> |
| <p>Item 2c - Collaborative discussion on applicable atmospheric phenomena (AQ-15, AQ-16, AQ-17)</p> <ul style="list-style-type: none"> ▪ The Consultant Team is of the opinion that the low levels of use of the proposed road would not generate significant increase in acid depositions or contamination required for secondary effects. CC2 responded that similar to the comments on the meteorological parameters, a fulsome rationale must be included in the Study Plan for any deviation from the Guidelines that the Consultant Team would like to propose for Federal Review Team’s consideration. Any deviation from the Guidelines will need to go through an approval process and be on record. | <p>The Consultant Team will include a rationale in the Study Plan for why ground level ozone formation, acid deposition and secondary effects do not need to be studied for the project.</p> |
| <p>Item 2d – Relevant assessment standards and guidelines (AQ-10, MECP4)</p> <ul style="list-style-type: none"> ▪ The Consultant Team plans to use provincial and federal air quality standards for the air quality assessment. The results of the Air Quality Study will be used to inform other studies, such as the Human Health Study, which will use applicable thresholds to determine the level of impact on those components. The Government Review Team and the Consultant Team discussed how impacts should be considered in relation to human health. ▪ Health Canada asserted that CAAQS are not the health-protective values and health effects can occur below CAAQS. CAAQS are purely air quality numbers, so no statement can be made in relation to health. | <p>The Consultant Team will describe the definition of the air quality magnitude using an appropriate approach in the Study Plan. The Consultant Team will revisit the magnitude definition criteria and include the health specific criteria in the Human Health Study Plan.</p> |
| <p>Item 3 – Atmospheric Session: Next steps regarding the study plan & monitoring plan</p> | <p>The Consultant Team will submit a</p> |

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| <ul style="list-style-type: none"> ▪ The Consultant Team will submit a Monitoring Plan the week of September 21, 2020. Input from the Government Review Team is requested prior to deploying the equipment. SM asked how the Monitoring Plan will be distributed and what is the timeframe to review it. HCH responded that the Monitoring Plan will be provided to AECOM who would distribute it to the review agencies. The plan is to deploy the equipment on October 14, 2020 and comments would be required as soon as possible due to the specific requirements of the monitoring locations. <ul style="list-style-type: none"> ▪ HN asked if the Monitoring Plan was for all phases of the project. HCH responded that it is just for the baseline study. ▪ The Government Review Team and Consultant Team discussed monitoring methods; however, due to the limitations of the equipment, it would not be feasible to implement different techniques. | <p>Monitoring Plan to be reviewed by the Government Review Team.</p> |
| <p>Closing Remarks and Final Comments</p> <ul style="list-style-type: none"> ▪ HN asked if the ratio of trucks and cars was known. HCH responded that he does not have this information, but it will be included in the assessment. ▪ HCH will discuss with the Consultant Team the recommendation of using canisters to monitor VOCs; however, it was noted that there are logistical issues with the lab analysis. ▪ LB commented that the effects on human health due to contaminants is an important issue that Health Canada should be looking at. ▪ JM commented that they need to relay the information from these technical discussions to the community members in a way that the information is properly understood. ▪ Health Canada and ECCC asserted that the use of COVs as a surrogate is not an appropriate approach to measure PAHs levels. ▪ MECP commented that there are technical challenges with monitoring for PAHs in remote settings. Additionally, MECP indicated particulate matter is likely to be of more concern to the impact assessment. | <p>The Consultant Team will include the ratio for trucks and cars in the impact assessment.</p> <p>The Consultant Team will discuss the use of canisters to monitor VOCs.</p> |



Project Name: **Marten Falls First Nation (MFFN) Community Access Road** Date of Meeting: September 23, 2020
 Time: 1pm to 3pm (EST)
 Project #: 60593122
 Location: Conference Call

- Attendees:
- AECOM:**
 - Robin Reese (RR)
 - Christine Cinnamon (CC)
 - Geneva Cloutis (GC)
 - Avril Fiskens (AF)
 - IAAC:**
 - Chiara Calabrese (CC2)
 - Caitlin Cafaro (CC3)
 - Danton Sück (DS)
 - Project Team:**
 - Lawrence Baxter (LB)
 - Jack Moonias (JM)
 - Larissa Mikkelsen (LM)
 - Jennifer Bruin (JB)
 - Qasim Saddique (QS)
 - Bob Baxter (BB)
 - MECP:**
 - Peter Brown (PB)
 - ENDM:**
 - Ariane Heisey (AH)
 - Paul MacInnis (PM)
 - Dillon:**
 - Caroline Wrobel (CW)
 - Andrea Nokleby (AN)
 - Don McKinnon (DM)

Prepared By: Geneva Cloutis

- Absent:
- Shawna Kjartanson
 - Leah Deveaux
 - Jessalyn Beaney
 - Chief Bruce Achneepineskum

Regarding: IAAC Technical Meeting: Aboriginal and Treaty Rights and Interests Study Plan (formerly the Indigenous Peoples Valued Components)

Minutes of Meeting

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| <p>Welcome, Introductions – Safety moment</p> <p>Objectives</p> <ul style="list-style-type: none"> ▪ To provide an update on the Indigenous Knowledge (IK) program, to review and discuss some of the topics of the Indigenous Peoples Study Plan and associated | |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

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| <p>preliminary comments provided by IAAC, and to agree on next steps to resolve issues with the draft study plan.</p> <ul style="list-style-type: none"> Documents provided by the Consultant Team includes the Draft Agenda, the Aboriginal and Treaty Rights and Interests (ATRI) Study Area Memo that has been shared with Indigenous communities, and the Table of Contents for the Draft IK Program Guidance Document that is being developed. | |
| <p>Item 2 – Overview of Current status of Study Plan and IK Program</p> <ul style="list-style-type: none"> The initial Study Plan title of “Indigenous Peoples Valued Components” has been changed as the Valued Component (VC) is now “Aboriginal and Treaty Rights and Interests”. The preliminary Local Study Area (LSA) and Regional Study Area (RSA) have changed from what was provided in the draft study plan submitted based on feedback received from Indigenous communities and the LSAs and RSAs selected for other VCs that are relevant to and may influence Aboriginal and treaty rights and interests, including wildlife, vegetation, fish and fish habitat, surface water, air quality and cultural heritage. <i>Refer to the description of the new LSA and RSA in the ATRI Study Areas Memo that was appended to the meeting agenda.</i> These changes are reflected in the ATRI Study Areas Memo that was provided to all Indigenous communities on August 25 for review and feedback. Digital shapefiles and KMZ files for the ATRI LSA and RSA were shared with all the communities in a follow up communication. LB asked if the RSA is the 25km buffer around the PSA. CW responded that was from the original draft version of the study plan, but it has now been revised to better align with the natural environment study plans. LB asked if sensitive areas and buffer zones were being considered in the route alternatives. AN responded that the information provided by MFFN was used to help inform the route alternatives. PB asked about whether or not caribou ranges were considered or captured in the study area. AN responded that information provided by Indigenous communities (including Indigenous Knowledge) related to caribou and or any other disciplines will be shared with the disciplines, and that other disciplines will also share information with the IK Team in an iterative process to have a holistic understanding of the VCs and their inter-relations. PB asked IAAC whether there is a requirement to have 1 LSA and 1 RSA for the Study Plan. CC2 indicated that for each Valued Component (VC) the project team is expected to select the most appropriate Project Study Area, Local Study Area and Regional Study Area. Therefore, study areas may differ among VCs. CC2 also noted that the Regional Study Area should capture cumulative effects. CC2 asked about the study area map and specifically the new Ogoki river crossing segment where the LSA extends beyond the RSA boundaries, and what the rationale was for that. CW and AN agreed to review this in closer detail and revise if needed. <p>IK Program</p> <ul style="list-style-type: none"> CW pointed out that there are two key components to the IK Program: soliciting existing and relevant IK that communities already have documented and are willing to share, and undertaking project-specific IK and Indigenous Land and Resource Use studies for those communities that are interested. | <p>AN/CW to review the study areas figure and revise as necessary.</p> <p><i>*Update: the RSA is being updated to include the additional quaternary watersheds that interact with the new Route Alternative 4-West and where the LSA extends beyond the RSA, as per IAAC comments and comments received from Indigenous communities on the Study Areas Memo</i></p> |

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| <ul style="list-style-type: none"> ▪ AN noted that the intention of the IK Program Guidance Document is to support communities in collecting and sharing information, recognizing that there is likely varying degree among communities in terms of their experience in this, but it is also recognized that communities may choose to undertake data collection in different formats based on their needs and perspectives, CW added that the requirements of the TISG were factored into the development of the Guidance Document and associated materials to support the MFFN Project Team in soliciting the type of information required. ▪ The study plan will be updated and provide references to the IK Program Guidance Document to address some of the comments provided by IAAC – clear linkages will be made between TISG requirements and the Guidance Document where possible for clarity. AN confirmed the revised study plan and IK Program Guidance Document will be submitted together to allow for easy cross-referencing. ▪ PM brought up the need to have clear procedures and processes for sharing information gathered in IK and Consultation with the other disciplines, and that the information sharing is understood by all technical leads. ▪ AN noted that the IK sharing agreements will dictate how IK is shared. LM added that the IK and Consultation Programs are working closely together to keep the process straightforward. AN confirmed that there will be language in the document around how information is coordinated between the IK team and other technical teams. | |
| <p>Item 3a – Discussion on Indigenous Groups (Required Action #1)</p> <ul style="list-style-type: none"> ▪ AN noted that while all communities have been invited to participate in the IK Program, to date only 9 communities to date have expressed an interest in participating. AN asked about how this should be articulated (i.e., not all communities are interested in participating)? ▪ PB responded that it is about making sure that all communities have the opportunity to provide information through the IK and Consultation Programs, and indicating which communities have “expressed interest” is an appropriate approach. ▪ CC2 noted that the proponent is expected to conduct engagement to provide all Indigenous groups listed in the Indigenous Engagement and Partnership Plan (IEPP) with an opportunity to comment on baseline data collection, gathering of Indigenous knowledge and the list of VCs and indicators. If Marten Falls First Nation has formal record that an Indigenous group is not interested in being engaged on a specific VC or in participating in a proponent-led activity, it would be considered fair to differentiate among communities that have expressed interest and those who have expressed lack of interest. Information about an Indigenous group’s lack of interest must be captured in the record of engagement. Rationale behind the expressed lack of interest must be clearly documented. If new information related to the provided rationale for lack of interest surfaces during the impact assessment, the obligation is on the proponent to share the new information with the Indigenous group and to confirm their interest (or lack thereof) in being engaged. ▪ AN noted that not all communities will provide rationale. DS clarified that the concern is around linking IK to specific interests and VCs and making sure that the record of engagement shows how each Indigenous group listed in the IEPP was | <p>The link between specific interests of Indigenous groups and the VCs will be clearer in the revised study plan.</p> |

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| <p>provided with an opportunity to share Indigenous knowledge and to inform the VCs data collection. AN noted this link will be clearer in the revised study plan.</p> | |
| <p>Item 3b – Discussion on Gender Based Analysis Plus (Required Action #2)</p> <ul style="list-style-type: none"> ▪ CW noted that the IK Guidance Document includes specific suggestions for communities to consider the need to represent diversity in the community when selecting participants for any project-specific studies but that they may not be reflected in the actual participants, and asked what process to follow if the reality doesn't reflect that aspiration. ▪ CC2/DS recommended that the proponent inform the Indigenous groups about the GBA+ requirements of the Tailored Impact Statement Guidelines (the Guidelines). The proponent should specifically ask the Indigenous group leadership of the designates to identify participants for the meetings that would be able to offer perspectives that represent the interest of diverse sub-populations who may be disproportionately affected by the project, including women, elders, and youth. CC2/DS recommended keeping a record of these requests to Indigenous groups as well as of the Indigenous groups' responses on the final list of participants. Once informed of the requirement of community members to be engaged to capture the perspective of diverse sub-populations, the Indigenous group's preferences should be respected. | |
| <p>Item 3c – Discussion on Potential Schedules (Required Actions #4 & #5)</p> <ul style="list-style-type: none"> ▪ CW noted that in order to meaningfully integrate IK into the process, this information must be collected in a timely manner. However, IAAC commented on the timeline for the project-specific studies. CW asked how the constraint of timelines and the need to collect this information early on can be balanced or reconciled. ▪ CC2 responded that the comment was at least partly related to the ongoing Covid situation and associated impact on communities. ▪ To inform discussions on time limit challenges, CC2 recommended sharing with the Agency a project workplan. The workplan should present planned milestones, consultation activities, objectives and anticipated time to reach each milestone (or approximate dates), to demonstrate approximates of the amount of work to be done and the time required to complete the work. ▪ PB clarified that the Terms of Reference for the project is essentially a workplan, so the inclusion of IK should be incorporated into it. ▪ PM noted that some communities have asked for more information on the timelines and milestones for the project to better understand the start and stop points. | |
| <p>Item 3d – Discussion on Effects Assessment (Required Action #19)</p> <ul style="list-style-type: none"> ▪ CW requested information on the level of detail expected with respect to the effects assessment methodology given that the stage at which the process is at and the need to be somewhat exploratory to identify opportunities for collaboration with communities. CW also noted that some communities may be interested in completing their own effects assessment. ▪ CC2 clarified the concerns from the Agency on the original Study Plan were that the methodology and approach on effects assessment was unclear but has become clearer through the discussion. | <p>More information and caveats on the process and methodology will be provided in the revised study plan.</p> |

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| <ul style="list-style-type: none"> ▪ CC2 recognized that Indigenous communities may decide to do their own effects assessment, however, that would be done in addition to the work that the proponent is required to do to meet the requirements of the Guidelines. The appropriate level of detail should be assessed once federal authorities had an opportunity to review. ▪ DS noted that this clarification just needs to be articulated in the revised study plan and IK Program Guidance Document. ▪ CW noted that they will provide more information and caveats on the process and methodology in the revised study plan based on the discussion today. <p><i>Post-Meeting Clarification from the Agency:</i></p> <ul style="list-style-type: none"> ▪ <i>In the study plans, proponents are expected to provide information regarding the proposed methodology to collect baseline data, including but not limited to variables and indicators to assess changes, data to be collected to define such variables and indicators, metrics system to assess change, details of the study/survey design (when, where, how, who) and methodology for the effects assessment.</i> | |
| <p>Item 4 – Funding – Proposed Discussion</p> <ul style="list-style-type: none"> ▪ AN noted that the TISG requirements ask a lot of Indigenous communities in terms of the amount of information to provide, and asked about the level of funding IAAC will be providing to support communities in participating in the IK Program. ▪ PM proposed creating some type of schematic across all governments and ministries to provide to communities to better understand what funding is available and for which stages of the process. PM also noted that the scope of work is important in funding, and that the money is not for comprehensive land-based ATK studies but that studies should focus on the project/study areas. ▪ CC2 noted that funding provided by the Agency does not cover the costs incurred for proponent-led activities, including the IK Program, carried out to meet the requirements of the Guidelines. The Agency encourages you to work with each Indigenous group to see how you, as the proponent, can support them to participate meaningfully in your engagement activities and to provide feedback and input on your assessment activities and findings in a timely manner. Your engagement activities should not only seek data and information to prepare the Impact Statement, but also inform the Indigenous groups and address any concerns that the groups have about the Project, your approaches to the assessment, your findings (baseline conditions, effects), enhancement and mitigation measures, as well as follow-up program measures that you propose. DS added that the Agency has been discussing the potential to work with Indigenous communities on collaborative approaches to the assessment of the project’s potential impacts to the exercise of Aboriginal and/or treaty rights. <p><i>Post-Meeting Clarification from the Agency:</i></p> <ul style="list-style-type: none"> ▪ <i>The Agency asks that Marten Falls project team not include in their communications to Indigenous groups information about Agency-led activities (including funding, timelines, purpose, amount and eligible activities); instead, enquiries should be referred to the Agency.</i> | <p>Project Team to arrange for a meeting to further discuss funding opportunities across governments and agencies to present to communities to support the IK Program moving forward.</p> |
| <p>Item 5 – Closing Remarks and Next Steps regarding the Study Plan</p> | |

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| <ul style="list-style-type: none">▪ CW and AN noted that they appreciate the opportunity to discuss the study plan and associated approaches and feel that they have a good vision for revising the study plan based on the inputs today.▪ Everyone agreed on the follow up action to arrange for a meeting to further discuss funding opportunities across governments and agencies to present to communities to support the IK Program moving forward. | |
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Project Name: **Marten Falls First Nation (MFFN) Community Access Road** Date of Meeting: October 1, 2020
 Time: 10:30 am to 11:45 pm
 Project #: 60593122
 Location: Conference Call

Attendees:

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| <p>MNRF: Dave Barker</p> <p>ENDM: Paul MacInnis</p> <p>IAAC: Chiara Calabrese Kimberly Valentine Laura Decoste</p> <p>DFO: Shona Derlukewich</p> | <p>MFFN Project Team: Jennifer Bruin Qasim Saddique Bob Baxter Jack Moonias Larissa Mikkelsen</p> <p>AECOM: Robin Reese Leah Deveaux Shawna Kjartanson Michelle Wong Ken Christine Cinnamon Amy Ingriselli</p> <p>Golder: Barbra Fortin Kristine Mason</p> |
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Prepared By: Michelle Wong Ken

Absent:

- Lawrence Baxter
- Jean-Marc Crew
- Andrew Forbes
- Craig De Vito
- Ariane Heisey
- Sasha McLeod
- Shannon Gauthier
- Bruce Achneepineskum

Regarding: MFCAR - IAAC Technical Meeting: Fish and Fish Habitat

Minutes of Meeting

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| <p>Safety Moment</p> <ul style="list-style-type: none"> ▪ Ensure you are able to take of yourself while attending meetings (i.e., stretch, hydrate, etc.), for example by calling in to the meeting on your cell phone. | N/A |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

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| <p>Introductions</p> <p>Opening Remarks</p> <p>Objectives</p> <ul style="list-style-type: none"> ▪ Comments that are not included in the agenda for the meeting can be addressed without discussion with Agency experts. ▪ The MFFN Project Consultant lead the comment discussion. | |
| <p>Item 2a: Data Collection, Use of Desktop and Past Study Reports (FH-01)</p> <ul style="list-style-type: none"> ▪ The MFFN Project Consultant had proposed a 50% subset to study which is an increase in the number of waterbodies previously assessed in 2019. The MFFN Project Consultant is seeking direction from the Agency on whether the sites selected for the field studies planned for the fall of 2020 are satisfactory and advice on the number of visits at each site are required. <ul style="list-style-type: none"> ▪ MNRF responded that the MFFN Project Consultant should consider the potential need for permits as MNRF will need enough information about the sites to be assured that fish habitat will be protected. The additional studies do not need to occur this year; however, it can save time and resources to collect information needed for permitting at the same time as the EA studies. ▪ Regarding the frequency of site visits, DFO requires more information on what was studied in to 2019 and how it compares with the studies proposed for 2020, as the Tailored Impact Statement Guidelines (the Guidelines) require two years of data. DFO was looking for two years of data to compare and understand the baseline habitat. DFO requested Table 1 which was referenced but not provided in the study plan. The study plan should be updated to indicate timelines for sampling and the rationale for the selection of the sampling locations (overwintering habitat, spawning, etc.). Golder noted that there is a map and figures that show the studies completed at each site. Golder will work with AECOM to ensure that the maps and figures are sent to the right people. DFO confirmed that the table, maps and figures are needed to understand what occurred in 2019 and what is proposed for 2020. The information needs to be provided in a clear and complete manner. ▪ ENDM noted that it snowed recently in Thunder Bay and more snow is forecasted. The field studies are dependant on the weather as health and safety issues could arise for the field crew. One of the MFFN Community Member Advisors noted that there is likely a two-week window to complete the field studies. ▪ DFO commented that information from the desktop analysis and community information will also be useful to review the proposed field studies. ▪ One of the MFFN Community Member Advisors commented that the rivers are extremely low this year and asked about the best time to do habitat surveys. The MFFN Project Consultant responded that the field crew is trained to look at the characteristics of the waterbody to determine whether it could be good habitat for fish species regardless of timing of the survey. DFO commented that the MFFN Project Consultants should include Indigenous Knowledge in their site selection and that the information should be included and the information provided to DFO to review, if available. Refer to Section 6.2 of the Guidelines for more information on how to share Indigenous knowledge. | <p>The MFFN Project Consultant will provide the Federal Review Team with more details on the 2019 field studies and on the proposed 2020 field studies. Information will include a map, additional figures and Table 1 which is referenced but not provided in the study plan. Additional details will include the rationale for the site selection, the rationale for revisiting (or not) a sampling site, number of visits proposed, and timing and frequencies to check the sampling sites.</p> <p>The MFFN Project Consultant will update the Study Plan to include additional information on the desktop analysis and proposed field studies.</p> |
| <p>Item 2a: Data Collection, Use of Desktop and Past Study Reports (FH-03 and FH-04)</p> | |

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| <ul style="list-style-type: none"> ▪ Comments FH-03 and FH-04 were not discussed as it was determined the FH-03 is mainly an editorial issue and FH-04 is similar to FH-01. <p>Item 2a: Data Collection, Use of Desktop and Past Study Reports (FH-11)</p> <ul style="list-style-type: none"> ▪ The MFFN Project Consultant has not completed the desktop analysis but can expand on the information that is expected to be obtained from the effort and how it will be used in the Study Plan. The Agency confirmed that many of the comments are requesting more information to be included in the Study Plan in order to allow the Federal Review Team to provide appropriate feedback to the project team. | |
| <p>Item 2b: Rationale and Discussion of TISG deviations (FH-07)</p> <ul style="list-style-type: none"> ▪ The MFFN Project Consultant will add more detail on the information to be collected, where possible, and indicate which of the descriptions will be quantitative and which will be qualitative. DFO confirmed this was the information they were looking for, including details to meet the requirements of Section 15 of the Guidelines. <p>Item 2b: Rationale and Discussion of TISG deviations (FH-08)</p> <ul style="list-style-type: none"> ▪ The MFFN Project Consultant is not proposing to undertake zooplankton and phytoplankton sampling and is seeking clarity on why it is being requested by the Agency. The Agency responded that <u>any deviation from the Guidelines will need to go through an approval process and be on record. A fulsome rationale must be included in the study plan for any potential deviation from the Guidelines to be submitted to the Federal Review Team for consideration. DFO concurred about the requirement for a rationale in the study plan clearly articulating the reasons why the project team believes the requirements of the Guidelines are not necessary. The information provided in the study plan is not sufficient to understand the rationale and the interpretation of the project team.</u> <p>Item 2b: Rationale and Discussion of TISG deviations (FH-09)</p> <ul style="list-style-type: none"> ▪ This comment is similar to FH-11. The MFFN Project Consultant will include more detail in the Study Plan to provide a fulsome rationale to the Federal Review Team explaining why the project team considers the requirements of the Guidelines are not necessary. Once a fulsome rationale has been provided, the Federal Review Team will review and determine if an amendment to the Guidelines would be acceptable. The project team should determine the most appropriate format of the document to be submitted to the Federal Review Team to present a potential amendment to the Guidelines for consideration. | <p>The MFFN Project Consultant will update the Study Plan to include whether the information provided will be a quantitative or qualitative description and provide a fulsome rationale to the Federal Review Team explaining why the project team considers the requirement of the Guidelines as not necessary.</p> |
| <p>Item 3: Fish and Fish Habitat Session: Next steps regarding the study plan</p> <ul style="list-style-type: none"> ▪ The MFFN Project Consultant will provide DFO with additional information on the 2019 field study, the proposed field study for 2020 and future studies. If necessary, another call or correspondence with DFO will be undertaken. ▪ The MFFN Project Consultant will update the Study Plan. | <p>As above.</p> |
| <p>Closing Statement</p> | <p>N/A</p> |

Project Name: **Marten Falls First Nation (MFFN) Community Access Road** Date of Meeting: October 7, 2020
Time: 9am to 12pm (EST)
Project #: 60593122
Location: Conference Call

Attendees:

AECOM:
Robin Reese (RR)
Geneva Cloutis (GC)
Christine Cinnamon (CC)
Avril Fisken (AF)
Michelle Wong Ken (MW)

Project Team:
Lawrence Baxter (LB)
Jack Moonias (JM)
Larissa Mikkelsen (LM)
Jennifer Bruin (JB)
Qasim Saddique (QS)
Bob Baxter (BB)
Rob Moonias (RM)

Dillon:
Don McKinnon (DM)
Conor Grieve (CG)
Jessica Metuzals (JM)

IAAC:
Chiara Calabrese (CC2)
Loraine Cox (LC)
Danton Sück (DS)
Ely Weisbrot (EW)
Caitlin Cafaro (CC3)
Laura DeCoste (LD)
Kimberly Valentine (KV)
Alexandra Oakes (AO)
Dietrich Maahs (DM)

MECP:
Peter Brown (PB)

ENDM:
Paul MacInnis (PM)

Prepared By: Geneva Cloutis

Absent: Ariane Heisey
Shawna Kjartanson
Leah Deveaux
Andrea Nokleby
Caroline Wrobel
Sasha McLeod

Regarding: IAAC Technical Meeting: Socio-Community, Economic, and Land Resource Use Study Plans

Minutes of Meeting

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

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| <p>Welcome, Introductions</p> <ul style="list-style-type: none"> ▪ RR introduced the Consultant team from AECOM, DM introduced the Consultant team from Dillon, CC2 introduced the Agency staff, and JB introduced the members of the Project Team. ▪ PM was on the call representing ENDM, and PB was on the call representing MECP. <p>Objectives</p> <ul style="list-style-type: none"> ▪ Purpose of the meeting was to review preliminary comments from the Agency on the socio-community, land resource use, and economic study plans. ▪ At the request of the Consultant team, CC2 clarified that the Agency staff reviewed the study plans and determined there was insufficient content to substantiate review from the federal review teams on approach and methodologies, which is why only preliminary comments were provided at this time. ▪ After a brief discussion on the approach to the meeting, it was confirmed between CC2 and DM that reviewing the comments based on thematic groupings was an appropriate approach, prioritizing questions on engagement since some Agency staff will have to get off the call early. | <p>N/A</p> |
| <p>Item 2b – Engagement relative to SEIA scope (LRU-01, LRU-02, SC-01, SC-02, SC-04, SC-06, SC-10, Econ-01, Econ-02, Econ-03, Econ-04, Econ-08)</p> <ul style="list-style-type: none"> ▪ DM noted that there is the larger engagement program for the Project which will support all the study plans, and the engagement descriptions in the three study plans that we are discussing of this call focus on data collection to support baseline conditions description and the effects assessment work. General engagement activities are described in the separate consultation plan which is referred to in these SPs. The question to the Agency is whether this is a reasonable approach? ▪ CC2 stated that the approach is difficult to understand without a clear work-plan of the engagement activities. Sequencing of general engagement activities in compassion to Valued Component (VC) specific engagement activities would support understanding the project teams' approach. Requirements of Section 6 of the Tailored Impact Statement Guidelines (the Guidelines) include that the proponent provides an opportunity to all Indigenous groups listed in the Indigenous Engagement and Partnership Plan (IEPP) to provide Indigenous knowledge and comment on the list of VCs and indicators during baseline data collection. ▪ It would be helpful to see clear timelines, even if approximate and subject to change, to get a sense of when community input will be sought and what activities will be entailed. More detail overall on the engagement approach for these specific study plans will help the Agency give more feedback. Timelines for work can be provided in the future work plans. DS added that consideration should be given to the efficiency of engagement activities, in an effort to limit consultation fatigue experienced by Indigenous communities who are being engaged by the proponent. It will be important for the study plans to present how engagement activities for data collection purposes will be undertaken, | <p>Consultant Team to update and revise Study Plans</p> |

including follow-up/verification, to demonstrate how the requirements of the Guidelines are being met.

- DM asked if referencing the larger engagement and consultation plan is okay. DS responded that this approach is generally acceptable. This could include a footnote in the table of indicators stating that there will be generalized engagement approaches to identify key interests and VCs and that the table will be expanded as issues arise with Indigenous communities. Just referring to the community engagement approach broadly is too general to offer insight. The Agency would like to see how more targeted information will be collected based on Section 6 of the Guidelines, including a more robust methodology describing the types of questions you will be asking in order to understand each communities' key interests and VCs. Referring only to the consultation and engagement plan does not offer insight on how the study will be undertaken. The study plan should provide clarity on types of questions/ information being asked in general engagement activities and in VC-specific engagement activities. The project team should avoid engagement being pitched as a broad platform but should demonstrate more targeted information will be collected, as outlined in Section 6 of the Guidelines.
- DM asked whether or not all the disciplines are being asked to provide a specific outline of engagement activities and timelines that would be relied on? This is to understand the consistency of the approach. DS responded that there should be a clear description of both the initial and the overall engagement process with the understanding that there will be a general engagement phase to collect information from Indigenous groups on key interests and valued components broadly for each of the study plans, and a secondary stage of targeted information gathering for the key interest and values identified. The proponent should plan to provide Indigenous groups opportunities to review documents that describe the information that was provided (as a verification activity) as well as draft effect assessment results and mitigation recommendations. The engagement approach can be consistent, but each study plan should outline a phased engagement approach that meets the requirements of the Guidelines.
- CG noted that this discussion is about the engagement plans broadly, but within socio-community plan the focus is on verifying information and closing the gaps in the information from secondary data. DS clarified that the Agency agrees with using secondary data first and then using primary data collection to fill in those gaps, noting that it will be important to share the collected information with the relevant Indigenous community to ensure that that the information gathered is an accurate representation of that community. Since there is often limited information about remote northern communities compared to other regions, there may be special considerations regarding access to representative secondary data. However, using secondary sources to begin with, and then moving to primary sources to fill in data gaps is a reasonable approach.
- PM brought up the importance of finding community advisors for economics, land use, and social concerns, since many Indigenous communities have these advisory positions, and in some cases have collected data that has not been

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| <p>shared with the provincial or federal regulators. PM noted that RM is the economic advisor for MFFN. RM noted he has only participated within this call to discuss the Study Plans.</p> <ul style="list-style-type: none"> ▪ DS agreed with PM's point about ensuring the right people from each community are consulted with to ensure proper representation. ▪ No comment from MECP on this item. | |
| <p>Item 2a – Data verification (LRU-06, SC-08, Econ-02)</p> <ul style="list-style-type: none"> ▪ RM asked those speaking to introduce themselves to clarify for those on the call who were calling in and not using the MS Teams portal. ▪ DM stated that the study plans acknowledge that data verification needs to take place, and can provide more detail to this in the updated plans, but the Consultant team would like more information on the Agency's expectation on data verification, especially when information from individuals is of a sensitive or confidential nature. ▪ DS clarified that the intent is not to validate the raw data through Chief and Council or leadership representatives and acknowledged that such an approach would present confidentiality issues. DM noted that the intent is to put community consultation coordinators (CCCs) in place to assist with the engagement, but this is being negotiated with communities and re-worked because of COVID-19 limitations. DS noted that data verification could be integrated into information sharing agreements with Indigenous groups to pre-plan data verification processes for each community, adding that this would be a beneficial conversation to have with Indigenous groups earlier rather than later. The verification requirement in the Guidelines implies receiving some sort of written verification from leadership (member or group on specific study plan) that concurs with the community characterization. Adding this verification step in information sharing agreements should help to avoid the confidentiality concerns raised by the project team. point to state that rather than validating raw data, leadership can review the data as it will be documented in the reports, to ensure accurate representation for the community. ▪ DM agreed that this would be a reasonable approach. DS also added that this verification step should be captured clearly in the Record of Engagement. ▪ CC2 asked if the action item for the previous two Items was that the Consultant Team would integrate the discussion into the revised study plans, DM confirmed this. ▪ No comment from MECP or ENDM on this item. | <p>Consultant Team to update and revise Study Plans</p> |
| <p>Item 2c – Integration of GBA+ (LRU-07, SC-09, Econ -03)</p> <ul style="list-style-type: none"> ▪ DM asked for more detail from the Agency in terms of the expectations around the incorporation of GBA+ into the overall study plans. ▪ CC2 stated overall that the GBA+ is to capture disproportionate effects on certain groups. DS added that these subpopulations typically look at gender and age (often women, youth and elders), but communities might identify other identity factors that may be disproportionately affected by the projects or its impacts. The important piece for assessment is whether there is representative data of that community factor to understand how that group is affected. ▪ CG stated that the Consultant Team will commit to noting this in all the study plans and will look to engagement to help identify community groups and | <p>Consultant Team to update and revise Study Plans</p> |

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| <p>subpopulations. The GBA+ was mentioned at the beginning of the study plan, but does it need to be discussed throughout? DS responded that it needs to be built into the methodology, such as indicators anticipated to be candidates for a GBA+ lens.</p> <ul style="list-style-type: none"> ▪ CC2 clarified that this issue came up in the Aboriginal and Treaty Rights and Interests discussion, and the Agency that the proponent inform the Indigenous groups who are being engaged about the GBA+ requirements of the Guidelines, and specifically ask the Indigenous group leadership or designate to identify participants for the meetings that would be able to offer perspectives that represent the interests of diverse sub-populations who may be disproportionately affected by the project, including women, elders and youth. ▪ DS added that there should be meaningful efforts made to solicit GBA+ data from communities and the efforts should be recorded in the Record of Engagement. ▪ No comment from MECP or ENDM on this item. | |
| <p>Item 2d – Study Areas (SC-11, Econ-09)</p> <ul style="list-style-type: none"> ▪ DM described preliminary comments deeming the study areas too narrow in scope. DM noted the study areas were identified based on the project type, location of communities, general landscape of project area. The Local Study Area encompasses MFFN, Aroland First Nation, and the Greenstone Municipality since they will have direct connection to the access road. Other communities are included in the Regional Study Area, and the door is open to include other communities in the Local Study Area. The inclusion of other communities will be determined through initial engagement about interest from these communities on social, land and resource use and economic related issues. ▪ CC2 noted that the study areas should be selected to be the most appropriate for each specific VC. The study areas, as proposed in the draft study plans for social, economic and land and resource use, seem narrow and too geographically linked to the project’s footprint. CC2 advised to consider the study areas more broadly than as proposed in the preliminary study plans. Section 7 of the Guidelines also requires a clear rationale for the selection of spatial boundaries, so the Agency suggests adding the rationale to the study plans resubmitted for technical review. CC2 noted that the proponent should ensure that all Indigenous groups listed in the IEPP will have an opportunity to provide feedback on the study areas boundaries and suggested that the project team follow a proactive approach and ask communities for their feedback on the study area boundaries. CC2 also noted the Regional Study Area should be large enough to take into consideration cumulative effects. ▪ DM appreciated the comment on being proactive, and as well noted that we intend to take an integrated approach with the other disciplines to better define the study areas. DM clarified that some of this work needs to be undertaken by the other disciplines first (to identify areas of impact), so the process needs to be open and flexible to that. ▪ No comment from MECP or ENDM on this item. | <p>Consultant Team to update and revise Study Plans</p> |
| <p>Item 2e – Data Limitations (LRU-03, LRU-04, SC-05, Econ-05, Econ-06, Econ-13)</p> | <p>Consultant Team to update and revise Study Plans</p> |

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| <ul style="list-style-type: none"> ▪ DM noted limited information was provided about the primary data collection in the first draft study plans since it will be used to fill in gaps from secondary data sources, which have not yet been identified. ▪ DM asked what the Agency expectations are on the dataset, primary data collection, and how much effort should be undertaken to establish baselines. CC2 stated the study plan should have enough detail so experts can understand the objectives of data collection. A couple examples may not be sufficient, and the review teams will need to understand the vision for the data collection plan. The study plan should provide a list of indicators and their data sources with the understanding that some may be removed or added as the work progresses. The Agency would like to see a clear idea of the approach, method, and end goal of the data collection. ▪ DM appreciated the comment about flexibility, making this a living plan to allow for tweaks and adjustments with changes in availability, interest, and willingness to participate by the communities. The updated plan will provide more detail on what is anticipated from the primary data collection. DM asked if the Agency would be available for future discussions as the program adjusts and moves forward, and CC2 confirmed that they are, particularly for technical discussions once the federal review teams have reviewed the updated study plans. ▪ CC2 added that the study plans could include a list of indicators identifying those that are certainly available through secondary sources, those that will be informed through primary sources, and others that are unknown, and the study plans should clearly identify the approach and methodologies being considered for this data collection. ▪ PM asked why the Land Resource Use plan is focused on designated parks, tourism, recreation and protected areas, and not other types of lands or land use? DM noted that these are typical areas of focus for these types of projects, and this discipline is focused on non-traditional use of lands to avoid overlap with the Aboriginal and Treaty Rights and Interests study plan which is focused on traditional use of land. PM noted that there is interest in all use of the land within the project area that is not for traditional purposes, but this is a fine line and will require sensitivity. ▪ CG asked for clarification from PM on what other types of activities might be included. PM noted impacts to individuals who use the area for fishing, hunting, trapping, not necessarily for traditional purposes or by non-Indigenous people. CG clarified that “recreation” is defined broadly, and that a lot of those uses will be considered in the socio-community and land resource use study plans. As well, there will be integration with impacts from acoustic, air quality, and other natural science study plans. ▪ No comment from MECP on this item. | |
| <p>Item 2h – Necessity for Alignment between TISG text/ definitions of criteria and indicators (LRU-10, SC-13, Econ 11)</p> <ul style="list-style-type: none"> ▪ CC2 asked for more explanation on this item since it was not included in the initial list of questions. DM clarified this is in regard to specific wording in Section 17 of the TISG that was not used in the presentation of criteria and indicators. CC2 noted these comments link to the discussion earlier about | <p>Consultant Team to update and revise Study Plans</p> |

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| <p>providing more details and clarity, and the intent of these comments was for more alignment with how the issues in the TISG are being covered.</p> <ul style="list-style-type: none"> ▪ DM noted that these disciplines draw heavily from other sources and disciplines for the project, but the revised study plans can provide clear linkages back to other disciplines that information will be sourced from. ▪ CG noted one specific comment was to reference infrastructure in the socio-community section of the TISG, but it might also come up in the economic section of the TISG. Is it possible to cover both sets of information in one indicator and study plan to avoid duplication? CC2 said this approach is good, but the linkages and references need to be clear to give the full picture to the review teams. CC2 requested to include rationale and methodology as to why certain indicators will be captured in the specific plans, such as to avoid double counting, to make this clear to the review teams. ▪ CC2 provided final clarification that these discussions may happen again once the technical experts have reviewed the study plans, since these comments were just preliminary from the Agency. ▪ No comments from MECP or ENDM on this item. | |
| <p>Item 5 – Closing Remarks and Next Steps regarding the Study Plan</p> <ul style="list-style-type: none"> ▪ DM stated that the input from the call today and the comments have set clear expectations for moving the study plans forward to resubmission to the agency. ▪ RR asked if there were any comments from the community members or Project Team. JB thanked everyone for the discussion in the preliminary meeting as it provides more clarity with how to address guidelines and methodology, and that the meeting minutes will be circulated in the coming days to verify what has been said. QS echoed JB’s statement and appreciated the input on the ground level flexibility required for consultation and community participation. RM noted he will like to review the minutes to better understand the issues discussed. ▪ DM asked if the Agency is open to fielding further question as the study plans are refined. CC2 noted questions are welcome and can be directed to her and the Marten Falls Agency email inbox so the Agency is aware quickly. CC2 thanked the project team, consultants, community members, and staff from the Agency. | <p>Consultant Team to update and revise Study Plans based on Agency comments.</p> |

Project Name: Marten Falls First Nation (MFFN) Community Access Road

October 16, 2020

Date of Meeting: _____

Time: 1:00pm to 3:00 pm (EST)

Project #: 60593122

Location: Conference Call

Attendees:

AECOM:

Robin Reese (RR1)
Leah Deveaux (LD)
Shawna Kjartanson (SK)
Christine Cinnamon (CC1)
Kristan Washburn (KW)
Hugo Gee (HG)
Douglas Baldwin (DB)
Geneva Cloutis (GC)

Project Team:

Jennifer Bruin (JB)
Bob Baxter (BB1)
Lawrence Baxter (LB)
Jack Moonias (JM)
Qasim Saddique (QS)
Larissa Mikkelsen (LM)

ENDM:

Paul MacInnis (PM)

IAAC:

Chiara Calabrese (CC2)

ECCC:

Denise Fell (DF)
Josie Hughes (JH)
Rich Russell (RR2)
Venita Harry (VH)
Paul Watton (PW)
Wendy Dunford (WD)
Russ Weeber (RW)
David Hope (DH)
Matthieu Leblond (ML)

MECP:

Sasha McLeod (SM)
Shannon Gauthier (SG)
Brianna Brothers (BB2)
Kevin Green (KG)
Nikki Boucher (NB)

MNRF: N/A

Absent:

Michelle Wong Ken
Jessalyn Beaney
Kenndal Soulliere
Ariane Heisey

Prepared By: Geneva Cloutis

Regarding: IAAC – MECP Follow-Up Technical Meeting: Wildlife

Minutes of Meeting

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

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| <p>Welcome, Introductions</p> <p>Opening Remarks</p> <ul style="list-style-type: none"> No one from MNRF was on the call, as MNRF is finalizing a replacement for a representative on the file. <p>Objectives</p> <ul style="list-style-type: none"> Follow-up from the September 11, 2020 Wildlife technical call to focus specifically on Study Design and Modelling. RR1 introduced the AECOM team to lead the discussion. | N/A |
| <p>Item 2a – Study Design (WH05, WH08, WH09, WH10, WH13, WH14, WH34, WH35, MECP20)</p> <ul style="list-style-type: none"> HG shared a table comparing habitat types and community composition. The results comparing land cover between the PSA, LSA, and RSA were very similar (<5% difference) so the LSA appears to be a good approximation of the RSA. HG noted there are challenges with accessing bird habitat, and that the ability of the helicopter to land often limits where data is collected. HG described the 2018 Zoetica study to categorize species richness and habitat, and the 2019 Golder study which filled in some of the gaps in the data. HG shared a map of the Zoetica and Golder study points and noted that the data showed that if you have 30 sampling points for habitat you can detect all the species, which is consistent in the literature across regions and habitats. 15 sampling points per habitat captured all birds except for dark eyed junco and elder flycatcher (which are very habitat-specific species). HG shared another table summarizing habitat types along with the suitability ranking developed in collaboration with Canadian Wildlife Service. HG pointed out that most habitat types were visited over 30 times, but all meet the minimum 15 required. The Technical Team believes the data from the previous years sufficient to cover Year 1 of breeding bird data, and the study design will be expanded for year 2 to meet all requirements of the TISG and include information to support that there will be sufficient sampling. KW asked that if that level of detail for the study plan in terms of rationale for the study design is sufficient. RW emphasized that any existing data in this part of the world is useful. RW clarified that the study should include elements beyond species detection to include distribution, where suitable habitat occurs but species do not, species abundance, and more information on spatial and temporal variation. It will be important that the data allows reliable extrapolation in space. HG noted that the Autonomous Recording Units (ARUs) will help account for temporal variations and identify hotspots. No comment from MECP or the Agency on this item. | <p>Consultant Team to update and revise Study Plan</p> |
| <p>Item 2b – Modelling (Regression Decision Trees) (WH27, WH28, WH29, MECP42, MECP48, MECP50)</p> <ul style="list-style-type: none"> HG noted the goal is to utilize modeling to describe species distribution at a large level. DB added the need to ensure the sample design can support reliable, robust, effective modeling for extrapolation. DB opened the discussion on the use of boosted regression trees, and the importance in training the model for make sure there are no biases in the model. DB intends to train the model using species | <p>Consultant Team to schedule follow-up call with ECCC.</p> <p>Consultant Team to update and revise Study Plan with details</p> |

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| <p>distribution across different land classes to first cross-validate the model with the data it is trained on, then use data that is set aside for further validation. DB wants to train the model on multiple training sets to ensure the model is as robust as possible. DB acknowledged next steps would be to pull in the Golder samples, and start including temporal aspects (season, migratory birds), and asked ECCC if this would be a sufficient next step in the process to satisfy the TISG.</p> <ul style="list-style-type: none"> ▪ RW noted that boosted regressions trees tend to have intensive data input requirements, and that the TISG offers a foundation design which can be used as a benchmark against which to evaluate uncertainty in both precision and accuracy. The TISG foundation design is offered as a tool to evaluate whether planned sampling is likely to be sufficient for detecting patterns and for modeling, and to help identify gaps in existing and planned sampling. RW clarified that the foundation design is fairly intensive and can be used to determine land cover class representativity of planned sampling and design options. If design options do not use transects, or if some transects are dropped from the foundation design, comparison with the foundation design in terms of the TISG design principles can help identify and rationalise options. RW added that existing additional data resources can be used to move the study away from the intensity of the foundation design while still meeting the TISG requirements. The overall goal is to offer alternative designs that are sufficient with respect to land cover, precision, and bias, using the foundation design as a benchmark. ▪ DB thanked RW for the clarification, and stated the next steps are to look at the distribution of sampling design in terms of land cover, ensuring that if certain transects are dropped or sampled randomly, the sample set still matches the distribution or relative abundance of land cover. DB asked if there were existing data sets to compare the sample sets to. RW responded that this area is remote and under sampled, so benchmarks to assess progress could be the entire land cover within the LSA, or the foundation design offered in the TISG. RW clarified that this involves putting the data into GIS, use existing data to make predictions on abundance and the variance across the design as a baseline for comparison. DH added that it is a good idea to use existing data of the system and other land cover data across the study area to come up with hypothetical designs and then run the model. DB thanked ECCC for the clarification and said the Consultant Team is open to different modeling approaches given what data is available. HG mentioned the Boreal Avian Modeling project as a potential alternative. RW noted that the Boreal Avian models are not particularly strong in this area due to the sparseness of data in northern Ontario. ▪ No comments from MECP or the Agency on this item. | <p>on the statistical analysis of the existing baseline information against the foundational design.</p> |
| <p>Item 3 – Data Collection Logistics</p> <ul style="list-style-type: none"> ▪ RW returned to the idea of field design logistics, stating A-Star helicopters have powerful vertical takeoffs and landings which is useful in areas that do not have many suitable landing sites. RW clarified that the helicopter will drop someone off without touching the ground to clear an area for the helicopter to land. RW added the idea of using satellite imagery to get a sense of landing site feasibility on the ends of transects, but that the details can be discussed at a later date. Sampling only near convenient landing sites may lead to bias (especially when water cover | <p>Consultant Team to update and revise Study Plan with added details on logistics</p> |

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| <p>largely influences vegetation and bird presence) and can cause issues in the modeling outcomes.</p> <ul style="list-style-type: none"> ▪ HG responded that the helicopter contractor likely uses A-Star helicopters, and that part of the study design includes alternative landing spots if the helicopter cannot land. HG added that there will be multiple helicopter landing spots per point (4-5) in a variety of habitat types, and the specific details of this approach will be added to the study plan to show how it meets the TISG requirements. ▪ No comment from MECP or the Agency on this item. | |
| <p>Next Steps</p> <ul style="list-style-type: none"> ▪ No final comments from MECP or the Project Team. ▪ CC2 asked if the timelines were clear on action items. RR1 detailed the next steps are to follow up with RW and ECCC with detailed conversations on the modeling, and KW and RW will coordinate their teams for meetings. ▪ CC2 requested to be copied on correspondence along with DF to keep the Agency informed. | <p>N/A</p> |

Project Name: Marten Falls First Nation (MFFN) Community Access Road

Date of Meeting: October 20, 2020

Time: 1:00pm – 3:00pm (EDT)

Project #: 60593122

Attendees:

AECOM:

Shawna Kjartanson (SK)
Leah Deveaux (LD1)
Christine Cinnamon (CC1)
Robin Reese (RR)
Geneva Cloutis (GC)

ECCC:

Denise Fell (DF)
Venita Harry (VH)
Allison Kroeze (AK)
Sabrina Plura (SP)
Wendy Dunford (WD)

Golder:

Erin Greenaway (EG)
Michelle Bacon (MB)

MECP:

Sasha McLeod (SM)
Shannon Gauthier (SG)
Nikki Boucher (NB)
Brienne Brothers (BB)
Kevin Green (KG)
Hilary Gignac (HG)

Project Team:

Jennifer Bruin (JB)
Qasim Saddique (QS)
Larissa Mikkelsen (LM)
Jack Moonias (JM)

MNRF:

Melissa Mauro (MM)
Art Rodgers (AR)

IAAC:

Chiara Calabrese (CC2)
Laura DeCoste (LD)

ENDM:

Paul MacInnis (PM)

Location: Microsoft Teams

Prepared By: Geneva Cloutis

Absent: Michelle Wong Ken
Ariane Heisey
Jessalyn Beaney
Lawrence Baxter
Bob Baxter

Regarding: IAAC – MECP Technical Meeting: Ungulates Follow-Up

Minutes of Meeting

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

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| <p>Welcome, Introductions and Opening Remarks</p> <p>Safety Moment</p> <ul style="list-style-type: none"> Closing off your workday to maintain mental, emotional, and physical wellbeing. <p>Objectives</p> <ul style="list-style-type: none"> The purpose of the call is to follow up on outstanding action items and comments from the September 11, 2020 call with IAAC and MECP on the Ungulates study plan, and to discuss the specifics of the collaring and aerial survey programs. RR introduced the Consultant Team, and MB led the discussion. | |
| <p>Item 1 – Transect Spacing (MECP4)</p> <ul style="list-style-type: none"> All comments from IAAC have been addressed in updated study plan, and the remaining items for discussion are from MECP. MB described the existing study plan proposed 10km transect spacing in the LSA, resulting in about 14 transects and 2000km being flown, which follows the Ozhiski protocols. MECP comments suggested 2km spacing, which results in 69.5 transects and 9558km flown. MB asked whether there would be potential compromise of 4-5km spaced transects. KG asked if the LSA for the project was the 35km buffer Zoetica used in their 2018 baselines, or a 10km buffer on either side of the PSA which has come out of best management practice related to sensory disturbance. MB clarified this is the 35km buffer, but this could be changed if a 10km buffer is still an appropriate study area size. KG stated 10km buffer is likely sufficient. MB reiterated the objectives of the baseline monitoring are for caribou recruitment, caribou distribution and sub-range features. WD and AK noted that ECCC will confirm internally to ensure a 10km buffer is satisfactory and satisfies the requirements of the TISG. AR proposed that if there is a larger area that might be influenced by the project, to run every fifth transect out that full distance to concentrate the data within the corridor but get a sense of distribution across a larger area. AR suggested using 35km from PSA as a larger buffer area of interest and a 10km buffer from PSA for the narrower sample, and to estimate costs using this approach. | <p>ECCC to review with Science and Technology on using a 10km buffer for the LSA.</p> <p>Once ECCC confirms, Consultant Team to revise ungulate local study area (LSA) to be a 10 km buffer (rather than 35 km buffer) in all study plans and EA/ IA reporting going forward.</p> <p>Consultant Team to review alternate transect approach, estimate costs and confirm approach with Project Team.</p> |
| <p>Item 2 – Biological Sampling (MECP 16)</p> <ul style="list-style-type: none"> The Consultant Team is willing to collect blood, hair and fecal samples, but wanted to flag that the indicators for the EA/IA focus on survival and recruitment which would be collected only from blood samples. KG agreed that blood analysis is the most pertinent to the study, and if the Project Team is willing to collect hair and pellets to provide to MECP and MNRF, then MECP and/or MNRF would cover the costs of analysis. Alternatively, the samples could be frozen and analyzed as part of the ESA permit. KG clarified that at this stage, all the study plan needs is acknowledgement that the samples will be collected. | <p>MECP and MNRF to confirm where the blood samples should be sent to for analysis.</p> |
| <p>Item 3 – Habitat Characterization (MECP 28)</p> <ul style="list-style-type: none"> From the last call, KG was to look into whether or not updating the maps of habitat characterization from the collaring data was to be included in the new scope of the | <p>KG to confirm with MECP if habitat characterization is in</p> |

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| <p>ungulates study plan. KG responded that the conversations are still happening internally about this, but since it will not affect the collaring or survey work this does not need to be immediately included in the work plan for the field studies.</p> | <p>scope for the study plan.</p> |
| <p>Item 4 – Additional comment from MECP, Submission of Data (MECP 22)</p> <ul style="list-style-type: none"> ▪ Consultant Team wanted clarity on where collaring data should be submitted during the EA process, if it should go to NHIC or MECP. ▪ KG responded that the preference is to submit the data to both the NHIC and to the Species at Risk branch of MECP, to provide more efficiencies in the EA process. SM added that the Environmental Assessment branch would like to be kept in the loop about what data is being provided and being made available during the EA process. | <p>Consultant Team to update and revise Study Plan to include the data submission guidelines</p> |
| <p>Item 5 – Technical Questions related to capture program</p> <ul style="list-style-type: none"> ▪ MB described an alternative approach to collars in which the collars are purchased by the Project team, but the collaring process itself for all projects is regulated and scheduled by the province, an approach currently being used in Alberta. EG added that this strategy would improve species at risk management and lead to easier coordination of collaring across projects and ranges given the collaring requirements on Webequie project and likely collaring requirements for the proposed Northern Link Road project. MM responded that more information on timelines for this collaring project are required before being able to provide comment on the feasibility of this as a future collaring approach. MM will touch base with AR on timelines for any potential collaring activities. ▪ KG noted that MECP does not have current plans to deploy collars in Winter 2021, and that the collaring program should move forward with the assumption that collaring will proceed as originally planned with the proponent deploying the collars. ▪ MB reiterated the goal is to deploy the collars in February 2021 and will work backwards from that date to ensure that can be accomplished. ▪ PM added that right now, a proponent-led collaring program is likely the most efficient, since internal government contracts for this work often can take longer and be more difficult than for private consultants. ▪ MB said that Clint Walker, formerly of Fireweed Helicopters, has moved to Canadian Wildlife Capture and as such any contracts for capturing wildlife with Clint would be through that company. MB asked if Canadian Wildlife Capture or Bighorn Helicopters (Clay Wilson) have done caribou captures in this area before and if they are approved by the province for this work. KG clarified that AR would likely know which crews are already approved for caribou captures. ▪ MB asked whether using the helicopter capture crew to collect all the samples during collaring was an appropriate approach, rather than have a second helicopter and crew landing at each capture site. KG responded that it was reasonable, noting that blood samples have to be submitted and processed within 24 hours of collection. ▪ MB asked whether the frequency of currently deployed collars could be shared, to avoid overlap. KG clarified that the frequency of the caribou collars deployed right now is 150.000-153.999 and is not aware of any other collars in the region. PM noted that the Red Lake region has some research activity which may involved | <p>Consultant Team to put together timelines for the collaring program to share with MECP and MNRF.</p> <p>Follow-up discussion on approved capture subcontractors.</p> <p>MM, KG, and AR to inform Consultant Team of any planned captures for 2021.</p> <p>MM to follow up with AR on feasibility of providing collar locations to capture crew.</p> <p>KG will work with AR and provide information related to the submission of hair and fecal samples</p> |

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| <p>collared animals (wolverine), and MB will follow up with the non-governmental organizations undertaking that work to confirm.</p> <ul style="list-style-type: none"> ▪ MB asked about the GPS fix schedules for the currently deployed collars. KG responded that the collars are LiteTrack Iridium collars, and the Misissa range collars are scheduled for coordinates every 30 minutes between May 1-October 30, and every 90 minutes from November 1-April 30. The VHF beacons operate from 09:00-17:00 daily. The drop-off on these collars is a 3-year mechanism. KG added that AR recommended location data every 3 hours minimum, 24 hours a day for the collars for this program. MNRF noted that every 3 hours would be a minimum for identifying calving/nursery areas. It would be better to have an offset schedule like every 2.5 hours so data can be collected for every hour of the day over the duration of the project. MB responded that the schedule on the collars can be changed after they are deployed. The collars will be set for the 3-hour minimum and can be changed remotely if this recommendation changes. ▪ KG noted that an ESA B-permit and associated animal care permit will need to be obtained prior to collaring program, and there is typically a 2-month turnaround time for the MNRF Animal Care Committee to review and provide permit. The Consultant Team should ensure that applying for permits is undertaken in a timely fashion. | |
| <p>Item 6 – Technical Questions related to aerial survey</p> <ul style="list-style-type: none"> ▪ MB provided some background on the aerial survey which will occur in early 2022 (the winter after captures are completed), intended to determine if there are calves with collared females as a means of assessing recruitment and population dynamics. MB asked if there is a preferred month or timing for the aerial survey. KG responded that mid-February to end of March is the optimal window. ▪ MB described that typical survey approach (used in the Ozhiski protocol) uses a 2-stage process, flying fixed wing to find animals and then deploying rotary wing. MB proposed an alternative approach, conducting the survey as a one stage program using just rotary wing to get off the transect right away. This approach would save effort by limiting the survey to one machine and one crew. KG asked whether or not this approach had been costed out, since previous experience is that the 2-stage approach with fixed wing is cheaper. MB will cost it out using the new local study area size recommended by AR and KG in this call (i.e., 10 km buffer) and transect approach but acknowledged that this was a feasible alternative. | <p>Consultant Team to update and revise Study Plan.</p> |
| <p>Item 7 – Data Sharing</p> <ul style="list-style-type: none"> ▪ MB asked whether or not the capture crews can be given the location of previously collared animals when doing collar deployment. Although the data sharing agreement does provide location data for collared animals, the timing of this data sharing does not line up with the collaring program. MM has not seen the data sharing agreement yet but will review and discuss internally about what types of data can be provided on collar location ahead of capture crew. ▪ JB mentioned that the sensitive data license agreement has been signed off by the MFFN Project Team, and that collaring data from MNRF should be available soon. JB added that the data sharing agreement has data being provided twice a year, September 30 and April 30, in shapefiles with one collar location per caribou per day. | <p>MM to follow up internally with MNRF on status of data sharing agreement.</p> <p>JB to share data sharing agreement with MM and MB.</p> |

