

**Overarching notes**

- While several examples are provided based on a particular chapter, the information requests (column F) and the concerns identified (column G) apply to all Indigenous chapters, as indicated in the column F “EIS/A Section”.
  - Column H “Views and perspectives from Indigenous groups” documents the feedback provided by Indigenous groups on the Agency’s preliminary comments on the EIS/A, which informed the co-development of information requests included in this package.
  - In accordance with the Environmental Impact Statement Guidelines (EIS Guidelines), NWP is required to conduct two separate assessments with regard to the effects of the proposed Project on Indigenous peoples:
    - an assessment of the potential adverse impacts of the Project on asserted or established Aboriginal or Treaty rights, as outlined in Section 5- Aboriginal Engagement and Concerns; and
    - an assessment of effects of changes to the environment on Indigenous peoples, including health and socio-economic conditions; physical and cultural heritage; current use of lands and resources for traditional purposes; and any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, as outlined in Section 6.1.9 Project Setting and Baseline Conditions - Aboriginal Peoples and Section 6.3.5 - Predicted Effects - Aboriginal Peoples.
- The term “assessments” is used to capture both assessments.

Reference Number	Status	Project Effects Link to CEA 2012	Reference to EIS Guidelines	EIS/A Chapter or Appendix	Information Request	Context and Rationale	Views and perspectives from Indigenous groups	IR Date	Proponent Response	Link	Date
Indigenous-01	Open	5(1)(c)(i) Health and socio-economic conditions of Aboriginal peoples	4.3.2. Community Knowledge and Aboriginal Traditional Knowledge	Chapter 23 Ktunaxa Nation Chapter 24 Shuswap Band Chapter 25 Stoney Nakoda Nations Chapter 26 Métis Nation of British Columbia Chapter 27 Kainai (Blood Tribe) Chapter 28 Piikani Nation Chapter 29 Siksika Nation Chapter 30 Tsuut'ina Nation Chapter 31 Métis Nation Alberta - Region 3	<p><b>Incorporation of Indigenous Knowledge and the views and perspectives of Indigenous groups into the EIS/A</b></p> <p>1. Indicate how NWP plans on working with each Indigenous group to obtain and incorporate Indigenous Knowledge and the views and perspectives of Indigenous groups into the EIS/A, including the chapters of the EIS/Application that describe the assessment of effects to Indigenous peoples and impacts to Aboriginal and Treaty rights (Indigenous chapters). NWP may consider preparing a workplan, in collaboration with Indigenous groups, with timelines to ensure that the information required is collected in partnership with, and validated by, Indigenous groups.</p>	<p>Section 4.3.2 of the EIS Guidelines requires NWP to incorporate Aboriginal traditional knowledge to which it has access or that is acquired through Aboriginal engagement activities. Furthermore, Section 5 of the EIS Guidelines requires NWP to engage with Aboriginal groups that may be affected by the Project to obtain their views and perspectives.</p> <p>In most Indigenous chapters (Chapters 23 to 31 of the EIS/A), NWP states that no Project-specific Traditional Knowledge and Traditional Land and Resource Use study have been provided by Indigenous groups. As such, NWP has relied on secondary sources that are publicly available to conduct the assessments.</p>	<p><b>KNC</b> <b>For the case of KNC and Ktunaxa knowledge, the proponent was directed to specific information sources, including previous environmental assessments with Ktunaxa input, within the Elk Valley.</b></p>	29-Apr-24			
					<p>2. Indicate the current status of any additional work being carried out with Indigenous groups, including through visits to the proposed Project site, and provide a date by which NWP expects to receive the information. If the date is unknown, provide an estimated date. Describe how NWP intends to incorporate the additional information received from the Indigenous groups into the assessments.</p>	<p>Where NWP references traditional knowledge in the EIS/A and mentions that it was incorporated into the EIS/A, the EIS/A does not clearly demonstrate the use of traditional knowledge in supporting the analysis of potential effects. For example, for the Tsuut'ina Nation, Section 30.4.1.1 states that “At the time of the Application/EIS submission, the Tsuut'ina Nation had provided Indigenous Knowledge in the form of a site assessment study that outlined some Traditional Land Use (TKTLU) information submitted to NWP.” However, conflicting statements were made in the rest of the chapter indicating that no Project-specific information was received from the Tsuut'ina Nation. It is unclear how traditional knowledge was incorporated and used to support the assessment given the contradiction.</p>	<p>While the proponent has included some information relevant to impact on Ktunaxa rights and interests, the proponent does not appear to have fully integrated Ktunaxa values and perspectives available in public information and previous EA submissions for consideration in the assessment. The proponent defers to limited Project-specific information to determine the level of severity of impacts to Ktunaxa rights and interests. However, ample information is publicly available, and the proponent has been provided primary information relevant to Ktunaxa sensitive receptors that has not been considered.</p>				
					<p>3. Incorporate all information, traditional land use studies, Indigenous Knowledge, and the views and perspectives of each Indigenous group received throughout the assessment into the Indigenous chapters.</p>	<p>The absence of information from Indigenous groups, or the lack of incorporation of available information, has a cascading effect on the completeness and accuracy of various aspects of the assessments. It is noted throughout the Indigenous chapters that there is limited Project-specific information to inform the establishment of baseline conditions; the assessment of effects of changes to the environment; the development of mitigation measures; the identification and characterization of residual effects; the determination of significance and confidence in that determination; the assessment of cumulative effects; and the assessment of impacts on rights. NWP also indicates that continued engagement with Indigenous groups is required to obtain Project-specific information and to refine the assessment, suggesting that engagement has not been completed by the time of EIS/A submission.</p>	<p>The EIS/A also does not consider changes made to the project design and implementation directly as a result of discussions with Ktunaxa.</p> <p>Absence of information, or dilution of key information provided to the Proponent is a deficiency with the NWP EIS/A. Ktunaxa has provided ample perspectives, information, and publicly available information that has not been adequately integrated into the EIS/Application. Where the Proponent has referenced key information, integrated information is highly selective and the con-cerns/issues/or Ktunaxa perspectives are not appropriately carried through to the main EIS/A.</p>				
