

Comments from the Impact Assessment Agency of Canada (the Agency) on the Webequie Supply Road Revised Fish and Fish Habitat Study Plan (2020-06-11 Version)

Comment #	Taken from the Comment Package Provided by the Agency on May 14, 2020			Revised Study Plan Section	COMMENTS/CONTEXT (Based on the revised study plan, received June 11, 2020)	REQUIRED ACTION FOR THE PROPONENT (Based on the revised study plan, received June 11, 2020)	
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FH(2)-01	GC-01	<b>Section 5 - Public Participation and views (including 5.1, 5.2)</b>	As per Section 5 of the Tailored Impact Statement Guidelines (TISG), "the proponent must engage with the public and provide timely notification of proposed engagement activities to seek community knowledge and views, including on: baseline conditions; valued components and indicators, taking into consideration the requirements under Section 25 of this [TISG];" effects assessment and the assessment of the Project's contribution to sustainability; mitigation and follow-up measures; and conclusions.	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 TISG.	<p><b>Section 3.1 Public Participation</b>                      "The open houses will include display materials and handouts containing information on the Project, the EA study process, known existing environmental conditions, the results of studies that have been conducted to date; the development and evaluation of alternatives, including the rationale for use of criteria and indicators; the project schedule; and the results of the consultation program. The Webequie Project Team will be available to receive and respond to questions and have an open dialogue regarding the EA process.                      ....All comments received from the public engagement and consultation activities will be tracked (i.e., Record of Consultation) and considered by the Project Team with the objective that the public be provided meaningful opportunities to participate, including in meaningful discussions in the EA process."</p>	<p>The revised study plan provides information about how the public will be provided with engagement opportunities (i.e. open house sessions that will occur)</p> <p>The revised study plan is unclear about where and how public perspectives and input, including community knowledge, will be integrated into and contribute to decisions including:</p> <ul style="list-style-type: none"> <li>• scoping, development and collection of baseline information;</li> <li>• design of studies conducted as part of the impact statement phase;</li> <li>• plans for construction (including location of project components), operation, and maintenance; and follow-up and monitoring.</li> </ul>	Provide details to demonstrate where and how public perspectives and input, including community knowledge, will be integrated into the assessment process including the project workplan, and will contribute to decisions regarding the Project, as per the requirements in Section 5 of the TISG.
FH(2)-02	GC-02	<b>Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3)</b>	As per Section 6 of the TISG, the Agency expects the proponent to engage with, at a minimum, the Indigenous groups listed in the Indigenous Engagement and Partnership Plan.	Provide a clear description in the study plans of how Indigenous groups will have opportunities to provide Indigenous knowledge, including the validation of how information they provided was applied. The study plan should	<p><b>Section 3.2.1 Communities to be included in the Assessment</b>                      "Based on these factors, the communities identified by WFN will be offered the deepest or</p>	<p>It is unclear, based on the information provided in Section 3.2.1 of the revised study plan, whether all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be engaged at a level</p>	Provide details to demonstrate that all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be engaged with and provided opportunities to:

<sup>1</sup> See complete sections of the Tailored Impact Statement Guidelines for more context.

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			<p>Section 6 of the TISG also states that “in addition to the requirements set out in Sections 6.1, 6.2 and 6.3, the proponent must provide Indigenous groups with an opportunity to:</p> <ul style="list-style-type: none"> <li>• provide Indigenous knowledge during baseline data collection;</li> <li>• comment on the list of valued components and indicators;</li> <li>• inform the effects assessment and review the proponent’s conclusions; and</li> <li>• inform the development of mitigation measures and follow-up programs.”</li> </ul>	<p>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 TISG has been incorporated into the study plans.</p> <p>Describe what engagement with Indigenous groups has been done in the development of the study plans, and/or any planned engagement with Indigenous groups on the proposed study plans.</p>	intensive consultation/engagement.”	that will meet the requirements in Section 6 of the TISG.	<ul style="list-style-type: none"> <li>• provide Indigenous knowledge during baseline data collection;</li> <li>• comment on the list of valued components and indicators;</li> <li>• inform the effects assessment and review its conclusions; and</li> <li>• inform the development of mitigation measures and follow-up programs.</li> </ul>
FH(2)-03	GC-03	<b>Section 7 – Baseline Methodologies (Including 7.1, 7.2, 7.3, 7.4)</b>	<p>Section 7.4 of the TISG states 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...” Also, the same section 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”, and that “the proponent should validate with the Agency the</p>	<p>Provide clear descriptions in the study plans of the proposed study areas and the criteria used to define the study areas.</p> <p>Describe how the Indigenous groups will be, or have been, engaged to provide input on spatial and temporal boundaries.</p> <p>Demonstrate how the Agency will be provided an opportunity to validate spatial and temporal boundaries.</p>	<b>Section 1.1.1 Spatial Boundaries</b> “The spatial boundaries to be used in the EA will be refined and validated through input from federal and provincial government departments and ministries, Indigenous groups, the public and other interested parties. Spatial boundaries will be defined considering the appropriate scale and spatial extent of potential effects of the Project; community knowledge and Indigenous Knowledge; current or traditional land and resource use by Indigenous communities; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices;	<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 1.1.1 of the revised 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 TISG.</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>