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| <ul style="list-style-type: none"> ▪ KG added that the Misissa collars were deployed in February/March 2020, and Ozhiski collars were in 2019 around the same time frame. | |
| <p>Next Steps</p> <ul style="list-style-type: none"> ▪ No final comments from IAAC, ECCC, or the Project Team. ▪ SK will organize a call for next week with the Consultant Team, MECP and MNRF to discuss capture subcontractors, confirming any planned captures for winter 2021, review the data sharing agreements, and discuss access by February for capture locations on currently collared animals. | <p>SK to organize call with MB, EG, MM, KG, AR, and will inform SM and CC2 on the timing of that call.</p> |

Project Name: **Marten Falls First Nation (MFFN) Community Access Road** Date of Meeting: October 29, 2020
Time: 10 am to 11 am
Project #: 60593122
Location: Conference Call

Attendees: **IAAC:**
Chiara Calabrese
Ian Lindsay
Danton Suck
David Haddon
Laura Decoste
Dietrich Maahs
Alexandra Oakes

Health Canada
Dae Young Lee
Aurelia Thevenot
Umme Akhtar
Tihut Asfaw
Joanne de Montigny
Joel Kaushansky

MECP:
Ganesharam Balagopal

**Indigenous Services
Canada**
Debra Nkusi
Julieta Werner

**Women and Gender
Equality Canada (WAGE)**
Catherine Adams

CFC
Alison Puskas

**Public Health Agency of
Canada**
Kelsey Lucyk

Project Team:
Jennifer Bruin
Bob Baxter

AECOM:
Robin Reese
Michelle Wong Ken
Christine Cinnamon

Dillon:
Don McKinnon
Conor Grieve
Rob Willis

Absent: Lawrence Baxter
Jack Moonias
Qasim Saddique
Larissa Mikkelsen
Sasha McLeod
Shannon Gauthier
Alexandra Iliescu
Sandra Charles
Jan Triska
Jessalyn Beaney

Prepared By: Michelle Wong Ken

Regarding: Technical Meeting on the Human Health Study Plan

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

Minutes of Meeting

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| <p>Safety Moment</p> <ul style="list-style-type: none"> ▪ Be aware of daylight changes especially as daylight savings ends this weekend and watch out for trick or treaters. <p>Welcome, Introductions and Meeting Objectives</p> <p>Opening Remarks</p> <ul style="list-style-type: none"> ▪ Comments that are not included on the agenda for discussion can be addressed by the Consultant Team. ▪ The Consultant Team began the discussion noting that they are looking for clarification on items on the agenda in order to understand the expectations of the Federal Review Team to complete the Study Plan [Post-meeting note: the discussion did not follow the agenda order]. | |
| <p>Item 2f: Country Food Tissue Sampling (HH-13, HH-19, HH-21, HH-25)</p> <ul style="list-style-type: none"> ▪ The MFFN Project Consultant identified the possibility for tissue sampling, but it has not yet been determined if tissue sampling is necessary as the potential effects of the Project have not been identified. The HHRA Problem Formulation would identify the potential for chemicals of concern, such as ones that can be deposited on soils, go into plants and into game animals, from Project emissions. If so, the next step would be to identify the appropriate tissue sampling program. If tissue sampling needs to be conducted, information on country food patterns, what is consumed, where it is harvested, etc. would be gathered during initial discussions with the community. ▪ IAAC asked for an overview of the data that would be used. The MFFN Project Consultant responded that at this point, that is a broad question; however, exposure pathways, human receptors, and chemicals are considered. The HHRA would be informed by the Project emissions inventory study and the baseline for air, soil, water, sediment, etc. will be considered. Health Canada expressed concerns with the quality of data to carry out the problem formulation. Health Canada indicated that the proponent should use project-specific data in lieu of literature. If the use of surrogate data is deemed appropriate, the problem formulation should provide a detailed rationale/explanation for the use of the alternative approaches. ▪ Health Canada requested that the MFFN Project Consultant provide the HHRA Problem Formulation report for review as it would likely address many of their questions. Health Canada also clarified that the proponent should consider all information related to human exposure to contaminated country foods (CFs), including COPCs, human receptors, and environmental transportation of COPCs to CFs. The MFFN Project Consultant agreed to provide the HHRA Problem Formulation report once completed. ▪ A MFFN Community Member Advisor stated that he has noticed a difference in the taste of the meat and look of the blood of moose hunted near roadways where salt may be used. He asked how information like that will be collected. The MFFN Project Consultant responded that they can measure chemical concentrations, but it is difficult to measure salt content. It was noted, however, that when the MFFN Project | <p>The MFFN Project Consultant to provide the HHRA Problem Formulation report and appendices (data) to the Federal Review Team. The MFFN Project Consultant will give IAAC advance notice of when to expect the HHRA Problem Formulation report.</p> <p>A follow up meeting may be scheduled to discuss the HHRA Problem Formulation once it has been reviewed by the Federal Review Team.</p> |

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| <p>Consultant considers the social determinant of health, they will look at perceived risks and health issues to qualitatively describe the wellbeing of the community.</p> <ul style="list-style-type: none"> IAAC asked to confirm whether they will receive the Problem Formulation report for the Federal Review Team to review as the action item for this issue and asked for the data to confirm its appropriateness for the analysis of the MFFN CAR project. The MFFN Project Consultant confirmed that the Problem Formulation and associated appendices with screening criteria, additional details and raw data will be provided to the Federal Review Team. IAAC requested that the MFFN Project Consultant give notice as to when they are likely to provide the Problem Formulation. Health Canada clarified that a full technical review of the Problem Formulation and associated appendices would take more than two weeks. | |
| <p>Item 2d: Collecting Information on Country Food Harvesting Practices during initial Indigenous consultation activities (HH-19, HH-21)</p> <ul style="list-style-type: none"> The MFFN Project Consultant intends to collect information on country food harvesting during Indigenous Knowledge investigations. Based on the results of the above noted Problem Formulation work, a more robust study may be undertaken. The MFFN Project Consultant requested confirmation on whether this approach is appropriate. Health Canada stated they are interested in what types of food are consumed and the rate of consumption as these are linked to food security. This information should ideally be collected through Indigenous specific surveys to ensure that the most accurate representation of what occurs within a community is captured. WAGE asked whether the data would be desegregated by gender and age classes. The MFFN Project Consultant confirmed that as part of the Indigenous Knowledge study, we will strive to collect information on the types of country foods harvested and rates of consumption and where possible, the collected data would be desegregated by gender and age. IAAC noted that there are high costs associated with bringing food into remote communities due to their location; therefore, remote communities may rely more on country food. Surrogate data from other communities that are not remote may not be representative. IAAC would like to know whether surveys, tissue sampling or surrogate data will be used in the Problem Formulation step for the human health risk assessment? The MFFN Project Consultant understands the concern. Surveys and focus group interviews are planned but will depend on the willingness of community members to participate. Using surrogate data would be Plan B, but with the caveat that the data may not be fully representative. | <p>Once the HHRA Problem Formulation is complete, a follow up meeting to discuss the approach moving forward may be warranted.</p> |
| <p>Item 2a: Community Engagement expectations (HH-02, HH-03, HH-08, HH-10)</p> <ul style="list-style-type: none"> The MFFN Project Consultant agrees with the general comments regarding engagement with Indigenous communities. All of the Study Plans will be updated with a section on the role of engagement. Different information will be solicited depending on the discipline. IAAC advised that the guidance is the same for each Study Plan – that is, the proponent is expected to conduct initial engagement for each Valued Component with all Indigenous groups listed in the Indigenous Engagement Partnership Plan (IEPP) to understand their concerns, determine spatial boundaries (including the local study area), define baseline data collection and gather Indigenous knowledge. IAAC notes that responses from the community could be different depending on whether they were asked for input during general engagement activities or during | <p>The MFFN Project Consultant will revise the Study Plan to include a section on engagement activities.</p> |

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| <p>specific engagement on human health. The community should be able to answer that they were engaged on human health.</p> <ul style="list-style-type: none"> ▪ IAAC reiterated that the proponent must maintain a record of engagement, which should demonstrate how the proponent has provided meaningful opportunities for Indigenous groups to participate in the development of the Tailored Impact Statement Guidelines (the Guidelines). This record of engagement should include information about Indigenous groups who have expressed a lack of interest in being engaged. Where possible, rationale behind the Indigenous groups expressed lack of interest should be clearly documented. IAAC indicated that, the proponent should work to share any new information that may relate to a group’s stated lack of interest in engagement, with the Indigenous group and should confirm their level of interest in light of such new information. The project team should not unilaterally determine the level of project-related impacts or the level of interest of any Indigenous group listed on the IEPP without engaging with that group per the requirement of the Guidelines. IAAC provided examples of potential effects that could be felt far from the project site to highlight the importance of consulting all Indigenous groups listed on the IEPP and not only those located within the local study area. If the community expressed interest or concerns, targeted engagement should be undertaken. If they express that they do not have an interest, this should be documented as well. ▪ The action item is to provide an engagement activities section in the Revised Study Plan. | |
| <p>Item 2e: Criteria and Indicators (HH-05, HH-16)</p> <ul style="list-style-type: none"> ▪ The MFFN Project Consultant stated their intent to provide more specific data for the criterion list and asked whether there are indicators that the Federal Review Team felt were missing or needed more information. IAAC noted that many indicators from the Guidelines were not included in the study plan and reiterated that if an indicator is captured in a different study plan, it should be clearly cross-referenced. IAAC noted that the proponent is expected to engage with all Indigenous groups listed in the IEPP to develop the list of criteria and indicators. The Federal Review Team cannot give a list of indicators as these should be specific to the Project and developed through on-going engagement efforts with Indigenous groups. It was also suggested that the proponent review the Guidelines for a list of indicators. A rationale is required for not considering indicators included in the TISG. It also needs to be clear to the reviewers which indicators will meet which requirements of the Guidelines. ▪ The MFFN Project Consultant noted that comment HH18 states that the Study Plan does not adequately consider health services, so clarification on why it was considered inadequate is being requested. IAAC responded that since HH18 was not raised on the agenda, they will need to look into it and follow up with the MFFN Project Consultant. <p><i>Post-meeting clarification from IAAC regarding HH-18:</i></p> <ul style="list-style-type: none"> ▪ <i>The Federal Review Team recommends the consideration of the potential increase in burden to Indigenous communities’ health centers (nursing station) in the proposed “access to health services” indicator presented in Table 3 of the human health draft study plan. For example, it should be considered that potential increased demand for services offered at the health center during the road</i> | <p>IAAC will review comment HH18 and follow up with the MFFN Project Consultant.</p> |

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| <p><i>construction or operation would see patients being taken to the nursing station adding to the burden of the facility and the medical teams.</i></p> | |
| <p>Item 2b: Data Verification and OCAP (HH-09, HH-11)</p> <ul style="list-style-type: none"> ▪ The MFFN Project Consultant understands the need for verification but does not believe it appropriate to submit data that can identify an individual back to the community in order to verify. The MFFN Project Consultant is looking for expectations from the Agency in this regard. The Federal Review Team responded that there is no expectation to share personal information collected. The Project Consultant may share anonymized data sets with communities. The proponent needs to expand its perspective on how the OCAP requirements will affect the willingness of Indigenous communities to participate. ▪ The MFFN Project Consultant raised the challenges of receiving written responses from communities for verification purposes. IAAC acknowledges the challenge the proponent may face in seeking written confirmation that a group is satisfied with how their input informed the Impact Statement and/or how an issue was addressed. In such a case, IAAC stated that the MFFN Project Consultant should maintain a record of engagement demonstrating they have provided meaningful opportunities for Indigenous groups to understand and respond, and that the community did not respond, would be considered appropriate. IAAC confirmed that if an email is the only way to receive verification, this would also be acceptable as long as it is documented properly. ▪ IAAC suggested working with the Chief and Council to include the OCAP principles in the Data Sharing Agreements with participating communities in order to streamline the process. | <p>The MFFN Project Consultant will consider working with Chief and Council and including OCAP principles in the Data Sharing Agreement.</p> |
| <p>Item 2c: Study Areas (HH-12, HH-14)</p> <ul style="list-style-type: none"> ▪ The MFFN Project Consultant stated that the study areas presented in the Study Plan are intended to be a starting point. Areas of interest and concerns related to the Project will be confirmed as information is gathered from the communities. IAAC noted that from the study plan, it appears that only two Indigenous groups would be screened in for the Human Health and Community Safety study plan. IAAC reiterated that all Indigenous groups listed in the IEPP must be included, and that the proponent must apply the precautionary principle; that is the project team should not screen out an Indigenous group based on lack of information on effects but should actively seek Indigenous group's views and concerns. Lack of information is not a justification for not managing a potential risk. IAAC noted that an Indigenous group listed in the IEPP is not required to provide a rationale for their inclusion and if a community is concerned about a perceived effect, they must be screened in. IAAC provided examples such as impacts to downstream water, mental health, the presence of male workers, increased access to substances, etc. as examples of effects that may impact human health conditions of communities located outside the local study area. ▪ The MFFN Project Consultant responded that the potential for human health impacts will be examined for all communities considering the results of other studies and the expressed concerns and interests of each community. All communities are screened in unless an Indigenous group is not interested in participating and clearly communicates the reasons for this lack of interest to the proponent. | |
| <p>Next Steps</p> | <p>See above.</p> |

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| <ul style="list-style-type: none">▪ The MFFN Project Consultant will submit a Revised Study Plan and Problem Formulation Report to be reviewed by the Federal Review Team.▪ A follow up technical meeting may be held following the circulation of the Revised Study Plan and Problem Formulation Report. | |
| Closing Remarks from the Project Team | |

Project Name: Marten Falls First Nation (MFFN) Community Access Road

Date of Meeting: November 2, 2020

Time: 9:30am - 10:30am (EST)

Project #: 60593122

Attendees:

AECOM:

Shawna Kjartanson (SK)
Leah Deveaux (LD)
Christine Cinnamon (CC1)
Robin Reese (RR)
Geneva Cloutis (GC)

Golder:

Erin Greenaway (EG)
Michelle Bacon (MB)

Project Team:

Jennifer Bruin (JB)
Jack Moonias (JM)
Bob Baxter (BB1)

IAAC:

Chiara Calabrese (CC2)

ECCC:

Wendy Dunford (WD)

MECP:

Sasha McLeod (SM)
Shannon Gauthier (SG)
Nikki Boucher (NB)
Brienne Brothers (BB2)
Kevin Green (KG)

MNRF:

Melissa Mauro (MM)
Art Rodgers (AR)
Jillian Kingston (JK)

ENDM:

Paul MacInnis (PM)

Location: Microsoft Teams

Prepared By: Geneva Cloutis

Absent:

Michelle Wong Ken
Jessalyn Beaney
Kenndal Soulliere
Lawrence Baxter
Larissa Mikkelsen
Qasim Saddique
Ariane Heisey

Regarding: IAAC – MECP Technical Meeting: Ungulates Collaring
Follow-Up

DRAFT

Minutes of Meeting

Action

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

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| <p>Welcome, Introductions and Opening Remarks</p> <p>Safety Moment</p> <ul style="list-style-type: none"> ▪ As the weather cools down, and temperatures fluctuate between above and below freezing, be mindful of walking on potentially icy ground. <p>Objectives</p> <ul style="list-style-type: none"> ▪ The purpose of the call was to continue ongoing conversations around the Ungulates study plan, following up on the October 20th meeting, specifically focused on the collaring program. ▪ MB led the discussion on behalf of the MFFN Consultant Team | <p>N/A</p> |
| <p>Item 1 – Transect Spacing (MECP 4)</p> <ul style="list-style-type: none"> ▪ The 10km Local Study Area buffer, as discussed in the October 20th call, was applied to a map of 2km transect spacing, with every 5th transect running to the larger 35km buffer. ECCC confirmed that this LSA was appropriate, with every 5th transect extending out 35km. AR asked if there was a GIS map to display the transects, and MB pulled up a preliminary map which was made to measure the distance flown (approximately 3500km). AR asked about the orientation of the transects. MB clarified the transects are oriented in line with the Ozhiski protocol. MECP agreed that standardizing the transect orientation with the Ozhiski protocol was a logical approach. ▪ AR noted that this orientation led to spatial gaps on the edges of the 35km buffer and asked if additional transects could be flown to capture those areas being missed on the map. MB said that additional transects could be added to cover the missing areas within the 35km buffer. ▪ The orientation of the transects will be kept in line with the Ozhiski protocol, with additional transects being added to the map to capture the 35km buffer. | <p>Consultant Team to provide the transect spacing map in the revised Study Plan.</p> |
| <p>Item 2 – Habitat Categorization</p> <ul style="list-style-type: none"> ▪ Outstanding action item from the October 20th meeting about habitat characterization. ▪ No updates from MECP on this item. | <p>N/A</p> |
| <p>Item 3 – Collar Purchasing</p> <ul style="list-style-type: none"> ▪ MB asked whether the provincial regulators had discussed the possibility of deploying the collars if they were purchased by the Project Team. ▪ SM responded that MECP and MNRF had internal discussions and determined that at this point it was best continue with the status quo for the collaring program to keep timelines on target. ▪ KG added that there are no planned collar captures from MECP for the Winter 2021 season. | <p>N/A</p> |
| <p>Item 4 – Approved Capture Subcontractors</p> <ul style="list-style-type: none"> ▪ MB asked if Bighorn (Clay Wilson) or Canadian Wildlife Captures (Clint Walker) were approved subcontractors. AR responded that MNRF has not worked with Canadian Wildlife Captures, but Bighorn is fine. AR also mentioned HeliHorizon in Quebec as another approved subcontractor. | <p>Consultant Team to move forward with reaching out to capture crews to begin setting up capture program dates.</p> |
| <p>Item 5 – Scheduled Captures</p> <ul style="list-style-type: none"> ▪ MNRF noted that there are no plans for caribou capture but would be willing to share costs where it makes sense if the plans align. ▪ SM asked if the MFFN Consultant Team had been in contact with the Webequie Project Team about their capture programs to potentially align programs. SK noted | <p>Consultant Team to reach out to Webequie on their collaring program to ensure no</p> |

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| <p>that there have not been conversations specifically around caribou but that it was a good suggestion to follow up on.</p> <ul style="list-style-type: none"> ▪ MB checked in with the Wildlife Conservation Society and confirmed they have collars on wolverine in the Red Lake area and will continue to stay in contact to make sure no issues arise with overlapping frequencies. | <p>overlapping frequency in collars.</p> |
| <p>Item 6 – Data Sharing Agreement</p> <ul style="list-style-type: none"> ▪ The Data Sharing Agreement (DSA) was shared after the October 20th call. MB reviewed the DSA and interpreted that current caribou location can be shared in advance of the collar deployment, outside of the twice per year sharing of collar data. ▪ JB and MM confirmed that they interpreted the DSA the same way. ▪ A mechanism is currently being worked out between MNRF and the MFFN Consultant Team to determine how that data will be transferred. AR clarified that the data will be cleaned up and contain data for one location per animal per day, as outlined in the DSA. | <p>N/A</p> |
| <p>Item 7 – Confirming aerial survey approach</p> <ul style="list-style-type: none"> ▪ The MFFN Consultant Team has been doing cost estimates for a 2-phase or 1-phase approach for winter aerial surveys. MB asked if MECP or MNRF had a preference on the winter survey approach. ▪ KG stated that 2-phase is typically done to save costs, but either approach is fine from a logistics perspective. AR advised to do cost estimates for both, since the rotary wing flights are more expensive. A 2-phase is typically 2/3 the cost, with more time spent flying and less time going back for additional fuel. The type of aircraft used will not affect the results, but the costs should be considered. ▪ MB asked if the rotary wing flies the next day after the fixed wing. AR confirmed that the goal is to fly the rotary as soon as possible after fixed wing, weather permitting. | <p>Consultant Team to run cost estimates for 2-phase and 1-phase approaches for winter aerial survey.</p> |
| <p>Item 8 – Mortality Investigations</p> <ul style="list-style-type: none"> ▪ Mortality studies were brought up by MECP at the September 11 meeting, with a request to conduct mortality investigations for the collared caribou that die during the year. MB clarified this was not previously scoped and was not in the draft Study Plan. The remote camera program is being added to provide a better understanding of predator distribution throughout the study area. MB asked what the timing should be on undertaking mortality investigations. ▪ KG responded that mortality studies should happen as soon as possible to determine cause of death but that since collar retrieval would be happening simultaneously then it can wait until it makes more sense logistically, when multiple collars have fallen off. AR added that retrieving the collar will provide additional data and offers the opportunity to collect more biological samples from the carcass. MNRF typically waits until at least 3 collars are ready for retrieval for cost and efficiency, and most of the time you can still determine if the animal died from predation or not. AR added that this could be a chance for communities to be involved in collar retrieval, since communities will want to know what is killing caribou. Bones from the animal can also be collected to determine if nutrition played a role in cause of death. ▪ MB noted that if regular collar retrieval is happening, there could be an opportunity to collaborate on mortality investigations. AR responded that retrieval typically will not happen after the end of November due to the snow on the ground. | <p>Consultant Team to update the revised Study Plan to include collar retrieval information.</p> |

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| <p>Next Steps</p> <ul style="list-style-type: none">▪ SM asked what the next steps are for the revised study plans. SK responded that updated study plans will be submitted around the winter holidays, and that an ungulates workplan will be developed and submitted separate to the study plans.▪ MB thanked everyone for their input and discussion, and said that an additional meeting was not required, any outstanding items could be addressed through email.▪ No final comments from the Project Team. | <p>Consultant Team to update revised study plan as per discussion.</p> |
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Project Name: Marten Falls First Nation (MFFN) Community Access Road

Date of Meeting: November 3, 2020

Time: 2:00pm - 3:30pm (EST)

Project #: 60593122

Attendees:

AECOM:

Robin Reese (RR)
Leah Deveaux (LD)
Geneva Cloutis (GC)
Alan Oldfield (AF)
Atif Bokhari (AB)
Amy Ingriselli (AI1)

Health Canada:

David Michaud (DM)
Allison Denning (AD)
Alexandra Iliescu (AI2)
Aurelia Thevenot (AT)
Umme Akhtar (UA)
Dae Young Lee (DL)

Golder:

Stefan Cicak (SC)
Tomasz Nowak (TN)
Daniel Corkery (DC)

ENDM:

Paul MacInnis (PM)

Location: Microsoft Teams

Project Team:

Lawrence Baxter (LB)
Jack Moonias (JM)
Larissa Mikkelsen (LM)
Jennifer Bruin (JB)
Bob Baxter (BB)

DFO:

Shona Derlukewich (SD)

IAAC:

Chiara Calabrese (CC2)
Ian Lindsay (IL)

Prepared By: Geneva Cloutis

Absent:

Shawna Kjartanson
Christine Cinnamon
Sasha McLeod
Shannon Gauthier
Ariane Heisey
Michelle Wong Ken
Stephen Keith
Denise Fell
Qasim Saddique

Regarding: IAAC – MECP Technical Meeting: Acoustic Environment

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

Minutes of Meeting

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| <p>Welcome, Introductions</p> <p>Safety Moment: when driving when it is dark out, especially due to the end of daylight savings time, please don't forget to check blind spots and don't rely on cameras or other technology on your car.</p> <p>Objectives</p> <ul style="list-style-type: none"> ▪ The objective is to seek clarification on some comments from the Agency in regard to the Acoustic environment study plan. ▪ AB to lead the discussion on behalf of the MFFN Consultant Team. ▪ The meeting agenda was revised slightly to move AC-12 to the end of the discussion to ensure that a representative from DFO was on the call. | <p>N/A</p> |
| <p>Item 2a – Road Traffic Noise Assessment (AC-09)</p> <ul style="list-style-type: none"> ▪ The MFFN Consultant Team would like clarification on what specifically is being asked for in the road traffic assessment during the construction phase of the project. CC2 clarified that this comment was regarding the fact that the study plan was unclear about which phases of the project were being assessed. The expectation is that all phases will be assessed, including preparation, construction and operation. This comment was also intended to capture cumulative effects of the project. ▪ DL added that this comment is based on Section 14.1 of the TISG, and the largest concern is project noise during night and how that will be considered in the impact assessment. The other concern is construction-related noise that is not strictly vehicle noise. DL asked if it would be possible to see this part of the study plan in writing to have a chance for the Health Canada experts to review it and provide further comments and inputs. ▪ AB asked for clarification on the use of “different phases”, and whether that was construction versus road traffic, or different time periods or horizons. AD clarified that mitigation measures for construction noise that lasts less than one year may not be appropriate for longer term construction activities. If construction is anticipated to last great than one year at any receptor location, mitigation measures for operational noise may be more appropriate. The assessment should include both short term and long-term evaluations in these situations as per HC 2017. CC2 asked for this definition to be included in the study plan. ▪ AB asked for clarification on assessing increases in individual nighttime noise events and if the standard 8-hour nighttime from provincial guidelines could be used. DM responded that research shows sleep disturbance is more likely linked to individual noise events as opposed to average sound level, and that people are more sensitive in the second half of their sleep period. This information is not yet part of the formal 2017 Health Canada guidance. The current guidelines are to adopt the WHO's limits on restricting outdoor nighttime noise levels to 60 dBA and up to 15 events. WHO (1999)¹ also provides recommendations on maintaining the steady state outdoor sound levels below 45 dBA Leq during the sleep period time. Furthermore, the WHO (2009)² identifies the outdoor annual average L_{night} level of 40 dBA at the most exposed façade as the health threshold. | <p>Consultant Team will update the revised study plan to provide more detail on the assessment of operation and construction noise.</p> |

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| <ul style="list-style-type: none"> ▪ LB added that for local people, the project area is very isolated and very few people currently live along the road line. People are in the area for hunting, fishing and trapping, and will avoid the area if there is too much noise. To avoid levels, build construction camps away from the main road. LB said this would be more practical than trying to determine what noise levels you will have in a 24-hour period. ▪ DM noted that Health Canada advice only applies to noise impacts at human receptors and are not intended to be applied to occupational settings. These guidelines are restricted to where humans currently are or will reasonably reside. <p>¹ World Health Organization (WHO). 1999. <i>Guidelines for Community Noise</i>. Berglund, B., Lindvall, T. and Schwela, D.H (Eds.). Available online at: www.who.int/docstore/peh/noise/guidelines2.html</p> <p>² World Health Organization (WHO). 2009. <i>Night Noise Guidelines for Europe</i>. Hurtley, C. (Ed). Available online at: www.euro.who.int/en/health-topics/environment-and-health/noise/publications/2009/night-noise-guidelines-for-europe</p> | |
| <p>Item 2b – Proposed Magnitude Definitions (AC-11)</p> <ul style="list-style-type: none"> ▪ AB identified that there are existing adjustments and penalties related to noise character (e.g. tonality, impulsiveness), but no metrics to quantify annoyance. AB noted the intent is to add established penalties, such as those in the provincial guidelines, into the study plan to tie it back to established approaches. DM responded that the study plan should identify all applicable adjustments going into the rating levels, and that the province generally follows the ISO 1996 guidelines. Health Canada guidance will have all the terminology required to provide additional detail. ▪ AD added that providing more detail in the study plan about the timing and duration of noise will allow Health Canada to validate predicted health effects. Specifically, Health Canada suggested to provide more details about daytime/nighttime traffic counts as penalties may apply to assessment calculations, as well as the location of offsite receptors. AB asked if it would be sufficient to provide more clarify on the adjustments and penalties and where those are coming from. AD responded that it should also include quantitative noise evaluation in the event of construction lasting more than 1 year, and the evaluation of all equipment being used on the project. AB noted that a lot of those details are not known at this stage, but the study plan can acknowledge these aspects for consideration in the effects assessment. ▪ CC2 noted that it is understandable to not have that information at the study plan stage and to just include it in the impact statement. ▪ DM added that even though construction might take more than 1 year overall, the assessment of noise should be completed for the length of exposure at any given representative receptor. AB responded that this will be discussed with the Project Team to derive an approach for assessing each phase of construction. | <p>Consultant Team to update the revised study plan to acknowledge construction duration, types of penalties that may be applied, any adjustments, and what will drive those penalties and adjustments.</p> |
| <p>Item 2c – Ambient Vibration and Sound Levels (AC-13)</p> <ul style="list-style-type: none"> ▪ AB asked for clarification on what is meant by changes in ambient noise, if ambient was separate from project noise and vibration, and if that was to be described at various phases of the project. CC2 responded that this comment was seeking more clarity. The revised study plan should describe baseline, and then describe the difference once the project starts. The affects assessment should capture all phases of the project and describe the change in noise between baseline and after the project started. | <p>Consultant Team to update the revised study plan.</p> |

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| <ul style="list-style-type: none"> ▪ AB asked if baseline refers to present day ambient levels without the project. CC2 confirmed this definition. ▪ DL asked for a summary of next steps for Health Canada’s reference. RR responded that after the meeting, minutes will be circulated through the MFFN Consultant Team and Project Team, and then sent to the Agency for distribution to ensure the conversation was captured accurately. The MFFN Consultant Team will then take the discussion and incorporate it into the revised study plan. ▪ Health Canada is available to review the updated study plan to confirm that the additional information addresses the comments. ▪ Since the final question related to underwater soundscapes, the experts from Health Canada left the call. | |
| <p>Item 2d – Underwater Soundscapes (AC-12)</p> <ul style="list-style-type: none"> ▪ <i>Due to the meeting running ahead of schedule, a 20-minute break was taken to wait until 15:00 EST for DFO to be available to join the call</i> ▪ AB noted that underwater soundscapes have not been a typical request in past impact assessments and asked for clarification on what type of assessment would be expected and what the intention is behind the comment. ▪ SD responded that this comment is in reference to fish and fish habitat. The 1998 “Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters” will provide additional detail on what to consider in regards to blasting, pile driving, or other activities that may impact fish and fish habitat. AB asked if it would be sufficient to review project impacts within the context of underwater soundscapes, and not developing baselines. SD responded that this was sufficient. DFO needs to be able to understand how the project may impact fish and fish habitat. The Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters would also support the identification of mitigation measures. Further discussions may be needed to support the permit request. ▪ AI1 asked if underwater soundscape would need to be established as a baseline, or just to be considered in the effects assessment. SD responded that the baseline information should include what assessment will take place later in the process. When a request for review is submitted for the project, information will need to be included about mitigating impacts of explosives by following guidelines. LD asked if it would be sufficient to confirm the use of guidance documents where they apply, or if a workplan for underwater acoustic effects is required. SD responded that it is sufficient to note that if blasting will impact fish and fish habitat, certain guidelines will be used to mitigate the impacts. SD added that if the MFFN Consultant Team does not believe baseline soundscape is required, then the study plan should provide sufficient justification and discussion as to why it is not being included. | <p>Consultant Team to update the revised study plan.</p> |
| <p>Next Steps and Closing Remarks</p> <ul style="list-style-type: none"> ▪ RR summarized that next steps will be to circulate meeting minutes to individuals in about a week, and the MFFN Consultant Team will incorporate action items into the revised study plan. ▪ JB thanked everyone for taking the time to provide guidance and insights for consideration. No other comments from the Project Team. | <p>Consultant Team to update the revised study plan.</p> |

Project Name: Marten Falls First Nation (MFFN) Community Access Road Date of Meeting: November 9, 2020
Time: 10:30 am to 11:30 am (EST)
Project #: 60593122
Location: Conference Call

Attendees:

| | | | |
|---|--|---|--|
| MFFN Consultant Team: Robin Reese (RR1) Leah Deveaux (LD1) Shawna Kjartanson (SK) Christine Cinnamon (CC1) Tammy Karst-Riddoch (TKR) Tyson Ehnes (TE) Geneva Cloutis (GC) Andrew Forbes (AF) Craig De Vito (CD) | ENDM: Paul MacInnis (PM) | IAAC: Chiara Calabrese (CC2) Laura Decoste (LD2) | ECCC: Denise Fell (DF) Wesley Plant (WP) Anita Li (AL) Shawn Michajluk (SM) |
| MFFN Project Team: Jennifer Bruin (JB) Jack Moonias (JM) Qasim Saddique (QS) Larissa Mikkelsen (LM) | Health Canada Dae Young Lee (DL) | NRCan: Walker Smith (WS) | |
| MECP: Sasha McLeod (SM) Shannon Gauthier (SG) Jacinth Gilliam-Price (JGP) | Transport Canada Linda Beaulieu (LB) | | |

Prepared By: Geneva Cloutis

Absent: Michelle Wong Ken
Jessalyn Beaney
Kenndal Soulliere
Ariane Heisey
Bob Baxter
Lawrence Baxter

Regarding: IAAC – MECP Technical Meeting: Surface Water

Minutes of Meeting

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

| | Action |
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| <p>Welcome, Introductions and Opening Remarks</p> <p>Safety Moment</p> <ul style="list-style-type: none"> ▪ As snow begins to fall across the country, the sidewalks and ground outside are becoming icy and slippery. Ensure you are wearing proper footwear while outside to prevent slips, trips and falls. <p>Objectives</p> <ul style="list-style-type: none"> ▪ The purpose of the call was to seek clarification on comments provided by the Federal Review Team and MECP on the draft Surface Water study plan. ▪ TKR and AF led the discussion on behalf of the MFFN Consultant Team | <p>N/A</p> |
| <p>Item 2a – Interannual Sampling over Two Years (SW-06)</p> <ul style="list-style-type: none"> ▪ The comment from the Federal Review Team was requesting to establish baseline water quality conditions using two years of monitoring data. The MFFN Consultant Team proposed a single year of monitoring of water quality over multiple seasons, evaluating the data against the existing baseline water quality results from the Noront Cliffs project (obtained in 2011-2012), to define the characteristic range of natural variability in water quality conditions on an intra- and inter-annual basis. ▪ ECCC noted that Environmental Effects Monitoring (EEM) guidance and the Mackenzie Valley Land and Water Board guidelines typically ask for 3 years of baseline. The request was shortened to 2 years to recognize that the proponent has to submit an Impact Statement within 3 years. ▪ AF noted that a fall 2020 field program was recently completed to obtain water quality results at a subset of crossing locations, recognizing that these sampling results were obtained at a time of low to moderate flow conditions. The plan going forward was to collect samples in the spring of 2021 (expected to be a period of high flow conditions) and summer of 2021 (anticipated to be a period of low flow conditions) to further define the range of baseline water quality. There is existing water quality and quantity data from the Noront Cliffs project collected in 2011-2012 at crossing locations in the same vicinity of the alignment of the MFFN CAR project. This data, in combination with the fall 2020 and spring and summer 2021 data, will be used to develop a baseline for the current project. Additionally, there is field data collected in 2019 as part of a water quantity survey that includes in-situ field measurements at a subset of crossing locations. ▪ ECCC asked whether the fall 2020 data will include the same parameters as Noront Cliffs. AF responded that they are generally the same, focused on the full suite of metals and inorganics, along with the general chemistry parameters (including pH, EC, DO, and turbidity). ▪ ECCC asked if another round of water quality sampling would be undertaken in the event that the sampling results from the spring and summer of 2021 and the fall of 2020 are not well aligned with the Noront Cliffs data. AF responded that if the 2020-2021 data from the current project is deemed to be atypical (either relative to the data from concurrent sampling locations from the Noront Cliffs project <u>or</u> if the sampling years prove to be representative of especially wet or dry conditions), more water quality sampling would be considered to further define the baseline conditions. Although the Noront Cliffs data was collected in 2011-2012, the MFFN Consultant Team expects that it will be consistent with the data collected in 2020-2021. If instead there is a marked deviation, a follow up discussion will take place with the reviewers to determine if additional sampling is | <p>MFFN Consultant Team to follow up with ECCC following the 2021 summer sampling round to share the complete raw dataset and determine if an additional year of sampling is required by ECCC to further define the characteristic range of natural variability in water quality conditions (based on a comparison of the Noront Cliffs data with the three rounds of sampling from the current project in the fall of 2020 and the spring and summer of 2021).</p> |

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| <p>required to have a more fulsome understanding of the natural variability within the surface water system. ECCC noted that they would like to see the fall 2020 and the spring/summer 2021 data once it is collected for comparison with the Noront Cliffs data. If there is notable deviation, ECCC expects that another year of sampling will be required.</p> <ul style="list-style-type: none"> ▪ ECCC asked for additional clarification on the timing and spatial extent of sampling within each season. AF responded that the fall 2020 data was all collected during one sampling event per site across a period of approximately two weeks. The collection process for the spring and summer 2021 events will be similarly targeted campaigns at generally the same subset of crossing locations. AF clarified that the subset of crossing locations is approximately 50% of all crossings along the route alignment to produce a representative data set, with the understanding that data from survey sites could be potentially extrapolated to non-surveyed locations. This subset will include a wide range of catchment sizes, physiographic characteristics, and geographical locations. ▪ CC2 confirmed with ECCC that there are no short-term timelines on submitting or presenting the data to ECCC and that ECCC would be comfortable receiving the complete dataset following the summer 2021 field season (data will include raw data from the 2019 field season that are currently not ready to be circulated). The whole dataset should be discussed with ECCC to determine whether another year of sampling is required. | |
| <p>Item 2b – Summer Sampling (MECP Surface Water Specialist Comment #2)</p> <ul style="list-style-type: none"> ▪ The MFFN Consultant Team will commit to the completion of summer low-flow sampling as part of the baseline monitoring. ▪ ECCC asked if the 2019 field data could be shared as well. AF noted that this data is limited to in-situ spot measurements using hand-held water quality instruments. The lab data that came from the Noront Cliffs project can be made available to the reviewers. ▪ MECP noted that the 3 seasonal sampling events would ideally target different flow regimes, in the 25th, 50th, and 75th percentile. Since there are a large number of water crossings and therefore only a subset will be sampled, a request was made to include crossings that would require more substantive crossing structures and longer construction times. MECP added that, for the Noront Cliffs data, to check if the locations sampled have seen any type of nearby development since the data was collected (in order to flag the potential for changes to the previously defined baseline condition at one or more of the concurrent sampling locations). ▪ AF confirmed that crossings with more substantive structures and longer constructions times were included for monitoring in the study plan. ▪ LD noted that the 2019 field data is not ready to be released and will require discussion with the Project Team about when it will be available to be circulated. A note will be made in the study plan about which data will be incorporated into the baseline monitoring program, including the 2019 field data. | <p>MFFN Consultant Team to update the revised study plan to further emphasize the proposed approach to monitor/sample water quality over multiple seasons and a range of associated flow conditions in 2020 and 2021 (including the summer low flow period).</p> |
| <p>Next Steps</p> <ul style="list-style-type: none"> ▪ The study plan will be updated to include actions from the discussion related to the proposed strategy for monitoring/sampling water quality conditions over multiple seasons and a range of associated flow conditions in 2020 and 2021, with consideration of the previous water quality sampling results from the Noront Cliffs project (obtained in 2011-2012). | <p>N/A</p> |

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| <ul style="list-style-type: none">▪ The study plan will be updated to identify the approach for assessing the necessity of an additional year of water quality sampling (beyond the water quality sampling that was completed to date in the fall of 2020 and that has been planned for the spring and summer of 2021) to further define the characteristic range in baseline water quality conditions.▪ The study plan will include additional detail about sampling at major crossing locations (e.g., waterbodies that will be targeted for single or multi-span bridges with the potential for heightened disturbance).▪ The Noront Cliffs data will be reviewed to determine if recent development activity near one or more of the concurrent sampling locations might influence changes in the previously defined baseline condition.▪ No final comments or remarks from the Project Team. | |
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Project Name: **Marten Falls First Nation (MFFN) Community Access Road** Date of Meeting: November 19, 2020

Time: 3:00 pm to 4:00 pm (EST)

Project #: 60593122

Location: Conference Call

- Attendees:
- MFFN Consultant Team:**
 - Robin Reese (RR)
 - Christine Cinnamon (CC1)
 - Avril Fisken (AF)
 - Don McKinnon (DM)
 - Geneva Cloutis (GC)
 - IAAC:**
 - Chiara Calabrese (CC2)
 - Loraine Cox (LC)
 - ENDM:**
 - Paul MacInnis (PM)
 - Ariane Heisey (AH)
 - MFFN Project Team:**
 - Jennifer Bruin (JB)
 - Lawrence Baxter (LC)
 - Qasim Saddique (QS)
 - Larissa Mikkelsen (LM)
 - Bob Baxter (BB)
 - MECP:**
 - Shannon Gauthier (SG)

Prepared By: Geneva Cloutis

Absent: Jessalyn Beaney
Jack Moonias

Regarding: Study Plan Posting on Registry – Process & Timing

Minutes of Meeting

| | <u>Action</u> |
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| <p>Welcome, Introductions and Opening Remarks</p> <p>Objectives</p> <ul style="list-style-type: none"> ▪ The purpose of the meeting is to discuss the Agency’s process for posting the study plans on the Canadian Impact Assessment Registry Internet site (the Registry). ▪ There was no call-in number provided for the call, so some members of the Project Team were having difficulty signing onto the meeting. ▪ CC1 provided some background context to open the conversation. <ul style="list-style-type: none"> ▪ The Agency had previously indicated that the study plans would be posted to the Registry at the same time as the Terms of Reference being approved by MECP. The challenge with this approach is that the study plans will not necessarily reflect any comments received on the Terms of Reference. As well, the technical nature of study plans means that not everyone will have the comfort level or expertise to review and comment on them. | N/A |
| <p>Background</p> <p><i>Post-Meeting Clarification from the Agency:</i></p> | N/A |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

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| <ul style="list-style-type: none"> ▪ <i>Formal conversations between the Agency and the Marten Falls Project Team about information required during the federal impact assessment process started in 2017, before the submission of the Project Description.</i> ▪ <i>During the coordination call on August 13, 2020, the Agency communicated the planned timing of the posting of the study plans for transparency and convenient access by interested participants of the federal assessment process.</i> ▪ The posting of the Tailored Impact Statement Guidelines (TISG) on the Registry on February 24, 2020, formalized the requirements for the Impact Statement for the federal impact assessment process. The request for study plans and workplans is connected to a requirement in the TISG. The intention of study plans is to describe the approaches and methodologies for the studies, surveys and other activities needed to prepare an Impact Statement that meets the TISG for the Project. The intention of a workplan is to capture approximately how long and when the study plan activities would occur. ▪ Today’s discussion is to better understand the timing considered by the Agency for posting the study plans on the Registry. There are questions from the MFFN Project and Consultant Teams on the timing, the consistency of this approach with other projects, and the coordination with the provincial EA process. ▪ There are concerns among the MFFN Project and Consultant Teams about the technical nature of the study plans, if communities and the public will be given the context about what the plans are, and if there is funding to help them through that process. ▪ The Agency clarified that the posting of study plans on the Registry is a new concept introduced as part of the implementation of the <i>Impact Assessment Act</i>. The Agency is not planning to run a comment period on any study plans but intends to make them easily accessible for those that are interested and actively participating in the impact assessment process. ▪ MFFN Consultant Team asked if the posting of study plans on the Registry is legislated. The Agency clarified that the posting of study plans on the Registry is not legislated, but the TISG require their submission and validation by the Agency. The study plans will inform the quality of the Impact Statement documentation that will be produced and shared for official comment. | |
| <p>Notification of Posting Study Plans</p> <ul style="list-style-type: none"> ▪ MFFN Consultant Team asked how communities and individuals will be informed about the study plans being posted to the Registry. The Agency responded that in advance of any consultation activity with Indigenous groups or the public, as appropriate and based on the information available to the Agency about their concerns, the links to the study plans on the Registry would be shared to direct people to the relevant background information. The Agency periodically checks-in with Indigenous groups and the public and if questions or discussions around baseline arise, the Agency would need to be able to talk about study plans. ▪ MFFN Consultant Team asked how community feedback and information would be shared with the Project Team. The Agency noted that when information and feedback on a project is shared with the Agency, information is collected and shared with the Project Team, as appropriate. Some Indigenous communities may prefer to speak about their concerns regarding the project and/or the impact assessment process with the Agency, without the proponent present. If an Indigenous community would like the proponent present during the meetings, the | N/A |

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| <p>Agency would extend the invitation, but there is not a guarantee that the Project Team will be part of all the Agency-led consultation meetings.</p> <ul style="list-style-type: none"> ▪ MFFN Consultant Team asked if there would be funding opportunities for communities to review the study plans. The Agency responded that since there will not be a request for comments on the study plans, funding will not be offered to cover the costs of study plans review specifically. However, the Agency is offering participant funding to all Indigenous communities listed in the Indigenous Engagement and Partnership Plan to support limited coverage of the costs incurred to participate in Agency-led consultation activities during the federal impact assessment process. The Agency would caution Indigenous groups not to use too much of the funding to review the study plans, since the participant funding is also supposed to cover the review of the final Impact Statement and the Agency's draft Impact Assessment Report. ▪ MFFN Consultant Team asked for additional clarification on whether there will be a notification when the study plans are posted to the Registry. The Agency responded that there is no plan to send a general notification to Indigenous groups regarding the posting of study plans on the Registry; however, if the Agency is aware of a previous expression of interest in baseline data collection, the Agency may notify such participants. | |
| <p>Engagement Considerations</p> <ul style="list-style-type: none"> ▪ MFFN Consultant Team noted that it might be beneficial to have discussions with communities before to provide context on the study plans material, since they may have questions when reviewing the study plans without any background discussions. MFFN Consultant Team also asked about posting study plans after the ToR review period is completed so comments from communities can be incorporated. Ideally, the plans can be posted in a way that does not overwhelm communities, and that some plain language review options are available. ▪ The Agency noted that plain language is a good path forward for dialogue with communities. With respect to timing, the Agency encouraged the Project Team to share a workplan for proponent-led engagement activities to support coordination, where possible. The Agency noted that there are consultation obligations that the Agency must fulfil during a federal impact assessment process and certain activities will need to take place at some point. The Agency encourages the Project Team to add disclaimers on the study plans to indicate clearly the date the study plans were produced, which would support clarifying potential differences among versions to audiences. ▪ MFFN Consultant Team clarified that plain language versions of the study plans will not be produced, but some documentation may be put together to cover the same material but in more meaningful and helpful ways than the technical documents. The Agency agreed that this approach is helpful to communities. | <p>MFFN Consultant Team to provide proponent-led consultation timelines to the Agency.</p> |
| <p>Timing of Posting Study Plans</p> <ul style="list-style-type: none"> ▪ MFFN Consultant Team asked if the timing and request to post the study plans is being driven by the Agency's schedule to consult with Indigenous communities. The Agency confirmed this. MFFN Consultant Team asked if this meant that the Agency would be communicating with stakeholders at the same time as the proponent on project matters. The Agency responded that it depends on timing. A workplan of proponent-led engagement activities would support planning and coordinating | <p>N/A</p> |

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| <p>activities. The Agency is mindful of consultation fatigue and strives to reduce it to the extent possible.</p> <ul style="list-style-type: none"> ▪ ENDM asked if the study plans would be validated by the Agency and then finalized before being posted on the Registry. The Agency noted that this would be the ideal scenario but may not always be possible in reality, due to the time constraints of the legislated time limit for the impact statement phase. ▪ MFFN Consultant Team asked what the mechanism would be for uploading new versions of the study plans on the Registry and communicating the information in ways that would avoid confusion and consultation fatigue. The Agency indicated that ideally the final versions would be made available to the Agency prior to posting, but if not, the Agency would post the most up-to-date version available together with the comments provided by the Federal Review Team on the version posted. The Agency’s expectation is that all comments provided by the Federal Review Team will be incorporated in the final study plans and workplans. These final versions should be included, as appendices to the Impact Statement. ▪ MECP noted that the final work plans can be appended to the EA report since the plans are still draft during the ToR stage. ▪ MFFN Consultant Team would like to better understand the timing of posting the study plans. The concern is sharing information broadly without context and without coordinating it with the provincial EA process. MECP noted that there is more flexibility in the provincial process which might help with timing overall. Consultation on MECP’s side can be driven by when the MFFN Project Team would like to undertake it and what information should be presented at what time. ▪ MFFN Consultant Team noted that with the new stage of COVID-19 lockdowns and other crises in communities, it is challenging for communities to meaningfully connect and engage. | |
| <p>Coordinating Engagement & Consultation</p> <ul style="list-style-type: none"> ▪ The Agency asked for estimated timing for intended engagement with communities particularly regarding engagement on the study plans. The Agency indicated that a workplan would support understanding the timing on the MFFN Project Team side and possibly allow the Agency to coordinate their consultation activities and influence when the study plans are posted on the Registry. ▪ MFFN Consultant Team responded that following approval of the ToR, the engagement would focus on topics of interest from a Valued Component perspective for each community. These conversations would include what communities would like to understand, where their interests lie, and how they want to be informed about the project. There would also be opportunities to have virtual group webinars on particular areas of interest (such as fish, water, wildlife). | <p>MFFN Consultant Team to provide details and timelines on upcoming consultation approach to the Agency and MECP.</p> |
| <p>Opportunities for Future Projects</p> <ul style="list-style-type: none"> ▪ Moving forward, the MFFN Consultant Team suggested for the Agency to provide more formal guidance on the study plan and workplan process including proper definitions as to how to differentiate between study plan and work plan. The Agency responded that the Agency does not prescribe the approach for documents that are authored by the proponent. The Agency works on a broad range of project types across this country (with several jurisdictions) and each consultant firm has its own approach and style to produce their work and documents. What the Agency provides are parameters to help frame the work and describe the requirements. | <p>N/A</p> |

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| <ul style="list-style-type: none"> ▪ The Agency asked for clarification on what type of guidance would be beneficial. MFFN Consultant Team recognized the challenge of finding a “one size fits all” model, but that information around posting study plans to the Registry and the difference between study plans versus work plans would be welcome. The Agency noted that the difference between a study plan and a workplan was explained previously, including during the meeting held on May 20, 2020. The Agency added that parameters can be given to proponents to better articulate what is being asked of them in producing study plans and that the Agency is always available to clarify any question the Project Team may have. | |
| <p>Agency-led Consultation</p> <ul style="list-style-type: none"> ▪ The study plans will be posted on the Registry to support conversations with Indigenous communities and public groups on topics of interest or concern. To the extend possible, the Agency is willing to try to coordinate with respect to timing of posting the study plans. The Agency indicated that the bi-weekly coordination calls are a mechanism to inform the Agency of upcoming consultation activities to coordinate where possible. For Agency-led consultation, the Agency will extend the invitation to MFFN to participate in a meeting or a discussion, if so desired by the Indigenous communities consulted. ▪ MFFN Project Team asked if the Agency will offer or suggest inviting the MFFN Project Team to meetings with communities. The Agency noted that they will give the opportunity to each community and make them aware that the MFFN Project Team can be there, but it ultimately depends on each community’s preference. MFFN Consultant Team asked if the MFFN Project Team will be informed of discussions and events ahead of time, even if they are not invited. The Agency said that a heads up will be given to the MFFN Project Team, and feedback received on the Project will be shared with the Project Team, as appropriate. ▪ ENDM asked if that request to invite the MFFN Project Team is documented. The Agency responded that it is not typically documented in a formal letter or other process, but if the community approves of the meeting agenda and it does include the MFFN Project Team, then that would indicate that the Indigenous community accepts the participation of the Project Team in the meeting. ENDM asked if that process provides evidence the community being consulted does not want the proponent there. The Agency responded that they do not seek official records on whether communities agree to proponents attending consultation meetings as it may affect how easily the Agency can work with communities. ▪ MFFN Project Team noted that it would be good for the Agency to ask communities if the MFFN Project Team can attend. The Agency responded that the opportunity is provided but whoever the community decides they would like to attend the meeting is the driving factor for participants at each meeting. Although it is often beneficial for the MFFN Project Team to be at meetings to field questions, the Agency cannot force attendance on communities. ▪ MFFN Project Team asked if the Agency process was being driven by the proponent. The Agency clarified that it does in terms of timing, but when it comes to consulting with Indigenous communities, the Agency has to demonstrate that the process makes communities as comfortable as possible to participate, which may mean not to involve the Project Team in some meetings. MFFN Project Team agreed that there needs to be time for the Agency to meet with communities on their own but would like clarity on when those times are. The Agency responded that the | <p>MFFN Consultant Team and the Agency to provide updates during regular Interagency coordination calls of any upcoming engagement and consultation activities.</p> |

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| <p>process can be discussed during the biweekly coordination calls. The Agency will provide heads-up of upcoming consultation activities with Indigenous communities and, if appropriate, work with the Project Team to identify availabilities to facilitate participation. Other options can be considered. For example, in past projects, proponents have attended meetings for part of the day and then left for the other part. However, it is important to note that the Agency-led activities will accommodate the preference of the Indigenous communities.</p> <ul style="list-style-type: none"> ▪ MFFN Consultant Team asked if communities are notified that their feedback will still be shared with the Project Team even if the Project Team does not attend the meeting. The Agency confirmed that Indigenous communities are made aware and are copied on correspondence shared between the Agency and the MFFN Project Team. ▪ MFFN Project Team asked about version control on the Registry, and if updated plans will be posted on the Registry. The Agency responded that this is unlikely, and that the expectation is that the final version of the study plan will be submitted with the Impact Statement. The Agency does not envision updating the plans after they are posted on the Registry. If the final versions are not available by the time the Agency needs to post study plans on the Registry to support consultation or engagement activities, draft versions will be posted, along with the feedback from the Federal Review Team to reflect a complete package of is expected in the Impact Statement. ▪ MFFN Project Team asked if there will be more guidance provided on what is expected in the work plans. The Agency responded that the work plan should include the elements of the study plan and create a schedule, including the timing for baseline data collection and effects assessment work, and the timing for engagement activities with Indigenous groups and the public in support of meeting all requirements of the Guidelines. The workplan will provide the Agency with a sense of when things are planned to be done, and to tie the studies and assessment work to a certain schedule. | |
| <p>Closing Statements</p> | <p>N/A</p> |



Project Name: **Marten Falls First Nation (MFFN) Community Access Road** Date of Meeting: December 4, 2020

Time: 1:00 pm to 3:00 pm (EST)

Project #: 60593122

Location: Conference Call

- Attendees: **MFFN Project Consultant:** **ECCC:**
- Shawna Kjartanson (SK)
 - Erin Greenaway (EG)
 - Kristan Washburn (KW)
 - Hugo Gee (HG)
 - Douglas Baldwin (DB)
 - Fergus Nicoll (FN)
 - Christine Cinnamon (CC1)
 - Leah Deveaux (LD)
 - Connor Charchuk (CC3)

- Russ Weeber (RW)
- David Hope (DH)
- Rich Russell (RR)
- Wendy Dunford (WD)
- Denise Fell (DF)
- Paul Watton (PW)
- Venita Harry (VH)
- Sabrina Plura (SP)

- MFFN Project Team:** **The Agency:**
- Jennifer Bruin (JB)
 - Chiara Calabrese (CC2)
 - Laura Decoste (LD)

Prepared By: **Kenndal Soulliere**

Absent: *Sasha McLeod (SM)*
Lukas Mundy (LM)

Regarding: **MFFN CAR Bird Technical Meeting : Meeting #1**

Minutes of Meeting

| | Action |
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| <p>Welcome / Introductions / Purpose of Meeting</p> <ul style="list-style-type: none"> • Permission to proceed without community member • The Canada Wildlife Service (CWS)'s clarified their role in the work group <ul style="list-style-type: none"> ○ The intention is not to add any new requirements outside of the Tailored Impact Statement Guidelines (TISG), rather clarify and provide examples from the TISG ○ Nor are the meetings intended to prescribe what the Project Team should do ○ This meeting is not intended to replace the need for official written advice / or proposals from the Project Team • The ECCC / CWS requested a change from the agenda be considered | <ul style="list-style-type: none"> ○ N/A |
| <p>Open Floor RW:</p> <ul style="list-style-type: none"> • Seems a priority is to consider where the proponent is now versus the TISG <ul style="list-style-type: none"> • Fundamental immediate questions seem to be: <ol style="list-style-type: none"> 1) How to use the existing data to see if more sampling is needed; and, 2) If gaps exist, how best to design sampling to fill them in • Suggesting a modelling role for those questions | |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

- To enable review ECCC needs to see what was done, rationale behind the choices, as well as the results/outcomes of work with data
- Brief overview / possible approaches that might be helpful (3 Steps)
 - 1) Use existing data
 - Suggest using the existing data to guide the way forward
 - One approach might be to use fairly simple modeling approaches to work out the process and thinking, then ramp up the complexity as needed.
 - For example, if aim is to predict bird occurrence across the space...
 - The model predictions from a general linear model could applied to the transect design (offered in the TISG for evaluating design options). The predictions applied to this design can then be used in simulations.
 - To, for example, look at design option A (e.g. design that leans toward sites near helicopter access). Evaluate against the TISG transect design, and against design option B. Etc.
 - The goal is to compare design options with respect to the uncertainty around the estimates.
 - As you add more samples / or take them away – the focus would be on comparing uncertainty patterns among your options.
 - An examination of the modelling approach, and where improvements could be made, can help determine if it's necessary to do a more sophisticated modeling approach
 - This process is an example of ways to use existing data to evaluate design options.