					<p><b>Incorporation of Indigenous Knowledge and the views and perspectives of Indigenous groups – in Spatial and temporal boundaries</b></p> <p>In each Indigenous chapter:</p> <p>1. Describe how Indigenous Knowledge was used in determining spatial and temporal boundaries in the Indigenous chapters. Specifically, describe how the NWP has used traditional and local knowledge to reach conclusions.</p>	<p>The lack of Indigenous Knowledge as well as the views and perspectives of Indigenous groups presents a challenge to conduct a comprehensive technical review of the Indigenous chapters. Despite stating that limited or no information has been provided, NWP has anticipated a low level of use by most Indigenous groups in the project footprint, LSA and RSA. To account for the There is a lack of inclusion and consideration of Indigenous Knowledge in developing the methodology for assessing Project effects and impacts. For example, it is not well documented how traditional and local knowledge were used to determine spatial and temporal boundaries. As required by section 3.3.3 of the EIS Guidelines, Aboriginal traditional knowledge should be factored into decisions around spatial and temporal boundaries.</p>	<p><b>Yaq'it 7a-knuq'it</b> <b>We are concerned with the lack of inclusion of Yaq'it 7a-knuq'it's perspectives, rights and interests in the EIS/A itself. As the Aboriginal Title Holder in the affected area, we expect to have a considerable presence in the documentation that has been prepared for review. We have had many conversations with the proponent over the past year and see no reference to any of our conversations in the application documents.</b></p>				
Indigenous-02	Open	5(1)(c)(i) Health and socio-economic conditions of Aboriginal peoples	3.3.3. Spatial and Temporal Boundaries	Chapter 23 Ktunaxa Nation Chapter 24 Shuswap Band Chapter 25 Stoney Nakoda Nations Chapter 26 Métis Nation of British Columbia Chapter 27 Kainai (Blood Tribe) Chapter 28 Piikani Nation Chapter 29 Siksika Nation Chapter 30 Tsuut'ina Nation Chapter 31 Métis Nation Alberta - Region 3	<p><b>Incorporation of Indigenous Knowledge and the views and perspectives of Indigenous groups – in Spatial and temporal boundaries</b></p> <p>In each Indigenous chapter:</p> <p>1. Describe how Indigenous Knowledge was used in determining spatial and temporal boundaries in the Indigenous chapters. Specifically, describe how the NWP has used traditional and local knowledge to reach conclusions.</p>	<p>The Consultation and Engagement Summary in each Indigenous chapter suggests that there has not been engagement with Indigenous groups since 2021 or 2022. This does not appear to align with the Agency’s record and understanding. As required by the EIS Guidelines, NWP should keep detailed tracking records of its engagement activities, record all interactions with Indigenous groups, the issues raised by each Indigenous group and how NWP addressed the concerns raised. NWP is required to share these records with the Agency.</p>	<p><b>KNC</b> <b>KNC have provided substantive information, perspectives, concerns, and knowledge to the proponent that has not been accurately documented, including issues raised. The EIS/Application lacks this information, and also how NWP has addressed the concerns and issues - particularly to issues raised regarding project impacts to Grave Prairie, West Alexander and westslope cutthroat trout.</b></p>	29-Apr-24			
					<p>2. Update the Consultation and Engagement summary and Indigenous chapters to include all engagement activities to date, as well as the comments, specific issues, concerns and project recommendations raised by each Indigenous group. Describe in the body of each Indigenous chapter how NWP responded to or addressed them.</p>	<p>Information documented in Appendix A23 related to Ktunaxa engagement is not accurately documented, does not describe key meetings and conversations, and does not accurately capture the serious concerns Ktunaxa has communicated related to serious project impacts to Ktunaxa rights and interests.</p>					
					<p>3. Incorporate all information, traditional land use studies, Indigenous Knowledge, and the views and perspectives of each Indigenous group received throughout the assessment into the Indigenous chapters.</p>	<p>The proponent also fails to document, consider and integrate considerable Ktunaxa knowledge and concerns provided over the years. Primary reference is to engagement during 2020-2021.</p>	<p><b>Yaq'it 7a-knuq'it</b> <b>Indigenous consultation information provided in the EIS/A is outdated – many dating to 2016, which is nearly ten years ago.</b></p>				
					<p><b>Consultation and Engagement records</b></p> <p>The Consultation and Engagement Summary in each Indigenous chapter suggests that there has not been engagement with Indigenous groups since 2021 or 2022. This does not appear to align with the Agency’s record and understanding. As required by the EIS Guidelines, NWP should keep detailed tracking records of its engagement activities, record all interactions with Indigenous groups, the issues raised by each Indigenous group and how NWP addressed the concerns raised. NWP is required to share these records with the Agency.</p>	<p>A considerable amount of time has gone into sharing Yaq'it 7a-knuq'it's perspectives, concerns and interests, and there is no mention to our Nation aside from reference to us being a part of a larger Ktunaxa Nation.</p>					
