

Comments on Marten Falls Community Access Road Project (Project) revised Fish and Fish Habitat Study Plan – August 24, 2021

It is essential that the Impact Statement for the Marten Falls Community Access Road Project (the Project) address all requirements outlined in the Tailored Impact Statement Guidelines (the Guidelines), and that the study plans outline a clear approach to achieving these requirements. The Impact Assessment Agency of Canada (the Agency) has highlighted sections of the Guidelines where requirements for the Impact Statement may not be met, based on content of the draft study plan submitted to the Agency. Note that this table does not provide an exhaustive list of the requirements described in the Guidelines. The Guidelines should be reviewed in their entirety, including the sections identified below.

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020					
#	Tailored Impact Statement Guidelines Section ¹	Required Action for Proponent	Proponent Response	Final Study Plan Section Reference	Agency comments
GC-01	Section 5 - Public Participation and views (including 5.1, 5.2)	<p>Provide a clear description in the study plans of how public engagement opportunities have been and/or will be integrated into the impact statement phase. This must include detail on how the public will have opportunities to provide input to contribute to the development of the Impact Statement, as required in Section 5 of the Guidelines.</p> <p>Describe what engagement with the members of the public listed in the Public Participation Plan has been done in the development of the study plans, and/or any planned engagement with members of the public on the proposed study plans.</p>	<ul style="list-style-type: none"> - Section 4: describes how the Proponent will provide Project notices and opportunities with members of the public listed in the Public Partnership Plan. This will also include the opportunity to provide input on the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures as applicable. A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input. - The study plans have recognized public and agency input received on the Project to date. 	Section 4.1 “A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.”	<p>Section 4.1 of the study plan mentions that “<i>a variety of activities will be offered</i>”, however, no details on the likely engagement activities are provided.</p> <p>As required by Sections 5 and 6 of the Guidelines, the Impact Statement must provide a record of engagement that describes all efforts taken to seek the views of local communities and other stakeholders with respect to the Project, including on the study plans. This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement, including prior to and during the planning phase, and in the preparation of the Impact Statement.</p> <p>Provide details on the timeline for public engagement relative to the project workplan, including engagement relative to the schedule for baseline work, and in consideration of the project team’s timeline for the development of the Impact Statement.</p>
GC-02	Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3)	<p>Provide a clear description in the study plans of how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will have opportunities to provide Indigenous knowledge, including the validation of how information they provided was applied. The study plan should include a description of the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that the guidance outlined in Section 6.2 of the Guidelines has been incorporated into the study plans.</p> <p>Describe what engagement with all the Indigenous groups listed in the Indigenous Engagement and Partnership Plan has been done in the development of the study plans, and/or any planned engagement with Indigenous groups on the proposed study plans, particularly in relation to collection of Indigenous knowledge (i.e. develop the work plan in collaboration with those Indigenous groups that would need to provide knowledge).</p>	<ul style="list-style-type: none"> - In Section 4.2 it is noted that the Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in the Indigenous Partnership and Engagement Plan. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input. - Section 2.1.1 outlines the approach to handling confidential information, by means of permission from Indigenous communities to include Indigenous Knowledge in the IS / EA Report, regardless of the source of the Indigenous Knowledge. - The study plans have recognized Indigenous community input received on the Project to date. 	Section 4.2 “...A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input...” “...Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process...”	<p>Section 4.2 of the study plan states that “<i>a variety of activities will be offered</i>”, however, no details on the planned engagement activities are provided.</p> <p>Section 4.2 of the study plan also states that “<i>Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process</i>”, however, it is unclear on which components of the study plans the project team plans to engage. It is also unclear whether Indigenous groups will be provided with a meaningful opportunity to provide input on a preliminary approach/method for baseline data collection, as required in Section 6 of the Guidelines, or if engagement will take place after the baseline data collection is complete. Provide details on the timeline for Indigenous engagement on the fish and fish habitat study plan, including engagement relative to the schedule for baseline work, and spatial and temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> <p>Demonstrate in the Impact Statement that comments provided by Indigenous groups and members of the public on fish and fish habitat were taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions</p>

¹ Refer to complete sections of the Guidelines for more context.