DB:

- The MFFN Project Consultant acknowledged that their memo (sent November 23, 2020) didn't show all steps
- Hoping to get a handle on the existing data set and see if it is efficient to run through a modelling exercise where we can make predictions, test, and analyze bias.
- Further work since the model – AECOM has a few slides prepared.
- Started with a general linearized model.
 - Bird counts, probability of detecting species.
 - Reviewed residuals across space and land coverage (this was not in the memo). We focussed more on the complex model in the memo. Might be too complex and not the modeling path we don't want to take – we are thinking we want a mixed model.
- The existing data set is sufficient to analyze bias
- Two approaches were tested:
 - 1) Train and test species-specific bird count models, re ran training and testing multiple times on existing dataset..
 - Does the existing sampling design (LSA) represent the covariates and add value to the modeling predictions?
 - What is being said aligns with the approach
 - 2) Simulations with other sampling designs – has not been reached.
 - The MFFN Project Consultant has looked at the representative sampling set – and believe that it is representative to key covariates to use in the next sampling set.

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| <ul style="list-style-type: none"> • More material has been looked at since issuing the memo, the memo is not a complete description of what the MFFN Project Consultant has been doing. • Appreciate the guidance on how to step back <p>RW:</p> <ul style="list-style-type: none"> • • Recognize that the transect design offered in the TISG is likely more intensive than is minimally necessary. The idea was to offer it as a way to define a quantitative benchmark against which alternative designs can be evaluated. <p>DH:</p> <ul style="list-style-type: none"> • ECCC / CWS reviews are helped by the ability to see what the Proponent has done and why; helpful to have enough information to understand and evaluate. • Recommendation to start with basic models, to review sampling design. <ul style="list-style-type: none"> ○ Use existing data to simulate data to test sampling designs. For example, adjusting sample size and calculating changes in parameter confidence interval. Compare how the confidence intervals change under varying survey designs. ○ If simulating data with using a model generated from biased data, the simulated data will still be biased • Accounting for detection in models is very important, particularly if certain habitats (e.g. deciduous forests) affect detectability. <p>CC3:</p> <ul style="list-style-type: none"> • Q Pad approach <ul style="list-style-type: none"> ○ Benefit to look at multiple data sets with point count methods to view different point sources. <ul style="list-style-type: none"> ▪ Looks at the detectability parameter to reduce bias. • If we are looking at specific species that we are modeling. A nocturnal species we want to see we need to make sure there are enough recordings. Have to consider biases on a species by species basis and assess data sufficiency for each species of interest. <p>RW:</p> <ul style="list-style-type: none"> • The TISG doesn't have a specific approach, but the approach has been used by ECCC. <p>RR:</p> <ul style="list-style-type: none"> • Species by species treatment is important, suggest attention to potential biases in sampling protocols (e.g. few nocturnal species because little nocturnal sampling) • Design influences on potential for sampling bias, e.g.: <ul style="list-style-type: none"> ○ Temporal - time of year: species being detected in relation to peaks and low periods in their detectability ○ Temporal- time of day: Majority of migratory bird species are only around for a few hours before / after sunrise. Surveying outside of this time can produce bias against detecting these birds. • In some cases, modeling can account, or partially account, for bias. But need to have examined sampling and resulting data in relation to risks of bias. • Consider degree to which program captures all bird species. <p>DH:</p> | |
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| <ul style="list-style-type: none"> • Important to show that your models will accurately interpolate and extrapolate predictions. • <p>DB:</p> <ul style="list-style-type: none"> • The MFFN Project Consultant has been exploring N-mixture models to incorporate detection / hour of day into the model. • Looking at species specific model. • Unfortunately, season is not something that can be incorporated into the modeling with the current information <p><i>Open floor to the N-mixture approach</i></p> <p>DH:</p> <ul style="list-style-type: none"> • look into papers between abundance and detection based on model structure. • Identifiability of parameters is an issue that has been raised in some cases for these models. • <p>CC3:</p> <ul style="list-style-type: none"> • Concerns with N-mixture and abundance. Most species count tend to be overestimated, and it's difficult to incorporate multiple data sets. But the offset approach allows you to mix the data. <ul style="list-style-type: none"> ○ Tends to be avoided based on over-estimation of abundance. <p>DB:</p> <ul style="list-style-type: none"> • Bias is towards overestimating in general – good feedback. <p>RW:</p> <ul style="list-style-type: none"> • ECCC / CWS wants to be able to look at survey plans and understand what was done and understand the basis for decisions, for example in deciding how sufficient the sampling has been and how planned sampling will achieve the goal • • E.g. How well do existing data perform in addressing the GAPs? • Often suggest using simpler approaches to understand the process and the outputs, then move on to more complex approaches • <p>HG:</p> <ul style="list-style-type: none"> • We've taken a simple approach. • And we're taking an approach for more sophisticated model. • The MFFN Project Consultant requested to know if the memo showed enough that evidence that the access-limited study design is sufficient to meet the TISG <ul style="list-style-type: none"> ○ The ECCC / CWS noted the idea behind this meeting is for clarifications and illustrations, rather than approvals of products <p>Images shown by ECCC / CWS to demonstrate representativity for covariates</p> <p>RW / DH:</p> <ul style="list-style-type: none"> • Consider the limitations inherent in all modeling <ul style="list-style-type: none"> ○ Evaluate representivity of sample <ul style="list-style-type: none"> ▪ E.g. Land cover types to illustrate where the over and under samples are. ○ Plotting to evaluate where it is desirable to oversample (e.g. particular, uncommon or rare land cover types) | <ul style="list-style-type: none"> ○ ECCC / CWS to confirm that the MFFN CAR Memo provided enough evidence on approach |
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| <ul style="list-style-type: none"> ○ Ensuring covariant coverage across a good range | |
| <p>Study Plans / Work Plans</p> <ul style="list-style-type: none"> ● The MFFN Project Consultant reiterates that the Proponent is trying to tie up Project study plans and eventual work plans. ● The ECCC believes that they have illustrated what the Proponent needs to present and what ECCC wants to see. Additional exchanges of memos less preferred that getting to a final plan. <ul style="list-style-type: none"> ○ Request for the proponent to run some simulations and comparisons and share the outcomes, seeking further clarifications as needed. <ul style="list-style-type: none"> ▪ Common species are much easier to model but ECCC would like to also see information on the rare species ● The MFFN Project Consultant requests to know if they draw up graphs and a presentation will this be effective for the ECCC. ● The ECCC suggested a study plan format in which the choices and outcomes are covered in the body of the plan, and appendices are used to provide the detailed information helpful to reviews (e.g. modeling approaches, assumptions made, evaluations of bias, examination of options). ● Reminder that official advice and feedback needs to be in a written form. But ECCC is open to a conversation about clarification and illustrations of the material that would eventually be in detailed appendices. ● The ECCC recommends next steps – another meeting to talk through the MFFN Project Team's analysis, approaches, and rationale. <ul style="list-style-type: none"> ○ These meetings are to discuss the things that are difficult to discuss in writing. But aim is for plan to be communicated in writing. Envisioning an updated and revised study plan with everything necessary included. ● The MFFN Project Consultant confirms the goal is to incorporate these conversations into the study plans. And that the extra work and modeling will be packaged for review. | |
| <p>Deployment Inquiries</p> <ul style="list-style-type: none"> ● The MFFN Project Consultant inquires about detectability and access to study locations, as the TISG recommends ARU's in conjunction with breeding bird counts. ● The ECCC confirms that the wording in the TISG is to employ both ARUs and point counts <ul style="list-style-type: none"> ○ Point counts are necessary to sample the species that can only be detected visually. They tend to provide better abundance estimates for birds than acoustic methods. During point counts the ECCC suggests bringing an ARU along to enable comparisons of the results from each method. ● The MFFN Project Consultant confirms that using ARUs in conjunction with human observers for comparisons is one of the goals. ● The MFFN Project Consultant raises concerns that the BBS period is limited (even more limited in a helicopter, and with additional tasks added). Requests to know how they should handle the unpractical nature of working through 200 stations, versus a couple of spots ● The ECCC confirms they have been using a combination of point counts, and ARUs have been helpful. Deploying ARUs (with delayed recording schedule) in | |

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| <p>winter (snowshoe) is often more efficient than in summer. Suggest performing point counts as well as ARU deployments.</p> <ul style="list-style-type: none"> • The MFFN Project Consultant reminds of the sample size, and the concern of stations spread out by KM's preventing the field staff getting far. <ul style="list-style-type: none"> ○ Confirmed that if ARU's are deployed there would be more data than could be processed annually. The orders of magnitude of information coming from letting the ARU's collect their information. • The ECCC confirms that the Proponent should identify the means and explain the rationale. | |
| <p>Next Steps</p> <ul style="list-style-type: none"> • Suggestion for the next meeting to discuss the treatment of choices in the long-term plans – what is the gap? Discussions will be on how to fill the gaps (i.e., over / under sampling – replacement samples, random stratified) and the appendices will define how the gap was defined • The MFFN Project Team confirms that work will be needed on the biases in either covariates or modelling predictions before sending another meeting invite. The goal is to move these discussions along and a placeholder will be sent for after the holiday shut down. • The ECCC confirmed they would appreciate a preliminary presentation in advance of any meeting. | <ul style="list-style-type: none"> ○ MFFN Project Consultant to prepare for next meeting and send out placeholders and preliminary presentation. |

Project Name: **Marten Falls First Nation (MFFN) Community Access Road** Date of Meeting: December 15, 2020
 Time: 11:00 am to 11:55 am (EST)
 Project #: 60593122
 Location: Conference Call

Attendees:

MFFN Project Consultant:
 Christine Cinnamon (CC1)
 Leah Deveaux (LD)
 Ravi Mahabir (RM)
 Douglas Gay (DG)
 Kenndal Soulliere (KS)

MFFN Project Team:
 Jennifer Bruin (JB)
 Qasim Saddique (QS)
 Bob Baxter (BB)
 Lawrence Baxter (LB)
 Larissa Mikkelsen (LM)

MECP:
 Sasha McLeod (SM)
 Shannon Gauthier (SG)
 Guowang Qiu (GQ)

Health Canada:
 Dae Young Lee (DYL)
 Umme Akhtar (UA)
 Venita Harry (VH)

The Agency:
 Chiara Calabrese (CC2)
 Alexandra Oakes (AO)

ENDM:
 Paul MacInnis (PM)

ECCC:
 Denise Fell (DF)
 Hossein Naghdiane (HN)

Prepared By: Kenndal Soulliere

Absent:

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| Robin Reese | Auerlia Thevenot | Barry Jessiman |
| Jessalyn Beaney | Alexandra Iliescu | Ariane Heisey |
| Dan Kuenstler | Tihut Asfaw | Melissa Mauro |
| Hamish Corbett-Hains | Ninon Lyrette | Jack Moonias |
| Shawna Kjartanson | Marie-Eve Heroux | Walker Smith |
| Laura Decoste | Wendy Wilson | |

Regarding: Ambient Air Monitoring Plan

Minutes of Meeting

| | Action |
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| Welcome / Objectives of Meeting (LD & RM) | o N/A |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

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| <p>Review and Discussion</p> <p><i>The compounds to be monitored and possible monitoring options, the initial proposed equipment (air pointer), emerging limitations with the proposed equipment (remote location / cellular access)</i></p> <ul style="list-style-type: none"> • The MFFN Project Consultant provided an overview of the previously submitted Ambient Air Monitoring Plan (Dated September 28, 2020) add that they have discovered software issues for the air pointer (all models). The device needs constant cellular access – if cellular is dropped the device will restart – after multiple restarts the device will shut down completely. <ul style="list-style-type: none"> ○ Proposed change: to move to a traditional air quality station / trailer | <ul style="list-style-type: none"> ○ N/A |
| <p>Proposed Replacement Equipment</p> <p><i>Traditional trailer based air quality monitoring system with individual analyzers for each compound.</i></p> <p><i>PM10/ PM2.5 – Teledyne T640X (EPA designated)</i></p> <p><i>SO2 – Teledyne T100 (EPA designated)</i></p> <p><i>NOx – Teledyne T200 (EPA Designated)</i></p> <p><i>Ozone – Teledyne T400 (EPA designated)</i></p> <p><i>Question: Are there any concerns with the analyzers proposed?</i></p> <ul style="list-style-type: none"> • The MFFN Community Member Advisor requested to know the difference between PM10 and PM2.5 and why is the Project looking at it? <ul style="list-style-type: none"> ○ The MFFN Project Consultant confirmed that they are looking at particulate matter: PM10 is less than 10 microns, and PM2.5 is even smaller. • The ECCC requested confirmation that the location of the sampling will remain the same, and the approach is consistent with the previous plan. <ul style="list-style-type: none"> ○ The MFFN Project Consultant confirmed they are proposing to have a trailer based monitoring system, however it will remain within the community to ensure access to power. • The MFFN Project Consultant requested confirmation that the agencies had no issue with the new proposed equipment? <ul style="list-style-type: none"> ○ The ECCC confirmed that federal agencies do not propose technology options to the Proponent, but that they have seen this equipment used on other projects. ○ The MECP confirmed that they had no concerns • The MFFN Community Member Advisor inquired whether they could store the equipment within the nurses station, and sought clarification on how long the equipment would need to be deployed. <ul style="list-style-type: none"> ○ The MFFN Project Consultant advised of challenges with keeping equipment inside, as an outdoor port would need to be accessible via a drilled hole. The Project is not proposing this. ○ Regarding timing the MFFN Project Consultant clarified that the crew is getting ready for when the winter road opens up and that this equipment will not slow any progress on the air quality assessment. Rather this will be back up information. The MFFN Project Consultant recognized the short timeline to utilize the ice road. ○ The MFFN Community Member Advisor followed up inquiring about building a shed to hold the equipment and the MFFN Project | <ul style="list-style-type: none"> ○ N/A |

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| <p>Consultant confirmed the option has been explored but there is an issue with management of air flow across the equipment.</p> <ul style="list-style-type: none"> • The MFFN Project Team inquired the difference between the software error / cellular connection issue for the Air Pointer versus the need for power for the new proposed method. <ul style="list-style-type: none"> ○ The MFFN Project Consultant confirmed that the difference is that the trailer will not need an ongoing cellular connection, rather the trailer will utilize satellite. Also, there is no concern about power. <p>The MFFN Project Consultant confirmed that the Project will be moving forward with the new approach once the winter road becomes available.</p> | |
| <p>AAQMP-02 <i>BTEX is not proposed as an indicator of B(a)P, rather as a group of chemicals that can be readily measured, and from which, using appropriate ratios based on local sources of BTEX and B(a)P, B(a)P concentrations can be estimated</i></p> <ul style="list-style-type: none"> • The MFFN Project Consultant confirmed they are not proposing that BTEX is an indicator for total B(a)P, rather than BTEX will be monitored. <ul style="list-style-type: none"> ○ The expectation is that there will be a fairly consistent ratio of diesel and wood for heating and electricity within the community. The plan is to estimate this based on the measured values as monitoring of PAH's has a complexity for sample retrieval – and the Project has limitations of what can be monitored. • Health Canada interjected that the approach is not acceptable as previously discussed in other technical meetings. Health Canada suggested other options, such as onsite monitoring of PAHs or, if it is not possible, a qualitative assessment. The issue is not whether BTEX is an indicator of PHAs or not, but rather the need for an uncertainty measurement associated with the proposed PAH estimation approach to give a level of assurance that PAH are not a human health issue. • The ECCC requested clarification that the Project was suggesting measuring BTEX with SUMA Canisters? <ul style="list-style-type: none"> ○ The MFFN Project Consultant confirmed this was correct as looking at VoC's daily for PAH's would be complicated with sample retrieval and shipping cannisters back and forth. <ul style="list-style-type: none"> ▪ For BTEX the canisters would not be deployed daily. <p>The MECP indicated that VOC and PAH samples are typically collected every 12th day for a 24-hr period (midnight to midnight). The sampling schedule can be downloaded through this link: https://www.epa.gov/amtic/sampling-schedule-calendar.</p> <p>The MFFN Project Consultant confirmed that comments will be considered, and the approach will be revised accordingly.</p> | <ul style="list-style-type: none"> ○ MFFN Project Consultant to review and revise their approach of estimating BTEX and PAH levels in consideration of comments provided by federal authorities during the meeting. ○ The MFFN Project Consultant confirmed they will review meeting minutes and put forward a revised approach. |

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| <p>Discussion on MECP 1-4</p> <p><i>Question: Are there any questions the MECP would like to put forward specific to the new proposed equipment?</i></p> <ul style="list-style-type: none"> • The MFFN Project Consultant confirmed that as the MECP Questions 3-4 were specific to the previous Air Pointer technology that they were no longer relevant, the MECP confirmed. • The MECP inquired the power source for the trailer. The MFFN Project Consultant confirmed the power was from the community. The MFFN Project Consultant confirmed that more information will be included in the updated plan to demonstrate that the proposed monitoring site will meet the siting criteria as closely as possible. • The MFFN Project Team requested to understand the coordination of the cannisters, if they would be sent to the community in bulk and would the used cannisters need to be sent back immediately after? <ul style="list-style-type: none"> ○ The MFFN Project Consultant confirmed the intent is not to have an immediate return, and they are working with the lab to find out timelines and the intent is to send batches of cannisters at a time. ○ The ECCC reminded that because of the nature of the samples the Project should keep in mind the limitations and ensure none is lost. | <ul style="list-style-type: none"> ○ N/A |
| <p>Next Steps (Plan and Deployment) + Closing Remarks</p> <ul style="list-style-type: none"> • The MFFN Project Consultant confirmed that the Monitoring Plan will be revised to reflect the new equipment and the nature of the call while continuing preparations for deployment. • The MFFN Project Consultant confirmed that due to the constraints of the winter road that we can ship equipment up to the community before comments are received. <ul style="list-style-type: none"> ○ The MECP, ECCC and Health Canada confirmed this approach. • The MFFN Project Consultant confirmed that training for this approach needs to be done after the 8x14 tow-behind trailer is shipped to the site by an ice road transportation company. This trailer setup will require more trouble shooting and training than the previous Air Pointer. Safety planning and coordination is ongoing. • The MFFN Community Member Advisor requested to know detection levels for BTEX and B(a)P – the MFFN Project Consultant confirmed that they did not know these values offhand and would follow up with the MFFN Community Member Advisor via email. | <ul style="list-style-type: none"> ○ Revised plan to be sent to both federal and provincial one-window agencies. ○ MFFN Project Consultant to follow up with MFFN Community Member Advisor about detection levels. |



Project Name: **Marten Falls First Nation (MFFN) Community Access Road** Date of Meeting: December 17, 2020
 Time: 3:00pm – 4:00pm (EST)
 Project #: 60593122

Attendees: **MFFN Consultant Team:** Shawna Kjartanson (SK)
 Leah Deveaux (LD)
 Christine Cinnamon (CC1)
 Robin Reese (RR)
 Geneva Cloutis (GC)
 Erin Greenaway (EG)
 Michelle Bacon (MB)

MECP: Daniel Williams (DW)
 Brianne Brothers (BB)
 Kevin Green (KG)
 Shannon Gauthier (SG)

MFFN Project Team: Jennifer Bruin (JB)

IAAC: Chiara Calabrese (CC2)

Absent: Lawrence Baxter
 Sasha McLeod
 Melissa Mauro

Regarding: **IAAC – MECP Technical Meeting: Ungulates ESA Permit Follow-Up**

Location: Microsoft Teams

Prepared By: Geneva Cloutis

Minutes of Meeting

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| Welcome, Introductions and Opening Remarks Objectives <ul style="list-style-type: none"> ▪ The purpose of the call was to discuss the <i>Endangered Species Act</i> (ESA) B Permit for the 2021 caribou collaring program for the Project. The permit was submitted to MECP on December 8, 2020. The MFFN Consultant Team wanted to check that the permit was in the process of being reviewed by MECP, and to inquire if there were any red flags or items missing from the permit application. ▪ MB led the discussion on behalf of the MFFN Consultant Team | N/A |
| Background <ul style="list-style-type: none"> ▪ Wildlife Animal Care Committee reviewed and approved the protocol for the caribou program on December 9, 2020. ▪ MECP is still in the process of reviewing the ESA B permit application. | N/A |
| Duration of Permit | N/A |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

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| <ul style="list-style-type: none"> ▪ MECP asked about the duration of the collaring program, noting that the permit is proposing a 3-year study (2021-2024). The ESA B permit includes several required steps, including mitigation, monitoring, and beneficial actions, all which lend themselves to a long-term collaring study (7-10 years). MECP noted that the ESA B permit application includes the deployment of additional collars in the event of mortality to maintain sample size. If additional collars are being deployed in 2022 and 2023 and staying on the animals for 3 years, this would extend beyond the 3-year time frame outlined in the permit application. For collared animals beyond the 2024 end date on the permit, would mortality investigations take place after 2024? ▪ MFFN Consultant Team asked if a permit for baseline data (3 years of collaring data) can be separate from committing to longer term monitoring. Since deploying additional collars pushes out the end date for the permit, it is difficult to say what the duration of the permit should be at this point. ▪ MECP clarified that as long as collars are out on caribou, then the permit needs to be active. The permit should recognize that should additional collars be deployed, then a resubmission of the permit application would be required. If collars are being redeployed, then terms in the permit application should be outlined to cover that. ▪ MFFN Consultant Team responded that it would not make sense to put collars out in 2022 and 2023 but to have them fall off in 2024, both from a data collection and animal welfare perspective. Collars that are redeployed will still collect data for a 3-year duration, but the ownership of that data is unknown and will depend on what agreements are in place at the time. Would it be possible to submit a permit now for the initial deployment now, and to submit new permits each year for any redeployment? This approach would help with the quick turnaround time to get the collars out in February 2021. ▪ MECP responded that submitting new permits each year is inefficient, and it is safe to assume that there will be mortalities each year requiring redeployment of collars. MECP recognized that the commitment in this permit is not for longer term collaring, but the recommendation for a longer collaring program from the Species at Risk Branch (SARB) comes from the likelihood of requiring that longer term data throughout the project. ▪ MFFN Consultant Team asked if MECP would prefer for the permit to list 2021-2026 as the duration with the note that 2024-2026 is only for any additional collars, or if the permit should specify that collars deployed in 2022 and 2023 would be only for 2 and 1 years respectively? MECP responded that the first option is preferable, to cover the longest possible timeframe of any collars redeployed in 2023 for 3 years. This would not mean a commitment to deploying any more collars beyond 2023, but it would cover the animals collared in 2023. ▪ MFFN Consultant Team added that all other components of the study, including the mortality investigation, wildlife cameras, and aerial recruitment, would all end in 2023. MECP acknowledged this point and noted that this should be made clear in the permit application. If there are mortalities in 2024 and 2025, those investigations would require an amendment or change to the application. | |
| <p>Permit Holders</p> <ul style="list-style-type: none"> ▪ ENDM asked if the permit lists MFFN as the proponent who has contracted Golder to do this work, noting that the name on the permit needs to be discussed. Golder and AECOM as project consultants only have a contract with the MFFN Project Team up until a certain point, and committing their names on a permit for 7-10 years | <p>MECP to discuss the appropriate applicant to be listed on the permit.</p> |

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| <p>is something to flag. Ontario does not want to direct the proponent with who they have to use and do not have to use on this work.</p> <ul style="list-style-type: none"> ▪ MFFN Project Team responded that the recommendation from MECP was to list AECOM and Golder as the applicants since they are the parties conducting the actual work. ENDM asked if that was transferrable if the consultants on the project change. MECP responded that the applicant on the permit should be those who have direct experience and will be implementing the field work, so it is Golder and AECOM on behalf of MFFN. ▪ MFFN Consultant Team asked if extending the permit to 2026 to include the full duration of the collaring program, while recognizing that the other aspects of the program will not change beyond what has initially been proposed is a sufficient approach. MECP acknowledged this is appropriate and has already been approved by Wildlife Animal Care Committee. ▪ MECP added that there were a couple boxes that need to be checked off in Section 9 of the permit, related to which aspects the permit is authorizing (such as possible euthanization). These comments and edits will be provided in writing back to the MFFN Consultant Team. ▪ MECP recognized that MFFN only has contracts with AECOM and Golder for a certain length of time. If Golder is on contract for the duration of the program, then the permit should be issued to MFFN. MFFN should be listed as the applicant, with Golder and any others involved in the work listed as assistants. MECP added that for any sub-contractors or individuals who will be participating in the work, their names should be provided to MECP 24 hours in advance to get those names on file. This will include the pilot and net-gunner and any other field staff. ▪ MFFN Consultant Team asked what information should be submitted as part of this request. MECP responded that this should include names and their qualifications for undertaking this work. This information can be submitted to the individuals on the call or sent to the SAR Ontario email address. ▪ ENDM asked who to name as the lead from MFFN. There will be an election happening in the community next year, so leadership may change, and it is difficult to say who will be around in 7 years on this project. MECP responded that to change the name on the permit, a request would have to be made by the original permit holder. ▪ MFFN Consultant Team asked what the review timeline is for the ESA B permit. Will MECP provide edits back to the MFFN Consultant Team, or should the MFFN Consultant Team revamp the permit application and resubmit? MECP responded that the review is wrapping up. Comments will be provided to the MFFN Consultant Team, and a draft permit package should be ready for review in January. Once the MFFN Consultant Team is satisfied with how it is drafted, it will be submitted as a package for approval by the Minister. ▪ MFFN Project Team asked if the signature of the Chief would be required at this time. MFFN Consultant Team responded that there is no spot for signatures on the permit applications. ▪ MECP noted that the written comments on the permit will reflect today's conversation, and that the hope is to provide written comments back to the MFFN Consultant Team by next week. | <p>MFFN Project Team to reach out to Chief Achneepineskum to arrange naming MFFN as the applicant on the ESA B permit.</p> <p>MECP to provide written comments by next week to MFFN Consultant Team.</p> |
| <p>Next Steps</p> | <p>See above.</p> |

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| <ul style="list-style-type: none">▪ MECP will provide feedback from a full review and provide this feedback to MFFN Consultant Team next week (December 21-25, 2020).▪ MFFN Consultant Team will make changes and edits as discussed, including listing MFFN Chief or representative as the applicant on the permit, with Golder and AECOM as assistants.▪ MFFN Consultant Team to resubmit late December / early January, to hopefully have Minister approval to start the work in February. The 7-10 year monitoring is part of an ongoing discussion, but the revised permit will list the duration of the permit as 2021-2026 to account for collars deployed in 2023.▪ MFFN Consultant Team thanked MECP for making themselves available on short notice, and MECP also appreciated the call to make the review process more efficient.▪ MFFN Project Team noted that there was no community member advisor on the call to speak on behalf of the community today. MFFN Project Team will discuss naming MFFN as the applicant on the permit and get back to the MFFN Consultant Team. MFFN Project Team acknowledged that this discussion was beneficial to have before the holiday break. | |
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Project Name: **Marten Falls First Nation (MFFN) Community Access Road** Date of Meeting: December 18, 2020
 Time: 2:00pm – 3:00pm (EST)
 Project #: 60593122

Attendees: **MFFN Consultant Team:** Shawna Kjartanson (SK)
 Leah Deveaux (LD)
 Christine Cinnamon (CC1)
 Geneva Cloutis (GC)
 Erin Greenaway (EG)
 Michelle Bacon (MB)

MECP: Daniel Williams (DW)
 Brianne Brothers (BB)
 Kevin Green (KG)
 Shannon Gauthier (SG)
 Hilary Gignac (HG)

MFFN Project Team: Jennifer Bruin (JB)
 Lawrence Baxter (LB)

ENDM: Paul MacInnis (PM)

Location: Microsoft Teams

IAAC: Chiara Calabrese (CC2)

Prepared By: Geneva Cloutis

Absent: Sasha McLeod
 Melissa Mauro
 Robin Reese

Regarding: IAAC – MECP Technical Meeting: Ungulates Program
 Follow-Up

Minutes of Meeting

| | Action |
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| <p>Welcome, Introductions and Opening Remarks</p> <p>Objectives</p> <ul style="list-style-type: none"> The purpose of the call was to follow up on yesterday’s conversation about the duration of the caribou collaring ESA B permit given timing and funding constraints. MB led the discussion on behalf of the MFFN Consultant Team. | N/A |
| <p>Background</p> <ul style="list-style-type: none"> During yesterday’s discussion, the flag was raised that the contract with MFFN and Golder/AECOM only runs until 2024. If additional collars are deployed in 2022 and 2023, there are issues around responsibility and ownership of the collars and data. MFFN cannot commit to anything past 2024, and deploying additional collars adds additional responsibility and financial commitments that are not possible at this stage. As part of the meeting invitation, MFFN Consultant Team presented 2 options as solutions to the issue: | N/A |

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| <ol style="list-style-type: none"> 1. Current plan of 20 captures in February 2021, and ~ 5 captures in Feb 2022 and Feb 2023 as needed to maintain 20 active collars for 3 years. In February 2024, Golder would transfer the collar/database keys to the Ontario Government who then takes responsibility for the collars for the remainder of their battery life and is responsible for removing the collars in 2026, if needed (i.e., if blowoffs don't work). 2. Current plan of 20 captures in February 2021, and ~5 captures in Feb 2022 and Feb 2023 as needed to maintain 20 active collars for 3 years. In February 2024, the proponent will retrieve all collars and end the baseline data acquisition program. Retrieval will involve picking up collars from mortality sites and from locations where collars blew off (for those collars deployed in 2021 and blow off was programmed for 3 years) and as needed, recapturing and removing collars from animals whose collars are still active. | |
| <p>Discussion of Options</p> <ul style="list-style-type: none"> ▪ MECP noted that Option 1 does not seem feasible, as transferring the responsibility of this program to Ontario does not seem appropriate. Option 2 raises data limitations if collars blow off with less than 3 years of data. If the intent is to deploy collars for a shorter time period, it does not consider the longer-term considerations for requirements under the EA and ESA. ▪ MECP presented a third option, in which additional collars are deployed up front (>20 collars) to prevent the need for additional captures while reasonably maintaining 20 collared animals throughout the 3 years. MFFN Consultant Team asked what an appropriate number of collars would be. MECP responded that previous collaring programs might give an indication of typical mortality to base an estimate. Any new number proposed will require rationale and supporting data. ▪ ENDM asked if there is any information from the Ozhiski range about mortality, since it is the most recent data in Ontario, to help guide an estimate. MECP noted that both Missisa and Ozhiski would have had mortalities in the last year. MNRF would likely have that information available. MECP noted there are about 50 collars out in each the Missisa and Ozhiski ranges. ▪ MFFN Consultant Team returned to Option 2, noting that MECP's concerns about the bigger picture are not necessarily the focus since this program is to collect baseline data for the EA. There is no certainty that the project will proceed past the EA, and it is difficult to talk to the client, which includes the Ontario government, about longer-term project and financial commitments. The focus should remain on the 3 years of baseline data. MFFN Consultant Team recognized the importance of animal care and that Option 2 has some implications, but it is not possible to have financial commitments past 2024 on the project. | N/A |
| <p>Funding Considerations</p> <ul style="list-style-type: none"> ▪ MECP noted that recommendations being provided are considering the long-term study that would need to be carried out as part of the compliance and effects monitoring. With respect to Option 3, it will be important to undertake a cost analysis, as there may be cost savings overall by not requiring a capture crew in subsequent years. MFFN Consultant Team noted this but emphasized that the constraints are around the current 2020-2021 budget, since collars must be purchased before the end of the fiscal year (March 31, 2021). A benefit to Option 1 is that the collars become a donation to the government and capture additional data for the provincial caribou program. MFFN Consultant Team recognized that Ontario may not want to | N/A |

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| <p>make that commitment that far into the future, but there are benefits to keeping the collars on the animals.</p> <ul style="list-style-type: none"> ▪ MECP noted that the initial application (prior to acknowledging the timing issue) was positive in terms of deploying additional collars to maintain sample size. The challenge is that it extends beyond the time frame that the MFFN Project Team can commit to, so the commitment now needs to change. With respect to Option 1, given that the program is 8 weeks from commencing, there likely is not enough time to resolve the issue. MECP would like to find an approach that allows this work to move forward with reasonable commitment and responsibility within the allotted time frame. ▪ MFFN Project Team reiterated that funding is the major constraint. The funds required to undertake this workplan were allocated some time ago, and there are constraints with securing additional funding to purchase 30 collars within the upcoming timing window for the program. MFFN Project Team asked what were MECP's thoughts on moving forward with 20 collars at this point. ▪ MECP asked if this meant deploying 20 and not making any commitments to redeployment. MFFN Project Team clarified that this is just in reference to the next 3 years. MFFN does not have contracts with consultants beyond 2024, and making commitments beyond 2024 requires a partnership with government to reassign the permit. Option 1 was the preferred option from a MFFN Project Team perspective because it allows for a responsible party to meet the reporting requirements and collaring collection at the end of the 6 years. There are not sufficient funds at this point to purchase additional collars. If Ontario is asking for work that is beyond the scope of the Transfer Payment Agreement, there needs to be additional funds provided. The programs need to be structured better to provide clear expectations to proponents upfront about what work will be required. MFFN Project Team asked if it was possible to proceed with the 20 collars at this time and preserve the option to reassign the program over to Ontario down the road for the sake of moving the program forward. ▪ MECP noted that the initial proposal submitted to MECP is consistent with commitments the MFFN Project Team has made up to this point. This discussion is to find a resolution to the Transfer Payment Agreement and timeline issue that came to light in yesterday's call. It does not appear that there was the full understanding that redeploying additional collars in 2022 and 2023 would necessitate an extension to the permit timeline to 2026. | |
| <p>Cost Estimate</p> <ul style="list-style-type: none"> ▪ ENDM asked what the cost would be for adding 5 collars to the program. MFFN Consultant Team responded that the ballpark for each collar is \$3000, which covers the 3-year prepaid satellite program to capture 3 years of data. This amount does not cover the additional time requirement to capture more animals. MFFN Consultant Team noted that the costs for the program overall might be less by adding a couple of extra days to the program in 2021 as opposed to bringing a capture crew back each winter in 2022 and 2023. ▪ MFFN Project Team noted that there are multiple caribou collaring programs in the area and asked if there will be any difficulty in capturing 20 or more animals for this project. MFFN Consultant Team responded that there is no way of confirming that there will be 20 animals within the project study area. MECP noted that the Missisa | <p>MECP to reach out to MNRF to confirm Art Rodgers availability to discuss mortality data.</p> <p>MECP to send comments on permit application to MFFN Consultant Team early next week (Dec 21-25, 2020).</p> |

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| <p>range has a minimum population estimate of ~740 based on the aerial surveys conducted in 2011 but does not have an updated animal count estimate.</p> <ul style="list-style-type: none"> ▪ MFFN Project Team asked if the animals have to be within the study area in order to be collared. MFFN Consultant Team responded that is the goal, but the search for animals will extend outside the study area to find sufficient animals if necessary. ▪ ENDM asked for a cost estimate of 5 or 10 additional collars, including all capture costs, to help determine if moving forward with Option 3 in this fiscal year is feasible. ▪ MFFN Project Team asked if 30 collars will be sufficient to account for any potential mortalities during the 3-year baseline program. ENDM responded that mortality data is needed to provide a better estimate of adequate collar numbers. ▪ MFFN Project Team asked who would take over the program in 2024, and if this would require amending Golder’s contract to continue working on the program. MFFN needs to be covered and does not want to be stuck with the responsibility of the collaring program after 2024. ▪ MFFN Consultant Team revisited Option 2, noting that the collars can be programmed to all drop off in 2024, to prevent having to recapture animals to remove collars if the program ends in 2024. MECP reiterated the data limitations on deploying collars on animals only for 1 year. MECP suggested that the MFFN Project and Consultant Teams look into mortality rates of current and historical collaring programs to get an estimate of the number of collars that would be necessary to deploy in 2021 while accounting for mortalities in subsequent years of the baseline study. ▪ MFFN Project Team asked if MNRF has data on mortality rates. MECP responded that since MNRF has collaring programs in Missisa and Ozhiski currently, they should have data on mortality, premature release of collars, and other data that may help inform collar numbers. ▪ MFFN Consultant Team noted that a conversation needs to happen with MNRF quickly to determine how many collars should be deployed and what the costs will be. If Option 3 is selected, it will be a short window to order additional collars for February. ▪ MFFN Project Team asked if it would take additional time to collar more animals in the field. MFFN Consultant Team confirmed there would be more time required. | |
| <p>Next Steps</p> <ul style="list-style-type: none"> ▪ MFFN Consultant Team to provide cost estimates for an additional 5, 8, and 10 collars to ENDM (including actual collar costs and costs of deployment). ▪ SG to contact MNRF / Art Rodgers to see if he’s available to discuss mortality rates of animals that were collared in 2018 and 2020. ▪ MECP to provide written comments back to MFFN Consultant Team on application next week (December 21-25, 2020). ▪ KG confirmed he will be available next week through Thursday for questions. ▪ MFFN Project Team noted that purchasing collars is a critical path if additional collars are required and would like to resolve the issue in the next few days. | <p>See above.</p> |



Project Name: **Marten Falls First Nation (MFFN) Community Access Road** Date of Meeting: December 23, 2020
 Time: 9:00am – 10:00am (EST)
 Project #: 60593122
 Location: Microsoft Teams

Attendees: **MFFN Consultant Team:** Shawna Kjartanson (SK)
 Geneva Cloutis (GC)
 Erin Greenaway (EG)
 Michelle Bacon (MB)

MECP: Daniel Williams (DW)
 Brianne Brothers (BB)
 Kevin Green (KG)
 Shannon Gauthier (SG)

MFFN Project Team: Jennifer Bruin (JB)
 Lawrence Baxter (LB)

IAAC: Chiara Calabrese (CC2)

Prepared By: Geneva Cloutis

Absent: Sasha McLeod
 Melissa Mauro
 Jillian Kingston
 Art Rodgers
 Paul MacInnis
 Robin Reese
 Leah Deveaux
 Christine Cinnamon

Regarding: IAAC – MECP Technical Meeting: Ungulates Program
 Follow-Up

Minutes of Meeting

| | Action |
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| <p>Welcome, Introductions and Opening Remarks</p> <p>Objectives</p> <ul style="list-style-type: none"> ▪ The purpose of the call was to confirm the final details regarding the ESA B Permit for the upcoming February 2021 collaring program for the MFFN CAR Project. ▪ Due to the last-minute nature of the call, ENDM and MNRD were unable to attend. ▪ MB led the call on behalf of the MFFN Consultant Team | N/A |
| <p>Background</p> <ul style="list-style-type: none"> ▪ MECP sent the ESA B Permit application with comments back to the MFFN Consultant Team on December 22, 2020. ▪ With the goal to deploy collars in February 2021, any additional collars required for the program will need to be ordered from Lotek as soon as possible. | N/A |

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| <ul style="list-style-type: none"> ▪ There are two outstanding items that the MFFN Consultant Team would like to confirm before the holiday break to ensure that the caribou collaring program can still take place in 2021: <ol style="list-style-type: none"> 1. Who should be listed as the applicant on the B Permit. 2. The number of collars to be deployed in February 2021. | |
| <p>Applicant Name on Permit</p> <ul style="list-style-type: none"> ▪ On the December 17, 2020 call, there were discussions on changing the applicant name on the permit to Marten Falls. MFFN Consultant Team only have contracts until 2024, but the program was potentially going to extend from 2024 until 2026 (to account for the deployment of additional collars in 2022 and 2023). Since this call, the approach has changed to instead deploy additional collars in February 2021, which means the end date on the permit will remain as 2024. With this understanding, the MFFN Consultant Team asked if it was appropriate to leave Golder as the name of the applicant on the application. MECP responded that this was acceptable, as long as whoever is listed as the applicant is able to complete the work within the time frame allotted on the permit. If the permit lists 2024 as the end date and Golder will be with the MFFN Project Team for the entire duration, then Golder can remain as the name on the application. | N/A |
| <p>Number of Collars</p> <ul style="list-style-type: none"> ▪ The collaring approach has changed from what was initially proposed in the permit. Additional collars will be deployed in 2021, and no additional collars will be deployed in 2022 or 2023. This approach will help to ensure there is still sufficient data to meet MECP’s request of using data from minimum 20 collared females for 3 years for baseline. MFFN Consultant Team asked if MECP had any thoughts on the appropriate number of collars to be deployed to account for any mortality. ▪ MECP noted that this approach has some more risk and uncertainty associated with it since it is impossible to know how many animals will die in a given year. MECP will defer to the MFFN Project Team and Consultant Team to propose a reasonable number with rationale and justification. ▪ MFFN Consultant Team noted the desire to reach consensus on today’s call to avoid timing out and missing the window to order additional collars. MFFN Consultant Team proposed to deploy 30 collars in February 2021. This number was derived from the minimum animal count (population estimate) and the mortality data for the Missisa range. ▪ MFFN Consultant Team noted that it may not be possible to locate more than 30 uncollared females in the caribou Local Study Area (LSA). The Zoetica 2018 baseline study had a 35km buffered study area (which is larger than the caribou LSA for the project), and there were 58 caribou observed, of which 20 were adult females. ▪ MFFN Consultant Team has reached out to MNR about observation numbers from the March 2020 captures, but have not heard back. ▪ MFFN Consultant Team also noted that locating the caribou is not the only constraint. The animals must also be located in a safe spot for capture, for the net to be deployed safely on an animal and in a location where it is safe to land the helicopter. MFFN Project Team noted that 58 animals total and 20 adult females are quite low numbers. ▪ MFFN Consultant Team added that the Zoetica coverage was 10km transects over the 35km study area, and this included all 4 route alignments being considered at | MFFN Consultant Team to resubmit ESA B Permit with the 30 collars to be deployed in 2021, with no additional re-deployments. The end date of the permit will be 2024. The permit application will include justification as to the use of 30 collars to account for mortality and population estimate in the Missisa range. |

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| <p>the time. MECP noted that with the 10km spacing, there is the chance that animals were missed in between those transects.</p> <ul style="list-style-type: none"> ▪ MFFN Consultant Team added that the other piece of data that informed the rationale for 30 animals is the Integrated Range Assessment Report (IRAR; MNRF 2014) for the Missisa range, which calculated a 0.8 survival rate for 2008 to 2011. By initially deploying 30 collars, there should be a minimum of 16 animals alive after the 3 years of collaring. Although 16 is less than the minimum recommended 20 animals, there are currently 7 caribou with MNRF collars that are interacting with the caribou LSA, with another 2 animals in the larger 35km buffer area around the two proposed alignments. As discussed with MECP, the data from these individuals can be included in the analysis for this project to increase the sample size. MECP noted that this evidence is a sufficient justification. If this information can be provided and flushed out in the updated application, then MECP is comfortable with what is being proposed. ▪ MFFN Consultant Team asked how the original request for 20 collared female caribou was derived. MECP clarified that this number was used in another development project in the northeast of the province near the Quebec border, which set a precedent that tends to be followed. As well, using the minimum animal count from the IRAR for Missisa of 740 animals, then 20 collars accounts for about 2% of the population. Ultimately, the sample size should be sufficient to measure any response and inform changes to recruitment, survival, Category 1 habitat and nursery areas. | |
| <p>Project Team Questions</p> <ul style="list-style-type: none"> ▪ MFFN Project Team asked if data would be shared to locate animals when in the field. Targeting herds that already have collared animals can help with redundancy. MFFN Consultant Team responded that the data sharing agreement with MNRF includes a statement that the MFFN Project Team will receive location data at the time that the collaring program will begin. Once a start date for the collaring program is know, the MFFN Consultant Team will ask MNRF to download collar data to get the most recent location. Due to weather and delays in getting into the air to locate caribou, the data may be a couple of days outdated, but caribou do not tend to move very far during the winter so their locations are not expected to change much. ▪ MFFN Project Team asked for confirmation that 30 collars will be deployed in 2021. MFFN Consultant Team confirmed that 30 collars will be ordered. MFFN Project Team brought up the funding required to purchase additional collars and noted that a change order will be filed to get funding for 30 collars. | <p>MFFN Project Team to file change order to get approval for additional collars.</p> |
| <ul style="list-style-type: none"> ▪ MFFN Consultant Team noted that the funding needs to be confirmed immediately and a change order will be submitted to Lotek to purchase additional collars. MFFN Consultant Team asked if MECP thought February was still a reasonable start date for the program given the need to resubmit the application. MECP responded that the turnaround time will be tight, but as long as there are no additional challenges, then February seems doable. MECP noted that the permit will be flagged as a priority for sign-off, but once the permit leaves the MECP team it is out of their control. ▪ MFFN Project Team asked if there were dates confirmed for the collaring program. MFFN Consultant Team responded that flights are not booked yet and it will depend on weather, but the plan is to start the program in February 2021. | <p>N/A</p> |
| <p>Closing Remarks and Next Steps</p> | <p>See above.</p> |

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| <ul style="list-style-type: none">▪ MFFN Consultant Team to resubmit ESA B Permit application with the inclusion of 30 collars to be deployed in 2021 as soon as possible.▪ MFFN Project Team did not have any final comments. | |
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Project Name: Marten Falls Community Access Road

Date of Meeting: January 15, 2021

Time: 3:00 pm to 4:00 pm EST

Project #: 60593122

Location: Microsoft Teams/ Call-in

- Attendees:
- Kathleen O'Neill (MECP)
 - Andrew Evers (MECP)
 - Shannon Gauthier (MECP)
 - Kiran Anwar (MECP)
 - Lori Churchhill (ENDM)
 - Ariane Heisey (ENDM)
 - Paul MacInnis (ENDM)
 - Bob Baxter (MFFN Project Team)
 - Lawrence Baxter (MFFN Project Team)
 - Qasim Saddique (MFFN Project Team)
 - Jennifer Bruin (MFFN Project Team)
 - Larissa Mikkelsen (MFFN Project Team)
 - Christine Cinnamon (AECOM)
 - Avril Fiske (AECOM)
 - Jessalyn Beaney (AECOM)

Prepared By: Jessalyn Beaney (AECOM)

- Absent:
- Sasha McLeod (MECP)
 - Peter Brown (MECP)

Regarding: MFFN Community Access Road Project – Requests for Extension to the Terms of Reference Comment Period

Meeting Minutes

| | Action |
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| <p>Additional Opportunity to Comment on the Terms of Reference</p> <ul style="list-style-type: none"> • Requests for extension on the Terms of Reference (ToR) comment period have been received by MECP and MFFN Project Team (e.g., requests for additional time to review / to put the process on hold due to constraints posed by the pandemic and ability to consult in-person with community membership). • Additional opportunity to submit comments on the ToR will be offered to the 22 Indigenous communities until March 31, 2021. • Only the 22 Indigenous communities identified by Ontario will be receiving the additional opportunity to comment on the ToR. • During this additional time, MECP will follow-up with each community on multiple occasions to confirm whether or not they | <ul style="list-style-type: none"> • MECP to share with the MFFN Project Team the letter to Indigenous communities identifying the additional opportunity to comment on the ToR. • Complete. MECP shared a copy of the draft letter with MFFN Project Team on January 20, 2021, MECP received comments from the MFFN Project Team on January |

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| <p>plan to provide new comments in addition to any that have already been submitted.</p> <ul style="list-style-type: none"> • MECP will continue to work with MFFN on the responses to comments that have already been received by Indigenous communities, members of the public and government review agencies. • Current responses to comments, once finalized, will be shared with the commenting community for an opportunity to see how the comments have been addressed. • Given past opportunities that have been available to comment on the ToR (e.g., Draft ToR, 60 day comment period), it is possible that further extension after March 31, 2021 may not be required. However, MECP continues to take a flexible approach to consultation during the ToR process and if need be, will reassess the situation should additional requests for extensions be received. • MECP plans to send the letter notifying the additional opportunity to comment on the ToR to Indigenous communities as soon as possible. • MECP will be preparing the required information for the recommendation to the Minister and will continue to work with MFFN to address any outstanding concerns during this additional time in an effort to keep the process progressing. MECP cannot confirm when a decision by the Minister will be made. • AECOM raised questions related to risks associated with the sharing of current responses while communities are also reviewing ToR documentation for additional comments. It was suggested that these questions could be discussed further with the MECP. • It was also noted by MFFN Project Team that the extension to the ToR further misaligns the provincial and federal EA processes. MECP shared that the provincial process could catch-up shortly to the federal EA process once a decision is made and if the ToR were to be approved. Additionally, MECP and provincial government agencies have been actively participating and reviewing the study plans to ensure that MFFN can begin work on baseline studies that typically would not be completed until a decision on the ToR has been made. This should help with some of the misalignment. | <p>21, 2021 and the final letter was sent out on January 25, 2021</p> |
| <p>Indigenous Community Consultation</p> <ul style="list-style-type: none"> • Indigenous communities have funding to participate in the Project. Looking at realigning funding previously identified for travel towards communication tools given lack of travel due to the pandemic. • Indigenous communities have pandemic plans in place on how they can connect and consult with community members during the pandemic. • ENDM is realigning its participant funding transfer payment agreements with eligible recipients to accommodate new consultation tools and different ways to consult. | <ul style="list-style-type: none"> • N/A |

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| <ul style="list-style-type: none"> • A suggestion was made by the MFFN Project Team for Ontario-led outreach with Indigenous communities to understand what outreach and consultation methods are appropriate for proponents during the pandemic. It was noted that there is more success obtaining feedback one community at a time (rather than trying to bring multiple communities together in one outreach session). • ENDM noted that the consultation approach for the Project has all the pieces to successfully consult and obtain feedback, but the current approach needs to be adapted in a manner that works during the pandemic. For example, additional outreach through social media. ENDM suggested that a broad communications/engagement strategy may be of interest which builds on the products already developed by the proponent. | |
| <p>Comments Deferred to Ontario</p> <ul style="list-style-type: none"> • MFFN will be sharing a file that identifies the comments received on the ToR that have been suggested for deferral to the province. • A separate meeting to discuss comments for deferral was suggested by the MECP. Questions related to the sharing of responses to comments already received can also be discussed during this meeting. | <ul style="list-style-type: none"> • MFFN to propose meeting times to discuss deferred comments. |
| <p>ToR Amendment</p> <ul style="list-style-type: none"> • Based on a review of comments received to date, MFFN Project Team feels that there is no indication that the ToR will need to be formally amended. Once all response to comments have been received, MECP will recommend whether or not an amendment to the ToR should be considered for this project. • Responses to the ToR comments may include commitments for the EA. These commitments would become a concordance table within the EA and therefore an alternate process for proponents to address concerns raised during the ToR in the EA. • There are two types of amendments: 1) Proponent-led; and 2) MECP amendments. A Proponent-led amendment is the preferred approach in cases where an amendment is warranted. • Should a proponent choose to formally amend a ToR, an additional 8 weeks is allocated to make the changes necessary to address significant issues raised in comments on the document. The need to recirculate an amended ToR depends on the nature of the edits and which party made the comments on the ToR leading to the decision to amend the document. Proponents can (and usually) make the necessary changes in less time than 8 weeks. | <ul style="list-style-type: none"> • N/A |



Project Name: Marten Falls Community Access Road

Date of Meeting: January 15, 2021

Time: 3:00 pm to 4:00 pm EST

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 - Jessalyn Beaney (AECOM)

Prepared By: Jessalyn Beaney (AECOM)

- Absent:
- Sasha McLeod (MECP)
 - Peter Brown (MECP)

Regarding: MFFN Community Access Road Project – Requests for Extension to the Terms of Reference Comment Period

Meeting Minutes

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| <p>Additional Opportunity to Comment on the Terms of Reference</p> <ul style="list-style-type: none"> • Requests for extension on the Terms of Reference (ToR) comment period have been received by MECP and MFFN Project Team (e.g., requests for additional time to review / to put the process on hold due to constraints posed by the pandemic and ability to consult in-person with community membership). • Additional opportunity to submit comments on the ToR will be offered to the 22 Indigenous communities until March 31, 2021. • Only the 22 Indigenous communities identified by Ontario will be receiving the additional opportunity to comment on the ToR. • During this additional time, MECP will follow-up with each community on multiple occasions to confirm whether or not they | <ul style="list-style-type: none"> • MECP to share with the MFFN Project Team the letter to Indigenous communities identifying the additional opportunity to comment on the ToR. • Complete. MECP shared a copy of the draft letter with MFFN Project Team on January 20, 2021, MECP received comments from the MFFN Project Team on January |

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| <p>plan to provide new comments in addition to any that have already been submitted.</p> <ul style="list-style-type: none"> • MECP will continue to work with MFFN on the responses to comments that have already been received by Indigenous communities, members of the public and government review agencies. • Current responses to comments, once finalized, will be shared with the commenting community for an opportunity to see how the comments have been addressed. • Given past opportunities that have been available to comment on the ToR (e.g., Draft ToR, 60 day comment period), it is possible that further extension after March 31, 2021 may not be required. However, MECP continues to take a flexible approach to consultation during the ToR process and if need be, will reassess the situation should additional requests for extensions be received. • MECP plans to send the letter notifying the additional opportunity to comment on the ToR to Indigenous communities as soon as possible. • MECP will be preparing the required information for the recommendation to the Minister and will continue to work with MFFN to address any outstanding concerns during this additional time in an effort to keep the process progressing. MECP cannot confirm when a decision by the Minister will be made. • AECOM raised questions related to risks associated with the sharing of current responses while communities are also reviewing ToR documentation for additional comments. It was suggested that these questions could be discussed further with the MECP. • It was also noted by MFFN Project Team that the extension to the ToR further misaligns the provincial and federal EA processes. MECP shared that the provincial process could catch-up shortly to the federal EA process once a decision is made and if the ToR were to be approved. Additionally, MECP and provincial government agencies have been actively participating and reviewing the study plans to ensure that MFFN can begin work on baseline studies that typically would not be completed until a decision on the ToR has been made. This should help with some of the misalignment. | <p>21, 2021 and the final letter was sent out on January 25, 2021</p> |
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| <ul style="list-style-type: none"> • A suggestion was made by the MFFN Project Team for Ontario-led outreach with Indigenous communities to understand what outreach and consultation methods are appropriate for proponents during the pandemic. It was noted that there is more success obtaining feedback one community at a time (rather than trying to bring multiple communities together in one outreach session). • ENDM noted that the consultation approach for the Project has all the pieces to successfully consult and obtain feedback, but the current approach needs to be adapted in a manner that works during the pandemic. For example, additional outreach through social media. ENDM suggested that a broad communications/engagement strategy may be of interest which builds on the products already developed by the proponent. | |
| <p>Comments Deferred to Ontario</p> <ul style="list-style-type: none"> • MFFN will be sharing a file that identifies the comments received on the ToR that have been suggested for deferral to the province. • A separate meeting to discuss comments for deferral was suggested by the MECP. Questions related to the sharing of responses to comments already received can also be discussed during this meeting. | <ul style="list-style-type: none"> • MFFN to propose meeting times to discuss deferred comments. |
| <p>ToR Amendment</p> <ul style="list-style-type: none"> • Based on a review of comments received to date, MFFN Project Team feels that there is no indication that the ToR will need to be formally amended. Once all response to comments have been received, MECP will recommend whether or not an amendment to the ToR should be considered for this project. • Responses to the ToR comments may include commitments for the EA. These commitments would become a concordance table within the EA and therefore an alternate process for proponents to address concerns raised during the ToR in the EA. • There are two types of amendments: 1) Proponent-led; and 2) MECP amendments. A Proponent-led amendment is the preferred approach in cases where an amendment is warranted. • Should a proponent choose to formally amend a ToR, an additional 8 weeks is allocated to make the changes necessary to address significant issues raised in comments on the document. The need to recirculate an amended ToR depends on the nature of the edits and which party made the comments on the ToR leading to the decision to amend the document. Proponents can (and usually) make the necessary changes in less time than 8 weeks. | <ul style="list-style-type: none"> • N/A |



