

**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					
#	Guidelines Section <sup>1</sup>	Required Action for Proponent	Proponent Response	Final Study Plan Section Reference	Agency comments
GC-02	<b>Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3)</b>	<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><b>Section 4.2</b>                      "...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: <a href="https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions">https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions</a></p>
GC-03	<b>Section 6.2 - Analysis and response to questions, comments, and issues raised</b>	<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><b>Section 5.2</b>                      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"> <li>the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed;</li> <li>the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed.</li> </ul>

<sup>1</sup> 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 <sup>1</sup>	Required Action for Proponent	Proponent Response	Final Study Plan Section Reference	Agency comments
				potential sensitivity and / or confidentiality of the information shared).	
GC-04	<b>Study plans spatial boundaries</b>	<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"> <li>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</li> <li>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.</li> </ul>	<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><b>Section 6.2.2, Table 6.1,</b></p> <p><b>Local Study Area/5 km buffer surrounding the PDA.</b> 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><b>Regional Study Area/Combined area of the quaternary watersheds crossed by each of the road alignments.</b> 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><b>Section 6.2.2</b> 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>

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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						
#	Study Plan Section	Guidelines Section <sup>2</sup>	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 <b>Table 4-1</b> 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 <b>Table 4-1</b> 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.	<b>Section 4.1.6 of the consultation plan</b> 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	<b>Section 3.2</b> 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.	<b>Section 6.2.2</b> 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> ”

<sup>2</sup> 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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	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><b>Appendix D</b> 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 <b>Table 4-1</b> 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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			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 <b>Table 4-1</b> 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.
<b>ATRI-05</b>	<b>Section 4.1</b>	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 <b>Table 4-1</b> in November 2020 (refer to Section 6.5 of the Guidance Document). Temporal boundaries for the assessment span all phases of the Project.	<b>Appendix B, Section 6.5</b>	Required action #6 has been addressed.
<b>ATRI-06</b>	<b>Section 4.3</b> 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 <b>Table 4-1</b> will be consulted and have the opportunity to be engaged		Required actions # 7 and #8 were addressed.

**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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	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 <b>Table 4-1</b> 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 <b>Table 4-1</b> 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.	<b>Table 9-1</b> 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.

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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					<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><b>Consultation plan, table 4-2</b>  <b>Effects assessment:</b>  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><b>Section 5 study plan</b>  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.



**Agency's Comments on the Marten Falls Community Access Road Project Draft Indigenous Peoples Valued Components Study Plan – July 10, 2020**

#	Study Plan Section	Guidelines Section <sup>2</sup>	Required Action for Proponent	Proponent Response	Study Plan Section Reference	Federal Review Team Response
				<p>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.</p>	<p>inputs throughout the Project via the Project website and ongoing communications with the Proponent.</p> <p>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.</p>	
<p><b>ATRI-09</b></p>	<p><b>Section 4</b> 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</p>		<p>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:</p> <ul style="list-style-type: none"> <li>• Specify types of engagement activities (surveys, questionnaires, community sessions, chief and council sessions, workshops, etc.).</li> <li>• Describe how GBA+ has been applied to the consideration of engagement activities. Identify any specific methods targeted to specific subgroups.</li> <li>• 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+.</li> <li>• Describe the approach the proponent intends to take to encourage or attract participation, including how opportunities to participate will be planned and advertised.</li> <li>• Describe how Indigenous knowledge will be used to inform types of engagement activities and participant selection.</li> <li>• If sample questionnaires, interview questions, or other data collection tools exist, identify them in an</li> </ul>	<p>All Indigenous communities and groups identified in <b>Table 4-1</b> 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 <b>Table 4-1</b> 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>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 <b>Table 4-1</b>.</p>		<p>Required actions #11 and #12 were addressed.</p>