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GC-03	Section 6.2 - Analysis and response to questions, comments, and issues raised	Revise the study plans to include an approach to handling confidential information that demonstrates adherence to the guidance provided in Section 6.2 of the Guidelines.	<ul style="list-style-type: none"> - Section 2.1.1: Section has been updated to include information regarding both confidentiality and permission information on all collected Indigenous Knowledge, regardless of the source. - This section also includes how information regarding the Indigenous Knowledge Sharing Agreements will be established by the Proponent and Indigenous community participating in the Program. 	Section 2.1.1 “...Sensitive and / or confidential information collected through Indigenous Knowledge Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the Indigenous Knowledge Program prior to the sharing and use of any sensitive information. Instances where Indigenous Knowledge sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement, including where Indigenous Knowledge was incorporated into Project decisions and into the IS / EA Report (i.e., specifics will not be included in the Record of Consultation and Engagement given the potential sensitivity and / or confidentiality of the information shared)...”	<p>As required in Section 6 of the Guidelines, incorporate in the Impact Statement content that describes the confidential information provided by each Indigenous group. Present the content in sufficient detail to support understanding of the potential effects and impacts on rights, while also protecting confidential/sensitive specifics and respecting stipulations in the confidentiality agreements (e.g, use buffer areas instead of specific locations, etc.).</p> <p>Provide to the Agency, in the form of a letter from the Indigenous group that shared confidential information, a letter confirming that:</p> <ul style="list-style-type: none"> • the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; • the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed.
GC-04	Study plans spatial boundaries	<p>Describe the approach to be implemented to demonstrate how the definitions of the proposed study area boundaries:</p> <ul style="list-style-type: none"> • encompass the anticipated boundaries of the Project’s effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan; and • take into account community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, 	<ul style="list-style-type: none"> - Section 6.2: General information on study areas for the Project, including a detailed list of what was considered to develop the discipline-specific local and region study areas, is included in each study plan. Each study area has been proposed taking into consideration community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices, physical, ecological, technical, social, health, economic and cultural considerations available at this time. - The proposed discipline-specific study areas are preliminary. The proposed study areas will be consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program provides additional 	Section 6.2.2 “Tertiary sub-watersheds traversed by project components of Alternative 1 and Alternative 4...Baseline characterization of fish and fish habitat where direct effects outside of the PDA and LSA are not likely, however the potential for broad, indirect effects persist”	<p>As required in Section 7 of the Guidelines, provide details to demonstrate that the fish and fish habitat Regional Study Area encompasses the anticipated boundaries of the Project’s effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan. Note that the Regional Study Area must encompass the spatial boundary of cumulative effects.</p> <p>As required in Section 7.4.1 of the Guidelines, provide information regarding how the following were/will be taken into account in defining the spatial boundaries: community knowledge and Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and</p>