Indigenous-03	Open	5(1)(c)(i) Health and socio-economic conditions of Aboriginal peoples	4.3.2. Community Knowledge and Aboriginal Traditional Knowledge	Chapter 23 Ktunaxa Nation Chapter 24 Shuswap Band Chapter 25 Stoney Nakoda Nations Chapter 26 Métis Nation of British Columbia Chapter 27 Kainai (Blood Tribe) Chapter 28 Piikani Nation Chapter 29 Siksika Nation Chapter 30 Tsuut'ina Nation Chapter 31 Métis Nation Alberta - Region 3	<p><b>Incorporation of Indigenous Knowledge and the views and perspectives of Indigenous groups – in Spatial and temporal boundaries</b></p> <p>In each Indigenous chapter:</p> <p>1. Describe how Indigenous Knowledge was used in determining spatial and temporal boundaries in the Indigenous chapters. Specifically, describe how the NWP has used traditional and local knowledge to reach conclusions.</p>	<p>The Consultation and Engagement Summary in each Indigenous chapter suggests that there has not been engagement with Indigenous groups since 2021 or 2022. This does not appear to align with the Agency’s record and understanding. As required by the EIS Guidelines, NWP should keep detailed tracking records of its engagement activities, record all interactions with Indigenous groups, the issues raised by each Indigenous group and how NWP addressed the concerns raised. NWP is required to share these records with the Agency.</p>	<p><b>KNC</b> <b>KNC have provided substantive information, perspectives, concerns, and knowledge to the proponent that has not been accurately documented, including issues raised. The EIS/Application lacks this information, and also how NWP has addressed the concerns and issues - particularly to issues raised regarding project impacts to Grave Prairie, West Alexander and westslope cutthroat trout.</b></p>	29-Apr-24			
					<p>2. Update the Consultation and Engagement summary and Indigenous chapters to include all engagement activities to date, as well as the comments, specific issues, concerns and project recommendations raised by each Indigenous group. Describe in the body of each Indigenous chapter how NWP responded to or addressed them.</p>	<p>Information documented in Appendix A23 related to Ktunaxa engagement is not accurately documented, does not describe key meetings and conversations, and does not accurately capture the serious concerns Ktunaxa has communicated related to serious project impacts to Ktunaxa rights and interests.</p>					
					<p>3. Incorporate all information, traditional land use studies, Indigenous Knowledge, and the views and perspectives of each Indigenous group received throughout the assessment into the Indigenous chapters.</p>	<p>The proponent also fails to document, consider and integrate considerable Ktunaxa knowledge and concerns provided over the years. Primary reference is to engagement during 2020-2021.</p>	<p><b>Yaq'it 7a-knuq'it</b> <b>Indigenous consultation information provided in the EIS/A is outdated – many dating to 2016, which is nearly ten years ago.</b></p>				
					<p><b>Consultation and Engagement records</b></p> <p>The Consultation and Engagement Summary in each Indigenous chapter suggests that there has not been engagement with Indigenous groups since 2021 or 2022. This does not appear to align with the Agency’s record and understanding. As required by the EIS Guidelines, NWP should keep detailed tracking records of its engagement activities, record all interactions with Indigenous groups, the issues raised by each Indigenous group and how NWP addressed the concerns raised. NWP is required to share these records with the Agency.</p>	<p>A considerable amount of time has gone into sharing Yaq'it 7a-knuq'it's perspectives, concerns and interests, and there is no mention to our Nation aside from reference to us being a part of a larger Ktunaxa Nation.</p>					

Open			<b>Linkages between biophysical VCs and s. 5(1)(c) effects and impacts on Rights</b>	The Agency recognizes that the assessments of effects of changes to the environment on Indigenous peoples and the potential adverse impacts on rights are, in part, informed by the assessment of biophysical valued components (VCs).	<b>KNC</b> <b>The KNC has provided information, feedback, and comments on their concerns related to the Project design to the Proponent, NWP. KNC has raised major concerns and issues with the current Project design and impacts, where impacts are unacceptable and unmitigable to KNC. As observed in NWP's EIS/A, many of KNC's issues are not addressed or captured, including a final project design that meets KNC and regulatory standards. Assessment of the effects of changes to the environment on Indigenous peoples and the potential adverse impacts on Aboriginal or Treaty rights will be informed on a final and acceptable project design. The proponent must update application information related to project design around key areas including inadequate water treatment plans, unacceptable project infrastructure proposed within the Grave Prairie Cultural Landscape, unacceptable impacts to westslope cutthroat trout, unacceptable removal of the West Alexander tributary.</b>	29-Apr-24
Indigenous-04	5(1)(c)(i) Health and socio-economic conditions of Aboriginal peoples  5(1)(c)(ii) Physical and Cultural Heritage  5(1)(c)(iii) Current Use of Lands and Resources for traditional purposes  5(1)(c)(iv) any Structure, Site or Thing of Historical, Archaeological, Paleontological or Architectural Significance	5. Aboriginal engagement and concerns  6.1.9. Project Setting and Baseline Conditions - Aboriginal Peoples  6.3.5. Predicted Effects - Aboriginal Peoples	Chapter 23 Ktunaxa Nation Chapter 24 Shuswap Band Chapter 25 Stoney Nakoda Nations Chapter 26 Métis Nation of British Columbia Chapter 27 Kainai (Blood Tribe) Chapter 28 Piikani Nation Chapter 29 Siksika Nation Chapter 30 Tsuut'ina Nation Chapter 31 Métis Nation Alberta - Region 3	For example, the assessment of water quality informs the potential impacts to fishing, hunting, harvesting practices and the cultural and spiritual significance of water and its resources. This may then lead to the identification of further mitigation or accommodation measures in the Indigenous chapters, etc.  Prior to NWP addressing the outstanding issues on biophysical VCs, it is not possible for Indigenous groups and the Agency to review, validate and accurately characterize the assessments in the Indigenous chapters.	For assessment within Indigenous chapters, an updated project design and associated information must be completed, which ultimately impact changes to biophysical VCs.  <b>Ya'qit' 7a-knuq'it</b> Environmental Concerns: a. Rail Load Out Location – we are still concerned about the proposed rail load out locations for the project and require further investigative work to be completed for several of the proposed locations. b. Loss of fish habitat in West Alexander Creek due to the project footprint. c. Potential impacts to water quality and fish habitat in West Alexander Creek and Alexander Creek downstream of the project. d. Potential impacts to wildlife (in particular grizzly bear, wolverine and bighorn sheep) associated with loss of habitat and/or movement corridor. e. Cumulative effects of this project and other coal projects on water quality, aquatic ecosystem health, and wildlife. f. Access to the project lands, adjacent lands, and the effects of reducing access to lands for preserving 7akanuxukin ways of being and doing and limiting the ability to pass on this way of living to future generations as a result of the impacts to this land. g. The state of the land, the potential for effective reclamation of the lands both during operations and post-closure.	