Project Name: **Marten Falls First Nation (MFFN) Community Access Road** Date of Meeting: January 21, 2021

Time: 1:00pm – 2:00pm (EST)

Project #: 60593122

Location: Microsoft Teams

- Attendees:
- | | |
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| <p>MFFN Consultant Team: Shawna Kjartanson (SK) Leah Deveaux (LD) Christine Cinnamon (CC1) Geneva Cloutis (GC) Erin Greenaway (EG) Michelle Bacon (MB)</p> <p>MFFN Project Team: Jennifer Bruin (JB) Lawrence Baxter (LB) Qasim Saddique (QS)</p> | <p>MECP: Daniel Williams (DW) Brianna Brothers (BB) Kevin Green (KG) Shannon Gauthier (SG) Sasha McLeod (SM)</p> <p>ENDM: Paul MacInnis (PM)</p> |
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Prepared By: Geneva Cloutis

- Absent:
- Chiara Calabrese
 - Melissa Mauro
 - Bob Baxter
 - Larissa Mikkelsen
 - Jack Moonias

Regarding: **MECP Technical Meeting: Ungulates Program Safety Considerations**

Minutes of Meeting

| | Action |
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| <p>Welcome, Introductions and Opening Remarks</p> <p>Objectives</p> <ul style="list-style-type: none"> ▪ The purpose of the call was to discuss potential logistics changes to the upcoming 2021 ungulate collaring program due to Ontario's Stay at Home Order, which came into effect on January 14, 2021 and the recommendations from the Thunder Bay District Health Unit regarding travel from higher-risk areas to NW Ontario (i.e. strong recommendation to quarantine for 2 weeks upon arrival) which may impact the ungulates program. ▪ Adjustments to the program made need to be made to minimize risk of COVID-19 exposure for all staff, including Golder staff, KBM pilot, First Nations monitors, | N/A |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

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| <ul style="list-style-type: none"> ▪ and the capture crew. | |
| <p>Background</p> <ul style="list-style-type: none"> ▪ The original ungulate collaring approach was going to include 2 stages, a fixed wing aerial reconnaissance to locate animals followed by the helicopter capture and collaring program. Given the current Stay at Home Order and related health and safety considerations, the MFFN Consultant Team is proposing to eliminate the fixed wing survey and locate animals using the helicopter crew. ▪ MB has been in contact with Bighorn Helicopters (the capture crew) and they are able to stay in the study area for a few extra days to locate the animals themselves. ▪ The MFFN Project Team and MFFN Consultant Team have agreed that given the current situation, there are no concerns about the loss of opportunity to survey the study area and allow for First Nations involvement in the program this winter, given that the ungulates program as a whole has other opportunities for participation. There will be less anecdotal evidence collected, in terms of observations of wildlife, other species at risk, wolves, and moose. However, this data is not essential for the baseline and there are other programs planned that will provide the necessary baseline data. ▪ The change in approach for the collaring program will not affect the rest of the caribou program moving forward, which includes the 2022 aerial recruitment survey, the remote camera program, the mortality investigations and final collar retrieval. Biological samples will be collected as planned by the capture crew. | <p>N/A</p> |
| <p>Discussion on Revised Approach</p> <ul style="list-style-type: none"> ▪ MECP noted there are no major concerns on the revised approach and recognized the challenges with the current restrictions. The reconnaissance survey is more efficient and can save costs, but this approach is not in anyone’s best interests this year with the concerns about COVID-19. ▪ MECP asked if the MFFN Consultant Team has been in contact with the contractor to discuss schedule availability to extend the duration of work to account for the time required to locate animals. MFFN Consultant Team responded that Bighorn Helicopters is able to stay for the additional days and that they estimated 3 additional days of effort to locate and collar the animals. ▪ MECP asked if the plan is to still to target 30 animals for collaring. MFFN Consultant Team confirmed this. ▪ MECP asked if the contractor will extend efforts until that is achieved, recognizing a reasonable level of effort. MFFN Consultant Team responded that there will be daily correspondence with the capture crew to provide feedback and real-time discussions about what they are seeing and what is reasonable for how much additional effort should be undertaken. The goal is to collar 30 animals, and the hope is that it can be achieved with 3 additional days in the air on top of the previous estimate of effort. If it appears that this might not be doable within the study area, then a conversation will take place between the MFFN Consultant Team and MECP to determine the best path forward. There are timing and budget restrictions, but an open communication plan can help streamline those decisions. ▪ MECP noted this approach was reasonable, and asked what the capture crews’ survey approach will be. MFFN Consultant Team responded that this information could not be confirmed currently, but they will likely fly transects since it is the most efficient approach. The Data Sharing Agreement between MFFN and MNRF will | <p>ENDM to follow up with MNRF to confirm the government collaring approach and number of collars being deployed for 2021.</p> |

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| <p>provide collar data for animals in the Missisa range, which will be shared with the capture crew to locate groups if they are unable to find animals flying transects. The discussions about this revised approach with the capture crew to date have been focused on scheduling.</p> <ul style="list-style-type: none"> ▪ ENDM asked if the time period for the capture and collaring was known at this point. MFFN Consultant Team responded that the start date will be confirmed around February 1, but the plan is for mid to late February to begin collaring animals. ▪ ENDM asked MECP if MNRF would be collaring at the same time in the Missisa or Ozhiski ranges and if they would stay away from the proponent teams in the Missisa range. MECP responded that the details of collaring by MNRF were not known by MECP, and asked if the MFFN Consultant Team had discussed this with MNRF. ▪ MFFN Consultant Team responded that they were not aware that MNRF was going to do captures this year; the last update about collaring from MNRF was provided during the teleconference on November 2, 2020, when MNRF indicated they did not anticipate collaring any animals this winter. MFFN Consultant Team noted they have been in contact with the Webequie Supply Road team to discuss overlaps in collaring, as well as Canadian Wildlife Service, to develop communications plans moving forward for the health and safety of the animals and the teams flying in the region at potentially the same time. MFFN Consultant Team asked who should be contacted at MNRF to discuss their collaring and approach to communication about overlapping programs. ENDM responded that they would follow up with MNRF internally to find that information. ▪ MFFN Project Team asked if ENDM knew the number of collars MNRF was deploying and what area they were targeting for captures. ENDM did not know the number and would circle back with MNRF to provide accurate information. | |
| <p>ESA B Permit Review</p> <ul style="list-style-type: none"> ▪ MECP provided the draft ESA B Permit to the MFFN Consultant Team this morning. MFFN Consultant Team asked about the best approach for making edits to the permit. MECP responded that using track changes in the document of the permit was the preferred and most efficient approach. ▪ MECP flagged that the aerial reconnaissance survey is still described in the permit application. This does not equate to a commitment to undertake the aerial reconnaissance but enables it. Leaving this item in allows for flexibility should there be a need to undertake that survey at any point for the duration of the permit (to December 31, 2024). Although it is not anticipated that the survey will take place in February 2021, leaving it in the permit allows it to be possible. MECP reiterated that they are comfortable not having the aerial reconnaissance survey take place. ▪ MFFN Consultant Team asked about the Schedule B conditions and the dates associated with provided interim and final reports. The information requested to be submitted in Conditions #17 - 19 includes providing observations from the winter aerial survey. MFFN Consultant Team asked if the language can be modified to include a disclaimer “if those surveys did occur”, to prevent committing to submitting information that was not collected. MECP asked if the MFFN Consultant Team could provide some suggested wording using track changes to that section, recognizing the intention behind those edits. ▪ MECP noted that the dates for submission of reports and data were intended to be reasonable, allowing for sufficient time to put data together, adding that if these dates do not seem feasible then the MFFN Consultant Team can suggest changes. | <p>MECP to discuss the end date on the ESA B Permit to potentially change from March 8 to March 15, 2021.</p> <p>MFFN Consultant Team to edit ESA B Permit using track changes and send back to MECP.</p> |

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| <ul style="list-style-type: none"> ▪ MFFN Consultant Team flagged that the interim report is due June 1 2021 (Condition #18), but Condition #17 is a request to submit caribou collar locations each year on May 1 and October 15. MFFN Consultant Team asked if collar data needs to be submitted May 1, 2021 if the interim report will be provided on June 1, 2021. MECP responded that the data does not need to be submitted on May 1, 2021, noting the main information in the June 1 report is the identification of where collars were installed, where captures occurred and associated information. MECP added that collaring data should first be provided on October 15, 2021, following the twice a year schedule after that. The intent of May 1 and October 15 is to provide MECP with data spanning critical timeframes for caribou. The May 1 data submission will capture the winter use areas, and the October 15 data submission will capture the nursery and calving areas. ▪ MFFN Consultant Team highlighted one other point from the permit related to completing all captures by March 8, 2021 (Condition #7). Given the current collaring plan to collar the last 2 weeks of February, this date seems doable but depending on weather conditions and any other unforeseen challenges, there is a request to change the date to March 15 to allow for more flexibility. MECP responded they would discuss internally to confirm if March 15 is an acceptable end date. MECP added that they will not be able to process an amendment to the permit while in the field so pushing the end date out on the permit would allow for more flexibility. ▪ MFFN Consultant Team noted that they will be in constant contact with MECP during the program and would like to have the permit be flexible given COVID-19 and weather considerations. ▪ MFFN Consultant Team noted that there will be an internal discussion with the MFFN Project Team to review the permit and provide a marked-up version back to MECP as soon as possible. ▪ MECP noted that as soon as feedback is received, MECP will review the permit and initiate the approval process. | |
| <p>Biological Samples</p> <ul style="list-style-type: none"> ▪ MFFN Consultant Team noted they are sorting out the correct supplies for the biological sample collection. MFFN Consultant Team asked if MNRF had collected blood samples in previous caribou captures, noting that the MNRF protocol mentions collecting samples but does not mention specifics such as the vial sizes. There is a protocol in Alaska that provides information, but the MFFN Consultant Team would like to be as consistent as possible with MNRF processes to make sure the program follows the appropriate protocols. ▪ MFFN Consultant Team asked if they should follow up directly with MNRF to set up a call, or if ENDM or MECP could ask if they have a list of supplies that they typically use for captures. MECP asked if ENDM could include this ask in their discussion with MNRF to make the overall discussion more efficient. ENDM responded there was plans to discuss an appropriate method of setting up calls in the future at regular times or intervals at the next Project meeting. ENDM noted that MNRF is currently trying to organize their 2021 collaring program and would like an efficient approach for receiving and responding to technical questions given their own staff's time constraints. ▪ MFFN Consultant Team acknowledged that there is a responsibility on the Consultant Team's part to sort out the technical and logistical pieces of the program, but given that MNRF requested that biological samples be collected, and the data | <p>ENDM to reach out to MNRF about biological sample protocol and share this information with the MFFN Consultant Team.</p> <p>ENDM to keep the MFFN Project Team copied on correspondence to reduce the potential for multiple requests for the same information.</p> |

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| <p>will be submitted and used in provincial-based research, it is important to collect the samples in the same way to allow for future analysis and assessment, and also to have consistent approach for animal care purposes. The more consistent approach the better, so the MFFN Consultant Team is looking to government to provide the appropriate protocols or directions to be followed.</p> <ul style="list-style-type: none"> ▪ MFFN Project Team asked for ENDM to include them in correspondence to keep the MFFN Project Team informed about the requests and information being shared between the ministries and the MFFN Consultant Team. | |
| <p>Nearby Collaring Programs</p> <ul style="list-style-type: none"> ▪ MFFN Project Team noted that both the Webeque Supply Road project and the MFFN CAR Project are undertaking collaring programs and that the Northern Road Link (NRL) project will also require that data. MFFN Project Team noted that when the NRL project begins, there will likely be a request to have caribou baseline data for that project as well. MFFN Project Team asked if MECP had any idea of how those requests would be handled in the future. MECP responded they are not completely up to speed on the NRL project but given the MFFN CAR Project collaring, the Webeque Supply Road collaring, and the MNRF collaring, there may be sufficient baseline information in the area. With the various collaring programs in the area, there will likely be a lot of recent caribou data for this region. ▪ MECP noted they have been recommending longer term studies beyond baseline studies, and this program going forward is for baseline. There are considerations around longer term monitoring through the EA or the ESA authorization that may be required when monitoring effects and the effectiveness of mitigation and avoidance measures. ▪ MECP noted that the NRL team is working to get the EA process underway and that more details should be coming out soon. There will be opportunities for data sharing with Ontario and since the two proponents of NRL are also collecting data on the Webeque Supply Road and the MFFN CAR. It will be important to consider all the information available in the context of the NRL and the two ongoing EAs for the current road projects. | N/A |
| <p>Wolverine Survey and Study Plans</p> <ul style="list-style-type: none"> ▪ Before the meeting, MECP sent an email to the group inquiring about the wolverine field work which was proposed in the Wildlife Study Plan in draft form in May 2020, and whether any actions have been made towards acquiring an ESA permit given the activities associated with the proposed wolverine program. MFFN Consultant Team responded noting that this field work will not commence until 2022. On the call, MECP thanked MFFN Consultant Team for the information, noting that the request for a separate meeting for the wolverine field work can be postponed until a revised Study Plan is submitted. ▪ MECP asked if there was an estimated submission date of a revised Study Plan. MFFN Consultant Team responded that the team is still working through revisions based on comments and ongoing discussions. The Study Plans are almost ready to be shared with the MFFN Project Team. MFFN Consultant Team noted they would discuss internally and try to provide more information related to timing. ▪ MECP suggested providing an update table similar to the existing table to track meeting minutes to share the status of the Study Plans. | N/A |
| <p>Closing Remarks and Next Steps</p> | See above. |

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| <ul style="list-style-type: none">▪ MFFN Consultant Team to track changes and edits to ESA B Permit and return the document to MECP by Monday January 25 at the latest.▪ MFFN Consultant Team to prepare a communications plan, reaching out to MNRF, MECP and the MFFN Project Team about the appropriate level of effort and frequency of communication during the collaring program.▪ ENDM to connect with MNRF about MNRF's collaring program and sample supplies to have a consistent data collection approach and communication plan. | |
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Project Name: Marten Falls Community Access Road

Date of Meeting: January 25, 2021

10:00 am to 11:00 am

Time: EST

Project #: 60593122

Location: Microsoft Teams/ Call-in

- Attendees:
- Sasha McLeod (MECP)
 - Shannon Gauthier (MECP)
 - Ariane Heisey (ENDM)
 - Paul MacInnis (ENDM)
 - Bob Baxter (MFFN Project Team)
 - Qasim Saddique (MFFN Project Team)
 - Jennifer Bruin (MFFN Project Team)
 - Larissa Mikkelsen (MFFN Project Team)
 - Christine Cinnamon (AECOM)
 - Jessalyn Beaney (AECOM)

Prepared By: Jessalyn Beaney (AECOM)

- Absent:
- Lawrence Baxter (MFFN Project Team)
 - Jack Moonias (MFFN Project Team)

Regarding: MFFN Community Access Road Project –Terms of Reference Comments Deferred to Ontario for Response

Meeting Minutes

| | Action |
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| <p>Comments Proposed for Deferral to Ontario for Response</p> <ul style="list-style-type: none"> • The MFFN Project Team provided the Ministry of the Environment, Conservation and Parks (MECP) with a list of comments received on the Terms of Reference (ToR) that are proposed for deferral to Ontario for response. • MECP has completed an initial review and will review in more detail to confirm if Ontario will respond to the comments listed. • MECP indicated that comments from non-Indigenous reviewers of the ToR should be removed from the list identified for the MECP because the process for deferring certain comments to Ontario arises from the consultation MOU, which is only for Indigenous community consultation. However, MECP will share suggestions with the MFFN Project Team on options for responding. • Comment ID MHSTCI-15 was discussed as an example (i.e., the ToR includes a high-level overview of the issues resolution process, it is too early in the EA process to provide greater detail and | <ul style="list-style-type: none"> • MECP to share suggestions for responses for non-Indigenous comments that were proposed for deferral to Ontario. |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

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| <p>discussions related to the issues resolution process and mitigation will occur later).</p> <ul style="list-style-type: none"> • The MFFN Project Consultant clarified that not all comments proposed for deferral to Ontario were intended for response by the MECP. <ul style="list-style-type: none"> ○ Some comments, including comments from non-Indigenous reviewers, were included in the list for Ontario because the response may benefit from input from other agencies. ○ Some comments from non-Indigenous reviewers touch on Indigenous-related aspects of the Project. MECP suggested that in these cases, elaborate on what the ToR says or if no response can be provided, indicate that the Minister will consider the comment in the decision-making on the ToR. | |
| <p>Additional Opportunity for Indigenous Communities to Review the ToR</p> <ul style="list-style-type: none"> • Indigenous communities have until March 31, 2021 to comment on the ToR. Additional questions in follow-up to the January 15, 2021 meeting with the MECP were discussed: <ul style="list-style-type: none"> ○ MECP would appreciate if the MFFN Project Team continued to maintain the ToR follow-up log throughout the extended ToR comment period. ○ During the extended period, MECP will follow-up with each community to confirm whether or not they plan to provide new comments in addition to any that have already been submitted. MECP will share their anticipated schedule for Indigenous community outreach. ○ MECP will work with MFFN on the responses to comments that have already been received. ○ Current responses to comments, once finalized, will be shared with the commenting community for an opportunity to see how the comments have been addressed. ○ MECP suggested where additional comments are received from a community who already commented, that where applicable (i.e., same or similar comment is received), that the previously provided response be included and adjusted as necessary. | <ul style="list-style-type: none"> • MECP to share their anticipated schedule for Indigenous community outreach. • MFFN Project Team/Consultant to continue to maintain ToR follow-up log |
| <p>Neskantaga First Nation</p> <ul style="list-style-type: none"> • The Ministry of Energy, Northern Development and Mines (ENDM) has a call with Neskantaga First Nation on January 26, 2021 and requested to be made aware of on-going communications with the community that may come up during their call. • The MFFN Project Team noted that a question from Neskantaga related to data confidentiality had been received. • MECP confirmed they received the same question from Neskantaga and would be responding. | <ul style="list-style-type: none"> • N/A |
| <p>ToR Amendment</p> | <ul style="list-style-type: none"> • N/A |

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| <ul style="list-style-type: none">• The MFFN Project Consultant requested clarification regarding the ToR amendment process and how it is determined when amended documentation should be recirculated for formal review and comment.<ul style="list-style-type: none">○ MECP and the MFFN Project Team discuss whether amending the ToR is appropriate and, if so, MECP decides whether the amended ToR should be recirculated. The need to recirculate depends on the nature of the changes made.• Based on a review of comments received to date, there is no indication that the ToR will need to be formally amended.• Responses to the ToR comments may include commitments for the EA. That is, responses to comments generally encompass the request made by the reviewer; however, the work to address the reviewer’s request would not occur until the EA stage (i.e., the request is not appropriate to be completed during the ToR phase). The MFFN Project Team is trying to understand if there is an opportunity to add clarification to the ToR without adding process vs. responding to comments with commitments for the EA stage. | |
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MFFN Project Consultant to circulate meeting notes/action items.

Project Name: **Marten Falls First Nation (MFFN) Community Access Road** Date of Meeting: February 1, 2021
 Time: 1:00 pm to 3:00 pm (EST)
 Project #: 60593122
 Location: Conference Call

Invitees: **MFFN Project Consultant:** Shawna Kjartanson (SK)
 Erin Greenaway (EG)
 Kristan Washburn (KW)
 Hugo Gee (HG)
 Douglas Baldwin (DB)
 Leah Deveaux (LD)
 Fergus Nicoll (FN)
 Connor Carchuk (CC1)

The Agency: Chiara Calabrese (CC2)

ECCC: Russ Weeber (RW)
 David Hope (DH)
 Rich Russell (RR)
 Wendy Dunford (WD)
 Denise Fell (DF)
 Paul Watton (PW)
 Ravi Patel (RP)

MFFN Project Team: Jennifer Bruin (JB)
 Bob Baxter (BB)

Prepared By: Geneva Cloutis & Kenndal Soulliere

Absent: Robin Reese (RR)

Regarding: MFFN CAR Bird Technical Meeting (Working Group):
 Meeting #2

Minutes of Meeting

| | Action |
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| <p>Recap December 4, 2020 Discussion / Introductions</p> <ul style="list-style-type: none"> - HG confirmed that the purpose of the group is to clarify requirements of the TISG for the Project's breeding bird study design. - HG provided a background and described the Project's point count study design which was developed in consultation with the ECCC in 2018. The study design was a stratified random design with its major constraint being helicopter access. Given concerns about disproportionate Project impacts to eskers, an additional constraint was added to oversample habitats associated with eskers. Through consultation with CWS, oversampling was conducted by categorizing land cover classes by species richness (high, medium, and low) and oversampling areas with categorized as high and undersampling those categorized as low. The study design focused on point counts, but is meant to integrate ARUs for an increased sampling rate to detect species-at-risk and to detect species during all seasons and at different times of day. HG also noted that as the spring ARU sampling of bird communities is planned for April 2021, the purpose of the meeting is to agree on a sufficient sample size to finalize the Bird Study Plan and to discuss the development of the Bird Work Plan. | |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

Review of January 27, 2021 PowerPoint Presentation from AECOM to ECCC

- *Bird species model development (presence/absence, abundance) process and results*
 - *Model simulation to find optimal sample size and how to fill any data gaps*
 - *Project bird study design's habitat representivity compared to TISG study design*
- DB confirmed that there has been significant model development advancements since the last meeting.
 - DB added that the 'optimal' point count size was determined to fill data gaps from previous sampling efforts and build on the existing data sets from Zoetica (2018) and Golder (2019):
 - o Developed presence / absence model and abundance models, to provide unbiased predictions across the LSA.
 - o The model machinery was built to run simulations and conduct diagnostics iteratively to derive a sample size that works to sufficiently describe the LSA for the Project. Models were generated to simulate presence and absence, as well as abundance, based on existing observation data from previously conducted field work.
 - HG noted that the SAR being used in the models were the Canada Warbler and the Olive-Sided Flycatcher as both had sufficient sample sizes. However, the Evening Grosbeak and Rusty Blackbird only had one observation each, therefore models could not be derived.
 - DB noted that common species were also covered, including the White-throated Sparrow, which had a large sample size.
 - DB continued that the Far North Land Cover includes eight relevant classes, and that rather than including coverage classes as a factor in the models, they have implemented a separate continuous variable for each coverage. Describing three covariates used in the model structure:
 1. The proportion of land cover in a 100 m radius of the point count;
 2. Elevation and terrain roughness; and
 3. Aboveground biomass and dynamic habitat index.
 - The next variable discussed was the sample year, which was tested as a random effect for the White-throated sparrow model. The results were measurable and had a positive impact on residuals and how they were distributed. However, there was not enough data to run similar models for other species.
 - DB continued that the Project considered multiple diagnostics to find models that are effective and parsimonious. Multiple model diagnostics were used for the covariate selection and the fitting process. Leave-one-out cross-validation was used to look at the model's bias relative to each covariate. Model diagnostics included AIC, Deviance-squared, Spearman rho, Chi-square, 1-1 plots, and cross-validation. AIC was used as the preliminary guide, and AIC results were balanced against other model fit oriented diagnostics were better.
 - Presence / Absence models were used for species distribution during representativity analysis as post-hoc for proposed sampling for high and low species occurrence for a given species.
 - DB confirmed that the detailed Bird Study Plan will include each model and logistic regressions, as well as their diagnostics and biases observed when comparing residuals in the cross validation to the associated values of each covariate.

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| <ul style="list-style-type: none"> - The covariates used in the model were also compared to outside literature to ensure the models were relatively appropriate when considering natural expectations and processes. For species abundance, generalized linear regression models with QPAD offsets were used, following the approach described by Solymos in their 2020 paper (includes duration of time spent at a location and sunrise). The Abundance model focused on count observations, with a goal of determining if the models make biological sense. - DB continued that the simulations were to determine the optimal number of site visits and fill in any gaps in the existing field data from Zoetica and Golder. The simulations included each site being visited twice (Julian day and sunrise) and using existing data points to represent 60% of the locations in the simulation. <ul style="list-style-type: none"> o DB also noted that the 60% is to recognize that the study area is not easily accessible (remote) and that the formerly visited sites with data points have some accessibility, and for the 40% of new locations, were derived from GRTS with Zoetica’s stratification logic. - The simulation was set up to oversample deciduous and mixed treed land covers, since species of concern were observed in these coverages. Olive-sided Flycatcher and Canada Warbler were used to summarize the simulation results. - Olive-sided fly catcher results: The Y-axis showed the range of confidence interval sizes ranging from low to high and the X-axis showed the total site visits. Each simulation was run 75 times. Both species demonstrated a variance reduction range with increased site visits, leveling off at 150 unique locations (which would be visited twice). - DB also developed “mapbooks” which summarized the sampling locations during any given simulation. Each map outlined the existing data points and simulated points by the GRTS. The maps displayed estimated presence based on the presence-absence model. Simulation 21 appeared to work well for both SAR identified and oversampled the deciduous and mixed tree forest land cover types. The new locations identified through the simulation have not been analyzed for accessibility and this will require further desktop analysis to determine if the sites have any significant accessibility issues that will rule them out for future field work. There will be backup sample sites populated to accommodate for any unforeseen issues encountered when undertaking the actual field work. The simulations supported the use of 150 unique sites, totalling 300 site visits for the overall study design. - SK requested a consensus on the 150 sites, in order to update the study plan and start the program, she confirmed a sense of urgency on moving the program forward. - RW noted that the progress made on the study design was encouraging and the presentation materials provided an increased understanding of the sampling that has taken place and the modeling outcomes that might result from the sampling that has occurred. - RW requested to move through the slide deck to address specific figures and descriptions from the presentation to guide the discussion. | |
| <p>Open Floor Discussion</p> <ul style="list-style-type: none"> - RW noted the GIS map of the benchmark design was beneficial to see how many points would be sampled within the LSA using that design. RW also | |

added that the first review question that CWS will look at is whether the existing sampling sites are sufficient relative to some benchmark, which is the intention of the benchmark design offered in the TISG. The benchmark can be used as a reference against the existing data and any anticipated effort to fill in sampling gaps (if there are determined to be any).

- When reviewing the *Unique Points per Coverage* slide, RW noted he would like to see a single graph with all land cover types included. The confidence interval on the Y-axis and the sample size on the X-axis. RW would like to see a band of interval change with increasing change shown for benchmark and existing data, to compare the confidence interval between them.
- DB noted that these graphs are point counts that include the simulated points from the GRTS. These graphs display the data gap fill design, using 60% existing points with 40% simulated points that are intended to fill in the gaps.
- RW flagged that if the existing sample is heavily biased for a given species, then the variance reduction would be very fast and dramatic in comparison to the benchmark design graphed the same way. The goal is to determine how sufficient the existing data is and how sufficient it would be compared to the benchmark design.
- DH added that it would be beneficial to see different curves for first visits versus revisits. DB acknowledged this point and noted this information could be included.
- DH asked how the confidence intervals were generated? DB responded that the simulation was run 75 times for each site visit to generate a mean estimate of the abundance model. The confidence interval is based on the mean estimate for any given simulation iteration.
- SK noted that the MFFN Consultant Team recognizes ECCC's desire to have a Bird Study Plan resubmitted to read and comment on but there are broader considerations related to the study plans that must be taken into account. SK asked if the Agency could clarify the process and if the MFFN Consultant Team was correct in assuming that the new drafts submitted are intended to address all review feedback and are considered to be final.
- The Agency clarified that ideally the revised study plans address all open issues and there is not the expectation that the federal authorities will review multiple versions of the revised study plans. The goal is for these new study plans to address everything comprehensively to close the loop on the study plans.
- SK also noted that the sampling window for bird surveys is opening up in the coming months. The study plans took several weeks to review when they were submitted in Spring 2020. The MFFN Consultant Team recognizes the ECCC's desire to review a formal document but the planning for any field programs in 2021 needs to begin in the coming weeks to meet the timing windows.
- RW recognized the timing considerations and that the detailed appendices can include the in-depth information related to the graphs and models used, keeping the body of the study plan at a higher level for easier readability.

- MFFN Project Team asked when the first round of bird surveys was anticipated to commence. HG clarified that the winter ARU program would ideally begin in April 2021.
- RW added that the ECCC would like to see a table with the frequency of occurrence for species detection from the existing data as well as habitat associated.
- RR noted that the forest species identified were adequate for assessing forest habitat types, but asked if there were any species in the under sampled land cover types that may be missed, such as sharptailed grouse. HG responded that there are very few grouse in the study area.
- RR noted it would be beneficial to see the complete list of species and sample size in the next phase of reporting. RW added it would also be good to see the scripting batching approach and whether it covers several species as opposed to just a handful of focal species.
- HG asked if there was a cut-off for determining a sufficient number of species. RW responded that ideally the models should not only explore single birds with single land cover classifications. It would be helpful to see a list of species that are found in other land cover classes, including a table with the frequency of occurrence and average counts with some association across land cover types.
- HG noted that clarification as helpful, since there are species that cross land cover types. Since there are some land cover types that are more data-limited, those may be augmented with species that exist in multiple land cover types. RW noted this was an understandable restriction.
- RR appreciated the terrain roughness and was curious about the data source and methods used to calculate that covariate to potentially be used in other work. DB responded he would pass along the data source and routine used. RR asked if it was calculated as a coefficient variation of elevation. DB responded it was calculated based on a given cell and its surrounding cells as a variance calculation. DB will share this information with ECCC.
- DH noted it would be beneficial to show how covariates were included or excluded. Interannual variation will be a critical piece in understanding abundance, noting pages 50-51 of the TISG describe this. The model should be able to show interannual variation. DB noted that with another year of data, this should be a feasible outcome of the model.
- DH noted for model fitting purposes, it is useful to see multiple diagnostics when assessing model fit. The broad predictive capacity of the models is important beyond the just the sample. DB noted ideally this would happen. When the next set of data is available, the models developed will be applied to the new data. There is Zoetica data outside of the LSA that can be used for out of sample error estimates.
- DH noted that AIC is a useful tool, but it may trade off model fit versus predictive performance in the future. There is a lot of variation in how AIC is used so it is important to understand the trade-offs when using it. DB noted that this information can be added to support its use.
- DH noted it might be beneficial to directly model detection. Without accounting for detection specifically in the model, it will be difficult to separate out non-

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| <p>detection from a lot of sites. DB responded that with added detections and offsets, ideally the model predictive capacity increases.</p> <ul style="list-style-type: none"> - DH noted that the Solymos paper uses QPAD and it would be useful to revisit the paper for some additional items to consider. DH asked if the model was using the national BAM QPAD estimates that can be downloaded or if DB was calculating them directly. DB clarified he was calculating them. - DH noted the Solymos paper describes the variability in the appropriate parameters to be used in offset calculations with AIC and BIC. DH added it is difficult to calculate Tau for ARUs at this point. With QPAD, zeros are important count data and they should not be thrown out when measuring abundance since this biases measurements to be at one or above. - DB asked how to model distance detections with zeros in the overall QPAD offset. DH responded that the Solymos paper has supplemental material with step by step instructions, but the process generally involves reformatting the data to allow for p and Tau values to be calculated. - DH asked if there was any sampling being done in the RSA. DB clarified the sampling was just being undertaken in the LSA. DH responded it would be beneficial to review the TISG and confidence intervals described and to outline the step by step process used to help understand the process. - DB sought clarification on the graph CWS would like to see moving forward, and confirmed that his interpretation was a similar graph with confidence intervals, range of confidence intervals, values across different numbers of total site visits, and all habitats in one graph – comparing between benchmark and GAP filled study plan and the existing Bird Study Plan. - RW noted that a purely unbiased design is often not achievable but our we hope to see during our review that bias had been carefully considered and minimized. The benchmark design offered in the TISG was intended as a reference against which to evaluate potential bias in the design options considered. RW reiterated that CWS will need to be able to see the basis for the eventual decisions. A graph or graphs that show comparisons to the benchmark design will be helpful in this regard. - RW noted that CWS wants to see the text beside each model in the <i>Presence / Absence Table</i> with bias tendency and reminds the group that graphs will be helpful to show how the conclusion was reached. - DB confirmed that there are graphs developed that were not included in the presentation but will be included in the final study plan. - DH noted his appreciation for simulations in sunrise, and requested more quantitative information on the sampling procedure to be included (e.g., do you need to be there right at sunrise? Or can you work after sunrise?). - RW requested to see a column showing the area within the LSA and the percent of the area within the LSA within the <i>Table of Unique Points per Coverage</i>. RW recommended the MFFN Project Consultant show the target of extrapolation of data which may be in the LSA or PSA. - DB confirmed that the percent of total area is covered in the LSA - RW noted that CWS would like to see how this compares to survey visits, noting that if the MFFN Project Consultant included a radius around each point and used a landcover clip for each point, CWS would like to know this and how the percentages break down. - DB noted that existing points will be included in the Work Plan. | |
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- CC1 requested clarification on how to break up ARUs vs. point counts and noted that by following the calculation in the TISG the Project would be 40% ARUs and 60% point counts. The MFFN Project Consultant requested to know how this should be represented in visiting new sites? CC1 also noted that the final analysis will incorporate data from both using the QPAD approach, as the ARU data was strong in terms of probability detection and modelling different variables for probability detection, however, point counts are more comparable year over year.
- RW confirmed that the proportions in the TISG were not intended to be prescriptive, but rather included so that alternative designs had something quantitative. RW agreed that a mix of ARUs and point counts has many advantages.
- HG confirmed that the LSA for birds was determined following the TISG: Landcover and how it changes from the PSA for every 100 m to a point where it is less than 5% increase in any landcover category – this approach was used to define the LSA, which is representative of the RSA. The MFFN Project Consultant is adjusting the LSA to be 3 km. Given that this size of LSA is representative of the RSA, any models that are developed will provide good information on any impact to VCs within the RSA. HG noted that the MFFN Project Consultant could confirm this from the models, and also noted that there was a substantial point count data outside of two current routes being followed. HG confirmed that the Project could measure their confidence in the models.
- RW noted that information about the LSA can be helpful in relation to the RSA but there is likely to be high uncertainty in this extrapolation. RW requested caution to the MFFN Project Consultant to comparing two alternative routes for roads – and mentioned that roads are somewhat biased in their route (e.g. high-ground, eskers) compared to another route might not be as accurate.
- HG noted that the other routes had a mixture of land cover types; we would expect the other routes to show more sites that are not high-ground (e.g. fens and bogs) and include much more variety. HG also noted that sampling in the RSA does not seem to be reasonable.
- CC1 inquired on if there was rationale to conducting surveys in the RSA, outside of the LSA, comparing model result extrapolating from CWS models from the BAM (Boreal Avian Modelling) database and / or maps and models from the BAM dataset? CC1 confirmed this was to see how the LSA model in the RSA compares to BAM's estimates?
- DB added that that the team would want to check that their locally trained models did a good job for any points that would be used to make predictions and compared to observations in the RSA against the BAM model. This should be confirmed, to compare against another model that exists.
- RR agreed that comparing against another model might be the best the team can do for validating the model.
- DH recommended to re-read the TISG in relation to the study area.
- HG requested to confirm that if the MFFN Project Consultant compared the LSA with the existing data in the RSA, would it be sufficient if we had one year of data, with more than double the amount of points? Would this be representational enough?
- RR noted that the issue is more than just a number of samples, that a large number of samples which try to discern a pattern might not show a pattern. RR noted the difficulty in confirming as it is not only going to be a number of

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| <p>samples – but also how they are placed, how they are selected and how much variability they do or do not capture. RW added that the ECCC will look for detail in the appendix, including not just how many, but how the sites are placed, how much variability the sample represents, and whether it tapers off as samples are added.</p> | |
| <ul style="list-style-type: none"> - DB provided an overview of the path forward for the MFFN Project Consultants: <ol style="list-style-type: none"> 1) Go back to the abundance models and the presence-absence models looking at QPAD offsets further, especially as it relates to zero counts. 2) Dig into understanding AIC question – compared against other diagnostics. 3) Re-run simulations – summarize and craft results and variability as discussed (not breaking it out by habitat type) in the SP will indicate how confidence-intervals were calculated (by simulations). 4) Should land on a number (batch-script) that we will take a deeper dive into to determine the representativity. 5) Updated results will question the representivity of the RSA explained clearly in study design. 6) More analysis for detection models and QPAD and recommended time to be out for different species. - RR also included the encouragement for the MFFN Project Consultant to review design options, should sample gaps be identified, and noted that if the MFFN Project Consultant had the availability in the graphs to explain why the option was chose, this would be helpful. RR also noted the encouragement for modelling for all species – recognizing that models will not converge or will break down for uncommon species, or if they are everywhere. Having tables for all species will allow CWS to see where models will break down. - Follow up conversation led by BB regarding the information discussed, the Project will consider the level of technical language used in the study plans. BB noted that the names of species discussed have different names to the Indigenous communities the Project is consulting with, and that the Project may need to work with IK to include the Indigenous communities’ names of these animals in any consultation materials. - The next step is to update and finalize the Study Plan for submission to the federal and provincial regulators, rather than booking another meeting. | |



Project Name: Marten Falls First Nation (MFFN) Community Access Road

Date of Meeting: February 23, 2021

Time: 10:00 am to 11:00 am (EST)

Project #: 60593122

Location: Conference Call

Invitees: **MFFN Project Consultant:**

- Leah Deveaux (LD)
- Shawna Kjartanson (SK)
- Kristan Washburn (KW)
- Hugo Gee (HG)
- Leslie Coe (LC)
- Kenndal Soulliere (KS)
- Erin Greenway (EG)
- Luke Owens (LO)

ENDM:

Paul MacInnis (PM)

MECP:

- Dorothy Moszynski (DM)
- Sasha McLeod (SM)
- Kevin Green (KG)
- Briane Brothers (BB2)

The Agency:

Chiara Calabrese (CC2)

ECCC/CWS:

- Denise Fell (DF)
- Wendy Dunford (WD)

MFFN Project Team:

- Jennifer Bruin (JB)
- Qasim Saddique (QS)
- Larissa Mikkelsen (LM)
- Lawrence Baxter (LB)
- Bob Baxter (BB)

Prepared By: Kenndal Soulliere

Regarding: MFFN CAR Wolverine Approach

Minutes of Meeting

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| Introductions / Housekeeping <ul style="list-style-type: none"> - MFFN Community Member will be joining late. - Shannon Gauthier is no longer the Project's MECP contact, please direct all Project-correspondance to Dorothy Moszynski and Sasha McLeod. | N/A |
| EG provided an introduction to the attendees on the proposed MFFN CAR Wolverine Approach: <ul style="list-style-type: none"> - File presented: 1810854_MFCAR_Wolverine_discussion_Feb23_2021. - In their review of the Wildlife Draft Study Plan – the MECP commented on wolverine hair snag surveys. - Noted that there are various field programs to help to collect wolverine data, including the ungulates camera survey which will also be collecting data for wolverines. | N/A |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

February 2022: Aerial Transect Surveys

- On the combined caribou and wolverine study area
- The transects will be 2 km apart within the 10 km LSA. The wolverine objective is to determine if there are any wolverine individuals or tracks within each transects.
- Also noted that the transects will be out to the 35 km buffer, as used in the ungulate program, to confirm if there are animals outside of the Project Local Study Area (LSA) which could be influenced.
- The objectives are to determine species presence and distribution, along with relative abundance.

April 2021: Remote Camera Program

- Includes 30 cameras, 15 in the PDA and 15 in the 10 km wide LSA.

March 2022: Ground-based Winter Track Count Surveys

- Thirty triangular transects to be completed on foot in the LSA, which is 3 km study area.
- Intended for smaller fur-bearing animals, and to also detect tracks of other animals.
- 1.5 kms on each side, total of 135 kms of transects.

Mid-February to mid-April 2022 – Baited Hair Snag Program

- Proposing a targeted approach to collect demographic data on wolverines by setting up wolverine hair snag traps where observations of wolverine or wolverine sign have been documented.
 - EG noted that previous studies imply that the animal is less abundant in the the Project area. The goal of the targeted approach is to set up hair snag stations in locations where they would have the best chance of sampling wolverine.
 - Proposing 15 hair snag stations which was determined by taking the average female wolverine home range (428 km²) and the size of the LSA (5,435 km²), and assuming some overlaps to come up with the potential for 15 female home ranges in the LSA. Therefore the MFFN Project Consultant believes 15 hair snag stations to be a reasonable maximum.
 - Looking to establish hair snag traps at all locations where wolverine and wolverine sign has been previously documented.
- The MFFN Project Consultant noted that they have also met with Wildlife Conservation Society (WCS)'s Matt Scrafford, who is actively performing wolverine studies in Red Lake. Their group has collected data for the occupancy model which can also be used to help determine appropriate locations for hair snag traps.
- Also in talking to WCS, hair snag traps that aren't necessarily associated with previous observations, the hair snag stations will be set up near beaver lodges, riparian areas and game trails which are high use area for wolverine.

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| <ul style="list-style-type: none"> - The program is expected to have three steps: deployment, checked on a monthly basis, and taken down in mid-April. EG noted this is the ideal time for collection to prevent black bears from visiting the traps and destroying the trap or removing bait. - Also included in the program is motion sensitive cameras to collect information to confirm the hair snag sample is from a wolverine and the photographs may also be useful to identify individuals and if the females are at a reproductive stage if the trap and camera set up is done correctly. <ul style="list-style-type: none"> o The hair samples will be submitted to a lab for DNA and hormone analysis to determine unique individuals, sex of the wolverine, and if females are mature reproductive females or not. - The data would be useful to see how many reproductive females are interacting with the PSA, so we can estimate the number of denning sites in the PSA, which could also help to satisfy information for the ESA process. | |
| <p>Questions</p> <ul style="list-style-type: none"> - KG confirmed that he understands the rationale for the number of the hair snag traps but it seems low, mentioned that there is other work from the province that will help provide a reasonable number of sampling units provided an example of the Ontario Boreal Wolverine Project (Koen et al. 2008), using hexagons to set up their study. - KG also noted that the proposed duration seems too early to wrap up the study in order to cover the denning period. Suggests that wrapping up the program in May, may be more appropriate. - KS noted that the MECP would like a more detailed review of a work plan, recognizing the low density of the species (for both the EA and the ESA data requirements). - Conversation between EG and KG regarding the Koen et al. 2008 protocol and use of hexagons to set up the grid. EG noted that the MFFN CAR has very limited access and the other project example had forest road access or sleds to check on stations for sufficient bait. The MFFN CAR requires a lot of effort to have a higher number of stations to follow the Koen Protocol, therefore this Project is looking at a more targeted approach to find animals. EG also noted that Koen did their studies around Red Lake, and the density of Wolverine is more than what we'd see for the MFFN CAR Project area. KG agrees to consider this in their review. - KG noted the importance of showing presence-distribution and also demographic information pertinent to the species. KG is concerned about the distribution survey being undertaken, including information from WCS on past surveys which may bias Project-information. - HG noted that the Koen Protocol recommended not extending trapping into May as a result of black bears coming out of hibernation and leaving a large number of hair samples in traps. - BB questioned the location of hair snags the Project requires and the area (i.e, from Painter Lake Road to MFFN). EG explained the figure presented in the meeting was developed based on existing trapline data we have from MNRF – the polygons are traplines, the patched symbols represent reported wolverine sightings from 2012 to 2015. EG updated BB on the previous information discussed in this conversation noting that the Project Consultant's approach | <p>N/A</p> |

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| <p>was to put out hair snags for two months, but in this conversation the MECP is requesting an additional 6 weeks to the program. This would be out on the landscape collecting photographic data along with hair samples to determine if this is a female or a mature female, distributed within the 10 km study area.</p> <ul style="list-style-type: none"> - BB also inquired about the number of hair snag samples within the 146 kms, noting that the number seems sparse. EG noted that the traps are baited to attract wolverine from a distance, if the bait is kept intact. EG noted this is where the call is currently at in terms of discussion. - HG discussed the overall objectives of the wolverine study and that aerial transects is recommended by Koen to be most effective at determining wolverine presence. KW added that the plan is to fly over in these transect lines with 2 km spacing, then we'd put traps where we see the animals on the ground after. To include hair snag stations on the entire line might be overkill as the species is expected to have a low density. | |
| <p>Next Steps</p> <ul style="list-style-type: none"> - The MFFN Project Consultant noted that they hope KG could do his preliminary review on the document provided in this meeting. The study plans are being finalized and the Wildlife Study Plan will be updated to account for as much information as the Project Team has as possible. Preliminary information will be fed into the study plan if received by March 10, 2021, feedback received after this deadline will be considered for the work plans. - KG noted that the proposed baited hair snags will require an ESA B permit for work planning. - LB inquired if anyone has ever trapped wolverines in the area, LM confirmed that Four Rivers did a study near Fort Hope a few years ago. They received lots of pictures of Marten and she is not sure if the wolverine program was successful. | <p>MECP to provide preliminary comments on the MFFN Wolverine Approach as noted in the file "1810854_MF CAR_Wolverine_discussion_Feb23_2021" for March 10, 2021</p> |



Federal and Provincial Assessment Processes – Coordination Meeting

Date: March 9, 2021

Time: 10 - 11 am EST

Attendees

MFFN: Jennifer Bruin, Qasim Saddique, Larissa Mikkelsen, Bob Baxter, Lawrence Baxter

Not in attendance: Jack Moonias

It was confirmed that Chief Bruce did not plan to attend and would be updated by the Project Team at their next weekly meeting.

AECOM: Christine Cinnamon, Jessalyn Beaney, Robin Reese, Sara Barss, Avril Fisken

Dillon: Don McKinnon

IAAC: Chiara Calabrese, Loraine Cox, Laura Decoste

MECP: Sasha McLeod, Dorothy Moszynski, Peter Brown

ENDM: Ariane Heisey, Paul MacInnis

Agenda

A meeting to discuss the coordination of the Federal Impact Assessment (IA) and Provincial Environmental Assessment (EA) processes, given where the Marten Falls First Nation (MFFN) Community Access Road (CAR) Project is currently within each process.

Potential discussion topics proposed include:

- Where is the Project in relation to each process currently?
- When is it appropriate to “true-up” the disconnect between the two processes (Terms of Reference [ToR] approval currently later in relation to the *Impact Assessment Act* [IAA] Impact Statement [IS] phase)?
- What is the process to “true-up” (i.e. what does the proponent need to do in terms of documentation, and what information is required)?
- Once the processes are coordinated, how will the groups work together, especially related to consultation events and milestone submissions for posting publicly?

Reference Documents

- Coordinated Federal-Provincial Assessment Process Diagram.pptx
- Detailed Map—Coordinated EA-IA Process – Marten Falls Community Access Road project.xlsx
- TAB_2020-12-16_IS EA Work Plan Schedule_60593122_Draft for Discussion.pdf





| Topic and Discussion | Action Items |
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| <p>Aligning the IA and EA processes: Where the Project is Currently Reference: Coordinated Federal-Provincial Assessment Process Diagram</p> <p>AECOM:</p> <ul style="list-style-type: none"> Federally, the Notice of Commencement of the IA was released February 2020. MFFN have not progressed the Impact Statement (IS) while waiting for the Provincial EA process to “catch-up”. The IS phase has a 3 year time limit, of which potentially only 1.5 years will remain once the IS is able to commence, and is intended to be coordinated with the Provincial EA. Provincially, the Project is in the process of receiving an approval decision on the ToR. The Ministry of the Environment, Conservation and Parks (MECP) is in the best position to speak to the timeline to reach a Minister decision; however, based on the standard 12 week review process timeline, the understanding is that the Project could be in the position to have an approved ToR in June / July of this year and be ready to move into the next stage of the EA process at that time. <p>MECP:</p> <ul style="list-style-type: none"> Star on diagram could be moved right to show the Project is within the “ToR Review” stage. Currently, the Project is within the Indigenous extended comment period on the Proposed ToR, as well as the issues / resolution process. Responses are being prepared to comments. MECP has reviewed those provided and expects them to go to communities shortly. At that point, communities can review the responses and confirm if they have any outstanding concerns with the ToR. Current MECP focus is primarily on the Indigenous community review process. MECP is also monitoring the Government Review process. There is less outstanding on this portion of the Proposed ToR Review. MECP cannot commit to a timeline for ToR decision. The 12-week timeline referenced is for a Minister decision within the typical ToR review process. It could be less or more and | <p>Coordinated Federal-Provincial Process diagram to be updated by AECOM to reflect current Project status.</p> |





| Topic and Discussion | Action Items |
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| <p>is hard to say definitively at this point when the decision will be made.</p> <p>The Agency (Most-Meeting Clarification):</p> <ul style="list-style-type: none"> • During the meeting, the project team presented the challenges represented by the COVID-19 pandemic as the reason why the Proponent’s engagement activities were delayed approximately one year. • The Agency recognized that MFFN will likely need an extension of the time limit to complete the work for their Impact Statement. • Please note that the Cooperation Plan (https://iaac-aeic.gc.ca/050/evaluations/document/133954) for this project indicates “This Cooperaton Plan recognizes that the alignment of respective timelines does not supersede the legislative obligations prescribed in the <i>Impact Assessment Act</i> and Ontario’s <i>Environmental Assessment Act</i>, as well as the completeness of any information submitted by the proponent.” | |
| <p>Aligning the IA and EA processes: What the process looks like going forward</p> <p>AECOM:</p> <ul style="list-style-type: none"> • The high-level focus for 2021 is to get the ToR approved, field work, and deliver the Indigenous knowledge and consultation and engagement programs. • The focus of 2022 will be on drafting the IS / EA Report and associated consultation and engagement. • The focus of 2023 will be finalizing the EA/IS and associated consultation and engagement. • The MFFN Project Team does not know when the pandemic will ease up or when communities may be more available / comfortable to consult and / or engage. In the meantime, the MFFN Project Team is working on innovative consultation methods. | None |
| <p>Aligning the IA and EA processes: IS 3 Year Time Limit</p> <p>AECOM:</p> | None |





| Topic and Discussion | Action Items |
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| <ul style="list-style-type: none">• The IS process has a 3-year federally legislated time limit. By the time a decision is made on the ToR, the Project will be potentially 1.5 years into that 3-year time limit. This is where we see the disconnect (not having progressed on the Federal process due to waiting for the Provincial process to “catch-up” so that coordinated documents (IS / EA Report) could then be created and communications about the processes could be at a consistent phase).• In theory, the Project could catch-up, but given the pandemic and what is known regarding timelines associated with consultation and engagement with Indigenous communities and the community-led process for the Project, it is unlikely the IS can be completed in 1.5 years.• The question now is when / how would MFFN request a pause / extension. It seems like now may not be the appropriate time as the Project is not near the end of the 3-year time limit. It’s also noted that the language around asking for a pause tends to be tied to a specific activity.• The MFFN Project Team would be interested to understand the Impact Assessment Agency of Canada’s (the Agency) thoughts on when MFFN should discuss a pause / extension and justification requirements. <p>The Agency:</p> <ul style="list-style-type: none">• The Agency agrees that it is challenging to predict timelines with the ongoing pandemic. It is recommended that an extension of the IS time limit be discussed well before the end of the three-year legislated time limit.• The Agency continues to monitor the restrictions imposed by the pandemic and notes that a work plan is required to clearly identify proposed timelines for completion of activities and track progress / lack of progress, which would inform possible requests to extend the time limit. Once the Project is far enough along in the process to approximate how much more time is needed, an extension request (including its duration) can be discussed.• Key information from the workplan is how much work has been done, how much work is left to be done and how much time is required to complete the work. | |





| Topic and Discussion | Action Items |
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| <ul style="list-style-type: none"> In terms of justification, the Agency needs to understand why the Proponent needs more time. For record keeping purposes the Agency will need that documented. The process for a request to extend the IS time limit is not intended to be repeated more than once on a given project. Until there is clarity on the above noted information (i.e. demonstration of progress made on the Impact Statement and justification for the additional time required to complete the work), discussion on an extension cannot progress. <p>The Agency (Most-Meeting Clarification):</p> <ul style="list-style-type: none"> During the meeting, the project team presented the challenges represented by the COVID-19 pandemic as the reason why the Proponent’s engagement activities were delayed approximately one year. The Agency recognized that MFFN will likely need an extension of the time limit to complete the work for their Impact Statement. Please note that the Cooperation Plan (https://iaac-aeic.gc.ca/050/evaluations/document/133954) for this project indicates “This Cooperaton Plan recognizes that the alignment of respective timelines does not supersede the legislative obligations prescribed in the <i>Impact Assessment Act</i> and Ontario’s <i>Environmental Assessment Act</i>, as well as the completeness of any information submitted by the proponent.” | |
| <p>Aligning the IA and EA processes: IS 3 Year Time Limit Suspension – Implications on Allowed Activities, Provincial process</p> <p>AECOM:</p> <ul style="list-style-type: none"> Does the suspension of the time limit prevent activities from continuing, such as consultation? <p>The Agency:</p> <ul style="list-style-type: none"> The extension of the IS phase time limit does not stop the proponent’s or the Agency’s activities related to the impact assessment. The Agency will still be involved and the proponent can still engage on the Project. | None |





| Topic and Discussion | Action Items |
|---|---|
| <p>MECP:</p> <ul style="list-style-type: none"> • Hard to speculate at this point, but from a provincial perspective the Project could in theory be in a provincially legislated time window (e.g., comment period). The MECP has tools to extend certain timelines with sufficient rationale, but something to keep in mind as the Project moves forward if the federal process is paused / extended. The MECP would be happy to discuss further with MFFN at the appropriate time. | |
| <p>Aligning the IA and EA processes: Coordination Efforts - Consultation</p> <p>AECOM:</p> <ul style="list-style-type: none"> • The MFFN Project Team would like to understand if the Agency and MECP have discussed coordination of consultation efforts. There is a bit of a different duty for the Agency and the province, but there is interest in understanding if any thought has been put to coordinating consultation. • Provincially the Project has a Memorandum of Understanding (MOU); however, there is not a similar agreement between MFFN and the Agency. • It likely makes sense to start getting detailed on what the protocols are as further consultation and engagement occurs. As the processes are coordinated, an understanding of who will be taking the lead and who needs to be informed will be necessary. • With respect to coordination of activities, it is critical to coordinate amongst the teams to ensure communities are not further burdened, especially given other projects and activities being undertaken in the area. • A calendar of events has been proposed to assist communities' understanding on upcoming activities. It is understood that the Agency will be consulting on their own, but it is unclear if the province will be as well. Wondering if the bi-weekly Interagency meetings can be a place to discuss activities for the month ahead. <p>MECP:</p> | <ul style="list-style-type: none"> • AECOM / the Agency / Ontario Bi-weekly Interagency Meetings: The proposed Coordinated Calendar of Events (month look ahead) will be circulated with the minutes and updated during the regular agenda item related to Activities. |





| Topic and Discussion | Action Items |
|--|--------------|
| <ul style="list-style-type: none">• Generally, the goal is to optimize consultation and engagement activities and minimize fatigue. The key to this goal is coordination. <p>ENDM:</p> <ul style="list-style-type: none">• The coordinated calendar is a good idea, and already on the interagency meeting agenda. There are other agencies / ministries undertaking activities in the area and it would be good to include these on the calendar as well. <p>The Agency:</p> <ul style="list-style-type: none">• Confirmed also likes the calendar idea. <p>AECOM:</p> <ul style="list-style-type: none">• When MFFN reaches out to communities for engagement and consultation they are asked if they would like to include Ontario in the discussions. Wondering if the same ask should be made for the inclusion of the Agency? <p>The Agency:</p> <ul style="list-style-type: none">• The Agency will undertake its own consultation activities with Indigenous communities, which is a requirement to fulfill the Duty to Consult. The extent that the Agency would invite the MFFN Project Team to participate in those meetings would be dependent on the content of the meeting, and would likely only be part of the meeting due to the nature of the role / responsibilities that the Agency must fulfill in terms of the Duty to Consult. In terms of Ontario being involved in the Agency consultation activities, this would be up to the community. If the community would prefer to just meet with federal government then that is what the Agency would do. <p>AECOM:</p> <ul style="list-style-type: none">• Does the Agency have a sense of which meetings the proponent would be part of? <p>The Agency:</p> <ul style="list-style-type: none">• Currently, there are challenges in planning and scheduling meetings with Indigenous groups due to the pandemic, but the expectation is that the MFFN Project Team would be involved in meetings where topics include the scope of the Project, baseline data gathering, effects assessment and issues / concerns Indigenous communities may have with respect to the Project. If, however, the group / individual | |





| Topic and Discussion | Action Items |
|--|--|
| <p>being met is not comfortable speaking with the proponent being present for any part of the meeting, then that portion of the meeting / discussion would exclude the Proponent.</p> <p>AECOM:</p> <ul style="list-style-type: none"> • How does information get conveyed to the proponent from the Agency’s consultation with communities? <p>The Agency:</p> <ul style="list-style-type: none"> • The Agency will convey in writing the information that requires a proponent’s action. • Typically, information will be provided in aggregate form (i.e., a summary of a number of meetings), not individually. The Agency would provide the information in a timely matter. <p>ENDM:</p> <ul style="list-style-type: none"> • There is currently confusion due to the number of contacts involved in coordinating consultation – Dillon, AECOM, MFFN, etc. For example, the Constance Lake meeting coming up. • When Ontario used to go into communities for land use planning, communities voiced that too much information was being provided and wanted all parties at the table (federal and provincial government) because they only have so much time for meetings. <p>AECOM:</p> <ul style="list-style-type: none"> • There is a goal to streamline the process by having a project Indigenous Community Lead from AECOM / Dillon as the key point of contact for each community, with all project team members funneling information / requests through these Leads. This approach is consistent across all project disciplines (e.g., requests for information/ notifications related to IK or Natural Science are all funneled through the designated project IC Lead.) • Once the Constance Lake event is scheduled, it is an example of something that would go on the calendar. <p>MECP:</p> <ul style="list-style-type: none"> • Once a meeting is scheduled, MECP and ENDM would discuss which Ontario ministries should attend. | |
| <p>Aligning the IA and EA processes: Coordination Efforts - Terminology</p> | <ul style="list-style-type: none"> • AECOM: Provide equivalent terms document (table and / or glossary of |





| Topic and Discussion | Action Items |
|--|--|
| <p>AECOM:</p> <ul style="list-style-type: none"> • Have the Agency and MECP discussed which terminology should be used in coordinated documentation, provincial or federal? • For example, should the consultation document be the Record of Consultation or Record of Engagement? <p>The Agency:</p> <ul style="list-style-type: none"> • The Agency is generally not prescriptive on the format / structure of the documents, as long as information is presented clearly and logically, and is easy to assess whether the requirements were met. Consulting firms tend to choose different styles and document structures to suit their projects and approach to preparing the documentation. • The project team is encouraged to include a glossary of terms in documents submitted to satisfy both federal and provincial processes. Terms must be clearly identified and defined. <p>MECP:</p> <ul style="list-style-type: none"> • Generally, agree that MECP would be flexible on format and terminology used. It will likely be a very large report, so having some guidance on where to find key components (such as existing environment, alternatives, consultation, preferred undertaking) to meet provincial requirements would be helpful. We can continue to work together to figure out what would work for everyone. • Record of Consultation or Record of Engagement: Not concerned about nomenclature. Provincial guidance does reference a Record of Consultation and MECP will likely continue to refer to it as a Record of Consultation but the MECP can likely figure out a way to work with whatever the document is titled. <p>A table of equivalent federal and provincial terms was included in the Consultation Plan. The MECP would be happy to comment on that if the MFFN Project Team would like to build on that and submit it for comment.</p> | <p>terms) for the Agency and MECP review and comment on.</p> |
| <p>Aligning the IA and EA processes: Coordination Efforts - Documents</p> <p>The Agency:</p> | <ul style="list-style-type: none"> • AECOM / the Agency / MECP: Continue to discuss coordination of technical documents with goal to produce only |





MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

| Topic and Discussion | Action Items |
|---|--|
| <ul style="list-style-type: none"> All parties are encouraged to continue to discuss how the technical documents to be submitted for both processes will be coordinated. The Agency is hoping to see only one set of documents. <p>AECOM:</p> <ul style="list-style-type: none"> Agree. Everyone, including the MFFN Project Team and Indigenous communities, want just one set of documents to review. | <p>one set of documents for both the federal and provincial processes.</p> |
| <p>Aligning the IA and EA processes: Coordination Efforts – Milestones</p> <p>MECP: Interested in lining up the milestone dates as much as possible. For example, draft IS / EA Report and final IS / EA Report. This is for a future discussions, but acknowledge that it is not always straightforward to align the timing of submission of these documents given the different processes.</p> | <ul style="list-style-type: none"> AECOM / the Agency / MECP: Plan a future meeting to discuss what key milestones should be and, once those are agreed upon, the schedule of the key milestones. |





Project Name: **Marten Falls First Nation (MFFN) Community Access Road** Date of Meeting: March 18, 2021
 Time: 11:00 am to 11:45 am (EDT)
 Project #: 60593122
 Location: Conference Call

Invitees:

| | |
|--|---|
| <p>MFFN Project Consultant: Shawna Kjartanson Leah Deveaux Erin Greenaway Michelle Bacon Robin Reese Avril Fisker Christine Cinnamon Leslie Coe</p> <p>MFFN Project Team: Jennifer Bruin Qasim Saddique Bob Baxter Larissa Mikkelsen</p> <p>The Agency: Chiara Calabrese</p> | <p>ECCC: Denise Fell Wendy Dunford Allison Kroeze Josie Hughes Venita Harry</p> <p>MNRF: Donald Lewis Adam Christensen Art Rodgers Sarah Fraser Melissa Mauro</p> <p>MECP: Sasha McLeod Dorothy Moszynski Kevin Green Brianne Brothers</p> |
|--|---|

Prepared By: Kenndal Soulliere

Absent: Lawrence Baxter

Regarding: Recap of the 2021 Caribou Collaring Program

Minutes of Meeting

| | <u>Action</u> |
|--|---|
| <ul style="list-style-type: none"> - Roundtable introductions <p>Golder led the call with a presentation summarizing the caribou collaring program that occurred in February 2021:</p> <ul style="list-style-type: none"> - The intent of radiocollaring caribou is to collect baseline data with 3 main objectives: <ol style="list-style-type: none"> 1) Monitor seasonal movement patterns; 2) Assess mortality rates of adult females and predation; and 3) Assess calf survival and recruitment. - Previous information for the area was from MNRF data (2009-2011). Also noted that the MNRF is also collecting information for future studies. | <ul style="list-style-type: none"> - N/A |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

- The MECP requested 3 years of radio collar data on 20 animals, but because of potential mortality of collared animals during the baseline study period, the MFFN Project Consultant increased the initial number of collars deployed to 30.
- The collar deployment was targeted to the Ungulate Local Study Area, which is a 10 km buffer around the two-proposed road alignments, while also recognizing an “area of potential interest” which is a 35 km buffer around the two proposed alignments based on previous Zoetica survey data.
- The caribou Regional Study Area is the spatial extent of all four provincial areas (Missisa Range, Ozhiski Range, Nipigon Range, and Pagwachuan Range) intersected by the Ungulate Local Study Area.
- Four permits were obtained: MECP Endangered Species Act Permit, MNRF Wildlife Animal Care Committee Approval, MNRF Wildlife Scientific, MECP Provincial Parks.
 - o Noted that the MFFN Project did not apply for federal permits as the helicopters were not going to land on reserves.
- Originally proposed a fixed wing approach, with a plane tasked to perform a pre-aerial reconnaissance survey followed by Bighorn Helicopters conducting the captures. To address increased health and safety measures due to the COVID-19 pandemic, the fixed wing survey was cancelled – this was discussed with MFFN and provincial agencies in January.
- Captures occurred February 16 to 19, 2021 (4 field days).
- 30 females were captured with a net-gun, all collared with Lotek collars.
 - o 25 were adults, 4 were juvenile and 1 age was not recorded
- Caribou group sizes ranges from 3 to 12 animals, all animals appeared healthy, with no signs of disease and no mortalities or injuries as a result of the captures.
- Bighorn helicopters filled in a capture data form at each capture. The capture crew visually monitored the female after release to ensure she re-joined the group.
- Golder monitored each captured animal remotely through the Lotek WebServer to ensure there were no mortalities within 48 hours of capture. As of March 18, all female are still alive.
- Capture locations included 9 in the LSA, 19 in the area of potential interest, and 2 near the Ogoki River Provincial Park. The capture crew noted there was very few groups or quality caribou habitat south of Albany River.
- General observations from Bighorn Helicopters included: The ease to locate the caribou, captures occurred on frozen lakes and bogs, and there were several observations of two calves with females – which could be twins which is unusual for caribou, or could be that one female died and calf was “adopted” by another female.
- Other wildlife observations of note: there were also six packs of wolves observed, wolverine and cougar tracks observed in the snow.
- Fecal samples were submitted to Art Rodgers of MNRF on February 23, 2021. The blood samples were sent to Herd Health Diagnostics in Washington on

| | |
|--|---|
| <p>February 23, 2021 – results indicate that 83% of the animals were pregnant at time of capture.</p> <ul style="list-style-type: none"> - The radio collars are programmed such that they record one location every 3 hours, and send a mortality alert if the animal stops moving for 12 consecutive hours. There is a timer release drop off mechanism on the collars so they drop off after 3 years, at which time the MFFN Project Consultant can collect them. - Next steps: The MFFN Project Consultant noted that as they know what animals are pregnant they will be able to estimate calf survival during the aerial survey next winter. Also noted that the remote cameras being deployed this spring will be able to assist in detecting predators. | |
| <p>Question period:</p> <ul style="list-style-type: none"> - The MECP inquired if there were general locations or pictures of where the cougar and wolverine tracks were spotted? The MFFN Project Consultant noted that there are no pictures of predators or GIS locations but that they would confirm with Big Horn Helicopters if they could provide a general location. - The MNRF inquired about the retention of whole blood. The MFFN Project Consultant confirmed that they did not retain blood samples; all samples were sent to the lab for pregnancy testing because they were not made aware in advance to keep any for additional tests. The MNRF acknowledged that this is fine and explained that DNA from blood can provide different genomic information than fecal or hair. <ul style="list-style-type: none"> o The MFFN Project Consultant asked if there is anything (tissue) that could be collected during mortality investigations that would provide similar DNA. The MNRF mentioned that it would be beneficial for any bones to be provided as the marrow will support their studies. - MECP asked if the Caribou Field Study Notifications included any responses from neighbouring communities. The MFFN Project Consultant confirmed that the notices were sent out in early February (2021), with an update email in mid February which was also posted to the website. There were no direct responses from communities, but there were comments provided on the ToR. The MECP confirmed they are working on a response to Attawapiskat First Nation's February 18, 2021 letter regarding caribou studies and the EA process and will loop the MFFN Project Team back in after. - The MFFN Project Team and the MNRF discussed the MNRF caribou collaring program that followed after the MFFN CAR Study – the MNRF noted that they stayed out of the MFFN CAR and Webequie Supply Road study areas, recognizing that information for those areas are captured. | <ul style="list-style-type: none"> - MFFN Project Consultant to confirm location of wolves¹ |

¹ Addendum June 2021: *Golder shared in the caribou collaring program summary presentation and report that Bighorn Helicopters noted incidental wildlife observations during the collaring efforts (March 16 – 19, 2021). These observations including wolf packs, and tracks of cougar and wolverine. Bighorn subsequently provided the MNRF with the location of potential cougar tracks; which were then provided to the MECP's SARB. Bighorn did not record GPS locations for these incidental observations, only noted they occurred in the ungulate local study area. Our goal with the remote camera study design (i.e., spatial spread of cameras throughout the ungulate study area and in all habitat types) is to capture photos of predator presence and distribution for the purposes of baseline and EA / IA data analysis.*

Prepared by Golder Associates
for teleconference debrief with
Regulators and Project Team



GOLDER

Marten Falls Community Access Road Caribou Collaring Field Program: February 2021

March 18, 2021

Marten Falls Community Access Road Project

OBJECTIVES AND CONTEXT FOR COLLARING CARIBOU

- Objectives of the caribou collaring data collection:
 1. Monitor seasonal movement patterns and habitat use, particularly in winter and calving seasons, relative to proposed Project route(s)
 2. Assess mortality rates of adult females and predation risk
 3. Assess calf survival and recruitment
- Previous MNRF caribou data in this range from 2009-2011
 - MNRF deployed collars in Missisa range in 2020 and 2021
- MECP asked for 3 years of radio collar data from 20 animals to characterize baseline conditions

Study Areas

UNGULATE LSA / RSA

Ungulate LSA:

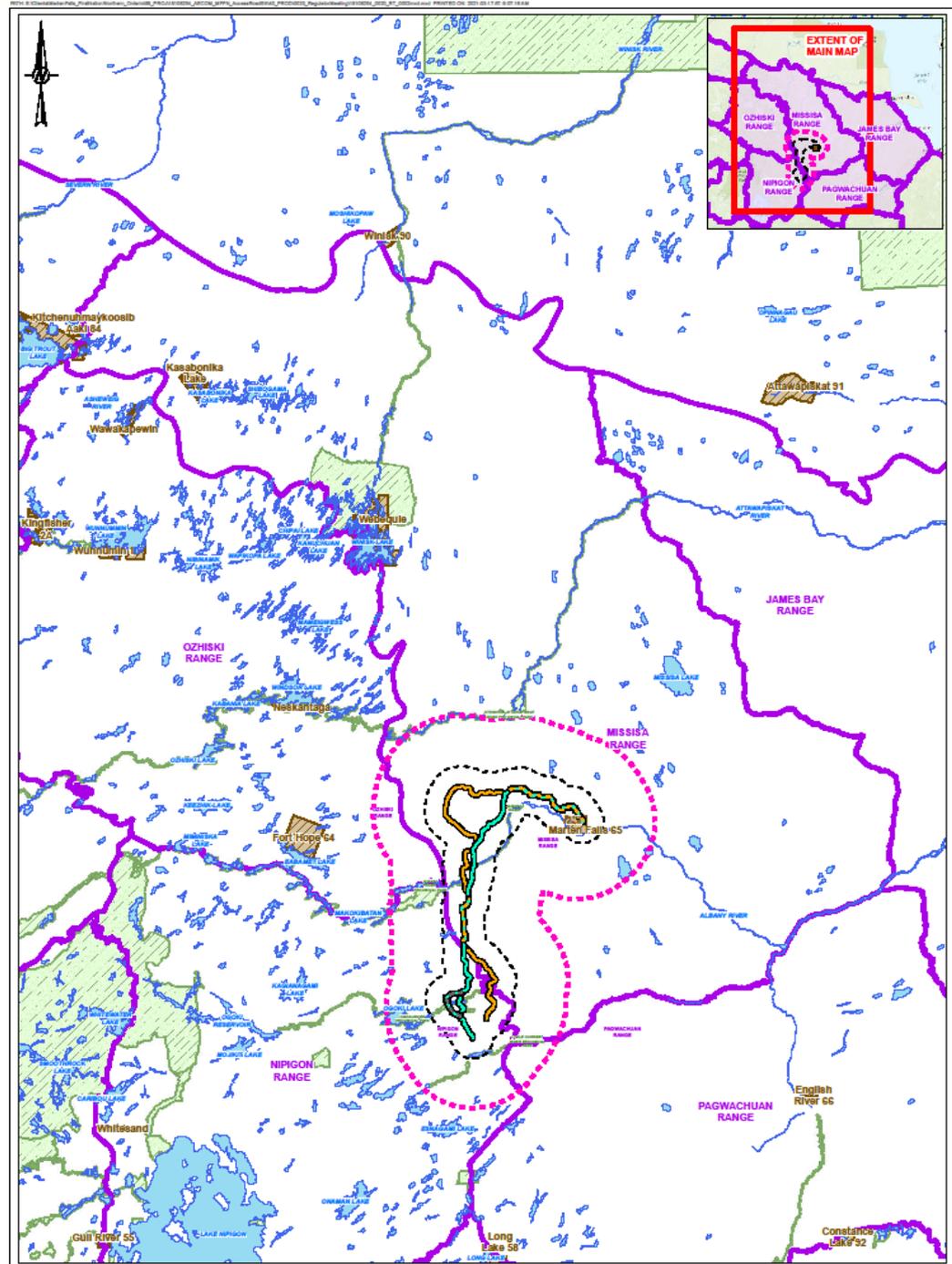
10 km buffer around the two proposed alignments (~5,400 km²)

“Area of potential interest”:

35 km buffer around the two proposed alignments (18,000 km²)

Caribou RSA:

spatial extent of all four provincial caribou ranges that are intersected by the LSA/area of potential interest (~192,500 km²)



Permits and Animal Care

PERMITS

- MECP *Endangered Species Act* Permit NR-B-007-20
- MNRF Wildlife Animal Care Committee Approval #21-471
- MNRF Wildlife Scientific Collectors Authorization #1097225
- MECP Provincial Parks Research (received Feb. 9, 2021)

Note: No *SARA* Permit required

Collar Program Results

FEBRUARY 16 – 19, 2021

- Weather: clear and sunny, -29°C to -7°C, snow 2 to 3 ft deep
- 30 female caribou captured via netgun by Bighorn Helicopters and fitted with Lotek LiteTrack Iridium 420 collars:
 - Ages: 25 adult, 4 juvenile, 1 undetermined age
 - Group sizes: 3 to 12 animals
 - Group demographics (*when noted*): 91 cows, 42 calves, 18 bulls
 - Calves observed in 16 of the groups where captures occurred
 - 53% of collared females had a calf at heel, 37% had no calf at heel, 10% were unknown
- No physical abnormalities or diseases observed in captured animals
- No injuries or mortalities as a result of the captures



MFCAR Caribou Capture Data Form

DATE: (dd-mm-yy, i.e., 18-Feb-21) _____ **TIME:** _____

PERSONNEL: _____

ANIMAL DATA:

| | |
|--|--|
| MFCAR ID# _____ Recapture? <input type="checkbox"/> Yes <input type="checkbox"/> No Capture Method: <input type="checkbox"/> Net Gun <input type="checkbox"/> Other: _____ | Sex: <input type="checkbox"/> M <input type="checkbox"/> F Female Antlered? <input type="checkbox"/> Yes <input type="checkbox"/> No Female with calf? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk. Lactating? <input type="checkbox"/> Yes <input type="checkbox"/> No Age class: <input type="checkbox"/> Juvenile (2-3 yr) <input type="checkbox"/> Adult (> 3yr) Estimated age: _____ Incisor Wear: _____ Group size: _____ |
|--|--|

CAPTURE LOCATION:

| | | |
|---------------------------------|-----------|------------|
| General description: | | |
| Please use Datum NAD83 → | UTM east: | UTM north: |

COLLAR INFO:

| | | |
|---|-----------|-----------|
| Collar: Brand: Lotek | VHF freq: | Serial #: |
| Timed drop-off: # weeks: 156 Serial#: | | |

BODY MEASUREMENTS: *Indicate the units used, if different*

Estimated Weight: _____ lbs or kg

Total Length: _____ cm From tip of nose to tip of tail at last vertebrae, not tip of hair.

Shoulder Height: _____ cm From tip of hoof along extended foreleg to dorsal midpoint of shoulder.

Chest Girth: _____ cm Taken immediately posterior to the front legs as a circumference.

Neck Girth: _____ cm Where radio collar is put on.

Hindfoot Length: _____ cm From tip of hoof along extended leg to the hock (posterior bone protrusion at 2nd joint).

Animal Condition: _____ Rating of 1 to 3, bony to chubby. And/or describe.

ADDITIONAL INFORMATION:

| |
|--|
| Physical injuries, abnormalities, etc., if any: |
| Estimated chase time prior to capture: _____ minutes |
| Group size and demographics: |

SAMPLES COLLECTED:

- Blood
- Hair
- Feces
- Photos
- Other:

CHECK LIST:

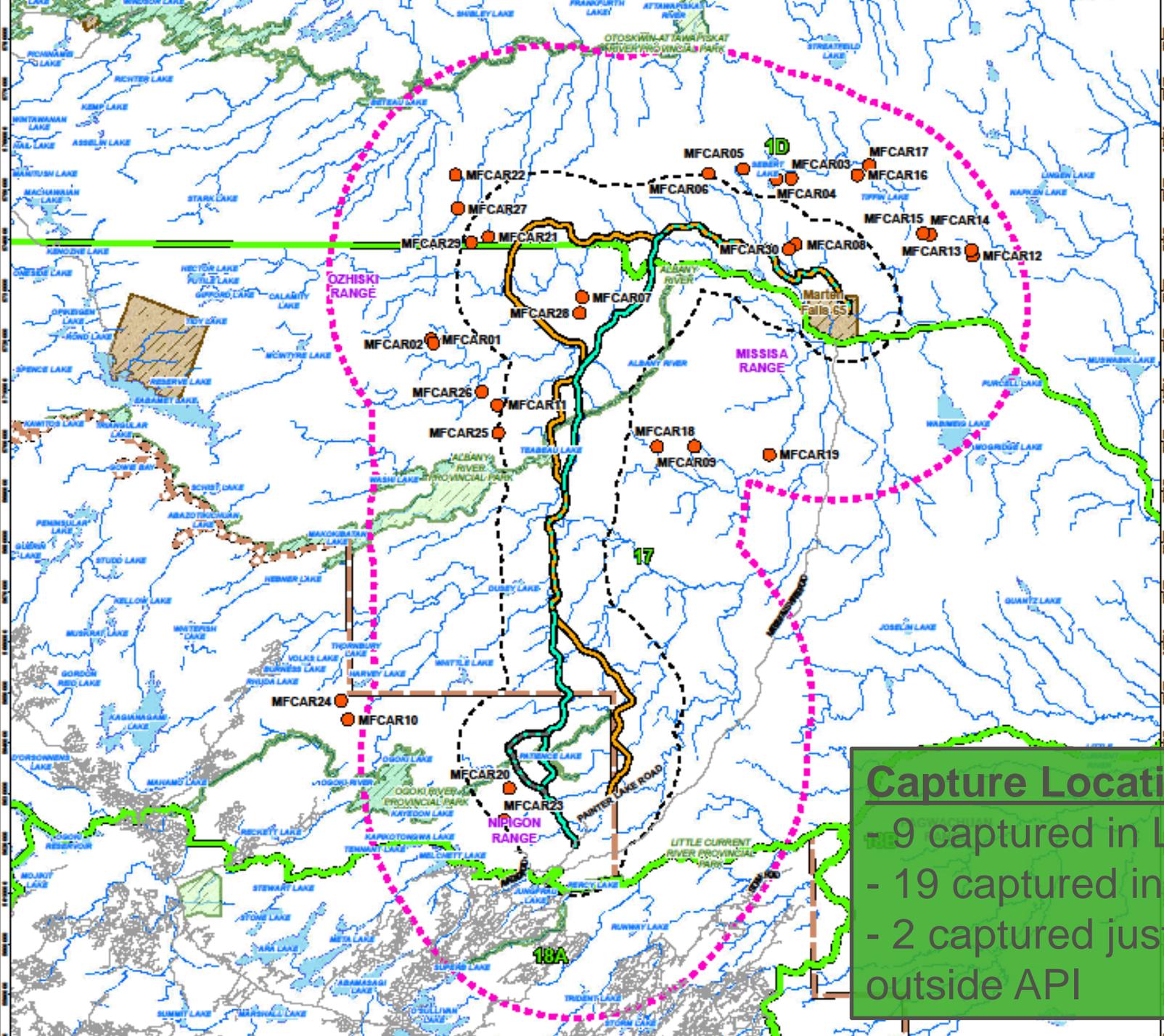
- Collar magnet off
- Drop off magnet off
- Physical examination
- Samples double bagged

RECORDED:

- Capture Location
- Collar frequency
- Body measurements
- Body weight







Capture Locations:

- 9 captured in LSA
- 19 captured in API
- 2 captured just outside API

General Capture and Wildlife Observations

FEBRUARY 16 – 19, 2021

- Caribou were easily located in the LSA
 - Particularly in NW part of LSA and API
 - Suitable caribou habitat south of Albany River was sparse
- Captures occurred on frozen lakes and bogs
- Several observations of two calves with female (twins?)
- Six packs of wolves observed in LSA
- Incidental observations of wolverine and cougar tracks (no waypoints)

Biological Samples

BLOOD, FECAL AND HAIR SUBMITTED FOR ANALYSIS



30 fecal and 30 hair samples submitted to MNRF CNFER, February 23, 2021.



29 whole blood samples shipped to Herd Health Diagnostics, February 23, 2021.

83% of sampled females were pregnant.

Remote Monitoring

IRIDIUM GPS RADIOCOLLARS

- One location every 3 hours
- Mortality alerts
- Timer-release drop off

Lotek  **Lotek Wireless GPS WEB Service**
advancing wildlife science

Welcome, MFCARCarib.1 | [Logout](#) | [List View & Download](#) | [Device Configuration](#) | [Account Settings](#)

Select 1 or more from the list:

| Name | ID | LatestFix | GPS |
|---------|-------|------------|-----|
| MFCAR01 | 88097 | 03-17-2021 | 246 |
| MFCAR02 | 88098 | 03-17-2021 | 228 |
| MFCAR03 | 88099 | 03-16-2021 | 223 |
| MFCAR04 | 88100 | 03-16-2021 | 231 |
| MFCAR05 | 88101 | 03-16-2021 | 236 |

1 of 1

Find Dates

Search Start Date: January 1, 2000

Search End Date: March 16, 2021

Select most recent positions

Last 10 Fixes

DOP Filter: All

Select Plot Type: Markers Only

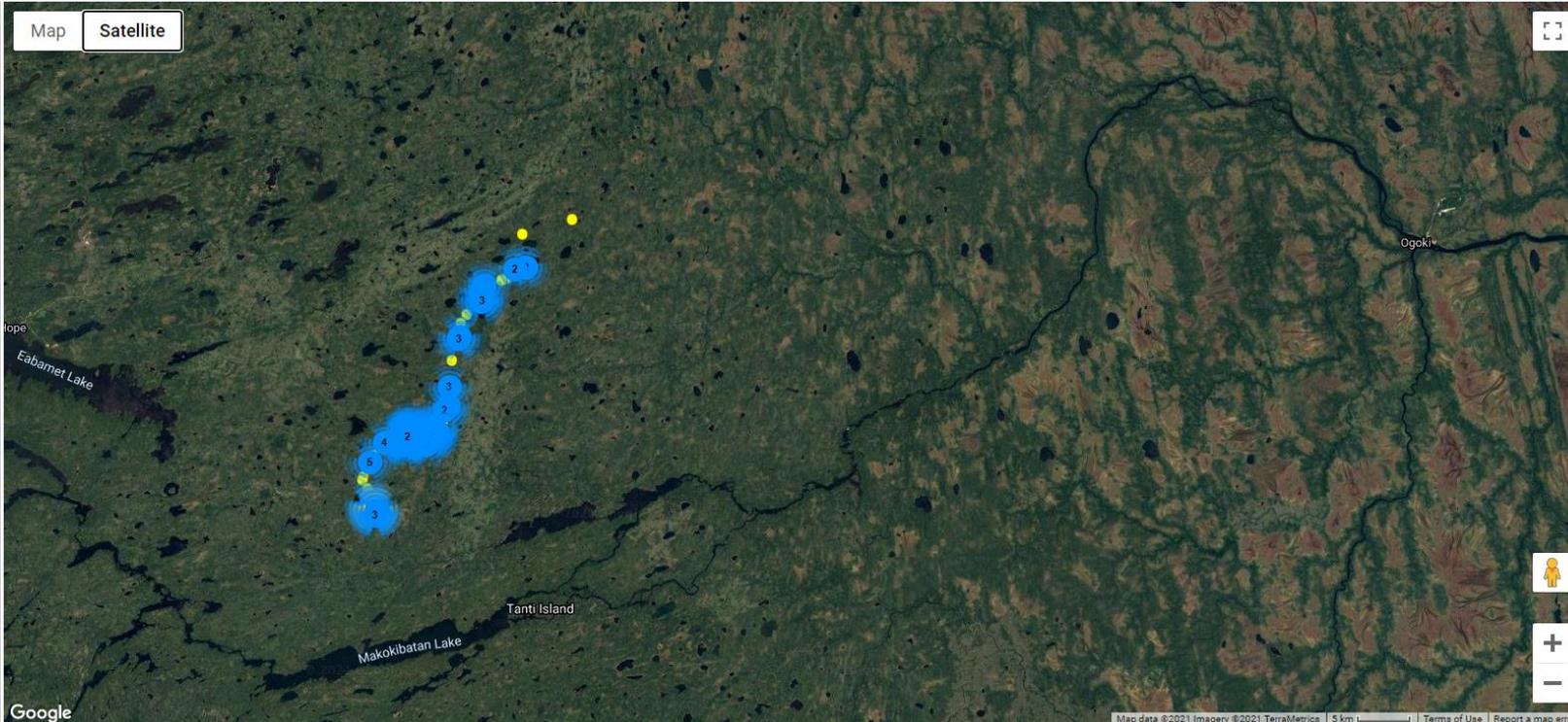
Show Grid [Reset Map](#) [Fetch & Map](#)

245 records returned with 243 locations.

Alert Events Summary Since Last Log In:

| DevID | Alert Type | # Event |
|-------|------------|---------|
|-------|------------|---------|

For details, go to 'ListView & Download'



Map Satellite

Google

Map data ©2021 Imagery ©2021 TerraMetrics 5 km Terms of Use Report a map error

Next Steps

CARIBOU PROGRAM

- Ongoing monitoring of caribou movement via Lotek Webservice
- Mortality investigations: 2021 - 2024
- Aerial recruitment survey: winter 2022
- Final collar retrieval: spring 2024
- Remote cameras: 2021- 2023
- Permit conditions: ongoing data submission and reporting, 2021 – 2024
- Interim / Annual Baseline Reports
- EA / IS analysis and reporting



GOLDER

QUESTIONS?

Project Name: Marten Falls Community Access Road

Date of Meeting: April 12, 2021

10:00 am to 11:00 am

Time: EST

Project #: 60593122

Location: Microsoft Teams / Call-in

Attendees: Sasha McLeod (MECP)
Dorothy Moszynski (MECP)
Sonya Zuber (MNRF)
Melissa Mauro (MNRF)
Carrie Hutchison (MNRF)
Steve Bobrowicz (MNRF)
Paul MacInnis (ENDM)
Bob Baxter (MFFN Project Team)
Lawrence Baxter (MFFN Project Team)
Qasim Saddique (MFFN Project Team)
Jennifer Bruin (MFFN Project Team)
Larissa Mikkelsen (MFFN Project Team)
Leah Deveaux (AECOM)
Robin Reese (AECOM)
Christine Cinnamon (AECOM)
Jessalyn Beaney (AECOM)
Carsten Slama (AECOM)
Barbra Fortin (Golder)
Kristine Mason (Golder)
Andrew Forbes (Golder)
Craig De Vito (Golder)

Prepared By: Carsten Slama (AECOM)

Absent: Jack Moonias (MFFN Project Team)

Regarding: MFFN Community Access Road Project –Terms of Reference Follow-Up Comments from MNRF

Meeting Minutes

| | Action |
|--|---|
| ToR Follow-up Comments <ul style="list-style-type: none"> The Marten Falls First Nation (MFFN) Project Team received follow-up comments to Terms of Reference (ToR) responses from the Ministry of Natural Resources and Forestry (MNRF) | <ul style="list-style-type: none"> N/A |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

| | |
|--|---|
| <ul style="list-style-type: none"> The primary focus of this call is to discuss the comments related to surface water and fish / fish habitat but will also review all follow-up comments. | |
| <p>MNRF-1 – Culverts:</p> <ul style="list-style-type: none"> The response to this follow-up comment provided high-level information on what culverts would be used in certain scenarios. The MNRF asked whether only open-bottom culverts would be used for all watercourses where there is fish habitat. The MFFN Project Consultant indicated that they understood how open-bottom culverts can be used to protect fish habitat at specific locations, but embedded corrugated steel pipe culverts have been acceptable by the MNRF where the MNRF guidelines for fish passage at crossing locations are followed, taking into account site-specific stream hydraulics in the design. The MFFN Project Consultant asked whether MNRF would be supportive of embedded steel culverts, taking into account site-specific characteristics. The MNRF indicated that clear span structures are always preferred over methods that cause disturbance to stream beds, but that MNRF Guidelines (e.g. Environmental Guidelines for Access Roads and Water Crossings) do exist for placing corrugated steel culverts within fish habitat. The MNRF also indicated that the way the ToR currently reads, steel culverts would only be used for overland cross-drainage and that open-bottom structures would be used at all crossings of fish habitat. The MNRF suggested providing clarity in the wording with respect to commitments for culverts. | <ul style="list-style-type: none"> MFFN Project Consultant to review wording on crossing structures and provide clarity in ToR comment response on culvert types that may be used. |
| <p>MNRF-4 – Aggregate Resources Act Terminology</p> <ul style="list-style-type: none"> This follow-up comment pertained to using appropriate terminology regarding sources of rock materials. The MFFN Project Consultant indicated that the appropriate terminology (i.e., pits and quarries) would be used moving forward. The MNRF was supportive of this approach. | <ul style="list-style-type: none"> N/A |
| <p>MNRF-8 and MNRF-9 – Surface Water and Fish and Fish Habitat Field Studies</p> <ul style="list-style-type: none"> This follow-up comment pertained to site-specific data collection at watercourse crossing locations to inform assessment of alternative routes and support Project permitting. The MFFN Project Consultant summarized the work that was completed to date, which included desktop assessments, reviewing data from other projects from the regional area (2011-2012 Cliffs data), and the completion of aerial- and ground-based field surveys in 2019 and 2020, and how this information would be used to inform the characterization of baseline conditions. 2019 field surveys consisted of aerial reconnaissance of each alternative to confirm watercourse crossing locations identified during the desktop review. It was estimated that approximately 100 watercourse crossings exist between both Alternative 1 and | <ul style="list-style-type: none"> MFFN Project Consultant to update ToR comment response for MNRF and MECP review. |

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| <p>Alternative 4. Ground-based surveys were completed at approximately 10 of these locations.</p> <ul style="list-style-type: none"> • More comprehensive field surveys started in 2020 and are planned in future years to define the inter- and intra-annual variability in flows, water quality, and fish and fish habitat. This need for multi-season and multi-year sampling was agreed to by the MFFN Project Team, the Ministry of the Environment, Conservation and Parks (MECP) and the Impact Assessment Agency of Canada (the Agency). The following seasonal data collection is proposed: <ul style="list-style-type: none"> ○ Fall 2020 that represented a period of moderate flow conditions; ○ Spring 2021 that is expected to represent high flow conditions; and ○ Summer 2021 that is expected to represent low flow conditions. • In fall 2020, field surveys of surface water and fish and fish habitat were conducted at 30 to 40 watercourse crossings. The data collected for the surface water program included flow rates, water quality, and sediment quality. The data collected for the fish and fish habitat program included fish habitat surveys and benthic invertebrate sampling. Due to timing windows, no fish sampling occurred in 2020. • Given the size of the Project and the level of information needed to support the Environmental Assessment (EA), the MFFN Project Team plans to collect ground-based data at a subset of watercourse crossing locations on Alternative 1 and Alternative 4. For the surface water program, approximately 40% of the watercourse crossing locations are being targeted for site-specific ground-based surveys. The fish and fish habitat program is targeting approximately 50% of watercourse crossing locations that have the potential to provide habitat for fish species. Benthic invertebrate sampling would be conducted at 25% of the watercourse crossing locations. The field programs for surface water and fish and fish habitat will be conducted in tandem. It is expected that the data obtained from this subset of crossing locations over multiple seasons and years will be sufficient to define the natural variations in flows, water quality, and fish and fish habitat, and, in turn, advance a comprehensive baseline characterization to support the alternatives assessment, as well as the effects assessment and impact management planning for the EA. • The selection of the subset of sites would take into account: <ul style="list-style-type: none"> ○ Physiographic Region: the Project traverses the Canadian Shield and Hudson Bay Lowlands; ○ Cliffs data: Previously surveyed sites would provide year-to-year variability data; ○ Waterbody size; and ○ Mapped vs. unmapped watercourses. | |
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- Fisheries and Oceans Canada (DFO) has been provided with the rationale for sampling a subset of locations and the scaled approach to be used to support the EA with the understanding that for the purposes of DFO permitting, every watercourse crossing where work is anticipated to occur below the high-water mark will need to have site-specific ground-based data collected.
- The MFFN Project Consultant reiterated that they are confident in the approach. By extrapolating data from surveyed watercourse crossing locations to locations where no survey was completed (but are similar in location and size to crossings with ground-based data), the desktop and field data will be sufficiently robust to develop a detailed baseline characterization for the purposes of conducting an alternatives assessment to identify a preferred alternative, as well as the effects assessment and impact management planning for the EA.
- Ground-based field surveys at all watercourse crossing locations on both alternative routes are not proposed for the EA since only one alternative will be selected as preferred. Any data collected from the other route would become redundant to the permitting stage of the Project, recognizing that resampling effort may even be required along the preferred alternative (again to support permitting) in the event of refinements / adjustments to the alignment. Supplementary data will be collected at a later date to support permitting once the preferred alternative is closer to being finalized to optimize the amount of data that is collected and used.
- Ultimately, the approach to the field data collection program for surface water and fish and fish habitat has been tailored to the objectives of each stage of the Project. Consistent with the earlier discussion, ground-based field information will be initially obtained at a subset of the water body crossing locations (i.e., roughly 40% for surface water and 50% for fish and fish habitat) to advance the alternatives assessment and the EA, recognizing that data obtained from this subset of crossing locations over multiple seasons and years is expected to be more than sufficient to define the natural variations in flows, water quality, and fish and fish habitat, and, in turn, to develop a comprehensive baseline characterization to support the alternatives assessment, as well as the effects assessment and impact management planning for the EA. From there, and upon selection/verification of the preferred alternative, additional ground-based field data will be collected from the balance of the relevant water body crossing locations (i.e., not already surveyed as part of the EA and specific the selected route where in-water work is planned) to support the preparation and submission of the permit applications for the water body crossing structures, with the understanding that (1) site-specific data will be required at any crossing locations involving work below the high-water mark and (2) the permit applications will rely on ground-based field data from the initial and supplementary field campaigns.

- The MNR indicated that the MFFN Project Team has not indicated in the ToR how the data from the subset sampling will be used to inform the alternatives assessment.
- The MFFN Project Consultant indicated that each discipline will analyze their own data separately to come to a conclusion as to which alternative route would be more favourable. For surface water and fish and fish habitat, this would consist of reviewing the baseline conditions, anticipated Project influences on watercourse features, and recommending impact management measures to determine which alternative route is considered preferred. The results of each discipline's assessment are then looked at together to compare the advantages and disadvantages of each alternative route. No weighting system is currently proposed to compare environmental, social and technical considerations when comparing the alternative routes. An Effects Assessment methodology document is being prepared that will provide information on how the effects assessment and alternatives assessment will be completed to identify the preferred alternative. It is anticipated that this document will be completed soon.
- The MECP acknowledged that they are expecting to see more details in the EA phase with respect to the effects assessment methodology and alternatives assessment to identify the preferred alternative. The MECP confirmed that the Proponent has committed to providing more detail in the EA phase. The MECP indicated that it is at the discretion of the Proponent to release documents in an appropriate sequence.
- The MNR indicated that, without having more detailed information on the alternatives analysis methods, it is difficult for the ministry to comment effectively on the approach. The MNR noted that additional comments may be provided following that information being made available.
- The MNR raised the concern of small cold-water springs and associated streams being destroyed during construction as they are difficult to identify without ground-based surveys. These sites provide critical habitat for young-of-year Brook Trout.
- The MFFN Project Consultant indicated that timing windows will be finalized during permitting. Where ground-based field data are available, timing windows will be identified in the EA. Where ground-based field data are not available, a conservative approach will be used to identify a preliminary timing window, recognizing that the site-specific timing window will be determined during the permitting phase when additional information is available.
- The MFFN Project Team reaffirmed its commitment to protecting the environment as well as completing all necessary work to obtain the required permits. It is understood that where permits are required (such as for work below the high-water mark), site specific ground-based information will need to be collected to inform decisions made by regulators. This information would also inform

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| <p>timing windows with the understanding that if no data are available, the most restrictive timing window would need to be implemented.</p> <ul style="list-style-type: none"> The MECP and the MNRF requested the responses to ToR comment IDs MNRF-8 and MNRF-9 be revised for agency review. The responses will be updated to reflect the discussion of this meeting and to indicate that the Proponent will work through MNRF’s comments related to alternative analysis as part of the Project proposed effects assessment methods once available. | |
| <p>MNRF-11 – Consultation and Remote-tourism Operator</p> <ul style="list-style-type: none"> This follow-up comment pertained to consultation with remote tourism operators. The MNRF reiterated that it is important that all interested stakeholders are identified early so that consultation can occur. The MFFN Project Team indicated that the ToR provides a description of consultation efforts with interested persons undertaken during the ToR. A Project contact list identifying interested persons has been created and will be updated throughout the EA as additional stakeholders express interest in the Project. The Project Contact List includes those economic stakeholders, including remote-tourism operations. The list of remote-tourism operators was informed by consultation with the Ministry of Heritage, Sport, Tourism and Cultural Industries. | <ul style="list-style-type: none"> N/A |
| <p>MNRF-11 – Recommended References:</p> <ul style="list-style-type: none"> This follow-up comment pertained to references recommended by the MNRF. The MFFN Project Team committed to including the references in the relevant study plans. | <ul style="list-style-type: none"> MFFN Project Consultant to include recommended references in relevant study plans. |
| <p>Conclusion</p> <ul style="list-style-type: none"> The MECP confirmed its preference to have the MNRF ToR comments updated and resent for review. | <ul style="list-style-type: none"> MFFN Project Consultant to recirculate MNRF ToR comment responses once updated. |

MFFN Project Consultant to circulate meeting notes/action items.



Project Name: Marten Falls Community Access Road

Date of Meeting: June 10, 2021

Time: 11:30am to 12:15pm EDT

Project #: 60593122

Location: Microsoft Teams / Call-in

Attendees: Sasha McLeod (MECP)
Dorothy Moszynski (MECP)
Paul MacInnis (NDMNR)
Jennifer Bruin (MFFN CAR Project Team)
Qasim Saddique (MFFN CAR Project Team)
Christine Cinnamon (AECOM)
Sara Barss (AECOM)
Leah Deveaux (AECOM)

Prepared By: Sara Barss (AECOM)

Regarding: Provincial Review of Study Plans

Meeting Minutes

| | Action |
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| <p><u>Study Plans Submitted May 28, 2021 (did not undergo full technical review)</u></p> <ul style="list-style-type: none"> • For the 7 study plans that were submitted on May 28, 2021, provincial reviewers will be offered the opportunity to review the plans they are interested in and will have 2 months to review and provide comments. • With the exception of the Social plan, these plans did not previously undergo provincial review because the Agency returned the plans to the Marten Falls Community Access Road Project Team (MFPT) following the Agency’s preliminary review, requesting edits be made prior to a full federal technical review being undertaken. • MFPT asked that the peatlands and birds plans be prioritized, with the hopes that any suggestions related to the field work planned could be incorporated into the planned field work for the summer/fall. • MECP has emailed the provincial reviewers asking them to identify which plans they wish to review and then will send out the plans upon request, with the following comment periods: <ul style="list-style-type: none"> ○ Peatlands and birds June 14-July 5* *Following this meeting, MECP indicated they would need more time to review the Birds Study Plan and would provide comments by July 26, which will still be in advance of the bird field work planned to start in September. ○ All others June 14-Aug 13 | |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

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| <p><u>Study Plans to be Submitted Shortly (previously underwent full technical review)</u></p> <ul style="list-style-type: none"> There are 12 other study plans that (in addition to the Social plan as noted above) went through provincial review in 2020 and will be resubmitted in the near future by MFPT. MFPT and MECP agreed upon an approach for these ones, which is for MFPT to provide the revised plans, once available, for MECP's files, and MECP will provide an opportunity for the provincial reviewers to see how their comments were addressed (aided by the proponent's comment-response tables) and if needed have targeted discussions for any outstanding issues or key concerns. | <ul style="list-style-type: none"> MFPT to submit 12 remaining study plans |
| <p><u>General</u></p> <ul style="list-style-type: none"> ENDM requested a targeted review for study plans that include the upcoming field work to ensure we are not missing any requirements in this field season. MFPT agreed with ENDM's request, although noted it did not expect anything was missed given the study plans reflect technical comments received and noted field work is commencing soon. ENDM requested a detailed table documenting all review of a given discipline (technical meetings, comments provided, responses, resolution, etc.). MFPT noted that the updated study plans have a section summarizing technical discussions on the study plans. Dorothy noted MNRf review of updated study plans would be beneficial because there seemed to be some outstanding concerns on field work, # of watercourses being sampled, etc. MFPT responded that they felt that recent meetings and correspondence had resolved all outstanding items and that the updated study plans should reflect the recent meetings. MECP confirmed that the submission of the draft Study Plans fulfill the ToR commitment to submit work plans (i.e., Federal Study Plans = Provincial Work Plans). MFPT clarified terminology, including that Federal Study Plans = Provincial Work Plans committed to in ToR and that Federal Work Plans will be submitted as required by the TISG and will include additional logistical information. MFPT committed to providing field work schedule to MECP. | <ul style="list-style-type: none"> ENDM to review updated Study Plans and confirm if they fulfill the request for a summary of technical review of a given discipline. MFPT to provide MECP with recent MNRf documentation resolving outstanding comments. MFPT to provide MECP with field work schedule. |

Attached

- MIN_2021-04-12_MNRf ToR comment followup.pdf
 - Final minutes were provided to MECP on Monday (June 7th) and incorporate MNRf's comments on the meeting minutes (MECP and MNRf had no comments on the minutes)
- TAB_2021-05-31_MFFN CAR ToR Comment Responses_MNRf_60593122 Comment Responses
 - This updated comment response file was submitted to MECP May 31st and included the following:
 - A subsection with the initial MNRf comments received on the PToR in December 2020 and responses provided by MFPT and

- A second subsection with the follow up comments from MNRF received in February 2021 and responses provided by MFPT to those follow up comments. These responses reflect the outcome/discussion of the April 12 meeting.
3. 20210520_MNRF_Response_April 12_2021_Meeting_Materials-signed.pdf

Project Name: Marten Falls Community Access Road

Date of Meeting: April 12, 2021

10:00 am to 11:00 am

Time: EST

Project #: 60593122

Location: Microsoft Teams / Call-in

- Attendees:
- Sasha McLeod (MECP)
 - Dorothy Moszynski (MECP)
 - Sonya Zuber (MNRF)
 - Melissa Mauro (MNRF)
 - Carrie Hutchison (MNRF)
 - Steve Bobrowicz (MNRF)
 - Paul MacInnis (ENDM)
 - Bob Baxter (MFFN Project Team)
 - Lawrence Baxter (MFFN Project Team)
 - Qasim Saddique (MFFN Project Team)
 - Jennifer Bruin (MFFN Project Team)
 - Larissa Mikkelsen (MFFN Project Team)
 - Leah Deveaux (AECOM)
 - Robin Reese (AECOM)
 - Christine Cinnamon (AECOM)
 - Jessalyn Beaney (AECOM)
 - Carsten Slama (AECOM)
 - Barbra Fortin (Golder)
 - Kristine Mason (Golder)
 - Andrew Forbes (Golder)
 - Craig De Vito (Golder)

Prepared By: Carsten Slama (AECOM)

Absent: Jack Moonias (MFFN Project Team)

Regarding: MFFN Community Access Road Project –Terms of Reference Follow-Up Comments from MNRF

Meeting Minutes

| | Action |
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| <p>ToR Follow-up Comments</p> <ul style="list-style-type: none"> • The Marten Falls First Nation (MFFN) Project Team received follow-up comments to Terms of Reference (ToR) responses from the Ministry of Natural Resources and Forestry (MNRF) | <ul style="list-style-type: none"> • N/A |

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

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| <ul style="list-style-type: none"> The primary focus of this call is to discuss the comments related to surface water and fish / fish habitat but will also review all follow-up comments. | |
| <p>MNRF-1 – Culverts:</p> <ul style="list-style-type: none"> The response to this follow-up comment provided high-level information on what culverts would be used in certain scenarios. The MNRF asked whether only open-bottom culverts would be used for all watercourses where there is fish habitat. The MFFN Project Consultant indicated that they understood how open-bottom culverts can be used to protect fish habitat at specific locations, but embedded corrugated steel pipe culverts have been acceptable by the MNRF where the MNRF guidelines for fish passage at crossing locations are followed, taking into account site-specific stream hydraulics in the design. The MFFN Project Consultant asked whether MNRF would be supportive of embedded steel culverts, taking into account site-specific characteristics. The MNRF indicated that clear span structures are always preferred over methods that cause disturbance to stream beds, but that MNRF Guidelines (e.g. Environmental Guidelines for Access Roads and Water Crossings) do exist for placing corrugated steel culverts within fish habitat. The MNRF also indicated that the way the ToR currently reads, steel culverts would only be used for overland cross-drainage and that open-bottom structures would be used at all crossings of fish habitat. The MNRF suggested providing clarity in the wording with respect to commitments for culverts. | <ul style="list-style-type: none"> MFFN Project Consultant to review wording on crossing structures and provide clarity in ToR comment response on culvert types that may be used. |
| <p>MNRF-4 – Aggregate Resources Act Terminology</p> <ul style="list-style-type: none"> This follow-up comment pertained to using appropriate terminology regarding sources of rock materials. The MFFN Project Consultant indicated that the appropriate terminology (i.e., pits and quarries) would be used moving forward. The MNRF was supportive of this approach. | <ul style="list-style-type: none"> N/A |
| <p>MNRF-8 and MNRF-9 – Surface Water and Fish and Fish Habitat Field Studies</p> <ul style="list-style-type: none"> This follow-up comment pertained to site-specific data collection at watercourse crossing locations to inform assessment of alternative routes and support Project permitting. The MFFN Project Consultant summarized the work that was completed to date, which included desktop assessments, reviewing data from other projects from the regional area (2011-2012 Cliffs data), and the completion of aerial- and ground-based field surveys in 2019 and 2020, and how this information would be used to inform the characterization of baseline conditions. 2019 field surveys consisted of aerial reconnaissance of each alternative to confirm watercourse crossing locations identified during the desktop review. It was estimated that approximately 100 watercourse crossings exist between both Alternative 1 and | <ul style="list-style-type: none"> MFFN Project Consultant to update ToR comment response for MNRF and MECP review. |

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| <p>Alternative 4. Ground-based surveys were completed at approximately 10 of these locations.</p> <ul style="list-style-type: none"> • More comprehensive field surveys started in 2020 and are planned in future years to define the inter- and intra-annual variability in flows, water quality, and fish and fish habitat. This need for multi-season and multi-year sampling was agreed to by the MFFN Project Team, the Ministry of the Environment, Conservation and Parks (MECP) and the Impact Assessment Agency of Canada (the Agency). The following seasonal data collection is proposed: <ul style="list-style-type: none"> ○ Fall 2020 that represented a period of moderate flow conditions; ○ Spring 2021 that is expected to represent high flow conditions; and ○ Summer 2021 that is expected to represent low flow conditions. • In fall 2020, field surveys of surface water and fish and fish habitat were conducted at 30 to 40 watercourse crossings. The data collected for the surface water program included flow rates, water quality, and sediment quality. The data collected for the fish and fish habitat program included fish habitat surveys and benthic invertebrate sampling. Due to timing windows, no fish sampling occurred in 2020. • Given the size of the Project and the level of information needed to support the Environmental Assessment (EA), the MFFN Project Team plans to collect ground-based data at a subset of watercourse crossing locations on Alternative 1 and Alternative 4. For the surface water program, approximately 40% of the watercourse crossing locations are being targeted for site-specific ground-based surveys. The fish and fish habitat program is targeting approximately 50% of watercourse crossing locations that have the potential to provide habitat for fish species. Benthic invertebrate sampling would be conducted at 25% of the watercourse crossing locations. The field programs for surface water and fish and fish habitat will be conducted in tandem. It is expected that the data obtained from this subset of crossing locations over multiple seasons and years will be sufficient to define the natural variations in flows, water quality, and fish and fish habitat, and, in turn, advance a comprehensive baseline characterization to support the alternatives assessment, as well as the effects assessment and impact management planning for the EA. • The selection of the subset of sites would take into account: <ul style="list-style-type: none"> ○ Physiographic Region: the Project traverses the Canadian Shield and Hudson Bay Lowlands; ○ Cliffs data: Previously surveyed sites would provide year-to-year variability data; ○ Waterbody size; and ○ Mapped vs. unmapped watercourses. | |
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- Fisheries and Oceans Canada (DFO) has been provided with the rationale for sampling a subset of locations and the scaled approach to be used to support the EA with the understanding that for the purposes of DFO permitting, every watercourse crossing where work is anticipated to occur below the high-water mark will need to have site-specific ground-based data collected.
- The MFFN Project Consultant reiterated that they are confident in the approach. By extrapolating data from surveyed watercourse crossing locations to locations where no survey was completed (but are similar in location and size to crossings with ground-based data), the desktop and field data will be sufficiently robust to develop a detailed baseline characterization for the purposes of conducting an alternatives assessment to identify a preferred alternative, as well as the effects assessment and impact management planning for the EA.
- Ground-based field surveys at all watercourse crossing locations on both alternative routes are not proposed for the EA since only one alternative will be selected as preferred. Any data collected from the other route would become redundant to the permitting stage of the Project, recognizing that resampling effort may even be required along the preferred alternative (again to support permitting) in the event of refinements / adjustments to the alignment. Supplementary data will be collected at a later date to support permitting once the preferred alternative is closer to being finalized to optimize the amount of data that is collected and used.
- Ultimately, the approach to the field data collection program for surface water and fish and fish habitat has been tailored to the objectives of each stage of the Project. Consistent with the earlier discussion, ground-based field information will be initially obtained at a subset of the water body crossing locations (i.e., roughly 40% for surface water and 50% for fish and fish habitat) to advance the alternatives assessment and the EA, recognizing that data obtained from this subset of crossing locations over multiple seasons and years is expected to be more than sufficient to define the natural variations in flows, water quality, and fish and fish habitat, and, in turn, to develop a comprehensive baseline characterization to support the alternatives assessment, as well as the effects assessment and impact management planning for the EA. From there, and upon selection/verification of the preferred alternative, additional ground-based field data will be collected from the balance of the relevant water body crossing locations (i.e., not already surveyed as part of the EA and specific the selected route where in-water work is planned) to support the preparation and submission of the permit applications for the water body crossing structures, with the understanding that (1) site-specific data will be required at any crossing locations involving work below the high-water mark and (2) the permit applications will rely on ground-based field data from the initial and supplementary field campaigns.

- The MNRF indicated that the MFFN Project Team has not indicated in the ToR how the data from the subset sampling will be used to inform the alternatives assessment.
- The MFFN Project Consultant indicated that each discipline will analyze their own data separately to come to a conclusion as to which alternative route would be more favourable. For surface water and fish and fish habitat, this would consist of reviewing the baseline conditions, anticipated Project influences on watercourse features, and recommending impact management measures to determine which alternative route is considered preferred. The results of each discipline's assessment are then looked at together to compare the advantages and disadvantages of each alternative route. No weighting system is currently proposed to compare environmental, social and technical considerations when comparing the alternative routes. An Effects Assessment methodology document is being prepared that will provide information on how the effects assessment and alternatives assessment will be completed to identify the preferred alternative. It is anticipated that this document will be completed soon.
- The MECP acknowledged that they are expecting to see more details in the EA phase with respect to the effects assessment methodology and alternatives assessment to identify the preferred alternative. The MECP confirmed that the Proponent has committed to providing more detail in the EA phase. The MECP indicated that it is at the discretion of the Proponent to release documents in an appropriate sequence.
- The MNRF indicated that, without having more detailed information on the alternatives analysis methods, it is difficult for the ministry to comment effectively on the approach. The MNRF noted that additional comments may be provided following that information being made available.
- The MNRF raised the concern of small cold-water springs and associated streams being destroyed during construction as they are difficult to identify without ground-based surveys. These sites provide critical habitat for young-of-year Brook Trout.
- The MFFN Project Consultant indicated that timing windows will be finalized during permitting. Where ground-based field data are available, timing windows will be identified in the EA. Where ground-based field data are not available, a conservative approach will be used to identify a preliminary timing window, recognizing that the site-specific timing window will be determined during the permitting phase when additional information is available.
- The MFFN Project Team reaffirmed its commitment to protecting the environment as well as completing all necessary work to obtain the required permits. It is understood that where permits are required (such as for work below the high-water mark), site specific ground-based information will need to be collected to inform decisions made by regulators. This information would also inform

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| <p>timing windows with the understanding that if no data are available, the most restrictive timing window would need to be implemented.</p> <ul style="list-style-type: none"> The MECP and the MNRF requested the responses to ToR comment IDs MNRF-8 and MNRF-9 be revised for agency review. The responses will be updated to reflect the discussion of this meeting and to indicate that the Proponent will work through MNRF’s comments related to alternative analysis as part of the Project proposed effects assessment methods once available. | |
| <p>MNRF-11 – Consultation and Remote-tourism Operator</p> <ul style="list-style-type: none"> This follow-up comment pertained to consultation with remote tourism operators. The MNRF reiterated that it is important that all interested stakeholders are identified early so that consultation can occur. The MFFN Project Team indicated that the ToR provides a description of consultation efforts with interested persons undertaken during the ToR. A Project contact list identifying interested persons has been created and will be updated throughout the EA as additional stakeholders express interest in the Project. The Project Contact List includes those economic stakeholders, including remote-tourism operations. The list of remote-tourism operators was informed by consultation with the Ministry of Heritage, Sport, Tourism and Cultural Industries. | <ul style="list-style-type: none"> N/A |
| <p>MNRF-11 – Recommended References:</p> <ul style="list-style-type: none"> This follow-up comment pertained to references recommended by the MNRF. The MFFN Project Team committed to including the references in the relevant study plans. | <ul style="list-style-type: none"> MFFN Project Consultant to include recommended references in relevant study plans. |
| <p>Conclusion</p> <ul style="list-style-type: none"> The MECP confirmed its preference to have the MNRF ToR comments updated and resent for review. | <ul style="list-style-type: none"> MFFN Project Consultant to recirculate MNRF ToR comment responses once updated. |

MFFN Project Consultant to circulate meeting notes/action items.