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			spatial and temporal boundaries for each valued component.”		and physical, ecological, technical, social, health, economic and cultural considerations.”		
FH(2)-04	GC-06	<b>Section 19.2 - Impacts on the Exercise of Aboriginal and Treaty Rights</b>	The study plan should demonstrate an approach for integrating impacts on rights considerations (changes to resource, access, and experience) into the assessment and collection of baseline information.	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><b>Section 3.2.1 Communities to be Included in the Assessment</b> “Communities marked with an asterisk are those whose Aboriginal and Treaty rights may be affected by the Project.”</p> <p><b>Section 3.2.4 Aboriginal and Treaty Rights</b> “The Webequie Project Team will be engaging with Indigenous communities regarding potential impacts of the Project on the exercise of rights, and where possible, the project’s interference with the exercise of rights. ... Webequie First Nation and the Project Team will discuss with Indigenous communities their views on how best to reflect and capture impacts on the exercise of rights in the EAR/IS. Should impacts on the exercise of Aboriginal and Treaty rights be identified, Webequie First Nation and the Project Team will work with Indigenous communities to determine appropriate mitigation measures to reduce or eliminate such impacts”</p>	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.	<p>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.</p> <p>Include details to demonstrate when Indigenous groups will be engaged in identifying potential impacts on rights.</p> <p>Provide details 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.</p>
FH(2)-05	FH-08	<b>Section 7.4.1</b> “Spatial boundaries are defined taking into account the appropriate scale and spatial extent of potential effects and impacts of the	It is not specified whether Indigenous knowledge has been incorporated in the site selection for field surveys. As per Section 7.4.1 of the TISG, when evaluating the presence or absence of species of	Provide further detail to demonstrate how Indigenous knowledge has been, or will be, incorporated into the design of the	<b>Section 2.1.1 Background Data Review and Field Surveys</b> “Existing aerial/satellite imagery, along with available background information sources will be used	The revised study plan states that Indigenous knowledge and engagement will be used to establish survey locations for the 2020 field study.	Provide further detail to demonstrate how Indigenous knowledge has been incorporated into the design of the May and June 2020 field studies and will be