Open			<b>Over-reliance on biophysical VC assessment</b>  In each Indigenous chapter:  1. Identify the linkages between biophysical VCs and potential effects on the current use of lands and resources for traditional purposes. The assessment should focus on what is known about the current use – including consideration of the quality and quantity of resources and habitat, preferred timing, location and experience of the practice, and access to the area – rather than information on the resources themselves taken from relevant VC chapters.	The assessment of the current use of lands and resources for traditional purposes in the Indigenous chapters relies heavily on the assessment of biophysical VCs. The EIS/A goes into great detail on the baseline conditions and effects on the species used by Indigenous groups, such as grizzly bear and elk, but does not connect the result of biophysical VC assessment with Indigenous groups' current use for economic, subsistence, spiritual or ceremonial, and cultural purposes.  For example, the assessment of potential effects to hunting and trapping for Ktunaxa Nation mostly presents data on wildlife VCs. In section 23.8.2.2.2, NWP concludes that "[t]he anticipated moderate level of use by Ktunaxa coupled with the lack of significant adverse effects to wildlife VCs that potentially used for hunting and trapping purposes indicates the low-level residual effect on the change in lands and resources for traditional hunting and trapping." From a biophysical standpoint, there may not be a significant effect to the wildlife species of interest to Ktunaxa Nation. However, it cannot be assumed that residual effects to traditional hunting and trapping would be low as a result. Other changes to the environment, such as increased sensory disturbance, reduced preference for the area, or actual or perceived contamination may introduce additional effects on Ktunaxa Nation's ability to hunt and trap beyond what the wildlife VC assessment suggests.  As noted in the Agency's Technical Guidance for Assessing the Current Use of Lands and Resources for Traditional Purposes under CEEA 2012, there may be a relationship between the effects on the biophysical components of the environment and the effects on the current use of lands and resources for traditional purposes. Such relationships will exist when the use is related to a particular component (e.g., fish). The Technical Guidance further notes that the assessment of a biophysical VC may inform the assessment of a current use VC, but the effects to current use cannot always be entirely captured solely on an independent assessment of biophysical components.		29-Apr-24
Indigenous-05	5(1)(c)(i) Health and socio-economic conditions of Aboriginal peoples  5(1)(c)(ii) Physical and Cultural Heritage  5(1)(c)(iii) Current Use of Lands and Resources for traditional purposes  5(1)(c)(iv) any Structure, Site or Thing of Historical, Archaeological, Paleontological or Architectural Significance	5. Aboriginal engagement and concerns  6.1.9. Project Setting and Baseline Conditions - Aboriginal Peoples  6.3.5. Predicted Effects - Aboriginal Peoples	Chapter 23 Ktunaxa Nation Chapter 24 Shuswap Band Chapter 25 Stoney Nakoda Nations Chapter 26 Métis Nation of British Columbia Chapter 27 Kainai (Blood Tribe) Chapter 28 Piikani Nation Chapter 29 Siksika Nation Chapter 30 Tsuut'ina Nation Chapter 31 Métis Nation Alberta - Region 3	To identify the linkages between biophysical VCs and potential effects on current use, NWP may consider the following questions:  • What are the changes to the environment that may be caused by the Project (i.e. changes to biophysical VCs)? • How will these changes to the environment affect Indigenous groups' current use of lands and resources for traditional purposes? • What are some of the characteristics associated with the use of lands and each resource, such as the location, frequency, potentially affected Indigenous groups may exercise, or prefer to exercise, their rights and interests in areas outside of British Columbia, and rely on resources that migrate between regions.		
Open			<b>Transboundary effects and impacts</b>  1. Update the Indigenous chapters to reflect any changes made to the assessment of transboundary effects to biophysical VCs.  2. Discuss how adverse transboundary effects to biophysical VCs will affect s. 5(1)(c) factors and adversely impact Aboriginal and Treaty rights, including cumulatively.	Section 6.3.4 of the EIS Guidelines requires NWP to assess the effects to the environment, including effects on federal lands, on lands in another province, or outside Canada, if relevant. In assessing the effects of changes to the environment on Indigenous peoples and the potential adverse impacts on Aboriginal or Treaty rights, the EIS/A should consider effects that are transboundary in nature to reflect the interconnectedness of environments that support the meaningful exercise of rights and interests across borders.  Transboundary effects to biophysical VCs will be further addressed in subsequent IR packages.	<b>Siksika Nation</b> <b>The Project is 5km from the Alberta border. Efforts should be undertaken to understand the interprovincial impacts of the Project on Air Quality. Particularly as it relates to transboundary pollution of alpine lakes on the eastern side of the continental divide.</b>  Siksika remains concerned about the impact of contaminants on ungulates that travel across the border into Blackfoot Treaty territory. Adverse impacts on the health, migration patterns, and habitats of these species will adversely impact our Blackfoot Treaty rights and contribute to the existing degradation of Treaty rights in Alberta.  <b>Blood Tribe/Kainai Nation</b> The Project is 5 km from the Alberta border. Efforts should be undertaken to understand the interprovincial impacts of the Project on Air Quality. Particularly as it relates to transboundary pollution of alpine lakes on the eastern side of the continental divide.  Kainai remains concerned about the impact of contaminants on ungulates that travel across the border into Blackfoot Treaty territory. Adverse impacts on the health, migration patterns, and habitats of these species will adversely impact our Blackfoot Treaty rights and contribute to the existing degradation of Treaty rights in Albert.	29-Apr-24
Indigenous-06	5(1)(c)(i) Health and socio-economic conditions of Aboriginal peoples  5(1)(c)(ii) Physical and Cultural Heritage  5(1)(c)(iii) Current Use of Lands and Resources for traditional purposes  5(1)(c)(iv) any Structure, Site or Thing of Historical, Archaeological, Paleontological or Architectural Significance	5. Aboriginal engagement and concerns  6.1.9. Project Setting and Baseline Conditions - Aboriginal Peoples  6.3.4. Transboundary Environment  6.3.5. Predicted Effects - Aboriginal Peoples	Chapter 23 Ktunaxa Nation Chapter 24 Shuswap Band Chapter 25 Stoney Nakoda Nations Chapter 26 Métis Nation of British Columbia Chapter 27 Kainai (Blood Tribe) Chapter 28 Piikani Nation Chapter 29 Siksika Nation Chapter 30 Tsuut'ina Nation Chapter 31 Métis Nation Alberta - Region 3			