Marten Falls First Nation – Responses to Comments Received on the Terms of Reference

| ID # | Comment Received | Response to Comment | Reference ToR Section and Page # |
|---|--|---|---|
| Government Review Team | | | |
| Ministry of Natural Resources and Forestry – December 21, 2020 | | | |
| MNRF-1 | <p>Document Reference: Main report Section: Section 5.2.1.2 Page 16 Comments & Rationale: The proposed ToR states, “<i>Culverts will range from small diameter corrugated steel pipes for overland water drainage to large concrete box or steel arch culverts for smaller waterways</i>”.</p> <p>The meaning of this is unclear. Will corrugated pipe only be used for cross-drainage; whereas only open-bottomed crossing structures will be used in waterways? The potential for negative impacts, and MNRF’s approval requirements will differ depending on the options chosen.</p> <p>Recommendations/Proposed Action/Solution: The ToR should provide further clarity regarding when each water crossing method will be utilized so that MNRF can better understand potential impacts and permitting requirements. MNRF encourages use of open-bottomed crossing structures for waterways where possible.</p> | <p>Corrugated steel pipe culverts will be recommended for embankment through-grade water drainage locations. Large concrete box culverts, steel arch culverts, or other open-bottomed crossings will be recommended for waterways, where possible. Moving forward, this revised language will be used in Project documentation (e.g. the Environmental Assessment [EA] Report) to improve clarity.</p> | Commitment for EA |
| MNRF-2 | <p>Document Reference: Main report Section: Section 5.2.1.4 Page 16 Comments & Rationale: The proposed ToR states, “<i>temporary access roads will either be decommissioned, or blocked to discourage public use but facilitate access for ongoing road maintenance</i>”.</p> <p>The indication that some “temporary roads” will be accessed for ongoing road maintenance implies that those “temporary” roads will be permanent access roads. This would imply that water crossings on these maintenance access roads will necessitate permanent water crossing structures.</p> <p>Recommendations/Proposed Action/Solution: The ToR should provide clarification regarding the permanency of “temporary” access roads i.e. define what is meant by temporary.</p> <p>Also: identify any water crossings involved with “temporary” roads. Will the crossings be permanent? Permanent water crossings on “temporary” roads need to be considered in the same way as other permanent water crossings (i.e. such as those on the main road).</p> | <p>The EA will clearly indicate if access roads associated with the Project will be temporary or permanent and provide associated appropriate water course crossing information.</p> | Commitment for EA |
| MNRF-3 | <p>Document Reference: Main report Section: Section 5.2.1.4 Page 16 Comments & Rationale: Experience throughout Ontario has shown that blocking roads to discourage public use is generally ineffective. “Blocked” roads are frequently used to access resources, particularly with regard to hunting and fishing opportunities.</p> <p>Recommendations/Proposed Action/Solution: The ToR should commit that the environmental assessment will consider the potential impact of increased access through use of access roads that are established to implement this project. This should include an assessment of the potential effectiveness of measures proposed to mitigate the anticipated effects.</p> | <p>Marten Falls First Nation (MFFN) acknowledges that increased access may arise in the future if the Community Access Road (CAR) is constructed. As mentioned in Section 7.2.10 of the Terms of Reference (ToR), the EA will consider the potential effects of the Project due to:</p> <ul style="list-style-type: none"> ▪ Changes in population and access to the Far North for recreational activities (e.g., fishing and hunting) may alter the ability of Indigenous communities to access country foods. ▪ Changes to recreation and commercial land uses due to changes in access, wildlife, vegetation or water resources. These changes may affect the enjoyment of these activities, which may affect the tourism sector such as potential negative effects due to public access, and / or enabling new tourism, including cultural tourism, through improved access. <p>Section 7.2.1 of the ToR also identifies that the EA will also consider changes in the availability and / or quality of resources, including potential changes associated with increased access by non-Indigenous land users as a result of the Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, gathering) within the area of the Project.</p> <p>Changes in access will be assessed for both the construction (i.e., access roads) and operations and maintenance phases (i.e., CAR and access roads). The EA will recommend impact management measures to avoid or minimize potential effects of the Project to the environment and identify any potential net effects remaining after the application of impact management measures. Therefore, the effectiveness of the impact management measures will be evaluated as part of the identification of net effects outlined in Section 8.3 of the ToR.</p> | <p>Section 7.2.1, pg. 66 Section 7.2.10, pg. 70 Section 8.3, pg. 73</p> |
| MNRF-4 | <p>Document Reference: Main report Section: Section 5.2.1.3 Page 16 Comments & Rationale: The potential impact and proposed mitigations associated with various alternatives for sourcing aggregates should be identified during the environmental assessment. Although the need to source aggregates for this project is recognized in the ToR, as is the availability of aggregates in the area (i.e. there is a high level description and map provided), it is unclear specifically what options for supply of aggregates will be considered, and how the impacts of using various sources will be assessed.</p> <p>It should be noted that development of new aggregate extraction areas can only begin after sites have been approved</p> | <p>Section 6.3 of the ToR identifies that the EA will consider the alternative methods of carrying out the undertaking, which includes the quarries, borrow areas and aggregate source areas. A preliminary identification of potential aggregate source areas in the area of the Project is shown on Figure 7-3; however, the locations that will be considered and assessed will be identified in the EA. This will include information on the amounts of aggregate required during construction and operations (Section 7.1.4.4), whether new pits / quarries are planned (Section 7.1.4.4), and whether any sources will require decommissioning following construction (Section 5.2.2).</p> <p>The method to assess the effects of the Project (including quarries, borrow areas and aggregate source areas) is outlined generally in Section 8. The assessment and evaluation method include identifying the potential effects and recommending impact management measures.</p> | <p>Section 6.3, pg. 22 Section 5.2.2, pg. 20 Section 7.1.4.4, pg. 44 Section 8, pg. 72</p> |



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| | <p>under the Aggregate Resources Act (ARA). Further assessment may also be required under the Far North Act. Processing of these permit applications can take 6 months or longer.</p> <p>Recommendations/Proposed Action/Solution: The ToR should identify that the environmental assessment will include an assessment of potential impacts and proposed mitigation measures associated with sourcing and use of aggregates. This should include commitments that the environmental assessment will:</p> <ul style="list-style-type: none"> ▪ describe estimated amounts of aggregate required and anticipated sources, including whether the development of new pits or quarries is planned; ▪ assess the potential impacts of obtaining, using, and retirement of aggregate source areas; ▪ identify any aggregate sources that will be required beyond the construction phase; and ▪ determine appropriate decommissioning and rehabilitation approaches for aggregate sources which are developed but will not be needed once construction is completed. <p>Please be aware that additional approvals under the Environmental Assessment Act may be required if these items are not adequately addressed as part of the Individual Environmental Assessment.</p> <p>ARA approvals from MNRF will be required if new aggregate sites will be developed (i.e. pits or quarries). Although inclusion of the need for ARA approvals is identified in Table 13-1, it is recommended that the need for ARA approvals also be identified in this section of the ToR.</p> | <p>Thank you for sharing information about the <i>Aggregates Resources Act</i>. Where possible, the EA will be prepared in a manner to meet the items listed in this comment. The information has been noted so that, moving forward, it can be captured in Project documentation (e.g., the EA Report).</p> | |
| MNRF-5 | <p>Document Reference: Main report Section: Section 7.1.1, Page 27</p> <p>Comments & Rationale: The study area identified in the ToR includes a strip of land, 2.5 km on each side of the centreline of each alternative route. Given the range and movement of some fish and wildlife species, and the potential for impacts on remote tourism operations, limiting the study area in this way may not be adequate to assess the full range of impacts from the project.</p> <p>Recommendations/Proposed Action/Solution: Further rationale for the study area should be provided and/or there should be modifications to the approach described in the ToR in recognition that impacts may reach outside of the currently identified 2.5 area on each side of the centerline of each alternative route.</p> <p>Related: the ToR should commit to the identification of potential negative impacts outside of the currently described study area, intent to avoid negative impacts and, where avoidance is not possible, to identify appropriate mitigation of impacts that may occur.</p> | <p>The ToR identified a preliminary study area for the Project (i.e., the 5 km corridor) and committed to developing discipline-specific local and regional study areas during the EA. Local and regional study areas are defined as the areas where direct and indirect effects of the Project are likely to occur, respectively. Study areas are in the early stages of development and are being defined taking into consideration input received through the Consultation and Engagement Program, including comments on the ToR. The Project is also subject to the Federal <i>Impact Assessment Act</i> and currently in the Impact Statement Phase. Therefore, proposed local and regional study areas will also be based on the requirements set out in the Tailored Impacts Statement Guidelines developed by the Agency.</p> <p>Section 7.1.1 of the ToR also indicates that there may be benefits to siting Project components outside of the 5 km study area, and if so, the study area would be adjusted.</p> <p>As stated in Section 8 of the ToR, impact management measures to avoid or minimize identified potential effects will be recommended in the EA. The geographic extent of predicted effects will be taken into consideration when developing the impact management measures, so that where warranted, impact management measures are recommended for Project effects that are predicted to extend beyond the preliminary study area identified in the ToR.</p> | Section 7.1.1, pg. 27 Section 8, pg. 72 |
| MNRF-6 | <p>Document Reference: Main report Section: Section 7.1.4.8, Page 31</p> <p>Comments & Rationale: The project description could be improved by including the size of the study area (e.g., in hectares) in this section. This would provide readers a better sense of the scope and scale of this project. This would be helpful within the ToR and during the environmental assessment phase.</p> <p>Recommendations/Proposed Action/Solution: It is recommended that the size of the study area be included (e.g. in section 7.1.1 and in the EA) to assist provision of full and complete information regarding the scope and scale of this proposal.</p> | <p>The ToR identified a preliminary study area for the Project (i.e., the 5 km corridor with an approximate area of 1,640 km²) and committed to developing discipline-specific local and regional study areas during the EA. Study areas are in the early stages of development. The size of the discipline-specific study areas will be provided in the EA Report.</p> | Section 7.1.1, pg. 27 |
| MNRF-7 | <p>Document Reference: Main report Section: Section 7.1.4.5 Page 46</p> <p>Comments & Rationale: This section (and others in the report) uses the terms “long span bridges” and “short span bridges”</p> <p>Typically, when referring to bridges, the term “clear span bridge” is used to denote a structure where no infrastructure is located below the high water mark. This is critical distinction when reviewing the environmental impacts of a bridge; the actual length of the bridge is less relevant.</p> <p>Recommendations/Proposed Action/Solution: Clarify the terms “long span” and “short span” bridges, and consider using the term “clear span bridge” to denote bridges with no infrastructure located below the high water mark.</p> | <p>Throughout the ToR, the terms ‘short span bridge’ and ‘long span bridge’ were used to denote ‘clear span bridge’ and ‘multi-span bridge’, respectively. Moving forward, ‘clear span bridge’ and ‘multi-span bridge’ will be used consistently to refer to the various bridge types more accurately in Project documentation (e.g., the EA Report).</p> | Commitment for EA |
| MNRF-8 | <p>Document Reference: Main report Section: Section 7.1.4.5 Page 47</p> <p>Comments & Rationale: The ToR states, “<i>The ground-based field survey will be used to obtain site-specific field data at a subset of water body crossings to verify or augment the results and assumptions from the desktop analysis</i>”.</p> <p>Note that MNRF will require a ground-based field survey for any proposed water crossing requiring infrastructure or work</p> | <p>MFFN acknowledges the need for ground-based surveys at proposed water crossings prior to permitting. The EA will assess effects of the alternative methods, which may be adjusted throughout the environmental planning process as a result of the advancement of design, technical and environmental investigations and studies, information available through the Indigenous Knowledge Program and feed back from consultation activities. Since the approach of assessing multiple alternatives result in a high number of potential water crossings and the potential for adjustments to alternatives throughout the EA, MFFN has decided to conduct detailed assessments at a subset of water crossings. However,</p> | Commitment for EA |

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| | <p>(including fording) below the high water mark, prior to permitting.</p> <p>Recommendations/Proposed Action/Solution: Given the eventual need for ground-based field surveys for proposed water crossings, MNRF strongly suggests that these surveys be conducted as part of the environmental assessment rather than waiting until the permitting phase.</p> <p>Ground surveys provide more comprehensive information to reviewers; providing this information early will enable a more complete understanding of potential impacts and proposed mitigation measures, and will help to avoid delays or the need for realignments at the permitting phase.</p> | <p>photographs and documented waterbody type, habitat and bed substrate type, any observed potential fish passage barriers, and general aquatic and surface water conditions has been documented at each water crossing during aerial studies.</p> <p>The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, cultural importance, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project Environmental Assessment where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites.</p> | |
| MNRF-9 | <p>Document Reference: Main report Section: Section 7.1.4.9 Page 55</p> <p>Comments & Rationale: <i>The ground-based field surveys will be used to obtain site-specific field data at a subset of water body crossings (approximately 10% of the total number of mapped and unmapped waterbody crossings)</i></p> <p>MNRF does not consider aerial and desktop assessments adequate approaches to evaluate fish and fish habitat. MNRF will require a ground-based field survey for any proposed water crossing requiring work or infrastructure (including fording) below the high water mark, prior to permitting.</p> <p>Recommendations/Proposed Action/Solution: As noted above, given the eventual need for ground-based field surveys for proposed water crossings, MNRF strongly suggests that these surveys be conducted as part of the environmental assessment rather than waiting until the permitting phase. Ground surveys provide more comprehensive information to reviewers and providing this information early will avoid unexpected delays or realignments at the permitting phase.</p> <p>It should also be noted that under the MNR-DFO Fish Habitat Referral Protocol, MNRF cannot permit works requiring DFO review until that review has been completed. Currently, DFO review is required for any proposal that cannot meet the Measures to Protect Fish and Fish Habitat, which include avoiding:</p> <ul style="list-style-type: none"> ▪ conducting any work, undertaking or activity in water ▪ placing fill or other temporary or permanent structures below the high water mark ▪ fording of the watercourse <p>Finally, in 2013, MNRF adopted a species-specific approach to timing windows for work in water. In the absence of species-specific information for individual crossing sites, MNRF will apply the most restrictive timing windows to work permits for water crossings (i.e. no work in water between September 1 and July 15).</p> | <p>Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1 of the ToR). Since submission of the ToR in October 2020, MFFN has refined the approach to fish and fish habitat surveys as part of study plan development. Comments received from federal and provincial agencies as well as comments received through consultation and engagement on the ToR are being taken into consideration during study plan development. Based on these comments the MFFN has increased the coverage of the fish and fish habitat studies. All water crossings will be assessed from the air (as described in response to MNRF-8) and approximately 50% of the water crossings, across both Alternative 1 and Alternative 4, will be assessed during ground-based surveys. Additional information on the site selection is provided in the response to MNRF-8. Ground-based surveys are designed to meet Department of Fisheries and Oceans and the Ministry of Natural Resources and Forestry (MNRF) requirements. Timing windows and other relevant impact management measures will be identified in the EA.</p> | Section 7.2, pg. 65 Commitment for EA |
| MNRF-10 | <p>Document Reference: Main report Section: Section 7.1.4.9 Page 57</p> <p>Comments & Rationale: <i>The ToR states, “A preliminary list of fish species of importance for dietary needs, and / or cultural and spiritual needs has been identified based on available Indigenous Knowledge. Fish species include ... Chain Pickerel (Esox niger)...”</i></p> <p>MNRF does not have evidence of “chain pickerel” in the study area. The only records for chain pickerel in Ontario are in Lake Ontario and the St. Lawrence River: http://www.ontariofishes.ca/fish_detail.php?FID=111</p> <p>Recommendations/Proposed Action/Solution: It is recommended that documentation be provided in the environmental assessment of chain pickerel in the study area, or that Indigenous communities (or other sources of this information) be asked for clarification as to what species may have been meant/in mind for what MNRF understands to be chain pickerel.</p> | <p>MFFN will request clarification from the group that identified chain pickerel during the EA, and will be documented in the EA as appropriate.</p> | Commitment for EA |
| MNRF-11 | <p>Document Reference: Main report Section: Section 7.1.4.10, Page 58</p> <p>Comments & Rationale: This section of the ToR indicates that economic development in the project area is predominantly led or in partnership with MFFN. Also, the description of economic activity in the area elaborates on this observation.</p> <p>The ToR should also provide information regarding economic activities occurring in the area which are not led or conducted in partnership with MFFN. Provision of this information would provide a more complete understanding of economic activities in the study area. It would also provide confidence that all interested parties will be identified and consulted during assessment of the potential impacts of the project, and during determination of most appropriate</p> | <p>Section 7.1.4.10 of the ToR provides a high-level description of existing economic activity in the Region. And while the focus of the description is on the MFFN community, there is also reference to mining, forestry and resource-based tourism activities including the Agoke Development Corporation, as well as a high-level description of economic activities in Aroland First Nation and in Greenstone. Recognizing that this is a ToR, this information is provided for contextual purposes. A much more robust and detailed description of baseline economic conditions will be included in the EA that will also include the results of planned primary data collection activities.</p> | Section 7.1.4.10, pg. 58 to 59 |

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| | <p>mitigation measures.</p> <p>Recommendations/Proposed Action/Solution: Add a description of economic activities that are not led by, or conducted in partnership with, MFFN in this section.</p> | | |
| MNR-12 | <p>Document Reference: Main report Section: Section 7.2.5 Page 67 Comments & Rationale: <i>The Project will consider MNR and DFO recommended practices outlined in Ministry of Natural Resources and Forestry / Fisheries and Oceans Canada Protocol for the Review and Approval of Forestry Water Crossings</i> Recommendations/Proposed Action/Solution: It is important to note that the Protocol for the Review and Approval of Forestry Water Crossings is specific to water crossings authorized under the Crown Forest Sustainability Act (CFSA). Water crossings associated with this Project are anticipated to be permitted through the Public Lands Act, not the CFSA. The MNR/DFO protocol does not apply to these water crossings.</p> | <p>The Ministry of Natural Resources and Forestry / Fisheries and Oceans Canada Protocol for the Review and Approval of Forestry Water Crossings was added to the ToR based on a request from the MNR comments on the Draft ToR. Based on this comment from the MNR, MFFN understands that this protocol does not apply to the Project. This will be reflected in future EA documentation (i.e., the EA Report). MFFN will make note and follow the appropriate permitting protocols associated with the relevant Acts.</p> | Commitment for EA |
| MNR-13 | <p>Document Reference: Main report Section: Table 13-1, Page 113 Comments & Rationale: Please note that there are two potential approaches to permitting harvesting of trees outside of the Area of the Undertaking. 1. Sale and Purchase Agreement 2. Permit to Remove Recommendations/Proposed Action/Solution: It is recommended that Table 13-1 be updated to accurately reflect these mechanisms for Authorization from MNR for the harvest of trees. <i>For areas outside of Forest Management Units (as defined in the CFSA), authorization can be provided by a Permit to Remove or, where a Permit to Remove is not appropriate, a Sale and Purchase Agreement can be entered into.</i> Note that both a "Permit to Remove" and "Sale and Purchase Agreement" can only be obtained where the activity for which trees must be harvested (e.g. road construction, aggregate extraction) has received prior approval under the appropriate legislation. Also note: Forest Resource Licenses cannot be used outside of Forest Management Units in the Far North.</p> | <p>MFFN will make note and follow the appropriate permitting protocols associated with the relevant Acts. Wording in the EA will be updated to reflect the approach to permitting harvesting of trees.</p> | Commitment for EA |
| MNR-14 | <p>Document Reference: MNR #69 Section: Appendix A Comments & Rationale: To assist MNR in understanding the extent and potential significance of the impacts to our mandated areas of interest, it is important that the environmental assessment identify and describe significant features that may be impacted by the project. Examples of these may include Areas of Natural and Scientific Interest, Provincially Significant Wetlands (if they exist in the southern portion), and Significant Wildlife Habitat. Additionally, in order for MNR to understand the potential for negative impacts to natural heritage, the environmental assessment process should expand upon the criteria and indicators that are identified in the ToR and develop indicators that can readily be quantified. Readily quantifiable indicators help to reduce ambiguity when comparing alternatives and assessing the relative potential for negative impacts among different options. Examples of natural heritage related quantitative indicators the ToR could include: the number of water crossings required, the number of wetlands, the number of kms of wetlands to be crossed, or the total area of sensitive features impacted. Recommendations/Proposed Action/Solution: Appendix A of the ToR should be revised by committing to the identification and description of significant features that may be impacted by the project, and to include indicators for the proposed criteria that are quantitative in nature.</p> | <p>The EA will identify and describe significant features, such as Areas of Natural and Scientific Interest, Provincially Significant Wetlands and Significant Wildlife Habitat. As mentioned in Section 8.2 of the ToR, Appendix A Criteria and Indicators includes both quantitative and qualitative criteria. The criteria and indicators proposed in Appendix A are preliminary and will be confirmed during the EA. Consultation on criteria and indicators is identified as part of the targeted input for the Effects Assessment Methods milestone in the EA / IS Consultation and Engagement Plan (Appendix B). The final criteria and indicators for the Project will be confirmed during the EA and will be based on input received through the consultation and engagement program, including MNR's comments on the ToR.</p> | Section 8.2, pg. 73 Appendix B, Section 4.1.7, pg. 22 |
| MNR-15 | <p>Document Reference: MNR #68 Section: Appendix A Comments & Rationale: Missing source information: <i>MNR Natural Heritage Reference Manual (NHRM), 2014, Significant Wildlife Habitat Technical Guide (1999), Significant Wildlife Habitat Mitigation Support Tool (2015) and the Ecoregional Criteria Schedule for Ecoregion 3W (Draft: 2018).</i> Recommendations/Proposed Action/Solution: Please add MNR Natural Heritage Reference Manual (2014), Significant Wildlife Habitat Technical Guide (1999), Significant Wildlife Habitat Mitigation Support Tool (2015) and the Ecoregional Criteria Schedule for 3W (Draft: 2018) to the list of published sources of information for existing conditions. The Natural Heritage Reference Manual can be referenced in conjunction with the Significant Wildlife Habitat Technical</p> | <p>The intent of the data source column in Appendix A is not to capture every possible source but rather to provide the reader with a general idea of the types of resources that may be reviewed during the EA. MFFN will review the documents and, where applicable, reference to these resources as a data sources used to inform baseline conditions and the effects assessment will be added in the EA.</p> | Commitment for EA |



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| | <p>Guide (SWHTG) 2000. The NHRM outlines evaluation processes of habitat and other natural heritage features. The SWHTG offers guidance to evaluate and identify the significance of wildlife habitat. In addition, there is a usable ecoregional criteria schedule for 3W available on the environmental registry that is specific to a large area of the proposed project. The Significant Wildlife Habitat Mitigation Support Tool can be used to help inform mitigation options for Significant Wildlife Habitat in the environmental assessment.</p> | | |
| <p>Ministry of Natural Resources and Forestry – February 24, 2020</p> | | | |
| <p>MNRF-16</p> | <p>ID#: MNRF-1 Original Comment: See MNRF-1 Original Response: See MNRF-1 MNRF Follow-up Comment: MNRF is unable to comment on this proposed approach because we are not familiar with the meaning of “embankment through-grade water drainage locations.”</p> | <p>Flow characteristics and fish presence will be used during the detailed design phase of the Project to determine the required culvert configurations. It is anticipated that culverts will range from small corrugated steel pipes to large concrete box or steel arch culverts. Small culverts (i.e., 2’ to 3’ corrugated steel pipe culverts), will be recommended for embankment through-grade water drainage locations. That is, small culverts would be installed to maintain cross-drainage to accommodate overland water drainage from one side of the road to the other in order to prevent pooling of water at the side of the road during runoff events. Larger culverts will be installed at watercourses to take into account stream flow and hydraulics; these may include larger corrugated steel pipe culverts that are embedded in the substrate or open bottom culverts, such as concrete box culverts, or steel arch culverts.</p> <p>Culvert recommendations will also take into consideration fish presence and habitat within the watercourse. Where culverts are installed in fish-bearing watercourses, the culvert would be designed to allow fish movement as appropriate. Based on site-specific habitat considerations, open bottom culverts, such as concrete box culverts or steel arch culverts, may be recommended. The impact management measures in the Ministry of Natural Resources’ (MNRF’s) guidelines will also be considered for closed and open-bottomed crossings within fish-bearing waterbodies (i.e., MNRF / Fisheries and Oceans Canada [DFO] Protocol for the Review and Approval of Forestry Water Crossings).</p> <p>Moving forward, this revised language will be used in Project documentation (e.g., the Environmental Assessment [EA] Report) to improve clarity when identifying recommended culvert types.</p> | <p>Commitment for EA</p> |
| <p>MNRF-17</p> | <p>ID#: MNRF-4 Original Comment: See MNRF-4 Original Response: See MNRF-4 MNRF Follow-up Comment: MNRF acknowledges the commitment to include the items we have outlined in this comment in the EA where this is possible.</p> <p>It is recommended that the terms utilised to describe aggregate extraction be consistent with those provided in legislation/regulation in order to ensure clarity of expectations for all parties participating in this environmental assessment process.</p> <p>MNRF notes that the term “borrow areas” is included in this response, however this term is not associated with approvals issued under the Aggregate Resources Act (ARA), but instead relates to Forestry Aggregate Pits (FAPS) which the Forest Industry could utilise for construction of forestry roads. Borrow areas are to support forest operations and are governed by the Crown Forest sustainability Act (CFSA). This distinction is important for the current project because borrow areas may be exempt from the requirement for a permit under the ARA and the conditions for when this may occur are provided in Section 8 of Ontario Regulation 244/97. MNRF’s current understanding is that this project does not fall under the O. Reg. 244/97 exemption, so the term borrow areas should not be used for this project.</p> <p>Aggregate Source Areas is also not the proper terminology for an operation under the ARA. The types of operations identified under the ARA include:</p> <ul style="list-style-type: none"> - “pit” means land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site or in relation to which an order has been made under subsection (3); (“puits d’extraction”) - “quarry” means land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site or in relation to which an order has been made under subsection (3); (“carrière”) | <p>Section 6.3 of the ToR identifies that the EA will consider the alternative methods of carrying out the undertaking, which includes the quarries, borrow areas and aggregate source areas. A preliminary identification of potential aggregate source areas in the area of the Project is shown on Figure 7-3; however, the locations that will be considered and assessed will be identified in the EA. This will include information on the amounts of aggregate required during construction and operations (Section 7.1.4.4), whether new pits / quarries are planned (Section 7.1.4.4), and whether any sources will require decommissioning following construction (Section 5.2.2).</p> <p>The method to assess the effects of the Project (including quarries, borrow areas and aggregate source areas) is outlined generally in Section 8. The assessment and evaluation method include identifying the potential effects and recommending impact management measures.</p> <p>Thank you for sharing information about the <i>Aggregates Resources Act</i>. Where possible, the EA will be prepared in a manner to meet the items listed in this comment. MNRF has also provided information regarding the appropriate terminology of the <i>Aggregates Resources Act</i> to be used to describe rock source materials that may be required for the Project. The terms “pits” and “quarries” are to be used in place of “borrow areas” and “aggregate source areas”. The information has been noted so that, moving forward, it can be captured in Project documentation (e.g., the EA Report).</p> | <p>Section 6.3, pg. 22 Section 5.2.2, pg. 20 Section 7.1.4.4, pg. 44 Section 8, pg. 72</p> |
| <p>MNRF-18</p> | <p>ID#: MNRF-8 Original Comment: See MNRF-8 Original Response: See MNRF-8 MNRF Follow-up Comment: The rationale for this proposed approach has not been explained sufficiently for MNRF to understand how the subset of potential water crossing sites will be selected for ground truthing, and how this data will be used to assess alternative routes for the project. It also remains unclear if the number of sites selected for ground truthing will result in data with sufficient statistical power to be useful for evaluation of different routing alternatives.</p> | <p>MFFN acknowledges the need for ground-based surveys at proposed water crossings prior to permitting. The EA will assess effects of the alternative methods, which may be adjusted throughout the environmental planning process as a result of the advancement of design, technical and environmental investigations and studies, information available through the Indigenous Knowledge Program and feedback from consultation activities. Since the approach of assessing multiple alternatives result in a high number of potential water crossings and the potential for adjustments to alternatives throughout the EA, MFFN has decided to conduct detailed assessments at a subset of water crossings. However, photographs and documented waterbody type, habitat and bed substrate type, any observed potential fish passage barriers, and general aquatic and surface water conditions has been documented at each water crossing during aerial</p> | <p>Section 8, pg. 72 to 74 Section 9.1.1, pg. 76 Commitment for EA</p> |

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| | <p>In order to avoid unexpected delays or the need for realignments during the permitting stage for this project, MNRF recommends that ground-based field surveys for proposed water crossings where work may be required below the high water mark be conducted as part of the environmental assessment, rather than waiting until the permitting phase. See MNRF response to MNRF-9 for further details on this issue.</p> | <p>studies.</p> <p>Based on available desktop information and previously completed field studies for the Project, it was determined that completing targeted field campaigns at a subset of representative waterbody crossings along both alternative routes would provide sufficient information for the purposes of the EA to reliably characterize the existing surface water and aquatic environment, and develop a robust effects assessment (with data of sufficient statistical power) to support the selection of the preferred alternative for the Project and to identify any required impact mitigation measures. The results from the completed and planned field campaigns (2019 to 2021) over multiple seasons and years provide a means to define the characteristic range of natural variation in flows and water quality. In addition, the ground-based field surveys conducted in 2011-2012 in support of the Cliffs Chromite Project (Project EA since terminated) will help to further augment this understanding of natural fluctuations of baseline surface water and aquatic conditions, both across seasons and years, given that these previous studies occurred in a similar geographic setting as the Project, and in many cases, the locations of waterbody crossings coincide.</p> <p>The site selection process for the subset of water crossings for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, cultural importance, available background information and previous studies (e.g., water crossings surveyed previously in support of the Cliffs Chromite Project where sections of Alternative 1 and Alternative 4 overlap with the alignment of the Cliffs proposed integrated transportation system), waterbody type and abundance within the tertiary watershed. The selected water crossings were evenly distributed along the length of Alternative 1 and Alternative 4 and among the relevant tertiary watersheds to the extent possible / practicable. In addition, the size of the waterbody (and anticipated nature of the crossing types; i.e., culvert versus bridge) was considered in selecting sites.</p> <p>Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1 of the ToR). Since submission of the ToR in October 2020, the specific process and rationale for selecting the subset of waterbody crossings has been further detailed as part of study plan development, which proposes that multi-season field surveys will be targeted at approximately 35%-40% of the total number of waterbody crossing locations for surface water. Also, field surveys at a 50% subset of locations where the Project Development Area of Alternative 1 and Alternative 4 intersect potential fish habitat is proposed.</p> <p>Further clarification was requested by the Impact Assessment Agency of Canada (the Agency) and the DFO to inform their decision that the 50% subset approach was adequate to describe the existing environment for the purposes of the EA. Information was provided on timing, number of sites, location, and methods (including aerial reconnaissance and desktop review of LiDAR) of the sites assessed for fish and fish habitat to date. The purpose was to demonstrate the breadth of data that had been collected, collated, and reviewed either from field surveys or by desktop review since 2019. In addition, information was provided on upcoming field programs and locations that would be surveyed for fish and fish habitat to fulfill the 50% subset of all locations with fish habitat potential. Once the details were provided, DFO responded that the additional information satisfied their concern.</p> <p>Given the size of the Project Development Area, the number of waterbody crossings associated with assessing two alternative routes, and the potential for route refinements throughout the planning process, the Project Team is of the opinion that, for the purposes of the EA, ground-based field surveys should be focused at a subset of waterbody crossings along each alternative route. As noted above, the results from these field surveys, coupled with the results of the desktop review and analysis is expected to be sufficient to develop a strong and defensible alternative route analysis and corresponding EA.</p> <p>Section 8 of the ToR provides information on the assessment and evaluation process to be used in the EA to identify the preferred route. This will include an assessment of advantages and disadvantages, which will consist of reviewing the outcome of each discipline effects assessment and technical considerations, such as cost and constructability to identify the alternative that has comparatively more advantages and less disadvantages. Additional information on the method to assess effects and identify the preferred alternative are being prepared and will be available at the onset of the EA for technical review by agencies.</p> <p>Going forward, it is understood that, to support the design and permitting phase of the Project, site-specific information will be required at waterbody crossings along the preferred route where works are planned below the high water mark (both for the <i>Fisheries Act</i> and <i>Lakes and Rivers Improvement Act</i>). At the time of permitting, the Proponent will complete supplementary field surveys where works are planned below the high water mark to meet the requirements of MNRF and DFO.</p> <p>MFFN is committed to protecting the environment. Commitments made throughout the EA process, such as those related to supplementary data collection and permitting, will become part of the approval for the Project should the Minister of the Environment, Conservation and Parks approve the EA for the Project.</p> | |



Marten Falls First Nation – Responses to Comments Received on the Terms of Reference

| ID # | Comment Received | Response to Comment | Reference ToR Section and Page # |
|--------|---|--|--|
| MNR-19 | <p>ID#: MNR-9 Original Comment: See MNR-9 Original Response: See MNR-9 MNR Follow-up Comment: It is noted that the approach to fish and fish habitat surveys for this environmental assessment continue to be refined. However, there is a lack of clarity for MNR in the response provided regarding in-field assessment of water crossings, and determination of timing windows during the environmental assessment. The response provided, indicates that timing windows, will be identified during the environmental assessment. MNR advised that aerial assessment is considered insufficient to assess water crossings where work below the high-water mark is needed. In-field assessment would be necessary to determine any but the most restrictive timing window (i.e. from September 1 to July 15 the following year, leaving approximately 6 weeks for work activities at the water crossing). From the response provided, it appears that a commitment is being made to in-field work at only a subset of water crossings during this environmental assessment, yet there also appears to be a commitment to determining timing windows during the environmental assessment phase. Does this response intend to signal then that this project is comfortable with assuming the most restrictive timing window for all water crossings that require work below the high-water mark that do not receive in-field assessment during the environmental assessment stage?</p> | <p>Study plans for the Project are in the early stage of development and are currently being prepared outside of the ToR (Section 9.1.1 of the ToR). Since submission of the ToR in October 2020, MFFN has refined the approach to fish and fish habitat surveys as part of study plan development. Comments received from federal and provincial agencies as well as comments received through consultation and engagement on the ToR are being taken into consideration during study plan development. Based on these comments the MFFN has increased the coverage of the fish and fish habitat studies. All water crossings have been assessed from the air (as described in response to MNR-8). Aerial reconnaissance was one of the tools, in conjunction with desktop LiDAR review, used to evaluate the fish habitat potential of waterbodies and watercourses for the Project. Ground-based fish and fish habitat field surveys are still in progress to fulfill site-specific data collection at 50% of the water crossings, across both Alternative 1 and Alternative 4. This 50% subset, in addition to the data collected from the aerial and desktop assessments will provide sufficient information to reliably characterize the existing environment for fish and fish habitat and develop a robust effects assessment. Site-specific baseline information at every crossing is not necessary to predict and assess effects of the Project for the purposes of the EA. Supplementary data will be collected during permitting, where required, when the Project details are better understood (e.g., final alignment of the preferred route and crossing type). See response to MNR-8 for the rationale of completing targeted field campaigns at a subset of representative waterbody crossings along both alternative routes for the purposes of the EA. Ground-based surveys are designed to meet DFO and MNR requirements.</p> <p>Section 8 of the ToR provides information on the assessment and evaluation process to be used in the EA to identify the preferred route. This will include an assessment of advantages and disadvantages, which will consist of reviewing the outcome of each discipline effects assessment and technical considerations, such as cost and constructability to identify the alternative that has comparatively more advantages and less disadvantages. Additional information on the method to assess effects and identify the preferred alternative are being prepared and will be available at the onset of the EA for technical review by agencies.</p> <p>Timing windows and other relevant impact management measures will be identified in the EA. The Proponent understands and is aware of the implications surrounding construction and restrictive timing windows. Where possible, timing windows will be identified in the EA where ground-based field data have been collected. Where ground-based field data are not available during the EA, a conservative approach will be used to identify a preliminary timing window, recognizing that the site-specific timing window will be determined during the permitting phase when additional information is available. It is recognized that the MNR will likely require ground-based field surveys for the permitting of proposed waterbody crossings requiring work or infrastructure below the high-water mark. Adhering to timing windows is typically a key impact management measure included within an EA to protect fish spawning and egg incubation during construction activities. The specific dates to be applied at each crossing location are not necessary at the EA stage since the EA can make a commitment for the timing window mitigation to be applied (i.e., that Project construction will adhere to in-water timing windows and that timing windows will be confirmed through permitting).</p> <p>MFFN is committed to protecting the environment. Commitments made throughout the EA process, such as those related to supplementary data collection and permitting, will become part of the approval for the Project should the Minister of the Environment, Conservation and Parks approve the EA for the Project.</p> | <p>See response to MNR-8 Section 8, pg. 72 to 74 Section 9.1.1, pg. 76 Section 7.2, pg. 65 Commitment for EA</p> |
| MNR-20 | <p>ID#: MNR-11 Original Comment: See MNR-11 Original Response: See MNR-11 MNR Follow-up Comment: MNR acknowledges and supports the commitment to include an expanded description of baseline economic activity in the EA. The document, "Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario" indicates in section 5.2 that it is mandatory to consult with all interested persons while preparing the ToR. MNR reiterates that it is important that all interested parties are identified early on in the process so that they have appropriate opportunities to express concerns, or otherwise provide input regarding this proposal. It should also be noted that some parties who utilise the area for economic benefit (such as some remote-tourism operators) may be in the area only during their operational season; opportunities for their involvement in the process should take this into account.</p> | <p>Section 7.1.4.10 of the ToR provides a high-level description of existing economic activity in the Region. And while the focus of the description is on the MFFN community, there is also reference to mining, forestry and resource-based tourism activities including the Agoke Development Corporation, as well as a high-level description of economic activities in Aroland First Nation and in Greenstone. Recognizing that this is a ToR, this information is provided for contextual purposes. A much more robust and detailed description of baseline economic conditions will be included in the EA that will also include the results of planned primary data collection activities.</p> <p>A Project Contact List was developed during the ToR and is regularly updated to add additional contacts who express interest in the Project. This includes economic users such as remote-tourism operators that use the area seasonally. Individuals and groups on the Project Contact List have been contacted throughout the ToR (Section 10 of the ToR, Appendix C Record of Consultation) and continuing outreach throughout the EA will be made, taking into account possible communication limitations and availability constraints. Further, tourism operators included on the Project Contact List have been informed by consultation with the Ministry of Heritage, Sport, Tourism and Cultural Industries.</p> | <p>Section 7.1.4.10, pg. 58 to 59 Section 10, pg. 78 to 101 Appendix C</p> |
| MNR-21 | <p>ID#: MNR-15 Original Comment: See MNR-15 Original Response: See MNR-15 MNR Follow-up Comment: MNR recommends that the stated references be added to the ToR document as they are important sources for understanding MNR direction on topics such as Natural heritage, wildlife, and ecoregional values.</p> | <p>The intent of the data source column in Appendix A is not to capture every possible source but rather to provide the reader with a general idea of the types of resources that may be reviewed during the EA. MFFN will review the documents and, where applicable, reference to these resources as a data sources used to inform baseline conditions and the effects assessment will be added in the EA. These data sources will be included in the Preliminary List of Data Sources of the Wildlife Study Plan.</p> | <p>Commitment for EA</p> |

Ministry of Natural Resources and
Forestry

Ministère des Richesses naturelles
et des Forêts

Northwest Region

Région Nord-Ouest

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Ministry of the Environment, Conservation and Parks
Environmental Assessment Branch
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario, M4V 1P5

Attention: Dorothy Moszynski, Special Projects Officer; Ministry of Environment,
Conservation and Parks

Sent via email: 

May 20, 2021

**Re: Marten Falls Community Access Road Proposed Terms of Reference –
Additional Information Provided to MNRF**

Dorothy:

Thank you for organizing the April 12, 2021 meeting to discuss the Ministry of Natural Resources and Forestry's (MNRF) comments on the proposed Terms of Reference (ToR), and for the additional information that the Marten Falls Project Team (Project Team) has provided in the Comment Response Table (dated April 23, 2021) as follow up to our comments on the ToR and in the meeting.

MNRF has reviewed the additional information and notes that there are commitments made within each of the responses provided.

MNRF requests that all of these commitments be included in the Table of Commitments in the ToR, should it be approved. Additionally, MNRF requests that solutions put forward in MNRF-4 and MNRF-11 be included in the Table of Commitments.

Further, the table provided (dated April 23, 2021) includes only MNRF's original comments on the ToR document and the Project Team's revised responses, following our April 12th discussion. To ensure traceability of the ministry's exchanges with the Marten Falls Project Team, we have attached an earlier version of the comment table that MNRF provided to MECP (dated February 24, 2021). This table documented:

- MNRF's original comments on the ToR;
- the Project Team's responses to those comments; and
- MNRF's subsequent responses.

We trust that all commitments made by the Project Team in those earlier responses will also be included in the Table of Commitments for the ToR, should it be approved.

Finally, MNRF's understanding from the April 12, 2021 meeting is that additional information will be made available regarding the approach to the alternatives analysis and field studies – both in the EA submission itself as well as other, stand alone, documents. We wish to emphasize that MNRF may have further comments and recommendations as this information becomes available.

Thank you again for the opportunity to further clarify MNRF's interests and comments at this stage of the EA process. If you have any questions about our response please contact Carrie Hutchison at [REDACTED]. We look forward to continuing to work with all appropriate parties as this project proceeds.



[REDACTED], Resources Manager, MNRF

Attachments:

20210513_Comments_Response_Table_MNRF

20210224_MFFN_CAR_ToR_MNRF_Comment_Response

Copy: Sasha McLeod, Special Projects Officer MECP



Project Name: Marten Falls First Nation All Season
Community Access Road

Date of Meeting: July 27, 2021

Meeting:

Time: 9:00 am to 11:00 am EDT

Project #: 60593122

Location: Microsoft Teams / Call-In

Attendees: Paul MacInnis, the Ministry of Northern Development,
Mines, Natural Resources and Forestry (MNDMNR)
Ariane Heisey, MNDMNR
Dorothy Moszynski, the Ministry of the Environment,
Conservation and Parks (MECP)
Sasha McLeod, MECP
Kiran Anwar, MECP
Peter Brown, MECP
Chiara Calabrese, the Impact Assessment Agency of
Canada (the Agency)
Loraine Cox, the Agency
Maryse Sciberas, the Agency

Lawrence Baxter, MFFN CAR Project Team

Bob Baxter, MFFN CAR Project Team

Jennifer Bruin, MFFN CAR Project Team

Qasim Saddique, MFFN CAR Project Team

Larissa Mikkelsen, MFFN CAR Project Team

Christine Cinnamon, MFFN CAR Project Consultant

Sara Barss, MFFN CAR Project Consultant

Kathryn Ross, MFFN CAR Project Consultant

Avril Fischen, MFFN CAR Project Consultant

Andrea Nokleby, MFFN CAR Project Consultant

Don McKinnon, MFFN CAR Project Consultant

Geneva Cloutis, MFFN CAR Project Consultant

Prepared By: Geneva Cloutis (MFFN
CAR Project Consultant)

Absent:

Regarding: MFFN CAR Coordinated Consultation Meeting

Meeting Minutes





| | Action Items |
|---|--|
| <p>➤ Safety Moment</p> <ul style="list-style-type: none"> • Smoke & Fire: With the ongoing forest fires, particularly in Northern Ontario, be mindful of air quality. With the current air quality, those with pre-existing health conditions need to be careful of limiting exposure. • Rain: After a period of hot weather, oil and other substances can be sitting on surfaces. Surfaces can become slippery when it rains so use caution when walking and driving. | <ul style="list-style-type: none"> • N/A |
| <p>Introductions</p> <ul style="list-style-type: none"> • The MFFN Community Access Road (CAR) Project Consultants highlighted the main topics for discussion: <ul style="list-style-type: none"> ○ Lessons learned and reflection on successes and challenges of consultation during the Terms of Reference (ToR); ○ Environmental Assessment / Impact Statement (EA / IS) schedule and coordination; ○ Consultation, engagement and communication efforts to support the progression of the EA / IS Report; ○ Upcoming activities the agencies have planned over the next few months and role of the proponent in them; and, ○ Discussion of current COVID-19 situation, learned best practices and areas of improvement. • The MFFN CAR Project Team thanked everyone for attending the call. Given the current junction in the provincial regulatory timeline, this is an opportunity to discuss how to coordinate the next few milestones and discuss engaging through COVID-19 and what the future of engagement will look like. This is an opportunity to reflect on lessons learned and consider how to pivot and evolve engagement to meet current challenges. This conversation is taking place now rather than waiting for the next milestone to ensure that the procedural Duty to Consult is being met and that all options to enhance coordination and communication are taken advantage of. | <ul style="list-style-type: none"> • MFFN CAR Project Team to provide meeting minute drafts for review. |
| <p>Lessons Learned</p> <ul style="list-style-type: none"> • The MECP noted that the current time it takes for responding to Indigenous communities (both Proponent response and responses deferred to Ontario) can be improved; the MECP received questions from Indigenous communities about the timeliness of these responses. • The MFFN CAR Project Team noted in the early days of the CAR, one of the biggest challenges was receiving responses from Indigenous communities since interest in the Project was low. This has improved for some Indigenous communities, but not all. Many Indigenous communities will respond to outreach noting they are unable to meet due to COVID-19. The Project is now at the point where relationships are established, so the approach to | <ul style="list-style-type: none"> • MFFN CAR Project Team to consider, on an as-needed basis, leveraging bi-weekly interagency meetings or scheduling separate meetings, to focus on consultation topics throughout the EA phase. |





Action Items

engagement will vary by community. The current challenge is how to create an outreach and engagement process that provides as many opportunities to Indigenous communities as possible without accelerating consultation fatigue.

- The MNDMNRF noted that there are two components to consultation: consultation requirements and relationship building. To date, there has been greater focus on the consultation requirements, but it will be important to build relationships for clear communication. The MNDMNRF recommends setting up community coordinators in Indigenous communities as soon as possible so when the EA / IS phase begins, there are established communication channels.
 - The MFFN CAR Project Team confirmed the importance of relationships and provided an example of the need for greater effort beyond relationship building. With Aroland First Nation, relationships are attempting to be established based on family lines and informal relationship networks to initiate conversations. The MFFN CAR Project Team has been trying new ways to leverage the information available, but it has not changed outcomes. It is also important to note that in some situations, Indigenous communities are unwilling to engage with the MFFN CAR Project Team.
- The MFFN CAR Project Team noted that now funding is secure for the Indigenous Knowledge (IK) program, it is expected that more Indigenous communities will be responsive to the program.
- The MFFN CAR Project Consultant noted that, moving forward, there needs to be clearer and consistent messaging regarding what stage the CAR is in, which should be done in coordination with the agencies.
- The MFFN CAR Project Team noted that the timelines related to the ToR comment period and decision to extend the review period may have been confusing for Indigenous communities participating in the process. The gap between when the original comment period closed and when the comment period was extended might have caused confusion with Indigenous communities. The concern is how Indigenous communities will perceive the credibility of future timelines.
- The MFFN CAR Project Consultant noted that in early conversations around engagement, Indigenous communities did not have funding to participate, which was a barrier to engagement. If the MFFN CAR Project Team had been more aware of which Indigenous communities had funding earlier on, it might have helped with discussions. As well, providing capacity funding earlier on would have helped with relationship building earlier on.
- The MECP noted that timelines will be an ongoing discussion throughout the process. Some timelines are influenced by regulatory decisions and others

- **MFFN CAR Project Team and the MECP** to consider how best to share comment / issues tracking (e.g., comment tracking sheets) during formal comment periods.





Action Items

are informed by the Duty to Consult. The ToR process has largely been attempting to respond to comments received in real time from Indigenous communities. Many concerns have been voiced by Indigenous communities around their ability to participate in the consultation process while dealing with COVID-19 and in ways that may or may not be appropriate to their protocols. The MECP noted their appreciation for the MFFN CAR Project Team using adaptive and innovative ways to engage but the MECP is also required to respond to these concerns raised by communities in real time, which includes responding to concerns raised during comment periods about timelines. A takeaway for the EA phase will be to start with timeframes that are longer than the current standards and endeavouring to communicate with the MFFN CAR Project Team beforehand when timelines need to be revised.