Agency's Comments on the Marten Falls Community Access Road Project Draft Indigenous Peoples Valued Components Study Plan – July 10, 2020						
#	Study Plan Section	Guidelines Section <sup>2</sup>	Required Action for Proponent	Proponent Response	Study Plan Section Reference	Federal Review Team Response
	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"> <li>Identify past public or Indigenous engagement activities that have taken place and are being used to inform this study plan.</li> </ul> <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 <b>Table 4-1</b> 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 <b>Table 4-1</b> 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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#	Study Plan Section	Guidelines Section <sup>2</sup>	Required Action for Proponent	Proponent Response	Study Plan Section Reference	Federal Review Team Response
				<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>		
<b>ATRI-10</b>	<b>Section 5.1</b>	<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"> <li>• cultural values and experiences of being on the land, including harvesting specific resources (Section 12.1)</li> <li>• Indigenous governance systems and Indigenous laws tied to the landscape (Section 12.1);</li> <li>• 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);</li> <li>• traditional cultural activities (such as religious ceremonies, traditional hunting, etc.) that might be caused by the project (Section 17.6)</li> <li>• culturally significant plants of wildlife (Section 17.6); and</li> <li>• changes to the cultural value, spirituality, or importance associated with physical and</li> </ul>	<p><b>Required Action #13</b> 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><b>Required Action #14</b> 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><b>Consultation plan</b> <b>Effects assessment methods</b></p> <p><b>Planned activities</b> “▪ 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><b>Target input</b> “ 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 <b>ATRI-23</b> in the table below.</p>

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#	Study Plan Section	Guidelines Section <sup>2</sup>	Required Action for Proponent	Proponent Response	Study Plan Section Reference	Federal Review Team Response
		<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"> <li>• 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);</li> <li>• location of traditional uses, including hunting, trapping and fishing camps, cabins, and gathering or teaching grounds;</li> <li>• types of traditional resources such as fish, wildlife, birds, plants, or other natural resources and their habitats of importance for supporting traditional use;</li> <li>• frequency, duration, and/or timing of traditional practices;</li> <li>• where known, efforts of the groups to bring back traditional practices;</li> <li>• current and future availability and quality of country foods (traditional foods); and</li> <li>• the quality of resources (e.g., preferred species and perception of quality);</li> </ul> <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><b>Table 9.3: Proposed Aboriginal and Treaty Rights and interests</b> Indigenous Current Use of Lands and Resources for Traditional Purposes</p> <ul style="list-style-type: none"> <li>-Alteration / change in or loss of sites and areas used for traditional activities (e.g., hunting, trapping, fishing, gathering).</li> <li>-Changes in the availability or quantity of resources (e.g., wildlife, fish, vegetation) for traditional activities (e.g., harvesting and gathering).</li> <li>-Changes in the quality or perceived quality of resources for traditional activities.</li> <li>-Changes in access to sites and areas used for traditional activities.</li> </ul>	<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"> <li>• 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);</li> <li>• how the Indigenous group's cultural traditions, laws and governance systems inform the manner in which they exercise the</li> </ul>	<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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#	Study Plan Section	Guidelines Section <sup>2</sup>	Required Action for Proponent	Proponent Response	Study Plan Section Reference	Federal Review Team Response
		<p>rights (the who, what, when, how, where and why);</p> <ul style="list-style-type: none"> <li>• where they exist, identification of thresholds identified by the community that, if exceeded, may impair the ability to meaningfully exercise of rights;</li> <li>• 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).</li> </ul> <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.				
#	Study Plan Section	Guidelines Section	Context	Required Action for the Proponent
ATRI-14	<p><b>Table 4-1: Identified Neighbouring Indigenous Communities, including their Provincial Territorial Organizations and / or Tribal Council Affiliations</b></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><b>Consultation Plan, Section 3.1</b></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><b>Section 6</b></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 area<sup>3</sup>.</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><b>4.2 Indigenous Communities</b></p> <p>“The Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in <b>Table 4-1</b>, 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><b>Section 12</b></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>

<sup>3</sup> [2020-02-24 - Marten Falls Community Access Road - Summary Table of Comments \(iaac-aeic.gc.ca\)](https://www2.gov.bc.ca/gov2/industry/0302024_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.**