Open			<b>Intangible aspects of cultural heritage and current use</b>	Section 6.3.5 of the EIS Guideline requires NWP to describe and analyze how changes to the environment caused by the Project will affect physical and cultural heritage and the current use of land and resources for traditional purposes, including any effects on cultural value or importance associated with traditional uses or areas affected by the Project.	<b>KNC</b> <b>KNC notes the assessment on Ktunaxa rights does not fully consider perspectives provided on how the project will affect Ktunaxa rights. Given the amount of existing disturbance in the Elk Valley, the project will impact the few critical tributaries remaining for practice of Ktunaxa rights. Impacts to WCT and key tributaries including removal of West Alexander Creek is unacceptable to KNC. There is extremely limited places within the Elk Valley for Ktunaxa to practice their rights, this Project will result in removal of a large portion of what is left within the Elk Valley. Practice of Ktunaxa rights within the Elk Valley are extremely limited. Currently, Ktunaxa can access the conservation lands on Alexander creek without worry of mining impacts upstream. Currently, Alexander Creek is one of the only tributaries within the Elk Valley not affected by mining activities.</b>	29-Apr-24
Indigenous-07	5(1)(c)(i) Health and socio-economic conditions of Aboriginal peoples  5(1)(c)(ii) Physical and Cultural Heritage  5(1)(c)(iii) Current Use of Lands and Resources for traditional purposes  5(1)(c)(iv) any Structure, Site or Thing of Historical, Archaeological, Paleontological or Architectural Significance	Chapter 23 Ktunaxa Nation Chapter 24 Shuswap Band Chapter 25 Stoney Nakoda Nations Chapter 26 Métis Nation of British Columbia Chapter 27 Kainai (Blood Tribe) Chapter 28 Pikani Nation Chapter 29 Siksika Nation Chapter 30 Tsuut'ina Nation Chapter 31 Métis Nation Alberta - Region 3	In each Indigenous chapter:  1. Provide an assessment of the effects of the Project to the intangible aspects of cultural heritage and current use, including but not limited to cultural and spiritual practices, ceremonies, and intergenerational transfer of language, knowledge, and culture.  2. Carry forward effects to the intangible aspects of cultural heritage and current use into the consideration of mitigation measures, residual effects assessment and cumulative effects assessment.  3. Identify how the views of each Indigenous group have been taken into account in the conclusions.	Throughout the Indigenous chapters, NWP has not adequately considered and carried forward the intangible aspects of culture in the assessments. For example, section 23.8.2.2.2 of the EIS/A states that the potential effects to Ktunaxa Nation's opportunity to fish include "potential change in the ability to know and teach the cultural and social aspects of fish VC species and waterbodies" and "potential change in the value of place as a result of the change in accessibility of fishing opportunities." However, there are no mitigation measures proposed to address these effects, and they are not carried forward in the characterization of residual effects assessment.  Similarly, the assessment of physical and cultural heritage under section 23.8.2.2.3 focuses primarily on the potential effects to archaeological sites and culturally significant areas. Physical and cultural heritage is not only associated with an individual physical site, but also with the experience lived by Indigenous groups in those areas, and the importance of the landscape as a whole. It is insufficient to mention how many sacred sites will be disturbed by the Project, rather a description and analysis of the importance of the connections to the landscape and the experience embodied in physical and cultural heritage is necessary.  When developing impact pathways, it is very important to consider both tangible values (e.g., wildlife species or traditional plants) and intangible values (e.g., quiet enjoyment of the landscape or sites used for teaching). Intangible values are often linked with spiritual, artistic, aesthetic, and educational elements that are often associated with the identity of Indigenous groups.	<b>Ya'qit'a-knuq'it'</b> <b>White Ya'qit'a-knuq'it' has worked with NWP on the conformity review, Ya'qit'a-knuq'it' has not had the chance to provide input on archaeological and cultural heritage values held in the project location.</b>  Appendix 16A states: the implementation of the Mine Plan will require a substantial amount of archaeological mitigation to abide by Provincial Legislation and protocols put forth by First Nations.  NWP appear to have worked with KNCS and while there is also references to archaeological studies, it is unclear whether any of this included Ya'qit'a-knuq'it's knowledge keepers and Elders (a list of names is provided in Appendix 16A).  It is difficult to determine whether a use and occupancy study has been completed for the project area. Several known archaeological sites will be impacted by the project, with potential for further impacts to sites not detected in the AIA. Some of these sites are burial sites, although it is difficult to tell the values at sites subject to impacts as information is spread out throughout the chapter.	
Open	5(1)(c)(i) Health and socio-economic conditions of Aboriginal peoples  5(1)(c)(ii) Physical and Cultural Heritage  5(1)(c)(iii) Current Use of Lands and Resources for traditional purposes  5(1)(c)(iv) any Structure, Site or Thing of Historical, Archaeological, Paleontological or Architectural Significance	Chapter 2 Project Alternatives Chapter 16 Physical and Cultural Heritage Assessment Chapter 23 Ktunaxa Nation Chapter 24 Shuswap Band Chapter 25 Stoney Nakoda Nations Chapter 26 Métis Nation of British Columbia Chapter 27 Kainai (Blood Tribe) Chapter 28 Pikani Nation Chapter 29 Siksika Nation Chapter 30 Tsuut'ina Nation Chapter 31 Métis Nation Alberta - Region 3	<b>Rail loadout facility and Grave Prairie</b>  1. Update chapter 16 to provide a futsome and coherent assessment of the issues raised by Indigenous groups around Grave Prairie. Also update the chapters for Indigenous groups who have expressed concerns about the use of Grave Prairie to reflect any changes made to chapter 16.  2. Update the alternative means analysis for the rail loadout facility to: a) Describe all potential alternative means that are technically and economically feasible, including options that are being considered by NWP but are not captured in the EIS/A. b) Identify the effects of each alternative means on VCs that could be potentially affected. c) Identify a preferred means or bring forward multiple alternative means. d) Assess the environmental effects of the preferred alternative means, including effects of changes to the environment on Indigenous peoples.  3. Engage Indigenous groups on the alternative means analysis for the rail loadout facility and incorporate their views and perspectives in the analysis.  4. Should new alternative means be identified or adjustments be made to the alternative means analysis, reflect the changes in the Indigenous chapters.	Section 2.2 of the EIS Guidelines requires NWP to identify and consider the effects of alternative means of carrying out the Project that are technically and economically feasible. In addition, the Agency's Operational Policy Statement on Addressing "Purpose of" and "Alternative Means" under the <i>Canadian Environmental Assessment Act, 2012</i> , which is referenced in the EIS Guidelines, advises proponents to take into the consideration Aboriginal traditional knowledge at any step during the alternative means analysis.  Section 2.5.3.3 of the EIS/A presents four alternative means of designing and locating the rail loadout facility, and identifies the "Figure 8" design at Grave Creek as the preferred option. It is stated that the preferred means "has been cleared of culturally significant findings by archaeologists, has a balanced cut and fill design, and avoids sensitive wildlife habitat (i.e., wetlands to the south and mineral lick to the east)." However, the assessment in the Indigenous chapters and information provided by Indigenous groups suggest that significant concerns remain on the preferred rail loadout option.  