- The MNDMNRFP noted that following the ToR decision, it will be important for the MFFN CAR Project Team, the MECP, the MNDMNRFP and the Agency to be tightly coordinated. Given that the coordination has been off in the early phases, it will be particularly important moving forward into the EA / IS phase.
- The MFFN CAR Project Team suggested holding quarterly meetings to review the sufficiency of consultation and address any gaps, rather than waiting to convene at milestones.
 - The MECP noted that the quarterly meetings could be an opportunity to review the monthly consultation reports, which could be an agenda item to discuss the activities that occurred in the quarter. This would prompt the MECP to provide feedback on a quarterly basis. Existing bi-weekly interagency meetings could be leveraged to achieve this, or separate meetings scheduled as needed, with a focused agenda on consultation issues. The MECP also suggested sharing respective issues tracking sheets with more regularity during comment periods to understand which Indigenous communities are providing feedback and to who. The MECP noted this process was helpful for coordination between the province and the MFFN CAR Project Team during the ToR phase.
- The MNDMNRFP noted that consultation discussions should continue to happen during the bi-weekly meetings rather than strictly leaving information sharing to the new quarterly meetings. The bi-weekly meetings should still discuss consultation and any issues that come up to be proactive in finding solutions.
- The MFFN CAR Project Team clarified that these quarterly meetings would not replace the bi-weekly but are intended to enhance the existing discussions. The quarterly meetings would be an opportunity to tackle larger issues that are not suitable to be handled in the bi-weekly, review records and activities from the past quarter to reflect on the adequacy and determine areas for improvement in the following quarter.





| | Action Items |
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| <p>➤ EA / IS Schedule</p> <ul style="list-style-type: none">• The MFFN CAR Project Consultant noted that once the EA phase begins for the provincial process, that is when consultation activities will start to be coordinated. The MFFN CAR Project Consultant noted that the IS phase of the federal process has been ongoing for some time and due to the delay in the provincial process, the legislated 3-year period may pose future challenges.• The MFFN CAR Project Consultant brought up the Consultation Plan for the CAR (Appendix B of the ToR), noting that since this was submitted there has been the longer than anticipated timeline for a ToR decision which has significant implications to the overall consultation timeline. The initial intention was to have the EA / IS begin in 2021, develop the draft EA / IS Report in 2022 and finalize the documentation in 2023. The schedule is now more likely to be a year delayed, with the EA / IS Report being finalized in 2024. The MFFN CAR Project Consultant noted it will be important to understand each group's respective timelines and have a clear sense of all schedules moving forward.<ul style="list-style-type: none">○ The MNDMNR asked if 2024 was the anticipated decision timeline, or submission of the EA / IS Report. The MFFN CAR Project Consultant clarified that 2024 is for the submission.○ The Agency asked if the EA / IS Report in 2024 would be draft or final. The MFFN CAR Project Consultant clarified it would be the final EA / IS Report.○ The Agency noted that this shift will support the completion of baseline data collection. The MFFN CAR Project Consultant responded that field work is also affecting the schedule, in addition to consultation and IK information to develop sufficient baselines to inform the EA / IS Report.• The MFFN CAR Project Consultant brought up the revised detailed consultation schedule for the next three milestones: the current phase (pre-EA), the Notice of Commencement of the EA and the Effects Assessment milestone. The schedule includes different consultation activities, including information gathering, information out, virtual meetings with neighbouring Indigenous communities, notices, community coordinators and MFFN-specific activities.• The MECP asked for clarification about the IK collection and which Indigenous communities are participating.<ul style="list-style-type: none">○ The MFFN CAR Project Consultant responded that it is currently a subset of Indigenous communities, initially tiered based on potential impacts and expressed interest. Currently there are 12 Indigenous communities that are classified as high engagement. All Indigenous | <ul style="list-style-type: none">• MFFN CAR Project Team to share IK list, high engagement list and matrix criteria. Complete• MFFN CAR Project Team to share consultation milestone schedule with the MECP. Complete – appended to meeting minutes• MFFN CAR Consultant Team to consider adding a question in the pre-EA engagement survey about how communities would like to provide feedback and how to have the information logged and recorded. |





Action Items

- communities receive the same information, but the conversations are pushed more with high engagement Indigenous communities.
- The MECP noted that some Indigenous communities are flagged for having rights-based interest in the project, such as potential impacts to caribou. These Indigenous communities may want to provide IK around caribou as opposed to a full IK study.
 - The MFFN CAR Project Consultant noted that originally there were 9 high engagement Indigenous communities identified and that the list continues to expand. All Indigenous communities have the opportunity to share IK and information on land and resource use. The funding conversations have taken place with Indigenous communities that have already expressed an interest in the IK program.
 - The Agency asked for the list of the high engagement Indigenous communities, to see how the list aligns with the Indigenous Engagement and Partnership Plan. The Agency has expressed previous concerns about the MFFN CAR Project Team deciding which Indigenous communities will be more or less impacted and it is important to involve Indigenous communities in making that determination.
 - The MFFN CAR Project Consultant noted the list could be provided following the meeting. The consultation plan also includes the evaluation matrix criteria. It was done at a point in time, based on interest expressed to date when the ToR was compiled. There are more Indigenous communities expressing interest now than previously. All information is shared with all Indigenous communities, regardless of perceived interest or potential impact. The only difference is that Indigenous communities flagged as high engagement will include additional effort to reach out to and receive feedback to the extent possible.
 - The MECP suggested to target outreach to Indigenous communities based on valued components and specific concerns, to focus the discussions on previous comments provided by Indigenous communities to address those concerns as soon as possible.
 - The MFFN CAR Project Consultant noted that there will be a survey distributed to Indigenous communities to understand the topics of greatest interest.
 - The MECP offered to review the consultation milestone schedule and provide feedback if it would be beneficial to the MFFN CAR Project Team.
 - The MNDMNR noted that the ministry has found success hosting roundtable discussions with multiple Indigenous communities, to undertake outreach with representatives from multiple Indigenous communities at the same time rather than individual sessions.





| | Action Items |
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| <ul style="list-style-type: none"> • The MFFN CAR Project Consultant noted that discussion guides and surveys are still being developed for each field program, which will continue into future milestones. There will also be the pre-EA engagement survey to connect with all Indigenous communities and ask how they would like to be engaged moving forward. <ul style="list-style-type: none"> ○ The MNDMNRFP noted that when requesting input, it is important to clearly indicate to Indigenous communities how to provide feedback and input and what the process for logging and recording that input would be. | |
| <p>➤ Agency Plans for Engagement</p> <ul style="list-style-type: none"> • The Agency currently not have firm timelines for future consultation and engagement activities. The Agency will organize meetings around known topics of interest or areas of concerns. The Agency would lead the administrative work to organize the meeting but may ask the MFFN CAR Project Team to provide some support work in preparing materials and responding to questions. • The MFFN CAR Project Consultant asked if there were any known topics right now that might require an engagement event with Indigenous communities. <ul style="list-style-type: none"> ○ The Agency responded that there are no topics right now but will likely come to light as baseline data collection continues. The Agency noted they would share concerns with the MFFN CAR Project Team as soon as possible. • The MFFN CAR Project Team asked what their role would be in these meetings. <ul style="list-style-type: none"> ○ The Agency responded that the MFFN CAR Project Team may be asked to provide support materials and respond to questions if questions arise that the proponent would be best positioned to answer. • The MFFN CAR Project Team noted that it would be beneficial to show Indigenous community members the equipment being used to help understand the data collection process and how it will inform the EA / IS Report. <ul style="list-style-type: none"> ○ The MFFN CAR Project Consultant responded that this could be supplemented with videos to showcase how the equipment works for people who are not able to see the equipment in person. • The MFFN CAR Project Team asked how much notification would be provided to the Project Team to support developing materials. <ul style="list-style-type: none"> ○ The Agency responded that as much notice as possible would be given, aiming for 3-4 weeks notice. | <ul style="list-style-type: none"> • MFFN CAR Project Consultants to consider showing field equipment to Indigenous communities (either in person or through videos) to support the explanation of field studies. • MFFN CAR Project Team to expand distribution list to include the MNDMNRFP participant funding coordinators. - Complete |





Action Items

- The MFFN CAR Project Consultant asked how Indigenous community concerns would be shared with the MFFN CAR Project Team for meetings where the team is not in attendance.
 - The Agency responded that this information would be provided to the MFFN CAR Project Team as soon as possible, likely within a few days.
- The MFFN CAR Project Consultant asked if IK information that came from the Agency during the ToR could be used in the EA / IS Report.
 - The Agency responded that the intention is to use any information shared to inform the assessment process.
- The MFFN CAR Project Consultant asked if the training on the IA process noted in the Indigenous Engagement and Partnership Plan is something that Indigenous communities could be expecting at the start of the EA / IS phase.
 - The Agency responded that the training is provided by the Agency headquarters, not the Ontario Regional Office. The Agency noted this training has been offered in the past and that Agency Headquarters-led opportunities will likely happen again in the future.
 - The MFFN CAR Project Consultant responded it would be beneficial when the training is scheduled to let the team know so this can be shared during Proponent outreach to Indigenous communities.
- The MFFN CAR Project Team asked whether follow up should take place to confirm that key contacts for Indigenous communities are sharing the information provided with their broader membership.
 - The Agency noted that they encourage meetings to be held with the entire Indigenous community. The Agency works to solicit comments through the registry portal or by email and will work with Chiefs and Councils, community representatives and consultants who speak on behalf of their communities.
- The MNDMNR recommended that information going out should be sent to the participant funding coordinators in addition to the key contacts on the mailing list, undertaking specific outreach to the individual leads rather than mass emails.
- The MFFN CAR Project Team asked if there were any updates on the Regional Assessment.
 - The Agency responded that there are ongoing discussions with Ontario to understand how to create a framework for the Regional Assessment. The assessment is still in the early days and the specifics and timelines have not been determined. The Agency clarified that the Regional Assessment is on a separate timeline and schedule than the MFFN CAR and will remain that way.





| | Action Items |
|--|---|
| <ul style="list-style-type: none"> ○ The MFFN CAR Project Team clarified that the question was to understand outreach efforts on the Regional Assessment to avoid competing for time to engage with Indigenous communities. ○ The Agency noted that they would keep the MFFN CAR Project Team informed about updates on the Regional Assessment. The Agency added that they are aware of the numerous asks being put on Indigenous communities for engagement and are trying to be mindful. ● The MECP clarified that there are multiple points of contact for some Indigenous communities beyond the funding coordinators, so information should be shared as widely as possible. | |
| <p>➤ Experiences through COVID-19</p> <ul style="list-style-type: none"> ● The MFFN CAR Project Team noted that some Indigenous communities are unable to consult given bandwidth and lockdown limitations. The MFFN CAR Project Team asked if there was input from the agencies on what has worked to support engagement with Indigenous communities during the pandemic. ● The MECP noted that the top priority is to get a ToR decision in front of the Minister while trying to be as responsive as possible to Indigenous communities and COVID-19 challenges. There are ongoing internal discussions about a range of options to determine the best path forward to get a decision in front of the Minister while minimizing the potential risks associated with that decision. <ul style="list-style-type: none"> ○ The MFFN CAR Project Team asked if there was any indication of timelines around a ToR decision. ○ The MECP responded that there is no update since it is too preliminary to share at this time. ● The MECP noted that the MFFN CAR Project Team should continue efforts but to be mindful of the ongoing concerns being voiced by Indigenous communities. Indigenous communities will want engagement that meets their community's needs. <ul style="list-style-type: none"> ○ The MFFN CAR Project Team noted that the quarterly meetings will be an opportunity to reflect on the activity from Indigenous communities. The MFFN CAR Project Team added that some Indigenous communities have noted they cannot engage but are still able to provide substantial comments to the MECP and the MFFN CAR Project Team. ● The MNDMNR noted that it will be important to listen on a community by community basis. Some Indigenous communities have practices to meet in person with elders and land users which cannot be substituted by technology. There are different issues in different Indigenous communities so it will be important to document these challenges and address the issues as best as possible. | <ul style="list-style-type: none"> ● N/A |

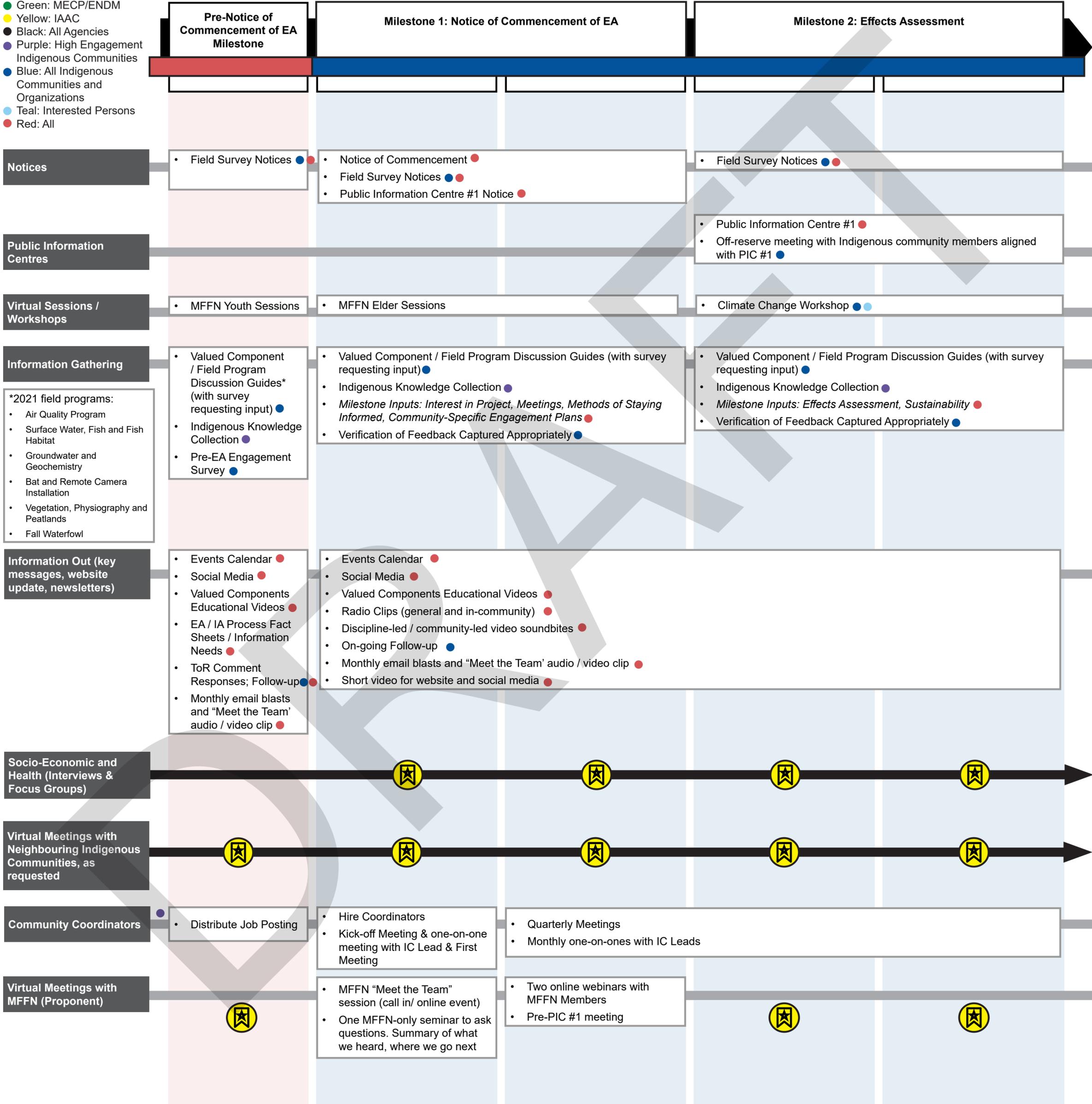




| | Action Items |
|---|---|
| <ul style="list-style-type: none"> The MFFN CAR Project Team confirmed the approach will continue to be flexible, maximizing opportunities for Indigenous communities to engage in ways that work for everyone. | |
| <p>➤ Closing</p> <ul style="list-style-type: none"> The MFFN CAR Project Consultant thanked everyone for participating in the meeting. The MFFN CAR Project Team will follow up with an ongoing quarterly meeting invitation. The MFFN CAR Project Consultant flagged that another coordination meeting would be scheduled in the near future to discuss topics related to documentation, reporting, the Record of Consultation and Engagement and related expectations. | <ul style="list-style-type: none"> MFFN CAR Project Team has decided in lieu of scheduling quarterly meetings to consider, on an as-needed basis, leveraging bi-weekly interagency meetings or scheduling separate meetings, to focus on consultation topics throughout the EA phase MFFN CAR Project Team to schedule coordination meeting to discuss reporting and Record of Consultation and Engagement. – <i>follow up: The MFFN CAR Project Team has decided to postpone scheduling a meeting to discuss reporting and the IA / EA Record of Consultation and Engagement until there has been further progress on the ToR decision</i> |



- Green: MECP/ENDM
- Yellow: IAAC
- Black: All Agencies
- Purple: High Engagement Indigenous Communities
- Blue: All Indigenous Communities and Organizations
- Teal: Interested Persons
- Red: All





MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Project Name: Marten Falls First Nation All Season
Community Access Road

Date of Meeting: August 10, 2021

Meeting:

Time: 1:00 pm to 2:00 pm EST

Project #: 60593122

Location: Microsoft Teams / Call-In

Attendees: Jim McLaughlin, Ministry of Northern Development,
Mines, Natural Resources and Forestry (MNDMNRF)
Melissa Mauro (MNDMNRF)
Carrie Hutchison (MNDMNRF)
Laura Darby (MNDMNRF)
Dorothy Moszynski, Ministry of Environment,
Conservation and Parks (MECP)

Lawrence Baxter (MFFN CAR Project Team)
Bob Baxter (MFFN CAR Project Team)
Jack Moonias (MFFN CAR Project Team)
Jennifer Bruin (MFFN CAR Project Team)
Larissa Mikkelsen (MFFN CAR Project Team)
Andrew Stewart (MFFN CAR Project Consultant)
Ravi Mahabir (MFFN CAR Project Consultant)
Roger Rempel (MFFN CAR Project Consultant)
Christine Cinnamon (MFFN CAR Project Consultant)
Sara Barss (MFFN CAR Project Consultant)
Erin Greenaway (MFFN CAR Project Consultant)
Leah Deveaux (MFFN CAR Project Consultant)
Carsten Slama (MFFN CAR Project Consultant)
Geneva Cloutis (MFFN CAR Project Consultant)

Absent: Qasim Saddique, Sasha McLeod, Ariane Heisey, Paul
MacInnis, Chiara Calabrese

Prepared By: Geneva Cloutis (MFFN
CAR Project Consultant)

Regarding: Technical Meeting with NRF on the Peatlands Study
Plan





Meeting Minutes

| | Action Items |
|--|---|
| <p>Introductions</p> <ul style="list-style-type: none"> The purpose of the meeting was to discuss comments provided by Natural Resources and Forestry (NRF) on the Peatlands Study Plan submitted to the agencies. The MFFN CAR Project Consultants walked through the comments flagged for discussion to present the proposed response and approach and receive feedback and clarification from NRF. | <ul style="list-style-type: none"> MFFN CAR Project Team to provide meeting minute drafts for review. |
| <p>Comment #9 – Greenhouse Gas Assessment</p> <ul style="list-style-type: none"> The MFFN CAR Project Team will consider the quantification of methane and carbon dioxide in the baseline and effects assessment. Internal discussions are still required to determine the anticipated hydrology changes associated with road construction since potential wetting and drying of peatlands will change the flux and greenhouse gas releases. NRF asked if the MFFN CAR Project Team knew what methods were going to be used to carry out this assessment. <ul style="list-style-type: none"> The MFFN CAR Project Consultant responded that the method is not yet known, but the team will be looking at reference material to show base flux of carbon dioxide and methane to help quantify the baseline. The portion that requires more determination is how to quantify predicted changes based on road construction. NRF asked what literature would be used to support the assessment. <ul style="list-style-type: none"> The MFFN CAR Project Consultant responded that the references in the Study Plan, the additional resources provided by NRF, and other relevant scientific literature from the regional area would all be used. The MFFN CAR Project Consultant added that the hydrology team, the engineering team, and the climate and atmospheric team will work together to determine the way to predict long term effects of the project on peatland health. The majority of current research is focused on quantifying existing conditions and less on predicting future impacts based on potential changes. The project is being designed with the lens to minimize effects to peatlands. The MFFN CAR Project Team will circle back with the ministries with the methodology once it has been refined. The MFFN CAR Project Consultant noted that the papers from Packalen <i>et al.</i> and other references in the Study Plan will help support baseline quantification. <ul style="list-style-type: none"> NRF noted that it will be important to confirm the Packalen <i>et al.</i> equation can be used in the region given that the equation was developed based on the entire Hudson Bay Lowlands area. | <ul style="list-style-type: none"> N/A |





| | Action Items |
|---|---|
| <p>Comment #10 – RSA Sampling</p> <ul style="list-style-type: none"> • The MFFN CAR Project Consultant noted that several comments from NRF pertain to the Regional Study Area (RSA) and extending ground truth surveys. The Local Study Area (LSA) is intended to be representative of the RSA, so that data collected in the LSA can be extrapolated to the RSA with a high level of confidence. There are no plans to extend survey efforts out into the RSA. The LSA is the area where the majority of project effects are anticipated to occur, so the field surveys will take place in the LSA. The MFFN CAR Project Consultant added that aerial surveys can extend into the RSA to help with extrapolating mapping data but there are no ground surveys planned within the RSA. <ul style="list-style-type: none"> ○ NRF noted that in the area around the Victor Mine, satellite imagery worked well to separate treed areas from open bogs, but this delineation does not work as well in fens. Identifying treed fens with satellite imagery has a 50% uncertainty. It will be important to look at the amount of fen in the area to determine the likelihood that assessments will be accurate. • NRF noted that the ministry would like to see better documentation in the Study Plan specifying that the LSA can be used to reasonably extrapolate the RSA. It will also be important to show in the evaluation of adverse impacts that habitat carrying capacity is not limiting animals moving into the RSA. <ul style="list-style-type: none"> ○ The MFFN CAR Project Consultant asked whether this comment was indicating a deficiency in the methodology or was seeking more clarification to allow NRF to have confidence in the proposed approach. ○ NRF confirmed that additional detail about the methodology for extrapolation into the RSA would be beneficial for anyone reading the Study Plan. ○ The MFFN CAR Project Consultant noted that the Peatlands Study Plan relies heavily on the content from other study plans. The Vegetation Study Plan provides the rationale for the LSA from an ecological viewpoint. The Surface Water and Vegetation Study Plans come together to support and guide the Peatlands assessment. ○ NRF noted that the lack of information stood out in the Peatlands Study Plan given that it extends over large areas and joins large ecosystems and zones. | <ul style="list-style-type: none"> • N/A |
| <p>Comment #13 - Quantitative and Qualitative Data</p> <ul style="list-style-type: none"> • The MFFN CAR Project Consultant noted that the Wisconsin Rapid Assessment Tool and the Ontario Wetland Evaluation System will be used for determining if certain indicators are present and will be assigned a value as an indicator for individual wetland health, with aggregate scores being compiled across wetland types in the LSA. | <ul style="list-style-type: none"> • N/A |





| | Action Items |
|--|---|
| <ul style="list-style-type: none"> ○ NRF noted this comment was requesting more details on how the weighting would be assigned so the ministry could provide feedback on the suitability of the assessment. ○ The MFFN CAR Project Consultant asked if there were specific elements or weightings the ministry would like to see. ○ NRF responded that there are not any specific items right now, but NRF would like to see what the MFFN CAR Project Team would be utilizing for references to support this work. | |
| <p>Comment #18 - RSA</p> <ul style="list-style-type: none"> ● NRF noted that this comment was related to the carrying capacity. The fact that habitat is not limiting in the area does not mean that it is not at its carrying capacity. If the habitat is at carrying capacity in the LSA, the same might be true in the RSA and that will need to be considered when considering habitat loss. ● The MFFN CAR Project Consultant noted that carrying capacity will be considered in the Wildlife Study Plan and will be fed back into the Peatlands assessment. <ul style="list-style-type: none"> ○ NRF responded that this comment is broader and not necessarily specific only to Peatlands. Habitat availability will need to be considered across the disciplines. ○ The MFFN CAR Project Consultant noted that the Birds, Ungulates, and Wildlife Study Plans will all help determine the distribution and abundance of species in both the LSA and RSA which will help inform Peatlands. | <ul style="list-style-type: none"> ● N/A |
| <p>Comment #19 – Inclusion of NDMNRF in Offset Discussions</p> <ul style="list-style-type: none"> ● The MFFN CAR Project Consultant asked if NRF had any frameworks for offsets that would be required to be included in the assessment. <ul style="list-style-type: none"> ○ NRF responded that there are currently not any particular frameworks or considerations for the Project. ● The MFFN CAR Project Consultant noted that it will be important to know what steps will need to be taken following design related to offsets, what is a valid offset for habitat loss, and other considerations. <ul style="list-style-type: none"> ○ NRF responded that internal discussions would take place to start determining potential offsets for the Project. ● The MFFN CAR Project Consultant asked if there was a specific framework for the Far North related to Peatlands that the Ministry had available. <ul style="list-style-type: none"> ○ NRF responded that there is not a specific framework for peatlands / wetlands. NRF noted that there is the significant wildlife habitat mitigation support tool from the Ontario <i>Planning Act</i> but is not specific to peatlands. | <ul style="list-style-type: none"> ● N/A |
| <p>Comment #22 – Data Collection in the RSA</p> <ul style="list-style-type: none"> ● The MFFN CAR Project Consultant noted that baseline data will be extrapolated from the LSA to the RSA and will be validated using field data. There will be visual aerial confirmation (where possible) at the RSA scale during field work to support | <ul style="list-style-type: none"> ● N/A |





| | Action Items |
|---|---|
| the extrapolation. There will not be extensive RSA-scale ground truth field work to confirm the models for peatlands. | |
| Closing & Next Steps <ul style="list-style-type: none">The MFFN CAR Project Consultants thanked everyone for joining the call to discuss the Study Plan comments. The plan moving forward is to address the comments as part of the Draft EA / IS Report submission. | <ul style="list-style-type: none">N/A |





Minutes of Meeting

Project Name: MFFN CAR

Subject: Eastern Migratory Caribou

Location: TEAMS

Date of Meeting: September 28, 2021

Time: 12-1 EDT

Prepared By: K. Soulliere

Attendees: **MECP**

- Dorothy Moszynski
- Kevin Green
- Brianne Brothers

NDMNRF

- Melissa Mauro
- Laura Darby
- Art Rogers
- Philip Wilson

ECCC / CWS

- Denise Fell
- Wesley Plant
- Mathieu Leblond
- Wendy Dunford
- Samantha McFarlane
- Allison Kroeze

The Agency

- Chiara Calabrese

Prepared By: **K. Soulliere / MFFN Project Team**

- Shawna Kjartanson
- Leah Deveaux
- Christine Cinnamon
- Sara Barss
- Erin Greenaway
- Michelle Bacon
- Qasim Saddique
- Jennifer Bruin
- Lawrence Baxter
- Bob Baxter
- Larissa Stevens

Housekeeping

- Roundtable introductions
- Indigenous moment / land acknowledgement
- Safety moment noted the importance of visibility while doing field work or being on the land, including dressing appropriately
- Objectives of the discussion: 1) to provide an update on the first six (6) months of collar data 2) share interesting findings about migratory caribou in our study area 3) confirm the province and federal expectations about eastern migratory caribou.

Recap of Current Program

- Caribou program was designed based on the TISG (pg. 60) and the MECP request for three (3) years of radio collar data from 20 animals to characterize baseline conditions for woodland caribou, boreal population.





MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD

- In February 2021, the Project deployed 30 radio collars throughout the Ungulate Local Study Area (LSA; 10 km buffer), and in the Caribou Additional Area of Interest (35 km buffer). The program was conducted under provincial permits, including an ESA B permit. Captures were conducted by Bighorn Helicopters.
- The radio collar webservice allows for individual animals to be tracked and plots eight locations a day, once every three hours (approx. 7,000 locations per month for all 30 animals combined)
- If an animal stops moving for more than twelve hours there is an alert to the team, suggesting a mortality
- Three mortalities since deployment, one in June and two August
 - Two within the study area, retrieved in September 2021
 - One is approximately 315 km north of the LSA, will be retrieved in 2022
- Twenty-two (22) animals remain close to the LSA, two animals have moved north towards the Webequie Supply Road (WSR) LSA, and the remaining 6 animals are displaying migratory movements
 - The MFFN CAR Project Team presented figures depicting the 6 caribou moving towards the Hudson Bay coast – approximately 300 km north of the PSA. These movements confirmed that the Project had collared some Eastern Migratory (EM) ecotype
- In 2011 COSEWIC designated caribou ecotypes in Canada – previous research has shown the difference between the Boreal and EM within Ontario is behavioural, no genetic distinction, nor obvious morphological differences (therefore cannot tell the difference during capture).
 - The Boreal caribou are more sedentary, staying under the forest cover, only spreading out during calving
 - Schaefer 2003 suggests that the historic range of boreal caribou has reduced by half from 1880 - 1990
- The Project received a comment from Neskantaga First Nation on the ToR regarding consideration of impacts on two ecotypes in the area, Project team agrees that both should be considered given the information from the collared animals.
- Boreal caribou are classified provincially as threatened under ESA, COSEWIC and federally are listed as a schedule 1 under SARA and included in the TISG
- Eastern Migratory caribou are classified provincially as Special Concern under ESA, Endangered under COSEWIC, and federally are under consideration and not identified in the TISG





- Boreal caribou are a Project valued component (VC) for the IA / EA Process, EM are not
- Scientific research and the first six months of collar data presents the overlap of the species in the study area; the Project team is also hopeful that the IK program will provide more information
- Approach to the IA/ EA assessment: continue as previously proposed with a quantitative assessment of boreal caribou, add a qualitative assessment of eastern migratory caribou in existing conditions only.
 - Currently have 22 Boreal caribou collared
 - Due to mortality and reclassifying the Ecotype – the Project may have less than 20 boreal caribou for summer use, but will have a higher sample size for winter use analysis
 - Project analysis will be supplemented through the existing data share with NDMNRF – as 7/51 NDMNRF collared caribou deployed in March 2020 interact with the Project LSA
 - The Project Team has also spoken with WSR – however, their collared animals have not moved south, and we are not relying on their data to augment the CAR caribou data set
 - The Project does not think its possible to do a quantitative assessment of EM caribou as there is no provincial or federal delineated habitat within our study area at baseline
 - Will include a qualitative assessment of EM caribou within the baseline section of our reports.
 - Narrative about seasonal use of study area by EM caribou. Including MNRF aerial surveys (since late 1970s), peer review literature, and data from collar EM caribou
 - The reporting can describe how EM caribou may be impacted by the Project based on known threats, but this is constrained to impacts to their winter range

Boreal and EM have similar threats and the boreal can act as a proxy in the assessment of potential Project effects including residual effects to EM caribou when they occur seasonally in the area.

Discussion

- The MFFN CAR Project Consultant requested feedback from the provincial and federal organizations during the meeting, including a confirmed agreement on approach. Note: none of the participants disagreed





MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD

- ECCC noted that the TISG and requirements are not intended to be all inclusive
- ECCC also noted that there are data and effects assessment requirements for COSEWIC species in regard to Indigenous communities and their use of the animals
- The MFFN CAR Project Consultant inquired if EM caribou are likely to be listed on Schedule 1 within the near future (during the Project's EA timeline) or after the EA. ECCC confirmed there is no timeline at this time
- The Agency confirmed that the Project should consider caribou as a country food (Neskantaga raised this as a consideration)
- The MFFN CAR Project Team member noted that their family on the east coast of Hudson Bay has informed them that EM caribou out east is smaller than caribou around MFFN and tastes different – reminding the group about the benefits to the traditional approach of undertaking surveys or reviewing traditional knowledge.
- The NDMNRF noted that most animals collared north of the WSR have been the migratory ecotype, and also noted that some differences in the ecotypes include the antler sizes, however this is difficult to notice during the collaring process.
- The NDMNRF noted that sometimes animals will migrate one year and not the next
- The NDMNRF agree that protecting winter areas for this Project would protect EM caribou, but whether that translates into long term protection is still unknown
- The MECP commented that in terms of the overlap in provincial mapping, the northern boundary wasn't intended to separate the ecotypes of caribou but show the northern extent, and perhaps the map should be updated.
- The MFFN CAR Project Consultant noted that there is opportunity to collaborate on far north collar retrievals in the future as a joint field program between MFFN CAR, WSR and NDMNRF, and intends to pursue that further in spring 2022.
- NDMNRF requested this approach to be provided in a summary memo. ECCC would also like a summary of the approach.
- ACTION: MFFN CAR Project Consultant to provide a summary and the coordinates of the collar in the far north.

Move Forward

- The NDMNRF and ECCC requested a written summary of the approach for them to digest
ACTION: MFFN CAR Project Consultant to provide a summary (Appended to these minutes)





MARTEN FALLS FIRST NATION

COMMUNITY ACCESS ROAD

MARTEN FALLS FIRST NATION

ALL SEASON COMMUNITY ACCESS ROAD



Eastern Migratory Caribou in the MFFN CAR Study Area

September 28, 2021



Agenda

[September 28, 2021; 1030-1130 am EST]

- Introductions
- Safety Moment
- Objectives of the Meeting
- Overview of Caribou Data Results
- Approach to Assessing Caribou in the IS / EA
- Open Discussion
- Next Steps





Introductions

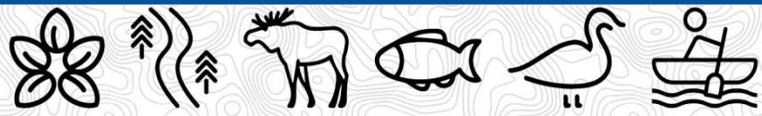
Round table introductions

Land Acknowledgement: I acknowledge that we are meeting on Aboriginal land that has been inhabited by Indigenous peoples from the beginning. We offer our gratitude to the First Peoples for their care for, and teachings about, our earth and our relations.





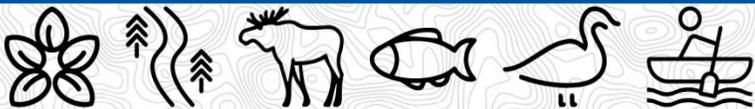
Safety Moment





Objectives

- Provide update on first 6 months of collar data.
- Share interesting findings about migratory caribou in our study area.
- Confirm provincial and federal regulators' expectations about eastern migratory caribou.





Review of Caribou Program

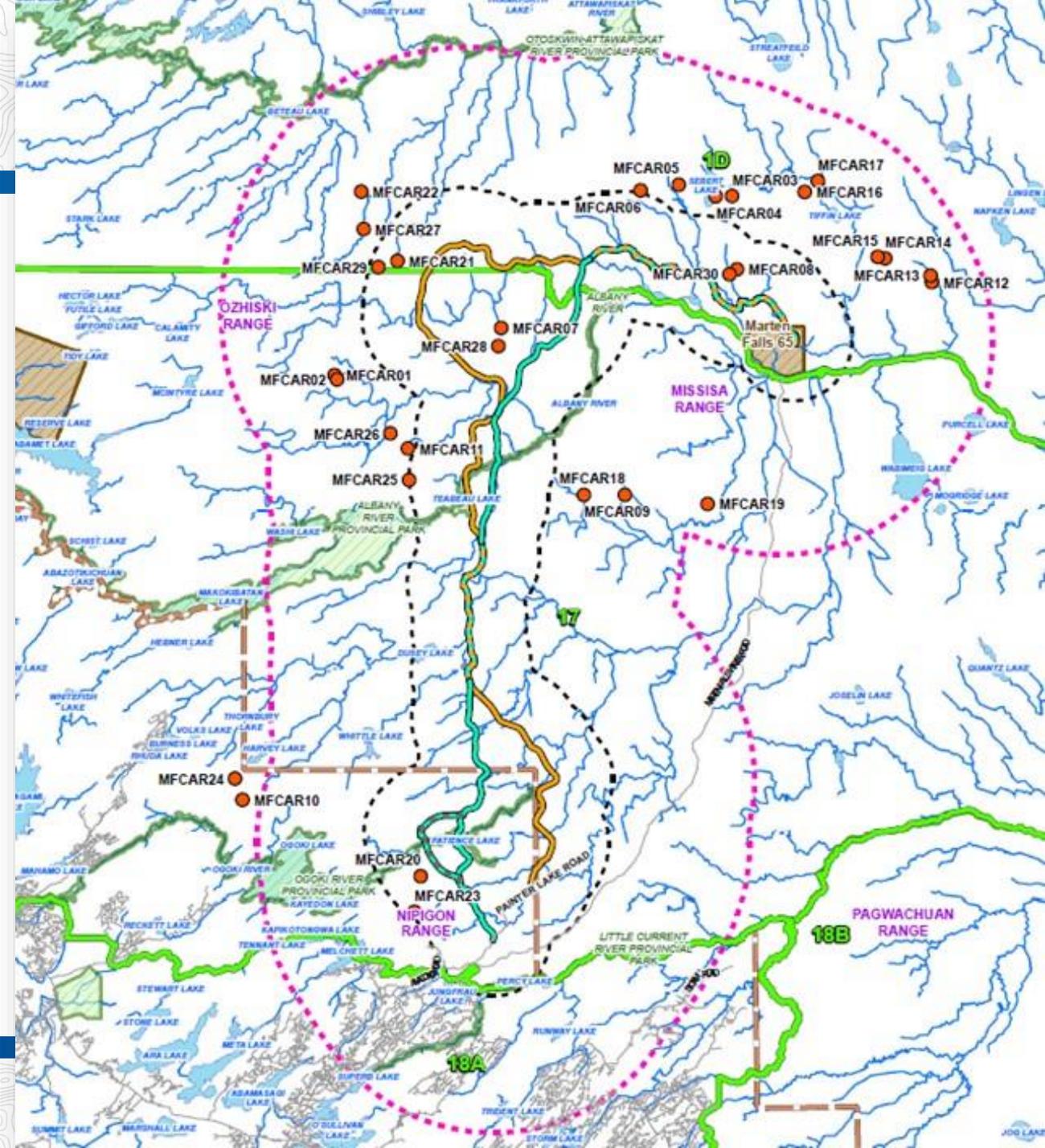
- Tailored Impact Statement Guidelines (February 2021):
 - “Species at risk [listed under Schedule 1 of the federal *Species at Risk Act*] which may inhabit the project area include... Caribou (*Rangifer tarandus*; Provincial: Missisa, Nipigon and Pagwachuan)” (pg. 60).
- MECP requested three (3) years of radio collar data from 20 animals to characterize baseline conditions for woodland caribou, boreal population (Atik).
- Objectives of caribou collaring data collection:
 1. Monitor seasonal movement patterns and habitat use relative to proposed Project route(s)
 2. Assess mortality rates of adult females and predation risk
 3. Assess calf survival and recruitment





Review of Caribou Program

- 30 collars deployed in February 2021
- Collars spatially spread throughout Ungulate LSA and Area of Potential Interest.
- Work conducted under provincial permits:
 - MECP *Endangered Species Act* Permit NR-B-007-20
 - MNRF Wildlife Animal Care Committee Approval #21-471
 - MNRF Wildlife Scientific Collectors Authorization #1097225
 - MECP Provincial Parks Research (received Feb. 9, 2021)





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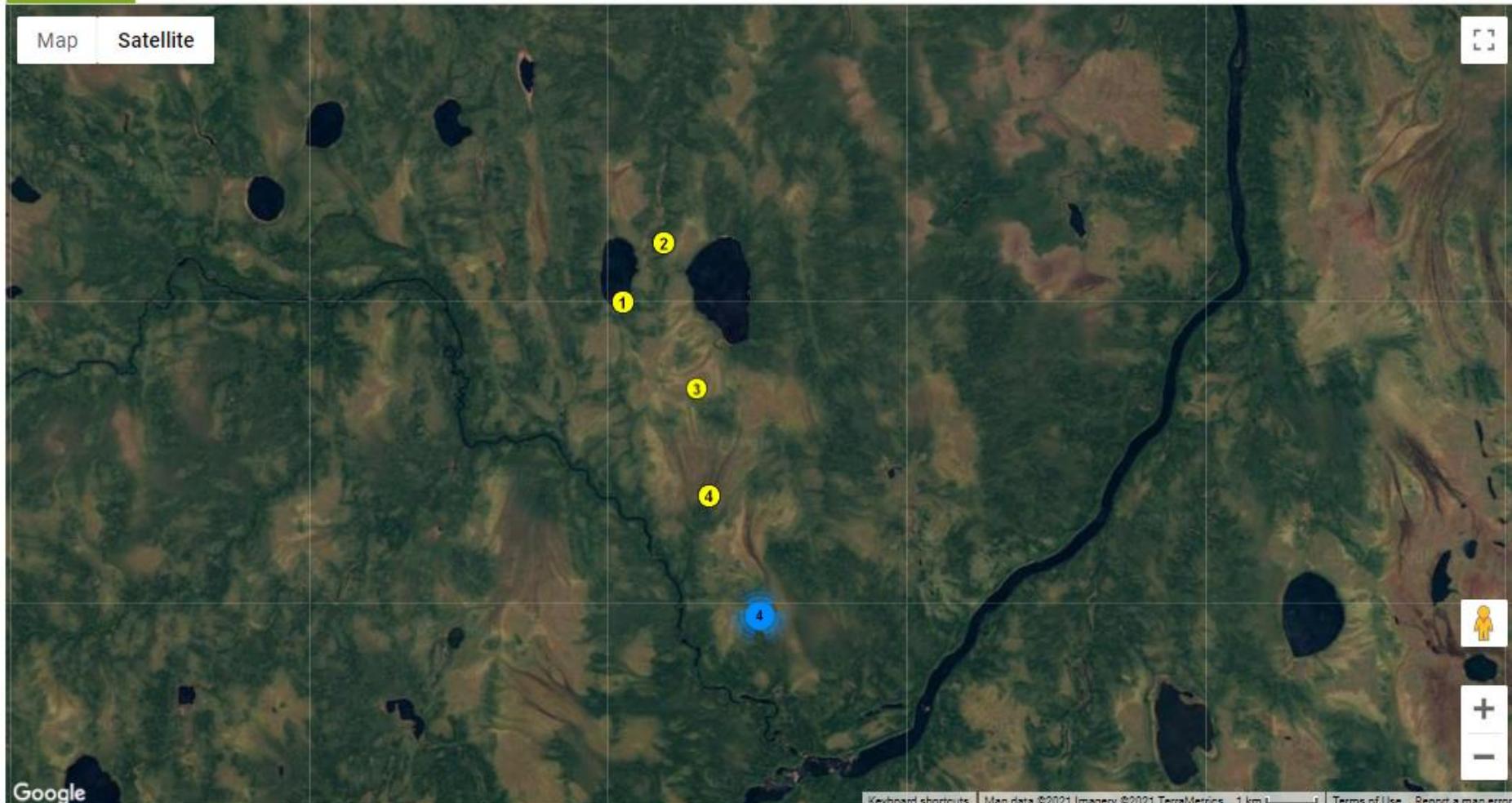
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Caribou Mortalities, February to September 2021

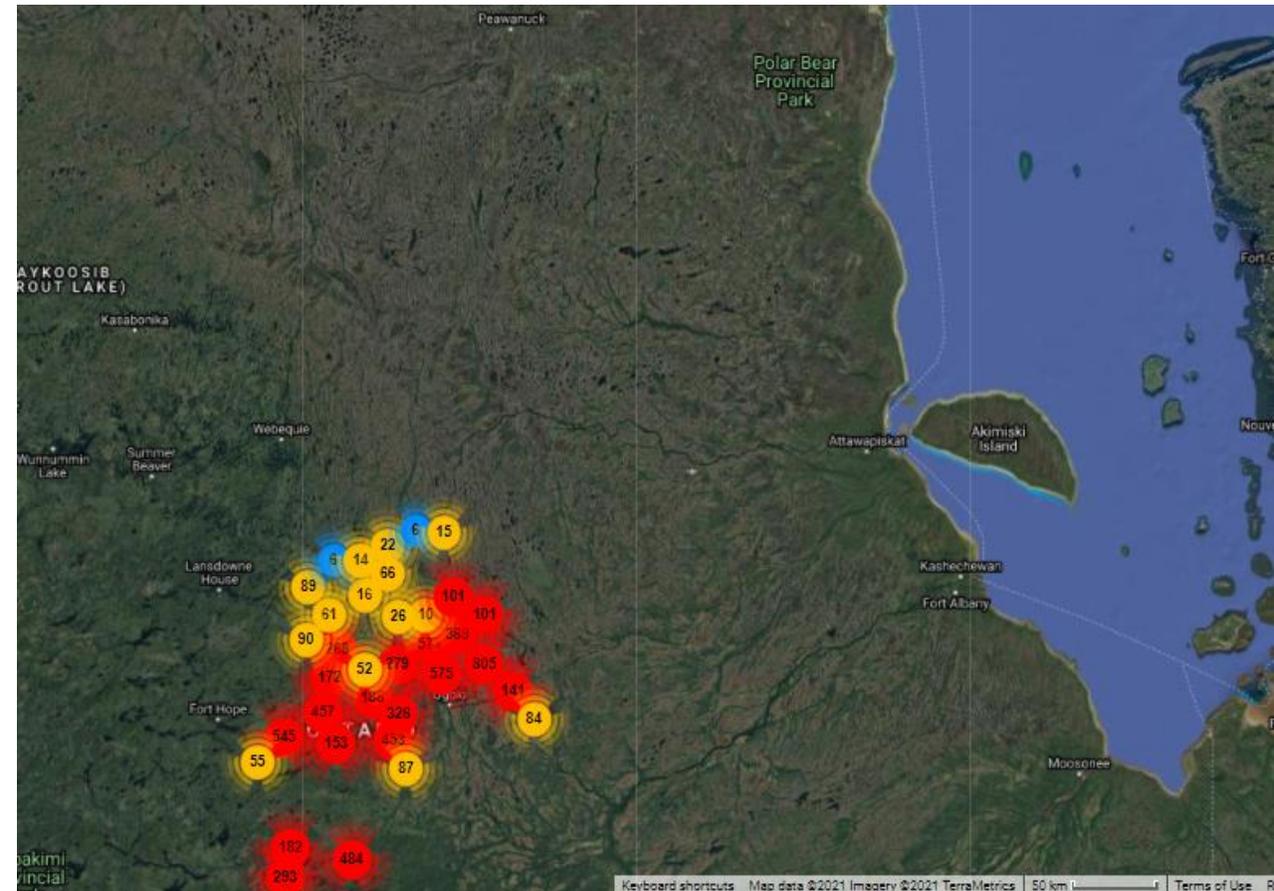
- Three (3) mortalities to date:
 - Mortalities occurred in June and August
 - Two in / near Ungulate LSA
 - One ~ 315 km north of Ungulate LSA boundary
- Collars near study area were retrieved in September
- Third collar - anticipate retrieving in 2022, ideally in collaborative program
 - Asked MNRF Polar Bear researchers in August but was not within their survey area





Caribou Movement

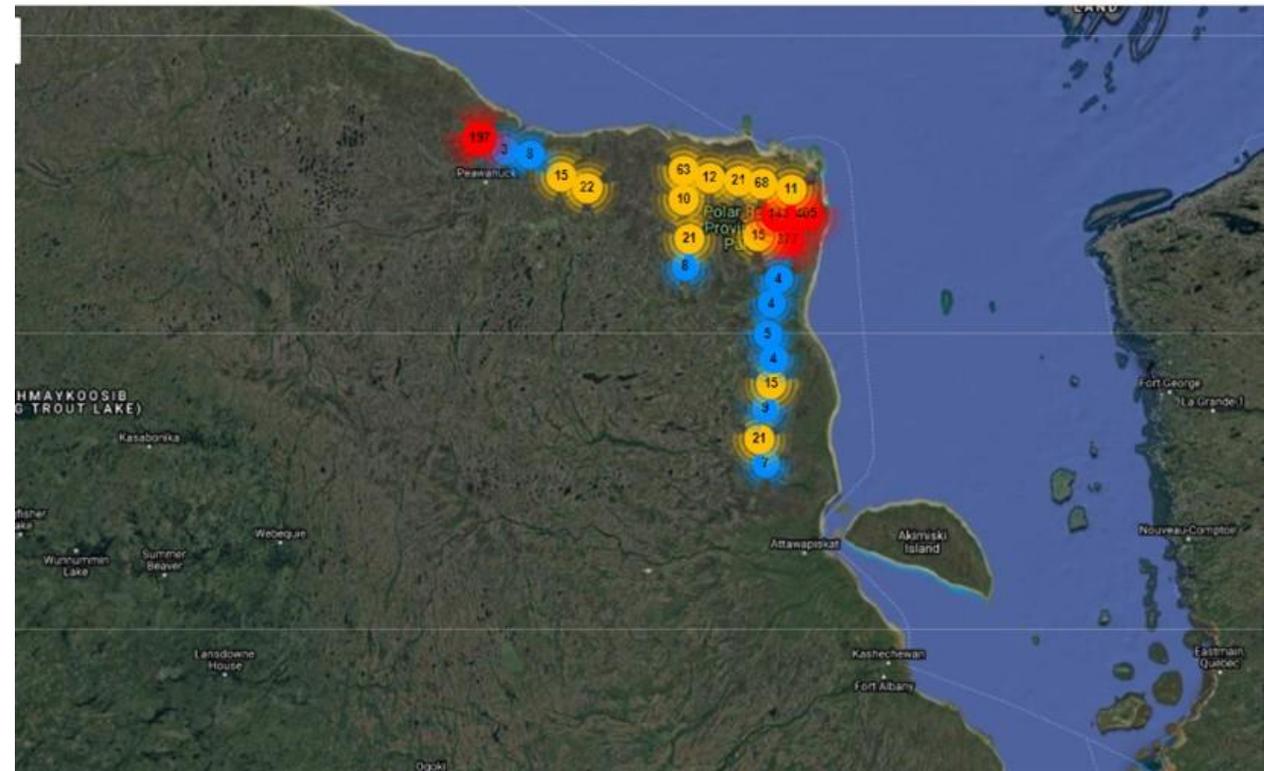
- Twenty-two (22) collared animals remained within / near the LSA through spring and summer.
- Two (2) collared animals moved north towards Webequie LSA in April.
- Six (6) collared animals demonstrated migratory behaviour in April.



All animals, March 1 – 31, 2021

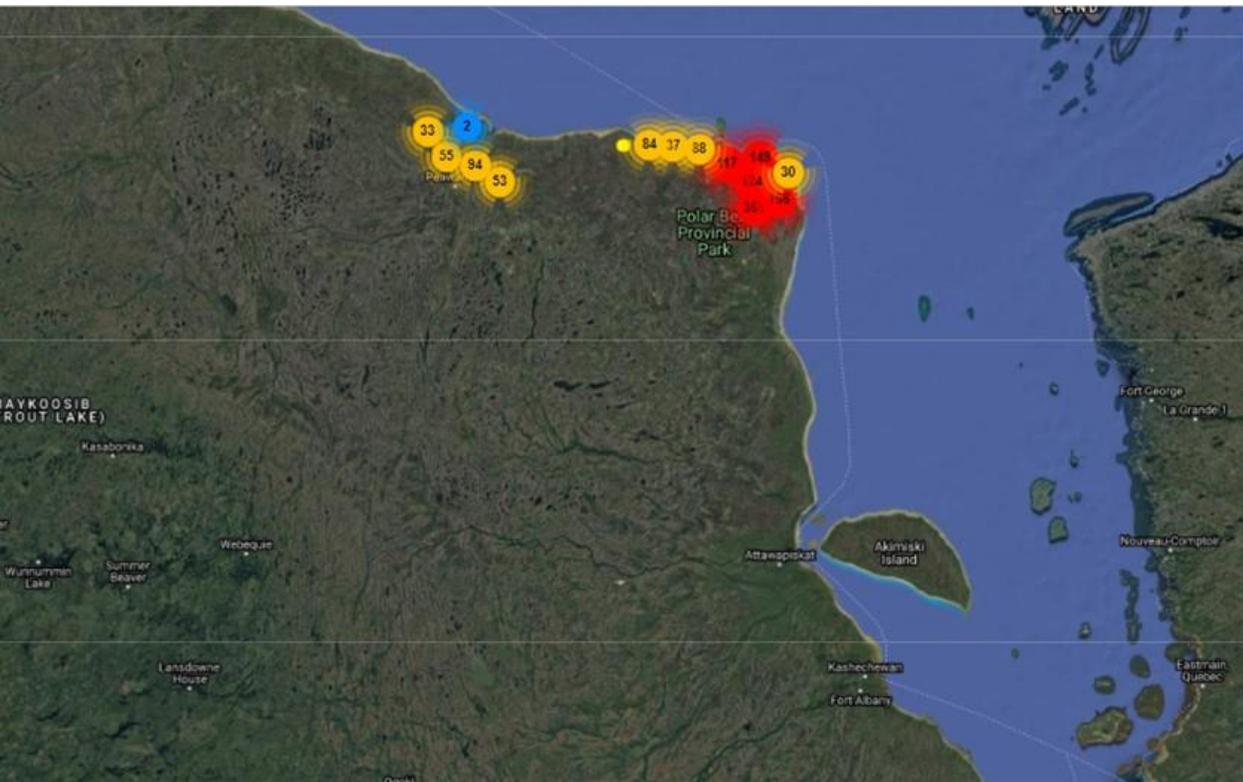


April 1 - 30, 2021



May 1 - 31, 2021



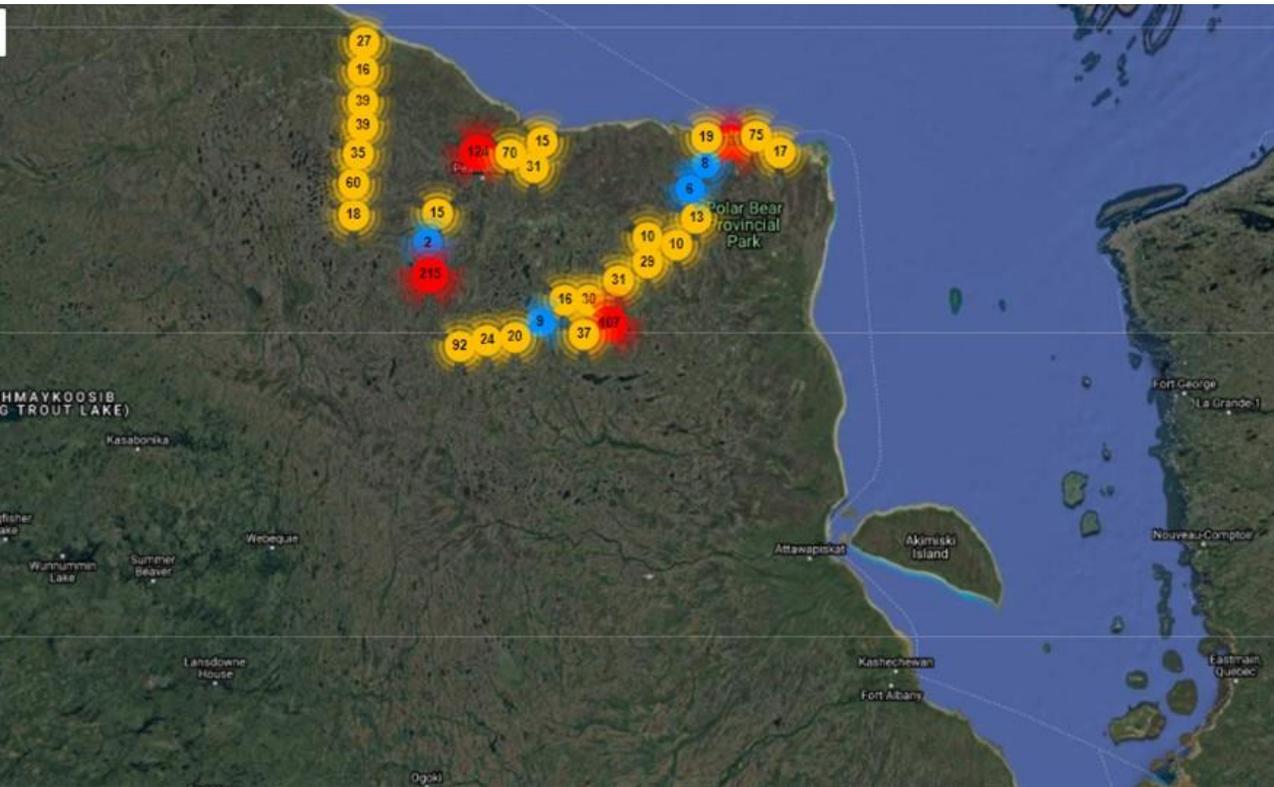


June 1 - 30, 2021

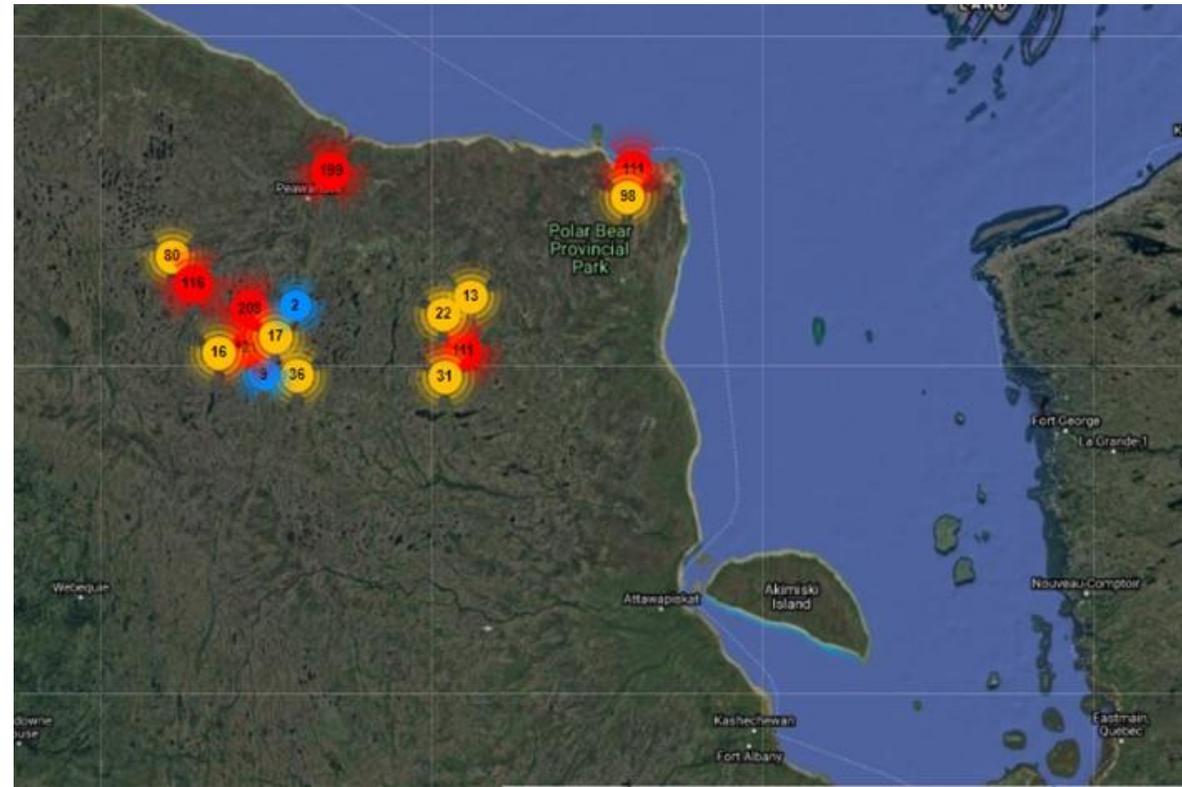


July 1 - 31, 2021

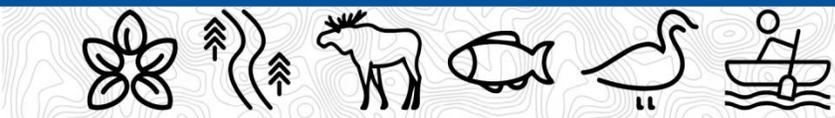




August 1- 31, 2021



September 1 - 27, 2021

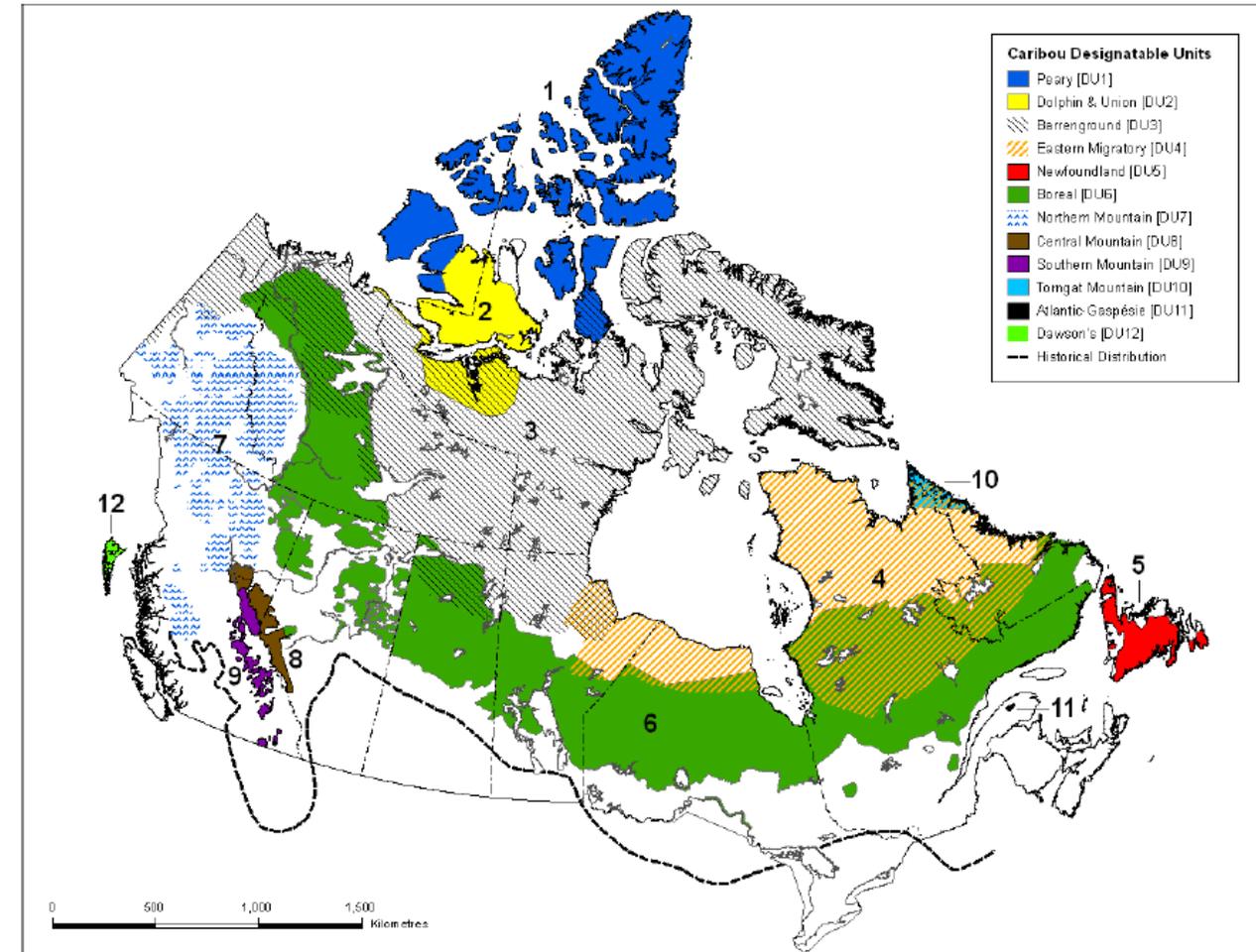




Caribou Ecotypes

- Conservation Units defined by genetic, behavioural, morphological, ecological characteristics
- No clear genetic distinction between ecotypes in ON (COSEWIC 2011)
- Morphological differences cannot be readily distinguished
- Difference in Ontario is in **behaviour**
- DU4: forest-tundra ecotype (migratory)
 - “spacing away” behaviour to move away from areas of high predator density during calving
- DU6: forest-dwelling ecotype (sedentary)
 - “spacing out” behaviour to calve in isolation

FIGURE 4. Designatable Units for Caribou (*Rangifer tarandus*) in Canada.