#	Study Plan Section	Guidelines Section	Context	Required Action for the Proponent
	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>		
<p><b>ATRI-16</b></p>	<p><b>Throughout the study plan – including Sections 4.3, 7, 7.3, table 9-1</b></p>	<p><b>Section 5</b> “...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><b>Section 6</b> “...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><b>Section 7</b> “...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><b>Section 13.1</b> “...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>
<p><b>ATRI-17</b></p>	<p><b>7.3.2 Project-specific Studies</b> “...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</p>	<p><b>Section 6.3</b> “...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</p>	<p>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</p>	<p>Add a commitment to inclusive ongoing consultation with non-Indigenous groups, Indigenous groups, and diverse sub-groups from those populations.</p>

**New comments from the Federal Review Team on the Aboriginal and Treaty Rights and Interests Study Plan submitted in June, 2021.**

#	Study Plan Section	Guidelines Section	Context	Required Action for the Proponent
	<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><b>...Select study participants:</b> 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><b>...Collect the information:</b> 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><b>ATRI-18</b></p>	<p><b>Table 9-1: General Assessment Methodology for Aboriginal and Treaty Rights and Interests</b></p> <p><b>Step 2:</b> Understand the context in which impacts on rights would occur.</p> <p><b>General Description:</b> Identify the environmental and socio-economic conditions that support the community's meaningful exercise of their rights.</p>	<p><b>Section 19.1</b> "...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, <b>health</b>, 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><b>ATRI-19</b></p>	<p><b>Table 11-1 Study Plan Federal and Provincial Concordance – Conformance with Requirements</b> "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><b>Section 6.2</b> "...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>



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#	Study Plan Section	Guidelines Section	Context	Required Action for the Proponent
		<p>- where and how Indigenous groups' knowledge, perspectives and input were integrated into or contributed to decisions regarding the Project..."</p> <p><b>Section 6.3</b>                      "...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><b>ATRI-20</b></p>	<p>Through out document</p>	<p><b>Section 7.3</b>                      "...Considerations in assigning appropriate study areas or boundaries would include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• areas of known Indigenous land, cultural, <b>spiritual</b> and resource use;..."</li> </ul> <p><b>Section 7.4.1</b>                      "...The Impact Statement must describe the spatial boundaries...including cultural and <b>spiritual</b> 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><b>ATRI-21</b></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><b>Section 3.2</b>                      "...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><b>ATRI-22</b></p>	<p><b>Section 5 Consideration of Indigenous Knowledge in the IS / EA Report</b>                      "All Indigenous communities and groups identified by the MECF 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><b>Section 8.6</b>                      "...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><b>Section 8.7</b></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 <b>all</b> 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>

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	<p>Consultation and Engagement Program).”</p> <p><b>7.2.3 Project Specific Studies</b>                      “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><b>Section 10 Assumptions</b>                      “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><b>Table 11-1 Study Plan Federal and Provincial Concordance – Conformance with Requirements</b>                      “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><b>Section 8.8</b>                      “...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><b>Section 12.2</b>                      “...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>	

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#	Study Plan Section	Guidelines Section	Context	Required Action for the Proponent
	<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><b>Consultation plan, Section 4.1.5 Summary of Consultation Activities</b></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	<b>Consultation plan, Table 4-2</b>	<p><b>Section 6</b></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"> <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>	<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><b>Editorial - Footnote 16, Section 9.3</b></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><b>Section 10</b></p> <p>“The IS / EA Report will indicate where input from Indigenous communities and groups, including where IK, has been incorporated.”</p>	<p><b>Section 6.2</b></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"> <li>• scoping, development and collection of baseline information;</li> <li>• plans for construction, operation, decommissioning, abandonment, and maintenance; and</li> <li>• follow-up and monitoring....</li> </ul> <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"> <li>• integrated into or contributed to decisions regarding the Project;</li> <li>• Integrated into the characterization of the nature of environmental, health, social and economic effects and impacts expected from the Project; and</li> <li>• integrated in avoiding, mitigating or accommodating identified effects and impacts.</li> </ul>

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		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..”		
<b>ATRI-26</b>	<b>Table 11-3: Study Plan Federal and Provincial Concordance – Requirement Deviations</b>		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.	
<b>ATRI-27</b>	<b>Section 7.3</b> “...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.	