Ktunaxa Nation Council Society indicated that the rail loadout facility would be located within the Grave Prairie Cultural Landscape which holds extremely important historical and cultural significance to the Ktunaxa Nation. Ktunaxa Nation Council Society is of the view that impacts to Grave Prairie cannot be mitigated, and requested alternative rail loadout options be considered.  Ya'qit'a-knuq'it' expressed concerns about the proposed rail load out locations and requested further investigative work to be completed for several of the proposed locations.  As stated in Chapter 24, Shuswap Band identified Grave Prairie as a significant historic area as Shuswap Band ancestors are tied to a significant event in this area, and it is likely that there are unidentified physical and cultural remains throughout the area. NWP identifies that archaeological concerns due to the proposed rail infrastructure within the Grave Prairie which conflicts with important Shuswap Band cultural values as an outstanding concern for the Shuswap Band.  According to Chapter 28, Pikani Nation have noted that there were important camping and settlement locations at Grave Prairie, Round Prairie, near Elkford as well as elsewhere along the Elk River.	<b>KNC</b> <b>Ktunaxa leadership have been very clear with the proponent, Canada and BC that any infrastructure within the Grave Prairie Cultural Landscape is not acceptable. Ktunaxa leadership sent correspondence to the proponent in June 2022 outlining the concerns and stewardship obligations for the area. As stated by Ktunaxa leaders in their June 2022 letter, a project with the rail load out facility and related infrastructure in the Grave Prairie Cultural Landscape would not be accepted by the Ktunaxa Nation.</b>  These concerns have also not been adequately documented and addressed throughout the proponent's EIS/A.  <b>Ya'qit'a-knuq'it'</b> <b>Ya'qit'a-knuq'it' is still concerned about the proposed rail load out locations for the project and require further investigative work to be completed for several of the proposed locations.</b>  Impacts to Grave Prairie cannot be mitigated. The rail load out option in Grave Prairie should be cancelled.  There is a need for NWP to collaborate with Ya'qit'a-knuq'it' to explore the oral history of Grave Prairie.  Appendix 16-A: Archaeological Impact Assessment Reports for the Crown Mountain Coking Coal Project - The archaeologist's report states that the implementation of the Mine Plan will require a substantial amount of archaeological mitigation to abide by Provincial Legislation and protocols put forth by First Nations. Artifact recovery could be required at impacted sites. Of the 15 sites described, 9 will be impacted in their entirety. It appears that NWP have attempted to address most of the recommendations, although have not adequately addressed the implementation of the Mine Plan (it is not clear from the AIA whether the sites in alternative means analysis led to this conclusion).	29-Apr-24
Open	5(1)(c)(i) Health and socio-economic conditions of Aboriginal peoples  5(1)(c)(ii) Physical and Cultural Heritage  5(1)(c)(iii) Current Use of Lands and Resources for traditional purposes  5(1)(c)(iv) any Structure, Site or Thing of Historical, Archaeological, Paleontological or Architectural Significance	Chapter 23 Ktunaxa Nation Chapter 24 Shuswap Band Chapter 25 Stoney Nakoda Nations Chapter 26 Métis Nation of British Columbia Chapter 27 Kainai (Blood Tribe) Chapter 28 Pikani Nation Chapter 29 Siksika Nation Chapter 30 Tsuut'ina Nation Chapter 31 Métis Nation Alberta - Region 3	<b>Impacts on rights assessment</b>  For each Indigenous chapter:  1. Revise the assessment of potential impacts on Aboriginal and Treaty rights following the methodology outlined in the EIS Guidelines and with reference to the Agency's guidance on the Assessment of Potential Impacts on the Rights of Indigenous Peoples. The assessment should include a standalone description of each group's asserted rights; the potential adverse impacts on rights; measures identified to mitigate or accommodate the potential adverse impacts; and impacts that have not been fully mitigated or accommodated as part of the environmental assessment, including the residual and cumulative impacts.	The EIS/A states that "[t]he potential for impacts on Aboriginal and Treaty rights and interests may occur when there is potential for residual (after mitigation) Project effects (direct, indirect and/or cumulative) on traditional activities such as fishing, hunting and trapping, harvesting and gathering, or on activities associated with traditional use such as travel and navigation, ceremonial and sacred sites, and on physical and cultural heritage areas." This understanding is incorrect and does not align with the intent and methodology of an impacts on rights assessment outlined in the EIS Guidelines and the Agency's guidance on the Assessment of Potential Impacts on the Rights of Indigenous Peoples that is referenced in the EIS/A. There does not need to be a residual effect of changes to the environment on Indigenous peoples in order to assess an impact to a right.  As per the EIS guidelines, NWP is required to conduct two separate assessments with regard to effects and impacts on Indigenous peoples: 1) an assessment of the potential adverse impacts on the exercise of Aboriginal and Treaty rights as outlined in Section 5 of the EIS Guidelines, and 2) an assessment of effects of changes to the environment on Indigenous peoples under paragraph 5(1)(c) of CEAA 2012 as outlined in Section 6.1.9 (project setting and baseline conditions) and Section 6.3.4 (predicted effects). The two assessments should be separate; each should comprise its own baseline conditions, potential effects or impacts, mitigation measures, residual effects or impacts and cumulative effects assessments. While the methodology and findings of the two assessments may overlap, NWP needs to present the assessments separately, and carefully consider and identify the potential differences between the two.	<b>Ya'qit'a-knuq'it'</b> <b>Ya'qit'a-knuq'it's rights, interests and perspectives need to be considered.</b>	29-Apr-24
Indigenous-09	5. Aboriginal engagement and concerns	Chapter 27 Kainai (Blood Tribe) Chapter 28 Pikani Nation Chapter 29 Siksika Nation Chapter 30 Tsuut'ina Nation Chapter 31 Métis Nation Alberta - Region 3		[Link to the Agency's guidance impacts on rights: <a href="https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-assessment-potential-impacts-rights-indigenous-peoples.html">https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-assessment-potential-impacts-rights-indigenous-peoples.html</a> ]		

Open	b(1)(c)(i) Health and socio-economic conditions of Aboriginal peoples				<b>Mitigation measures</b>	<p>In each Indigenous chapter:</p>	<p>Section 6.4 of the EIS Guidelines requires NWP to describe mitigation measures that are specific to each environmental effect identified. Measures are to be written as specific commitments that clearly describe how NWP intends to implement them and the environmental outcome the mitigation is designed to address.</p>	<p><b>KNC</b>  <b>KNC notes throughout the EIS/A, and within Ktunaxa chapter 23, that the EIS/A does not fully integrate Ktunaxa views on the effectiveness of mitigations. KNC has been clear on the ineffective and unacceptable proposed project mitigations - not clearly reflected or documented in the EIS/A. For example, any development or disturbance to the Grave Prairie Cultural Landscape is unacceptable to the KNC and cannot be mitigated. The proposed mitigation includes continued engagement with KNC - which is not acceptable to KNC.</b></p>	29-Apr-24