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		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.”	special concern or value to Indigenous communities, the study plan should incorporate Indigenous knowledge into the design of the field studies (i.e. site selection).	field studies, including site selection.	to establish survey locations prior to execution of the field program. This will include engagement with Webequie community members, and other First Nations, to gain their insight and knowledge with respect to fish species of value and their presence in the project area. The selection of survey sites in 2020 will also be informed by field studies that were conducted in 2019. Indigenous Knowledge has been, or will be, incorporated into the data collection process and, field program and will inform the effects assessment.”	It is unclear how Indigenous knowledge has been incorporated in the site selection for the aquatic field studies planned for May, June and August 2020. More detail is needed about how Indigenous knowledge has been incorporated into the data collection process and field program.	incorporated into the design of the August 2020 field studies, including site selection.
FH(2)-06	FH-11	<b>Section 8.8</b> “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.);”	As per Section 8.8 of the TISG, the description of habitat must include information regarding littoral, sublittoral, limnetic, profundal, and benthic zones as well as stratification information including epilimnion, metalimnion, and hypolimnion depths in combination with a water chemistry profile (dissolved oxygen, pH, conductivity, etc.).	Provide further detail to demonstrate how information regarding the description of habitat information on littoral, sublittoral, limnetic, profundal, and benthic zones as well as stratification information including epilimnion, metalimnion, and hypolimnion depths in combination with a water chemistry profile (dissolved oxygen, pH, conductivity, etc.) will be captured in the habitat assessment studies, as per the requirements in Section 8.8 of the TISG.	<b>Section 2.1.1.1 Fish Habitat Assessment</b> “It should be noted that the above habitat variables, such as flow and thermal regimes and in situ water quality measurements (e.g., temperature, pH, conductivity, dissolved oxygen, and turbidity) will also be supplemented with the data collection described in the Groundwater and Surface Water Work Plan to reflect linkages/overlaps for these components... In addition to the above data collection at each waterbody, existing habitat conditions at lakes and ponds within in the LSA will be described, which is limited to Winisk Lake, Bender Lake and several other unnamed lakes. This will include a description of and information regarding littoral, sublittoral, limnetic, profundal, and benthic	Although the revised study plan states that the required information will be included, more detail is needed about how the data used to describe the littoral, sublittoral, limnetic, profundal, and benthic zones as well as stratification information including epilimnion, metalimnion, and hypolimnion depths will be captured in the habitat assessment studies.  The groundwater and surface water study plan provides sufficient detail about the collection of data related to a water chemistry profile (dissolved oxygen, pH, conductivity, etc.).	Provide further detail to demonstrate how information regarding the description of habitat information on littoral, sublittoral, limnetic, profundal, and benthic zones as well as stratification information including epilimnion, metalimnion, and hypolimnion depths will be captured in the habitat assessment studies, as per the requirements in Section 8.8 of the TISG.

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					zones as well as stratification information including epilimnion, metalimnion, and hypolimnion depths in combination with a water chemistry profile (dissolved oxygen, pH, conductivity, etc.). Basic bathymetry will also be collected to supplement the above information.”		
FH(2)-07	FH-12	<b>Section 8.8</b> “Describe the use of fish and/or aquatic species (including Walleye ( <i>Sander vitreus</i> ), Northern Pike ( <i>Esox lucius</i> ), Lake Whitefish ( <i>Coregonus clupeaformis</i> ), Brook Trout ( <i>Salvelinus fontinalis</i> ), Chain Pickerel ( <i>Esox niger</i> ), Yellow Perch ( <i>Perca flavescens</i> ), Cisco ( <i>Coregonus artedii</i> ), Burbot ( <i>Lota lota</i> ), Longnose Sucker ( <i>Catostomus catostomus</i> ), White Sucker ( <i>Catostomus commersoni</i> ), Lake Sturgeon ( <i>Acipenser fulvescens</i> ) and Lake Chub ( <i>Couesiius plumbeu</i> ) for consumption or where use has Indigenous cultural importance;”	Four fish species are listed as indicator species in Section 2.2 of the study plan. Section 8.8 of the TISG lists twelve fish species for which the use for consumption, or where use has Indigenous cultural importance, must be described. It is unclear whether the eight other species were considered.	Explain how all twelve species listed in Section 8.8 of the TISG are considered in the description of species for consumption, or where use has Indigenous cultural importance. Describe how community, public and Indigenous knowledge was incorporated into the selection of indicator species.	<b>Section 2.2 Criteria and Indicators</b> “The four fish species were identified as criteria for the assessment of potential project effects on fish and fish habitat, in part because they are species of value to Indigenous communities, government agencies, the public and stakeholders based on the input from consultation undertaken to date. It is recognized that in Section 8.8 of the TISG eight (8) other fish species (total of 12) have been identified for human consumption or where their use may have Indigenous cultural importance. The list of criterion species will be finalized and developed through future engagement and consultation with Indigenous people as part of the EA. Fish species for consumption (i.e., country food) will also be identified and described as part of the socio-economic and human health valued components....”	The revised study plan has identified four of the twelve species listed in Section 8.8 of the TISG as criteria for the assessment of potential project effects on fish and fish habitat. The revised study plan states that the four were chosen as they have different life history strategies, and in part because they are species of value to indigenous communities. It is unclear why the other eight species are not being considered.  Although the study plan states that the four indicator species were identified based on input from consultation undertaken to date, more detail is needed about how this information was incorporated into the selection of the species.	Provide a justification for not including all twelve species listed in Section 8.8 of the TISG are being considered. If the four identified species are viewed as representative species for the twelve species listed in Section 8.8 of the TISG, provide a rationale to explain this determination.  Describe how community, public and Indigenous knowledge was incorporated into the selection of indicator species.