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		nature and location of past, present and foreseeable future projects and activities.	opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples to be shared in greater detail.		the size, nature and location of past, present and reasonably foreseeable future projects and activities. Provide the above information in a way that allows those who provided the knowledge to the proponent and the Agency to see their input reflected in the Impact Statement. It is not sufficient to state that “input from participants will be/was taken into account”.
GC-05	Section 7 - Baseline Methodologies (Including 7.1, 7.2, 7.3, 7.4)	<p>Provide clear descriptions in the study plans of the proposed study areas and the criteria used to define the study areas for each valued component.</p> <p>Provide clear descriptions of the timing of previously collected data (days/month/year) and future approximate (month/year or season/year) timing for every field work planned and the criteria used to tailor the temporal boundaries to the valued components under consideration.</p> <p>Describe how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be, or have been, engaged to provide input on spatial and temporal boundaries.</p> <p>Explain how the Agency will be provided opportunities to validate spatial and temporal boundaries.</p>	<ul style="list-style-type: none"> - Local Study Area (LSA) and Regional Study Area (RSA) for each valued component are described in Table 6-1, including rationale used to define the area. - Study plans have been designed considering historical information, where applicable and available. Study plans will be updated with appended Work Plans, to be submitted at a future date, which will detail upcoming planned field activities. - As detailed in both Section 4.2 and Section 6.2 the Proponent will continue to provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, including the LSAs and RSAs. - Government agencies and interested persons will have the opportunity to comment on component of the study plans throughout the IS / EA Report consultation and engagement process 	Sections 4.2 and 6	<p>This comment has been mostly addressed through the study plan and the work plan.</p> <p>See comment FH-01 in the table below for detail about the outstanding information still required in relation to Fish and Fish Habitat baseline data.</p>
GC-06		Provide further details in the study plans on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines	<ul style="list-style-type: none"> - Section 4.3 has been updated to include the consideration of Identity and Gender-Based Analysis Plus (GBA+) including both Indigenous communities and their relevant subpopulations and non-Indigenous communities and their subpopulations. During consultation and engagement activities these groups (and any others defined during consultation) will be engaged with on targeted input. 	Section 4.3	<p>Describe how GBA+ has been or will be applied to the consideration of engagement activities. Identify specific methods targeted to specific subgroups.</p> <p>Provide detail on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines.</p> <p>It is not sufficient to mention that Gender-Based Analysis Plus will be applied to the assessment. Clear descriptions of how GBA+ was integrated (including to which variables, method, and how it influenced results' interpretation) are needed in the Impact Statement.</p>
GC-07	Section 13 - Effects Assessment (including 13.1, 13.2)	<p>Provide details to demonstrate how the Project's potential effects will be considered, as per the requirements in Sections 13 to 19 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work.</p> <p>Provide detail on how engagement with all Indigenous groups listed in the Indigenous Engagement and Partnership Plan and the public will inform the effects assessment and the selection of mitigation measures and follow-up program measures.</p>	<ul style="list-style-type: none"> - Project environmental interaction are separated into Project phases, and Project activities for each environmental discipline in their VC-specific study plan listed as Table 9-1. - Information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the Indigenous Knowledge Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs. 	Throughout the study plan, Section 9	<p>As required in Sections 7 and 13 of the Guidelines, ensure that the effects assessment considers the effects of each of the project components (including but not limited to all alternative routes brought forward in the Impact Statement, all aggregates sources, access roads, etc.) and physical activities, in all phases, and that the assessment is based on a comparison to the data and information gathered during the proposed baseline work.</p> <p>Clarify the level of information that will be shared with, and explained to, the Indigenous Knowledge Program leads and whether study plans will be made available to all Indigenous groups listed in the Indigenous Engagement and Partnership Plan.</p>