Indigenous-10	5(1)(c)(ii) Physical and Cultural Heritage					<p>1. Provide a description of any specific mitigation measures identified to address effects from changes to the environment to Indigenous peoples.</p>	<p>The Indigenous Impact Management Plan in the Indigenous chapters contains a list of mitigation measures proposed. However, the measures are high-level and do not specifically address each effect identified in the assessment. Many of the mitigation measures are carried over from the assessment of biophysical VCs without an explanation of how those measures would apply and mitigate effects to Indigenous peoples.</p>	<p>The EIS/A does not adequately consider how Ktunaxa knowledge was incorporated and considered in relation to adverse impacts on Ktunaxa rights and related mitigation measures.</p>	
Indigenous-10	5(1)(c)(iii) Current Use of Lands and Resources for traditional purposes					<p>2. Ensure each mitigation measure is specific, achievable, measurable and verifiable and described in a manner that avoids ambiguity in intent, interpretation and implementation.</p>	<p>For example, section 23.8.2.2.2 identifies four distinct effects on Ktunaxa Nation's opportunity to fish, but the Indigenous Impact Management Plan simply presents a suite of key mitigation measures from Chapter 12, Fish and Fish Habitat Assessment, and a list of overarching measures that aim to address all effects and impacts to Ktunaxa Nation. There is no discussion on the direct linkage between the effects identified and the proposed mitigation measures, and no rationale for why or how the biophysical mitigation measures are expected to address effects to traditional fishing purposes.</p>	<p>Overall, proposed mitigation measures proposed are not specific, achievable, measurable, and verifiable to mitigate impacts to Ktunaxa rights and interests, and described in a manner that avoids ambiguity in intent, interpretation, and implementation.</p>	
Indigenous-10	5(1)(c)(iv) any Structure, Site or Thing of Historical, Archaeological, Paleontological or Architectural Significance	6.4. Mitigation				<p>3. Provide a description of any effect(s) to Indigenous peoples that may result from the proposed mitigation for biophysical effects, or a rationale for why such a description is not required.</p>	<p>The Indigenous Impact Management Plan also lacks the views expressed by Indigenous groups on the effectiveness of the mitigation or accommodation measures, as well as the specific suggestions raised by Indigenous groups for mitigating the effects of changes to the environment or accommodating potential adverse impacts to Aboriginal and Treaty rights, as required by section 5 of the EIS Guidelines.</p>	<p>KNC would like to see the proponent provide clear and effective mitigations. In particular, the proponent references "Continued consultation and engagement with Ktunaxa Nation" although there is no clear plan, proposed schedule and timing of consultation and engagement, or proposed engagement activities outlined in the EIS/A. Overall, proposed mitigations are not clear, ineffective, and do not mitigate project impacts to Ktunaxa rights.</p>	
Open	19(1) (d) mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the					<p>4. Include specific suggestions raised by Indigenous groups for mitigating potential effects.</p>	<p>Please note that the Agency does not consider the development and implementation of plans as a project-specific mitigation measure. If a plan has already been developed that contains measures to mitigate effects, those specific measures should instead be referenced. It is possible for the Agency to consider these either as project-specific mitigations or as complementary measures.</p>	<p><b>Yačít ʔa-knuql'it</b>  The proposed mitigation measures are vague, unmeasurable, and unenforceable. This lack of clear impact thresholds and established mitigation strategies is unacceptable.</p>	
Open	19(1) (d) mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the					<p>5. Incorporate views expressed by Indigenous groups on the effectiveness of the mitigation measures and how NWP addressed those.</p>	<p>One mitigation measure for Physical and Cultural Heritage is to develop a mitigation measure.</p>	<p>One mitigation measure for Physical and Cultural Heritage is to develop a mitigation measure.</p>	
Open	5(1)(c)(i) Health and socio-economic conditions of Aboriginal peoples				<b>Residual effects</b>	<p>In each Indigenous chapter:</p>	<p>The Indigenous chapters are unclear about how the views and perspectives of Indigenous groups were taken into consideration when concluding the significance of effects and degree of severity of adverse impacts.</p>	<p><b>Shuswap Band</b>  <b>The significance determination tables, criteria, and outcomes should be developed in consultation or collaboration with Indigenous Nations. The criteria and determinations should reflect the Nation's values and perspectives around the significance for each determination category (e.g., magnitude, duration, context, etc.). Linkages between biophysical VCs and cultural values need to be drawn and described. Shuswap Band sees this as a significant aspect of the Shuswap chapter as it lays the foundation for impact determinations.</b></p>	29-Apr-24
Indigenous-11	5(1)(c)(i) Health and socio-economic conditions of Aboriginal peoples					<p>1. Where possible, work with Indigenous groups to conclude significance and the degree of severity of adverse impacts on Rights. Clearly document how their views and perspectives were used to inform the conclusions in each Indigenous chapter. Where NWP and the Indigenous group have different conclusions, note that.</p>	<p>Section 5 of the EIS Guidelines requires NWP to document the effects of changes to the environment on Indigenous peoples or potential adverse impacts on Aboriginal or Treaty rights that have not been fully mitigated or accommodated as part of the environmental assessment, including the residual effects. The EIS will include the perspectives of Indigenous groups where these were provided to the proponent by the groups.</p>	<p>The Agency's guidance on the Assessment of Potential Impacts on the Rights of Indigenous Peoples, which is referenced in the EIS/A, proposes a list of criteria that can be used to evaluate the severity of impacts on rights. It further explains that proponents are encouraged to amend or customize the criteria through consultation with Indigenous groups in order to reflect the nature of the impacts linked to a particular project, how the Indigenous group wishes to present their information, the unique context of the landscape, Indigenous knowledge that the group provides, and the rights being impacted. Information on the criteria being used should be shared with Indigenous groups early in the consultation process to be transparent about how impacts on rights will be assessed and evaluated to determine severity. It also notes that a best practice would be to co-develop the criteria with the groups.</p>	
Indigenous-11	5(1)(c)(ii) Physical and Cultural Heritage					<p>5. Aboriginal Engagement and Concerns</p>	<p>Furthermore, the Technical Guidance for Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects referenced in the EIS Guidelines advises that Indigenous knowledge can contribute to the determination of significance. Indigenous groups can provide new information, offer a different interpretation of the facts or question the conclusions put forward by the proponent.</p>	<p>Further, proposed mitigation measures proposed are not specific, achievable, measurable, and verifiable to mitigate impacts to Ktunaxa rights and interests, and described in a manner that avoids ambiguity in intent, interpretation, and implementation.</p>	