Caribou Ecotypes in Ontario

- Historic range of boreal / sedentary caribou was reduced by half from 1880 to 1990 (Schaefer 2003)
 - Range has recessed northwards.
- Caribou in SBH are the most southerly migratory population in continental North America.
- Likely more overlap between ecotypes' ranges now than historically

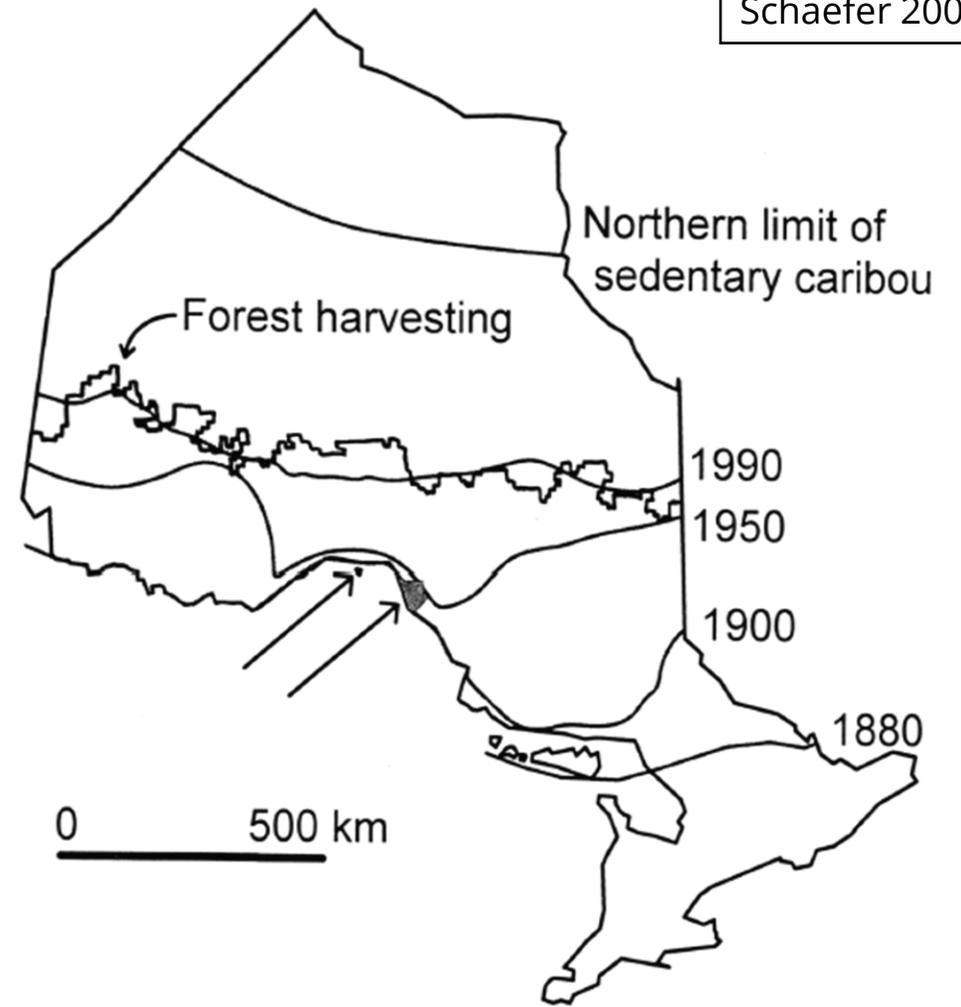


Figure 1. Range recession of sedentary woodland caribou and recent northern limit of forest harvesting in Ontario, Canada (adapted from Cumming & Beange 1993; Perera & Baldwin 2000). Arrows indicate remnant caribou populations on the Slate Islands and Pukaskwa National Park.





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Pond, BA, GS Brown, KS Wilson, JA Schaefer. 2016. Drawing lines: Spatial behaviours reveal two ecotypes of woodland caribou. *Biological Conservation* 194: 139-148.

- Collar data from Far North Caribou Project
- Consistent overlap between Hudson Bay – Boreal Shield populations (average annual range overlap 55%)
- Early winter (1 Jan – 9 Feb): **59%**
- Late Winter (10 Feb – 21 Mar): 53%
- Calving (1 May – 9 June): 19%
- Summer (23 July – 31 August): 3%
- Breeding (9 Sept -19 Oct): 2%
- Two discrete spatial behaviours in female caribou in Ontario, which do not vary on a continuum.

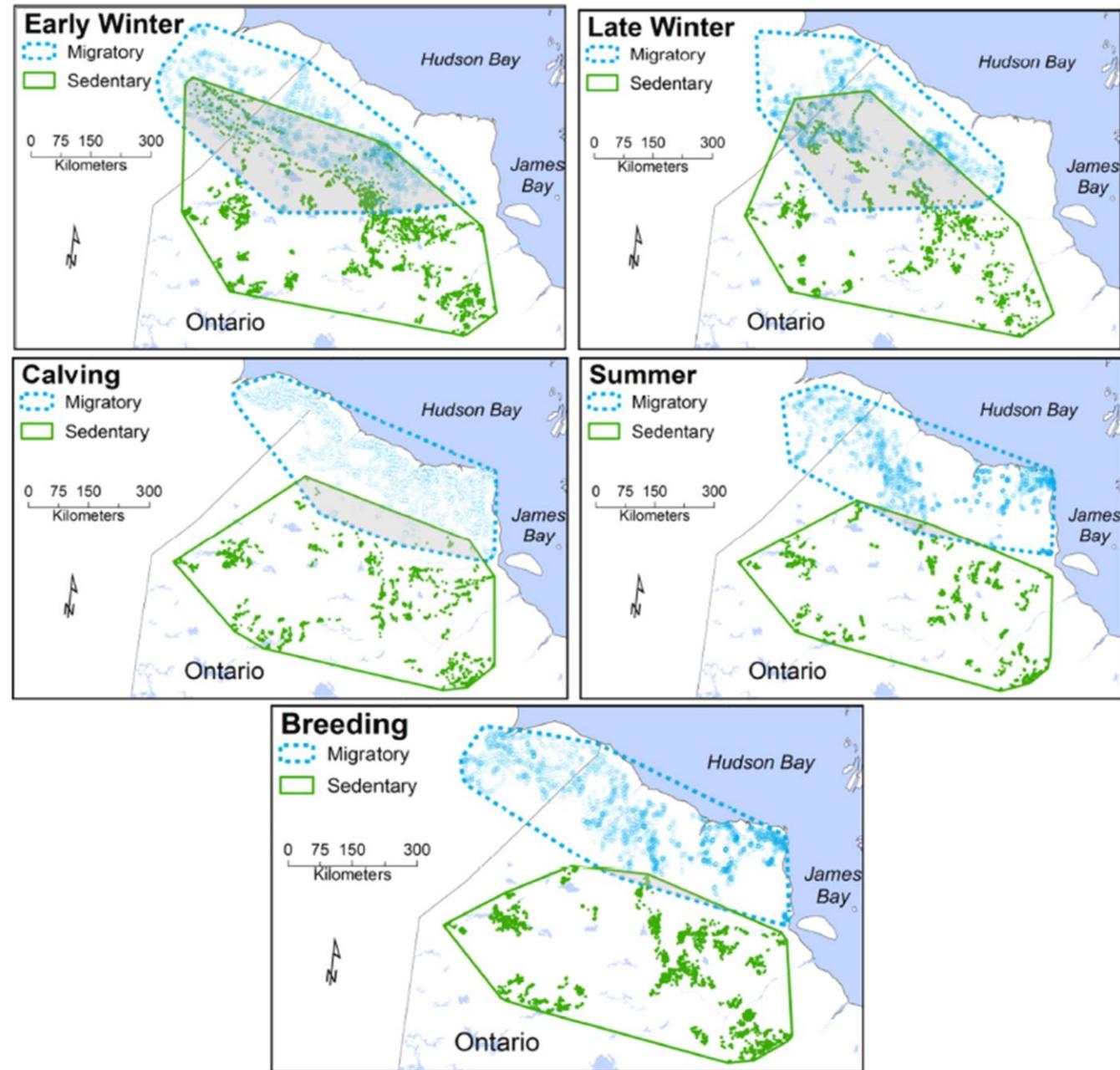
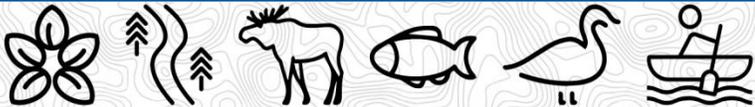


Fig. 5. Seasonal ecotype MCP ranges for northern Ontario female woodland caribou.





Neskantaga First Nation Comment on ToR

“We would anticipate that proponent needs to consider impacts of the project on migratory and sedentary ecotypes and not presume one or the other based on previous collaring information.”

- We agree – we aren't assuming which ecotype it is, we are using collar data to determine.
- The first 6 months of data demonstrate that both ecotypes occur, seasonally, in the study area.





Status and Protection of Boreal and EM Caribou

| Ecotype | Endangered Species Act | COSEWIC | Species at Risk Act | Identified in TISG? |
|-------------------|------------------------|--------------|---------------------|---------------------|
| Boreal | Threatened | Threatened | Schedule 1 | Yes |
| Eastern Migratory | Special Concern | Endangered * | Under consideration | No |

* From COSEWIC 2017: "This migratory Caribou population exists as four subpopulations from coastal western Hudson Bay to Labrador. The present population estimate of 170,636 mature animals indicates there has been an 80% overall decline in number over three generations (18-21 years)... Two declining subpopulations contain about 99% of the Eastern Migratory population; the George River has declined by 99% over 3 generations, and the Leaf River by 68% over two generations... Threats appear to be less prevalent in the two western subpopulations which represent only about 4% of the existing total population. Most of the remaining Caribou reside in the Leaf River subpopulation, which continues to decline."





Approach to IA / EA Assessment of Caribou

- Boreal caribou was selected as Valued Component for the IS / EA.
- TISG did not mention EM caribou (and no protection for EM caribou federally until added to SARA).
- Scientific research and our first 6 months of collar data indicates seasonal range overlap between EM and boreal caribou in the winter.
- Proposed approach:
 - Boreal caribou: quantitative assessment of existing conditions, Application Case, Residual Effects.
 - EM caribou: qualitative assessment of existing conditions only.





Quantitative Assessment of Boreal Caribou

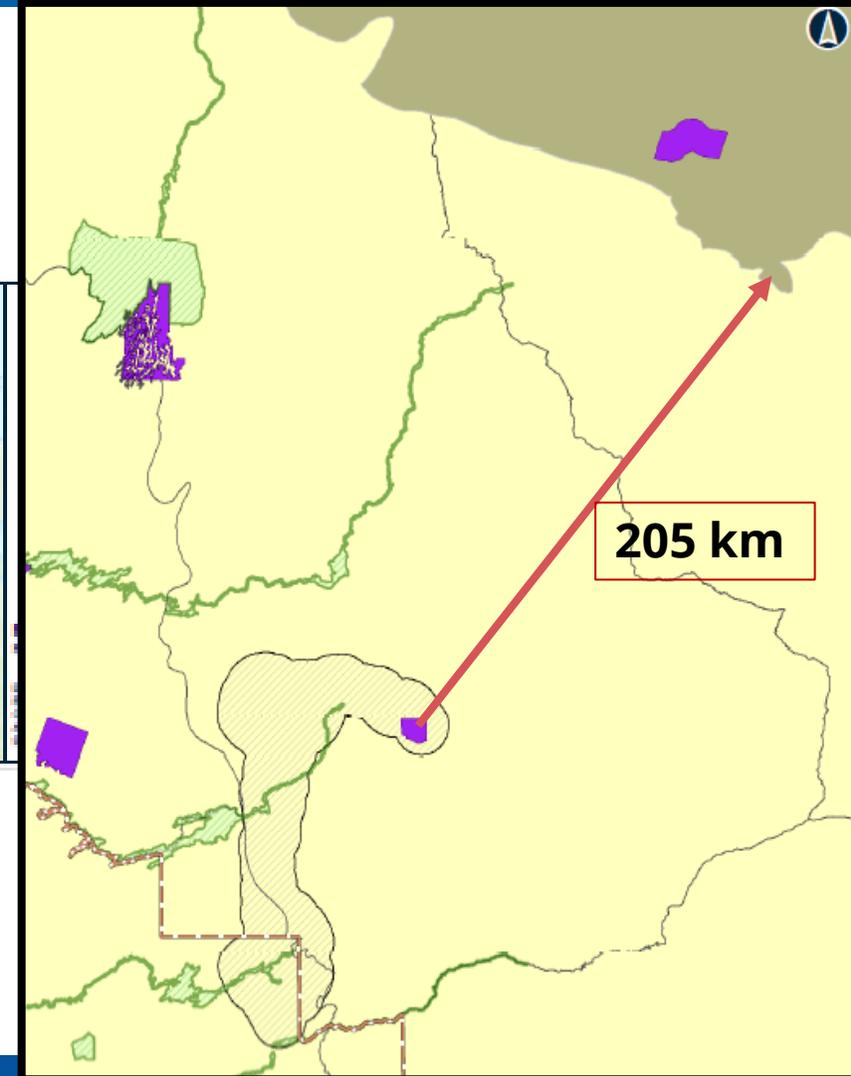
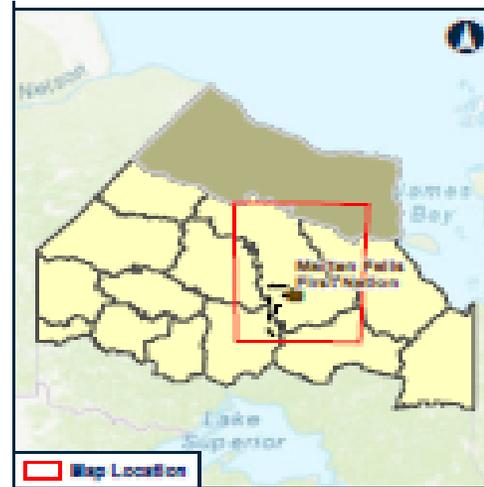
- MECP requested 3 years of data from 20 individuals to characterize baseline conditions and conduct statistical analysis on potential project effects to boreal caribou.
 - 30 animals captured in 2021 minus 6 EM caribou = 24 boreal caribou (year-round residents)
 - 2 boreal caribou mortalities in 2021 = 22 boreal caribou
 - Winter use analysis of Project effects can include data from all collared animals; summer use analysis constrained to year-round residents of the caribou study areas.
- Supplemented by MNRF collared animals in the study areas
 - 7 of the 51 MNRF collared caribou (deployed in March 2020) interact with LSA; additional 2 interact with larger Area of Potential Interest.
 - Note: WSR animals haven't moved south to date.





Quantitative Assessment of EM Caribou?

- EM caribou range boundary is 205 km straight line from MFFN community.
- No EM caribou habitat delineated in our study area at baseline.
- Can't quantify loss of habitat as a result of the Project, unless we create a new "range boundary" for EM caribou in Ontario.





Qualitative Assessment of EM Caribou

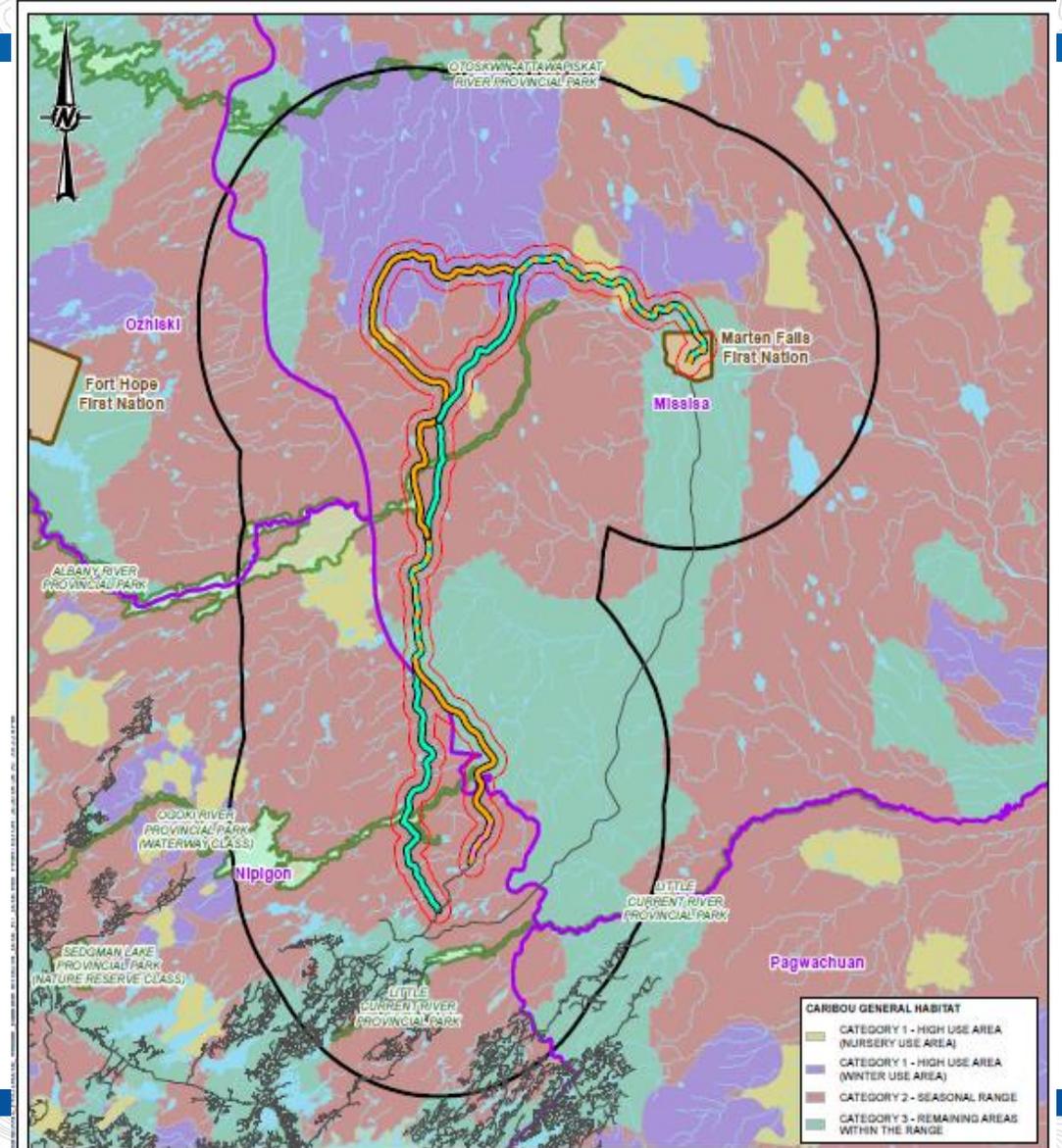
- Narrative about seasonal use of study area by eastern migratory caribou
 - MNRF aerial surveys and VHF studies (since late 1970s)
 - Peer reviewed literature
 - Data from collared EM caribou which identifies winter use areas
- Describe how EM caribou may be impacted by the Project based on known threats, but constrained to impacts to winter range.
 - Quantity and quality of habitat condition in winter range and summer range impacts migration routes, timing of movements, female body condition, calf survival (Newton et al. 2015).





Qualitative Assessment of EM Caribou

- Describe how boreal caribou act as proxy for “caribou” in assessment and determination of significance (particularly with Cat 1 winter use areas).
- Mitigations to protect boreal caribou Category 1 winter use areas will likely protect EM caribou wintering grounds.
- Note: It is likely that impacts to EM caribou migration corridors and summer habitat will be accounted for in other concurrent Environmental Assessments





Summary

- Both Boreal and Eastern Migratory caribou are present in the study area in the winter.
- A quantitative assessment of Boreal caribou will be conducted to characterize Existing Conditions (including updating delineation of Cat 1 habitats)
- A narrative about seasonal occupancy of EM caribou will be included in the characterization of Existing Conditions.
- Boreal caribou will act as proxy species for both ecotypes in the Application Case and assessment of Residual Effects.
- Mitigations designed for Boreal caribou will also benefit EM caribou during the winter when they are present in the study area.





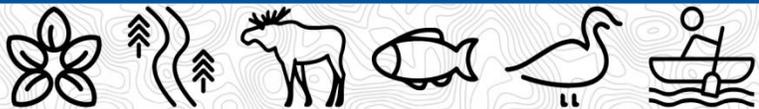
Discussion

- Confirm agreement with approach.
- Discuss data sharing opportunities between proponent and ECCC, if any.
- Discuss joint field program(s) to retrieve MFFN / WSR / MNRF collar(s) on mortality near coast of Hudson Bay





Action Items / Next Steps





Project Name: Marten Falls First Nation
Community Access Road

Date: October 19, 2021

To: Chiara Calabrese, IAAC
Sasha McLeod, MECP
Dorothy Moszynski, MECP
Melissa Mauro, MNRF

CC: Jennifer Bruin, Qasim Saddique, Larissa Stevens, Bob Baxter, Lawrence Baxter (MFFN CAR Project Team)

Memo

Subject: Approach to Assessment of Boreal and Eastern Migratory Caribou in the Impact Assessment / Environmental Assessment of Marten Falls First Nation Community Access Road Project

1.0 Objectives

This memo was prepared in response to a request by provincial and federal regulators following a presentation on September 28, 2021 about migratory movement data from collared caribou (*Rangifer tarandus*, Atik). The objectives of this memo are to:

- 1) inform provincial and federal regulators about preliminary results from the first six months of collar data from caribou captured for the Marten Falls First Nation Community Access Road Project, and
- 2) present an approach for a qualitative assessment of Eastern Migratory caribou in the description of existing conditions of the Project's Impact Assessment / Environmental Assessment.

2.0 Introduction

Marten Falls First Nation (MFFN) is a remote First Nation community in northern Ontario located at the junction of the Albany and Ogoki rivers, approximately 430 kilometres (km) from Thunder Bay, Ontario. The MFFN community is proposing an all-season Community Access Road (CAR, or the Project) that will connect the MFFN community to Ontario's provincial highway network (Highway 643) to the south via the existing Painter Lake Road. MFFN, as the Proponent of the Project, has formed a MFFN CAR Project Team that





includes MFFN CAR Community Member Advisors and MFFN CAR Project Consultants who act with input, guidance, and direction from the MFFN Chief and Council.

The Project is undergoing a coordinated Impact Assessment (IA) by the Impact Assessment Agency of Canada (IAAC; the Agency) under the federal *Impact Assessment Act* (IAA), and Environmental Assessment (EA) by the Ontario Ministry of the Environment, Conservation and Parks (MECP) under the Ontario *Environmental Assessment Act*.

Caribou, Boreal population (*Rangifer tarandus caribou*; Atik) have been identified as a valued component (VC) for the Project. Boreal caribou are listed as a threatened species under the provincial *Endangered Species Act* (ESA; Government of Ontario 2007) and are on Schedule 1 of the federal *Species at Risk Act* (SARA; Government of Canada 2002). The proposed route alignments of the Project intersect the federal Far North boreal caribou range (ECCC 2020) and the provincial Missisa and Nipigon boreal caribou ranges; the ungulate local study area (LSA; 5,435 km²; 10 km buffer on either side of the proposed route alignments) extends into the provincial Ozhiski range. The additional area of potential interest for caribou also intersects the northwest corner of the Pagwachuan range.

To support the baseline assessment of existing conditions for the joint IA / EA of the MFFN CAR, and as required by the IAA in the Projects' Tailored Impact Statement Guidelines (TISG; IAAC 2020), an Ungulate Study Plan was prepared outlining field programs beginning in winter 2021 and continuing to 2024 (MFFN CAR 2021). The field programs were designed to fulfill recommendations under Section 7 and 8 of the TISG (IAAC 2020) and Section 7 of the draft Terms of Reference (ToR; AECOM 2020). Indigenous community input has been received on the ToR and draft Ungulate Study Plan through an engagement process. The final Ungulate Study Plan incorporated input from Indigenous communities and extensive feedback received on the draft Plan by MECP, the Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR), the Ontario Ministry of Energy, Northern Development and Mines (ENDM), the Agency, and Environment and Climate Change Canada (ECCC).

3.0 Collar Deployment

At the request of MECP, a three-year radio collar program was developed for the Project to monitor the seasonal distribution and abundance and document trends in survival and recruitment of caribou in the LSA. To account for mortalities that are expected to occur during the baseline study, thirty (30) radio collars were deployed on adult female caribou between February 16 to 19, 2021 to assess their productivity and survival, and to facilitate conducting an aerial recruitment and age/sex composition survey in 2022.





Collar deployment was strategically spread out in the LSA and in the additional area of potential interest (API) for caribou (18,000 km²; 35 km buffer on either side of the proposed route alternatives). Nine females were captured within the LSA, 19 females were captured within the 35 km API, and two were captured just outside of the API north of Ogoki River. Collaring work was conducted under ESA Permit # NR-B-007-20. A summary of the collar deployment field program was presented in a meeting with regulators on March 18, 2021 and a report was provided as per ESA permit conditions on April 7, 2021 (Golder 2021).

4.0 Collared animal movement, February to September 2021

Collars were programmed to transmit a location via satellite every three hours for 24 hours per day, for a total of eight locations per day over the duration of their deployment. Twenty-two (22) of the 30 collared animals remained within or near the ungulate LSA throughout the spring and summer of 2021. Two animals moved north towards the Webequie Supply Road LSA in April.

Between April 3 and April 6, six caribou began long-distance movements, arriving at the coast of Hudson Bay in late April and early May (Figure 1A). The distance between where these 6 animals were caught in February in the ungulate LSA to the coast of Hudson Bay is approximately 450 km. The six animals stayed in the northeast corner of Ontario in May and June (Figure 1B, 1C) and in July started to spatially separate from each other along the coastline (Figure 1D). Between August and September, the animals moved slightly south towards the treeline (Figures 1E, 1F). One animal died in her summer range on August 11, approximately 70 km south of Peawanuck.

Based on the observations of caribou movement in spring 2021, it is evident that collars were deployed on six migratory caribou, who use the Project study areas for overwintering habitat. Those six animals were captured in the northern part of the LSA, in the same areas where non-migratory animals were observed and collared, indicating that the migratory caribou winter area overlaps with the Category 1 Winter Use Area that has been delineated for boreal caribou by MECP.





Figure 1A: April

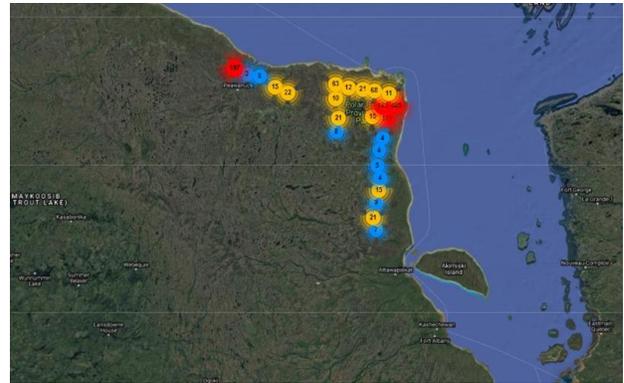


Figure 1B: May

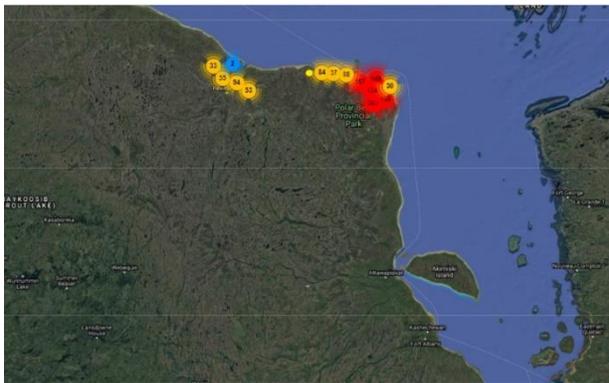


Figure 1C: June



Figure 1D: July



Figure 1E: August

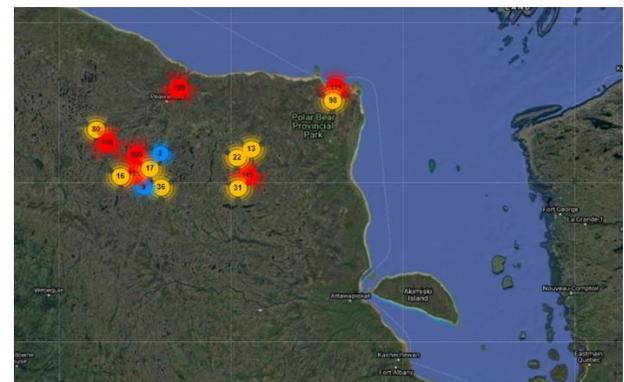


Figure 1F: September

Figure 1: Collar data points from six animal, April to September 2021.





5.0 Review of Caribou in Ontario

There are two caribou conservation units (designatable units; DU) in Ontario; the forest-tundra migratory ecotype (DU4) and the forest-dwelling sedentary/boreal ecotype (DU6). Conservation units are typically defined by genetic, behavioural, morphological and/or ecological characteristics. According to COSEWIC (2011), there is no clear genetic distinction between ecotypes in Ontario; rather, the difference between them is in their behaviour. Migratory caribou exhibit “spacing away” behaviour during calving, where they move away from areas of high predator density, and boreal caribou exhibit “spacing out” behaviour where they calve in isolation (COSEWIC 2011; Pond et al. 2016).

The range of the forest-dwelling caribou in Ontario has been reduced by half between 1880 to 1990 as a result of increasing anthropogenic disturbances in the southern portion of the range (Schaefer 2003). As boreal caribou have moved northwards, they are likely more often encountering and sharing range with Eastern Migratory (EM) caribou, who spend calving and summer seasons along the coast of Hudson Bay but move south below the treeline in the winter where there is more opportunity for forage in shallower snow (COSEWIC 2011). Collar data collected between 2009 to 2014 for the Far North Caribou Project (Berglund et al. 2014) demonstrated a substantial overlap between EM and boreal caribou in the early and late winter (59% and 53% range overlap, respectively) and a much lower overlap of home ranges in the calving, summer and breeding seasons (19%, 3% and 2%, respectively; Pond et al. 2016).

Boreal and EM caribou have different levels of protection in Ontario. As a Threatened species under the ESA and on Schedule 1 of SARA, boreal caribou are offered both species and habitat protection. EM caribou, however, are listed as a Special Concern species under the ESA which does not offer them species or habitat protection. Federally, EM caribou have been assessed as Endangered by COSEWIC (2017) and a recommendation has been made to add EM caribou to Schedule 1 of SARA; until they are listed, they are not allotted species or habitat protection. Of note too, is that the status recommendation for EM caribou by COSEWIC was based primarily on the dramatic decline by the two subpopulations in Quebec (George River and Leaf River) and “threats appear to be less prevalent in the two western subpopulations which represent only about 4% of the existing total population” (COSEWIC 2017, pg. xi).





6.0 Revised Approach to Caribou in the IA / EA

Although previous collar data has indicated EM caribou occur south of the treeline in winter, it was not anticipated during the development of the Ungulate Study Plan that EM caribou would be present so far south in the Missisa range where the MFFN CAR Project was conducting collaring work in winter 2021. While the migratory movements from collar data in April was being reviewed by the Project Team, Neskantaga First Nation submitted a comment in response to the draft Terms of Reference stating “we would anticipate that proponent needs to consider impacts of the project on migratory and sedentary ecotypes and not presume one or the other based on previous collaring information”. The MFFN Project team agrees with Neskantaga First Nation that current collar data should inform the consideration of impacts, both year-round and seasonal, on both caribou ecotypes that occur in the study area.

Boreal Caribou

Boreal caribou were selected as a VC for the IA / EA, and the MFFN CAR Project Team intends to continue as described in the Ungulate Study Plan (MFFN CAR 2021) with a quantitative assessment of existing conditions and an assessment of potential project effects including residual effects of the Project on boreal caribou.

MECP requested three years of data from 20 individuals to characterize baseline conditions and conduct statistical analysis on potential project effects to boreal caribou. The collar data from 2021 indicates that six of the 30 animals are only seasonal (winter) residents in the MFFN CAR study areas. In addition, two boreal caribou have died in summer 2021, leaving 22 boreal / year-round residents as of October 2021. Given the likelihood of additional mortalities in 2022 and 2023, it is probable that the Project will not have three years of year-round data from 20 individuals using the study area. However, MFFN collar data will be supplemented by MNRF-collared animals in the study areas, as per a data sharing agreement between the Project and the Province. There are at least seven individuals collared by MNRF in March 2020 who interact with the LSA.

Seasonal distribution and habitat use is a desired outcome of the collaring program and will inform the indicators (i.e., habitat availability and distribution) that will be used to assess potential Project effects on caribou. Data from all animals that occur in the study area in the winter, regardless of ecotype, can be used in analysis to identify important wintering areas (i.e., Category 1 habitat). Category 1 nursery areas can also be delineated, using a smaller sample size of animals that occur geographically in the study areas during a specified time period.





Eastern Migratory Caribou

As a result of the collar data summarized in Section 4, the MFFN CAR Project Team proposes to add a qualitative assessment of existing conditions for EM caribou. The qualitative assessment will include a narrative about the seasonal use of the study area by EM caribou, based on the data collected from collared animals as well as peer reviewed literature and a summary of MNR aerial surveys and VHF collaring programs that have studied EM caribou since the late 1970s.

The qualitative assessment will describe how EM caribou may be impacted by the Project based on known threats (e.g., COSEWIC 2011) and will describe how, given boreal and EM caribou have similar threats in their winter use areas, boreal caribou can act as a proxy for “caribou” in the assessment of residual impacts. It is anticipated that predicted effects to boreal caribou will overestimate effects to EM caribou due to their higher frequency and duration of interaction with the Project.

The qualitative assessment of potential impacts of the Project to EM caribou will be constrained to their winter range. This is important to note because the quantity and quality of habitat condition in both the winter and summer ranges of migratory animals impacts the migration routes, timing of movements, female body condition and calf survival (Newton et al. 2015). Impacts in the summer range should not be attributed to the Project which appears to overlap with the most southernly part of the winter range.

EM caribou will not be carried through as a stand-alone VC in the assessment of potential project effects including residual effects. The federal and provincial boundaries of EM caribou range (COSEWIC 2017) shows the Project is 205 km straight line distance from EM caribou range. The boundary is based on historic knowledge and land cover attributes, and doesn't overlap the Project study areas. EM caribou are not listed under Schedule 1 of SARA and there is no recovery strategy which would define critical habitat for the species. As such, at baseline, MFFN would be unable to complete a quantification of the potential loss of EM caribou habitat as a result of the Project. However, as stated, MFFN will use boreal caribou as a proxy for EM caribou and by doing so assume the same predicted effects to EM caribou during the winter when they occur in the Ungulate study areas.

7.0 Summary

Data collected from collars deployed on caribou between February and September 2021 has revealed that both Boreal and EM caribou ecotypes are present in the MFFN CAR study area in the winter.





MFFN CAR Project Team proposes to conduct a quantitative assessment of Boreal caribou and incorporate a qualitative assessment of EM caribou in the form of a narrative to characterize existing conditions for caribou in the LSA. Boreal caribou will act as the proxy species for both ecotypes in the assessment of potential project effects including residual effects. It will be assumed that mitigations proposed for Boreal caribou will also benefit EM caribou during the winter when they are present in the LSA.

8.0 Closure

We hope this memo provides clarification following the presentation on September 28, 2021. If you have any questions, please do not hesitate to contact the undersigned.





Authors

Report Prepared By:

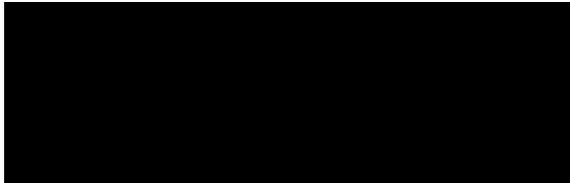


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MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD

Response from Kevin Green, MECP – December 6, 2021

MECP's SARB has reviewed the MFFN CAR Project Team's Memo: Approach to assessment of Boreal and Eastern Migratory Caribou in the Impact Assessment/Environmental Assessment of Marten Falls First Nation Community Access Road Project ('Memo') provided to MECP on October 28, 2021 with consideration for Boreal Caribou. As per section 6.0 - Revised Approach to Caribou in the IA/EA – Boreal Caribou, we acknowledge that the MFFN CAR Project Team proposes to analyze data from all animals that occur in the study area during the winter, regardless of ecotype, to identify important wintering areas (i.e., Category 1 habitat). We agree with, and support, this proposed approach for identifying and assessing potential impacts to winter use areas for Caribou, as it is understood that both ecotypes use similar biophysical features during the winter that provide abundant ground lichen for winter forage, which may allow individuals to minimize energy expenditure, forage more efficiently and/or minimize individual risk of predation. Further, we would also point out that there is some evidence, albeit limited, from past efforts collaring in Ontario that some individuals exhibiting characteristics consistent with Boreal Caribou have also occasionally made excursions north to the Hudson Bay coast during the summer for calving; and vice versa. As such, we would recommend this be reflected in the Memo and the MFFN CAR Project Team consider this potential switch in behaviour between years when analyzing the collaring data.

If you or the MFFN CAR Project Team have any questions, or would like to discuss further, please feel free to contact me at [REDACTED]





Minutes of Meeting

Subject: Wolverine Permitting Discussion

Date of Meeting: September 29, 2021

Location: TEAMS

Time: 10:00 to 11:00 am EST

Attendees: **NDMNRF – NDM**

- Paul MacInnis
- NDMNRF – NRF**
- Melissa Mauro
- Adam Christensen

MECP

- Sasha McLeod (EAB)
- Brianne Brothers (SARB)
- Kevin Green (SARB)
- Daniel Williams (SARB)
- Neil Hillis (Ontario Parks)
- Shannon Walshe (Ontario Parks)

MFFN CAR Project Team

- Jennifer Bruin
- Larissa Stevens
- Lawrence Baxter
- Shawna Kjartanson
- Michelle Bacon
- Leah Deveaux
- Christine Cinnamon
- Erin Greenaway
- Kenndal Soulliere

Prepared By: K. Soulliere

Housekeeping

- Roundtable introductions
- Indigenous moment / land acknowledgement
- Safety moment noted the importance of monitoring water levels

Approach

- Wolverine baseline program was designed based on the TISG, comments on the ToR, technical meetings and consultation.
 - The Local Study Area (LSA) is a 10 km buffer from the centreline (5,435 km²)
- The Regional Study Area (RSA) is all Wildlife Management Units (WMUs) that intercept the wolverine LSA (152,645 km²). The objective of the program is to characterize baseline conditions for wolverine via:
 - 1) **Desktop Data**
 - Reviewing habitat suitability based on landcover data and reviewing relevant scientific publications and peer-reviewed literature including Dawson *et al.* and Magoun *et al.*





- Occupancy models from Ray *et al.* 2018 via data sharing agreement with WCS
 - Along with new knowledge from ongoing wolverine research from the Red Lake Area from WCS (a SAR Stewardship Fund project)
- Historical harvest records and consultation with local trappers
- Anticipate the Project will also receive information from the IK Program

2) Baseline Surveys

- Aerial winter transects survey: Purpose is to estimate wolverine presence / non-detection and distribution.
 - Two stage approach in Winter 2022:
 - Stage 1 is a fixed wing survey of 54 transects, 2 km apart in the ungulate LSA, with every fifth transect extending out to the broader Area of Interest for caribou (35 km buffer)
 - Stage 2 is a rotary wing survey to investigate in detail the findings of the fixed wing survey (e.g., wolverine tracks)
- Hair Snag Program: Purpose is to estimate relative abundance, collect demographic data
 - 54 baited hair snag stations (one in each 100km² hexagon overlapping the wolverine LSA)
 - Two cameras at each station
 - Procure bait from local trappers if possible
 - hair snags will be checked every 4 weeks for hair samples, bait refreshed, and cameras checked
 - Run pole design – horizontal beam built into trees with a hair snag device (barb wire and alligator clips) with meat bait strung above the run pole on a wire and a camera set up to images that may help identify individuals based on unique chest and determine gender / reproductive condition
 - Alternative to the run pole design (for smaller trees) is to build a free standing structure with poles for hanging bait/mounting cameras
- Winter Ground Tracking Survey: component of the small furbearer study but may have some wolverine track observations – conducted in the furbearer / wildlife LSA – within a 3 km buffer on the Project Study Area (PSA).
 - One program Winter 2022. 30 triangular transects – each side of the triangle is 1.5 km – total length is 4.5 km.
 - Not a targeted wolverine baseline program but may capture incidental wolverine data
- Remote Camera Program: component of the predator study for the Ungulate baseline program
 - 30 cameras were deployed in the ungulate / wolverine LSA in Spring 2021 until Spring 2023
 - Site selection was based on land cover data, access, caribou range





- Not baited
 - Not a targeted wolverine baseline program but may capture incidental wolverine data
 - Individuals cannot be identified based on setup, can only be used for presence / non-detection or abundance
- Objectives of desktop and field programs are to determine presence (field / baseline surveys), relative abundance (hair snag traps), demographic data (hair snag traps), and habitat availability and distribution (land cover data, aerial winter transect survey, hair snag traps)
 - The winter ground tracking and remote camera surveys are not specifically targeted for wolverine, but incidental observations will be used as supplemental data (presence / distribution / habitat use)
 - The level of effort is considered appropriate to determine if there are wolverine in the area – the WSC believes that the home range for females is 665 km² and males are 1388 km², based on Red Lake Area
 - MFFN CAR is taking a precautionary approach and will assume wolverine are present in the area

Questions

- Paul noted that there is one location for the survey site, near Dusey Lake in which the Project should confirm with Bob Baxter, MFFN and Mike Bell, Aroland First Nation about the significance of the area. He also noted that Bob can explain more if it comes from the IK Program
 - Mark Bell from Aroland First Nation would be able to get information as he is an active trapper southern area, and have noted an increase of wolverine in the area
 - Transect Map – the planning team provided information and a flight path from their survey in 2010.
Action: Paul to confirm the owner of the report and follow up with the Project Team. He noted he believes it is Eabametoong First Nation (Fort Hope) – in conjunction with Mishkeegogamang First Nation
- Kevin noted that there is a change of direction on the ESA B Permit Application for studies like this; an ESA B Permit may not be needed.
 - Suggests the program could be undertaken under Ontario Regulation 242/08 S.23.17. It is up to the Project Team to decide which route to pursue.
 - If registering the activity, a mitigation plan with details similar to that provided in this presentation may be enough
 - Kevin also noted that details like this are needed in the wildlife study plan – including baiting instead of scent lures.
 - **Action:** Kevin to provide a list of studies available to support this, that are SAR Stewardship Program (SARSP) funded projects (Note: MECP provided compiled list to MFFN CAR team on October 8, 2021)
- Other hair snag traps design ideas that MECP SARB may support – MECP SARB (Kevin) – offhand the free-standing run poles (as Magoun recommended approach) over barb wire poles





- Harvest Data – Kevin clarified that the comment about harvest desktop data was to highlight that the harvest report data is not necessarily complete, there may be unreported wolverine harvest. Appreciated that presentation showed there would be interviews with Indigenous trappers, suggest adding clarity to the study plan about data sources and acknowledge there is some unreported
- MFFN Project Consultant asked question about reporting requirements for ESA B Permit vs registration– the ESA B permit likely requires regular reporting and whether the alternative would be less reporting. The MECP noted that from an authorization standpoint – s. 23.17 under O.Reg. 242/08 has no required annual reporting and limited reporting requirements following the completion of the work, but it would be helpful, in the context of the EA, to provide more frequent reporting on the progress and results to MECP. Kevin also noted that the timelines might be different as well – the turn around time for an ESA B permit is substantially longer than the process required by s. 23.17 under O.Reg. 242/08 (i.e., registration, development of mitigation plan and other conditions).
- Discussion regarding the perception of the Project and the Project Team’s commitment to follow the proper lines and species protection if the regulation process is followed rather than the ESA B Permit
 - Kevin noted that he does not believe there would be negative impacts from the ESA side, the Project Team has been good providing detailed information, and he is very confident in the information already provided (e.g., survey design, methodology)
 - **Action:** The recommendation is for the Project Team to look into the ESA B permit versus O. Reg 242-08, Sec. 23.17
 - Kevin also noted that Webequie Supply Road did obtain an ESA B permit for their program, consistent with direction at that time
- Inquiry whether the regulation covers the full program or just aspects, Kevin noted that the Project should provide their proposed approach into the registration and that multiple years for hair snags would be recognized with one registration. Dan also confirmed it is fine to include all years of program at once in the registration.

Next Steps

- Project team to confirm if they are moving forward with ESA B Permit (Via Sasha), vs. registration and mitigation plan.



D4. Municipal Agencies

D4.1 Meeting Minutes and Materials (MIN)





Project Name: Marten Falls First Nation All Season Community Access Road

Date of Meeting: July 7, 2021

Time: 1:30 pm – 2:30 pm EDT

Project #: 60593122

Attendees: Doug Lawrance, Mayor, Municipality of Sioux Lookout

Location: Microsoft Teams / Call-In

Qasim Saddique, MFFN CAR Project Team
 Lawrence Baxter, MFFN CAR Community Member Advisor
 Bob Baxter, MFFN CAR Community Member Advisor
 Jennifer Bruin, MFFN CAR Project Team
 Larissa Mikkelsen, MFFN CAR Project Team
 Sara Barss, MFFN CAR Project Consultant
 Geneva Cloutis, MFFN CAR Project Consultant

Prepared By: Geneva Cloutis

Absent: Michelle Larose

Regarding: MFFN CAR Introductory Meeting

Minutes of Meeting

| | Action Items |
|--|---|
| <p>➤ Introductions</p> <ul style="list-style-type: none"> • Mayor Lawrance – has been Mayor of Sioux Lookout for 7 years, previously worked as a consulting engineer in northern First Nations, broadly interested in all-weather roads to the North. On this project, Mayor Lawrance is interested in the “downstream” impacts of the road to Sioux Lookout, and a rational look at planned development of the northern all-weather road network, with communities first and industries second. • Sioux Lookout is currently a hub for fly-in communities in the north, 5x the per-capita air traffic of Toronto. • Development of all-weather roads could have neutral, negative or positive impacts on Sioux Lookout. | <ul style="list-style-type: none"> • N/A |
| <p>➤ Presentation</p> <ul style="list-style-type: none"> • What is the Project? <ul style="list-style-type: none"> ○ A Community Access Road (CAR) to connect MFFN to the provincial highway network. The primary goal is access for the community, secondary goal for future potential mining and economic development opportunities | <ul style="list-style-type: none"> • N/A |





MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD

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- The project is a community-led process. The MFFN CAR Project Team includes MFFN Community, MFFN CAR Community Member Advisors, Chief and Council, and technical expertise.
- Why is the CAR needed?
 - With climate change, winter roads are becoming less reliable, increasing need to use aircraft to bring in materials.
 - An all-weather road will mean increased travel safety, access to services, improved wellbeing, reduced prices of food, fuel supplies, and economic opportunities.
 - The road will be multi-purpose, for community, industry and public use.
- Components of the CAR
 - Includes: 190-230km gravel road, bridges/culverts, aggregate sources, temporary construction roads/areas/camps.
- Potential Routes for the CAR
 - Western route alternatives are being considered because they are on higher ground, shorter bridge crossings, MFFN did not want a bridge near the community or for the road to travel directly into community.
- Respecting the Environment
 - EA process is underway, looking at alternatives with the least potential for negative effects, greatest benefits.
 - Having community members on the project team allows for additional insight for the local environment.
- Who We are Engaging With
 - The MFFN CAR Project Team is engaging with Indigenous communities, PTOs, and Tribal Councils (23 communities to be engaged with) in addition to agencies and interested persons.
- Gathering Feedback through the EA/IA
 - Outreach and engagement methods include: community meetings, notifications, project updates, website, hotline, email, info sessions and videos for Indigenous communities and all stakeholders.
- A Holistic Understanding of the Land is Key to Planning
 - MFFN as a community is aware of damage roads/mining can do, want the road to be the best possible, or least impactful, and be built without damaging land and damaging species, air, species, water, and people. Indigenous Knowledge gathered from communities will be beneficial to the project, combining that with western science. Since there are 23 communities being engaged with, some are quite far away from the project area, but are still looking for as much insight as possible.
- What We've Accomplished So Far
 - Funding announced in 2017 through agreement with the province, planning in 2018, Notice of Commencement for the Project issued in





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2019. The project went through the regime change from the *Canadian Environmental Assessment Act 2012* to the *Impact Assessment Act* during this time. The federal process is at the Impact Assessment phase, and the provincial process is at the Terms of Reference stage. Engagement and field work will continue as we wait for the Terms of Reference decision.

- Update on the Provincial Environmental Assessment
 - The Terms of Reference is the roadmap for the provincial Environmental Assessment. Extensive consultation took place, starting in 2019 with the draft Terms of Reference. The Terms of Reference were formally submitted to the Ministry of the Environment, Conservation and Parks in October 2020, with a 60-day review period. The Terms of Reference is still with the Ministry for review, anticipating a decision to be made later in the summer or early into the fall.
- What's Next
 - Following the decision on the Terms of Reference, we will launch the provincial Environmental Assessment. The goal is to coordinate the processes to submit one final report to satisfy both federal and provincial requirements. We expect process to go until 2023-2024, depending on timelines related to review. After that, the process moves into detailed design and permitting, then construction. There are still a few more years of planning and approvals before construction will begin.
- 2021 Field Study Programs
 - The new federal process has significant requirements, there are eight field programs taking place in 2021. The work includes for example documenting bat species, air quality monitoring, installing remote cameras, groundwater and geochemistry monitoring, documenting forest and wetland plants, soil and geology conditions, documenting surface water conditions at a subset of water crossings along route alternatives, documenting fish and fish habitat, waterfowl aerial survey. For each program, a discussion guide is released to Indigenous communities to help gather input and feedback for where to monitor, where to sample, and other key insights.
- Key Consultation Milestones
 - We are currently waiting for a minister decision on the Terms of Reference. Once that happens, the Notice of Commencement of the EA will be issued, followed by the effects assessment methods, identifying preferred alternative, then draft EA/IS report for review, followed by final EA/IS report.





| | Action Items |
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| <p>➤ Questions for the Municipality</p> <ul style="list-style-type: none"> ○ Are there any changes that need to be made to the current distribution list? <ul style="list-style-type: none"> ▪ Contacts on the list are sufficient. ○ Is there any specific engagement that the municipality is looking for? <ul style="list-style-type: none"> ▪ Current e-blasts are sufficient. | <ul style="list-style-type: none"> • N/A |
| <p>➤ Question and Answer</p> <ul style="list-style-type: none"> • Mayor Lawrance noted the main concern for the Municipality is the impact on human movement. Sioux Lookout is a service hub for health care, education, retail and commercial needs for the region. • Mayor Lawrance asked if MFFN is part of the Sioux Lookout First Nation Health Authority, and where people go for healthcare. <ul style="list-style-type: none"> ○ MFFN CAR Project Team noted that MFFN is not part of the Sioux Lookout First Nation Health Authority. People typically go to Geraldton for healthcare, followed by Thunder Bay. • Mayor Lawrance noted that Sioux Lookout on average has 250 people at one time visiting for outpatient healthcare services, and healthcare is a major employer for the Municipality. There was a previous instance of the airlines changing their routes without considering health care implications, which exacerbated hallway medicine in Thunder Bay and depleted healthcare in Sioux Lookout. Mayor Lawrance noted a concern that the route will act as a spine to drive other communities to access the road and go to Thunder Bay for services instead of Sioux Lookout. • Mayor Lawrance asked how the road ties into the overall future development of an all-weather road network in the region. <ul style="list-style-type: none"> ○ MFFN CAR Project Team thanked Mayor Lawrance for sharing the healthcare perspective. The MFFN CAR Project Team noted that any communities who would want to access the CAR would lead their own planning processes. To date, the only other community that has expressed potential interest is Eabametoong First Nation, which is routing into Thunder Bay for services as-is. The MFFN CAR Project Team is unaware of any communities planning to connect to the CAR that currently use Sioux Lookout as their service hub. • Mayor Lawrance asked if there might be a parallel North-South route running west of the CAR as a “spine” for Sioux lookout. <ul style="list-style-type: none"> ○ The MFFN CAR Project Team responded that the team is not aware of another North-South road project in the region. • Mayor Lawrance noted that funding agents might encourage communities further west to connect to the CAR which would have negative implications on Sioux Lookout. Given that the CAR is a large financial investment and | <ul style="list-style-type: none"> • N/A |





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environmental impact, government funding might be focused towards connecting onto the CAR instead of other routes.

- The MFFN CAR Project Team noted that funding is only one piece of the decision-making process for these roads. MFFN has an interest in limiting the amount of traffic on the road. Connecting the CAR to other communities northeast of MFFN is not something the community is currently interested in.
- A MFFN CAR Community Member Advisor noted that in northwest Ontario, the only other communities that might be close enough to connect are Webequie First Nation, Nibinamik First Nation, Eabametoong First Nation, and Neskantaga First Nation. These communities would already typically travel to Thunder Bay for services. It is unlikely that other communities would tap into the road system started by the CAR.
- The MFFN CAR Project Team noted that the proposed route alignments go east of Thunder Bay, which requires doubling back west along the provincial highway. Currently, the CAR will be 200+ km to access the provincial highway network, with the addition of the Northern Road Link and the Webequie Supply Road the network will be 500+ km, communities to the northeast of Webequie would have potentially 1000+ km to get to the provincial highway network if they were to connect via the CAR.
- A MFFN CAR Community Member Advisor noted that as Chief of MFFN 20 years ago, accessing services has been a chronic challenge. No service hubs wanted to take in MFFN, so the community was very isolated. When it came to discussions on the CAR, the thought was to look directly south to Aroland First Nation and Nakina, to access healthcare and other services in Geraldton and Thunder Bay. With respect to downstream effects, the river flows west into James Bay, so there should be little impacts to communities around Sioux Lookout.
- Mayor Lawrance noted the “downstream” comment was related to the future conditions after the CAR is built and operational. Mayor Lawrance noted that the overall concern for the municipality is the lack of an overall rational plan for developing all-weather roads in the north. There are potential unintended consequences that once the CAR is built, it becomes the main route. There are no objections to the CAR, but the concern is whether the Ontario government has a plan for the all-weather road access network in northern Ontario.
- Mayor Lawrance noted that northern Ontario remains the only province with such limited access to its north, so there is an opportunity to create a rational plan for regional development. The CAR is a good process, but it is isolated to one area. What is the future of the region and how do we develop it?





MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD

| | Action Items |
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| <ul style="list-style-type: none">○ A MFFN CAR Community Member Advisor noted that each community in the region is unique and will have their own aspirations and wishes for development. Some communities will want to tap into the road network, and some communities will not want any roads into their area. | |
| <p>➤ Closing Remarks</p> <ul style="list-style-type: none">• Mayor Lawrance noted that it is important for the government to remember not to look at the dots on map and assume all municipalities are the same, and the same applies to First Nations, and thanked the MFFN Project Team for the presentation.• The MFFN CAR Project Team thanked Mayor Lawrance for the comments, particularly related to health care considerations. | <ul style="list-style-type: none">• N/A |