Indigenous-11	5(1)(c)(iii) Current Use of Lands and Resources for traditional purposes					<p>6.5. Significance of Residual Effects</p>	<p>[Links to the Agency's guidance impacts on rights: <a href="https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-assessment-potential-impacts-rights-indigenous-peoples.html">https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-assessment-potential-impacts-rights-indigenous-peoples.html</a> and determining significant adverse environmental effects: <a href="https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html">https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-project-cause-significant-environmental-effects-ceaa2012.html</a>]</p>	<p>Further, proposed mitigation measures proposed are not specific, achievable, measurable, and verifiable to mitigate impacts to Ktunaxa rights and interests, and described in a manner that avoids ambiguity in intent, interpretation, and implementation.</p>	
Open	b(1)(c)(i) Health and socio-economic conditions of Aboriginal peoples				<b>Cumulative effects assessment</b>	<p>For each Indigenous chapter:</p>	<p>Cumulative effects, as defined in Section 6.6.3 of the EIS Guidelines, are changes to the environment due to the Project combined with the existence of other past, present, and reasonably foreseeable physical activities. The Agency's policy and technical guidance set out the general requirements and approaches to consider cumulative environmental effects of designated projects.</p>	<p><b>KNC</b>  <b>Canada and BC are well aware that the Elk Valley is a central part of Qukin ʔamakʔis and Ktunaxa ʔamakʔis more generally, and that impacts from coal mining in the Elk Valley have already surpassed a threshold where the rights of multiple generations of Ktunaxa people are seriously impacted, with Ktunaxa families unable to meaningfully practice Ktunaxa rights, including fishing, hunting, and maintaining cultural practice and stewardship responsibilities, in unique, preferred and customary places. The harm from existing impacts in the Elk Valley is already widespread. These need to be considered and integrated into the EIS/A within the cumulative effects assessment, and when describing baseline conditions relevant to Ktunaxa rights and interests.</b></p>	29-Apr-24
Indigenous-12	5(1)(c)(ii) Physical and Cultural Heritage					<p>1. Following the methodology outlined in the EIS Guidelines and Agency's policy and technical guidance on cumulative effects assessment, include the consideration of past and present activities in the context of cumulative effects rather than primarily as part of baseline condition.</p>	<p>The Cumulative Effects Assessment in each Indigenous chapter of the EIS/A indicates that "For the purposes of the cumulative effects assessment of rights and interests, only reasonably foreseeable future projects and activities are considered. It is assumed that past and present projects and activities are included in the baseline information that includes historic and current use of lands and resources for traditional purposes." The omission of past and present projects does not align with the methodology stated in the EIS Guidelines and Agency's policy and technical guidance.</p>	<p><b>Yačít ʔa-knuql'it</b>  <b>Yačít ʔa-knuql'it is concerned about the cumulative effects of this project and other coal projects on water quality, aquatic ecosystem health, and wildlife.</b></p>	
Indigenous-12	5(1)(c)(iii) Current Use of Lands and Resources for traditional purposes					<p>2. Ensure that any views provided by Indigenous groups are incorporated into the cumulative effects assessment.</p>	<p>While existing conditions have been shaped by effects of past projects and activities, using only the current state of a VC, right or interest in combination with future effects to fulfill the requirement of a cumulative effects assessment does not provide a full understanding of the cumulative effects of successive projects from the past, present and future. If each successive project in an area uses a baseline into which past effects have been incorporated, the baseline is continually shifted and the significant effects to VCs as well as to the rights and interests of Indigenous peoples could be overlooked because of the absence of meaningful consideration of the effects of prior projects. This is particularly relevant in the context of cumulative effects for VCs related to Indigenous groups.</p>	<p>Further, proposed mitigation measures proposed are not specific, achievable, measurable, and verifiable to mitigate impacts to Ktunaxa rights and interests, and described in a manner that avoids ambiguity in intent, interpretation, and implementation.</p>	
Indigenous-12	5(1)(c)(iv) any Structure, Site or Thing of Historical, Archaeological, Paleontological or Architectural Significance	6.6.3. Cumulative Effects Assessment				<p>Chapter 23 Ktunaxa Nation  Chapter 24 Shuswap Band  Chapter 25 Stoney Nakoda Nations  Chapter 26 Métis Nation of British Columbia  Chapter 27 Kainai (Blood Tribe)  Chapter 28 Piikani Nation  Chapter 29 Siksika Nation  Chapter 30 Tsuut'ina Nation  Chapter 31 Métis Nation Alberta - Region 3</p>	<p>[Links to the Agency's policy: <a href="https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/assessing-cumulative-environmental-effects-under-canadian-environmental-assessment-act-2012.html">https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/assessing-cumulative-environmental-effects-under-canadian-environmental-assessment-act-2012.html</a> and guidance on cumulative effects assessment: <a href="https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/assessing-cumulative-environmental-effects-ceaa2012.html">https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/assessing-cumulative-environmental-effects-ceaa2012.html</a>]</p>	<p>Further, proposed mitigation measures proposed are not specific, achievable, measurable, and verifiable to mitigate impacts to Ktunaxa rights and interests, and described in a manner that avoids ambiguity in intent, interpretation, and implementation.</p>	
Open	19(1)(a) the environmental effects of the designated project, including the environmental effects of malfunctions or accidents that may occur in operation					<p>Chapter 23 Ktunaxa Nation  Chapter 24 Shuswap Band  Chapter 25 Stoney Nakoda Nations  Chapter 26 Métis Nation of British Columbia  Chapter 27 Kainai (Blood Tribe)  Chapter 28 Piikani Nation  Chapter 29 Siksika Nation  Chapter 30 Tsuut'ina Nation  Chapter 31 Métis Nation Alberta - Region 3</p>	<p>[Links to the Agency's policy: <a href="https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/assessing-cumulative-environmental-effects-under-canadian-environmental-assessment-act-2012.html">https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/assessing-cumulative-environmental-effects-under-canadian-environmental-assessment-act-2012.html</a> and guidance on cumulative effects assessment: <a href="https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/assessing-cumulative-environmental-effects-ceaa2012.html">https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/assessing-cumulative-environmental-effects-ceaa2012.html</a>]</p>	<p>Further, proposed mitigation measures proposed are not specific, achievable, measurable, and verifiable to mitigate impacts to Ktunaxa rights and interests, and described in a manner that avoids ambiguity in intent, interpretation, and implementation.</p>	