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GC-08	Section 13.1	Provide clear descriptions of the rationale behind the assumptions, including but not limited to the assumed average daily traffic and vehicles composition during the construction and operation phases that will be considered for the effects assessment and the cumulative effects assessment.	- Section 10: Current assumptions to be used in the effects assessment have been identified. Any additional assumptions will be identified and rationale will be provided in the IS / EA Report.	Section 10	Before conducting the effects assessment analysis, the Agency advises the proponent to seek the Federal Review Team's confirmation of the assumptions that will be used in the analysis or, at a minimum, to discuss the type of assumptions that will be considered. As required by Section 13.1 of the Guidelines, ensure that the Impact Statement clearly outlines the assumptions used for the assessment of effects, including cumulative effects, on each valued component.
GC-09	Section 19.2 - Impacts on the Exercise of Aboriginal and Treaty Rights	Describe an approach for identifying the potentially impacted rights of Indigenous peoples of Canada that are recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> , and for integrating the potential impacts on those rights into the collection of baseline information and the effects assessment.	- All study plans reference how potential effects on Indigenous rights will be assessed in the Aboriginal and Treaty Rights and Interests Study Plan. - Impacts on Rights considerations are explained in the rationale for defining a Local Study Area and Regional Study Area for Aboriginal and Treaty Rights and Interests VCs. Further information for this is listed in Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan.	Section 5, and Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan	Feedback will be provided in the Federal Review Team's comments package on the Aboriginal and Treaty Rights and Interests Study Plan.
GC-10	Section 20 - Mitigation and enhancement measures	Provide detail on the approach to meeting the requirements of Section 20 of the Guidelines regarding the identification of mitigation and enhancement measures.	- Section 9: Approach to mitigation and enhancement measures, specifically noting that once potential effects have been identified, the effects assessment will explore technically and economically feasible mitigation measures to avoid or minimize the identified negative effects and enhancement measures to increase positive effects.	Section 9.5.1 (lists relevant requirements) "Potential effects and specific mitigation measures will be established as part of the effects assessment and selection of the preferred alternative." Concordance table "Section 20 of the TISG describes the requirements around mitigation and enhancement measures that must be considered in the IS"	Section 9.5.1 of the study plan is listing the requirements outlined in Section 20 of the Guidelines. Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 20 of the Guidelines.
GC-11	Section 25 – Description of the Project's contribution to sustainability	Provide detail on the approach to meeting the requirements of Section 25 of the Guidelines regarding the description of the Project's contribution to sustainability.	- Section 9: the sustainability assessment for the Project will be undertaken on the preferred alternative and will characterize the Project's contribution to sustainability incorporating the requirements set out in Section 25 of the TISG.	Section 9.7	Section 9.7 of the study plan is listing the requirements outlined in Section 25 of the Guidelines. Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 25 of the Guidelines.

Federal Review Team comments on the Marten Falls Community Access Road Project Draft Fish and Fish Habitat Study Plan – July 20, 2020						
#	Draft Study Plan Section	Tailored Impact Statement Guidelines Section ²	Required Action for Proponent	Proponent Response	Final Study Plan Section Reference	Agency comments on June 11, 2021 - Fish and Fish Habitat Study Plan
FH-01	<p>Section 4.1.2.1 Sites Surveyed “164 waterbody crossings were surveyed from a helicopter during an aerial reconnaissance survey on September 5 and September 6, 2019. All proposed crossings on Route Alternatives 1 and 4 were included in the aerial reconnaissance survey. Eleven proposed waterbody crossings were assessed for fish and fish habitat from September 6 to September 10, 2019 (Table 1). Three of the assessed waterbody crossings were on the Alternative 1 ROW, five were on the Alternative 4 ROW, and three were on overlapping sections of Alternatives 1 and 4. Detailed fish habitat assessments were completed at all 11 waterbody crossings and fish sampling was completed at seven waterbody crossings”.</p> <p>Section 4.3 Study Methods “The field study will involve a habitat and biological assessment at a 50% subset of locations where the PSA or Project footprint of route alternatives 1 and 4 intersect potential fish habitat.”</p>	<p>Section 7.2 Sources of Baseline Information “With regard to field studies, survey work must be planned to include multiple sampling locations and multiple visits to each location to support all required assessment analyses.”</p> <p>Section 7.4.2 “Baseline data collection for all biophysical valued components is to be provided for a minimum of two years, unless specified otherwise. Temporal boundaries spanning more than one year will enable accounting for variation due to irregular events (e.g., masting events, storms on migration, late snowfalls).”</p>	<p>Provide details to clarify the proposed number and site locations of field data collection for the second year of baseline data collection, to demonstrate that two years of baseline data will be collected, as per the requirements in Section 7.4.2 of the Guidelines Provide details to clarify which waterbody crossings were sampled in 2019.</p> <p>Provide the referenced “Table 1”.</p>	<p>Details regarding 2019 / 2020 field studies including site selection rationale are included in the Study Plan. As desktop review continues, the number of sites may be subject to change; as such, we proposed a percent sampling coverage, by aspect of the Fish and Fish Habitat program. Rationale for site selection (for past and future studies) are provided in the Study Plan. The Study Plan was revised to include additional information regarding desktop and proposed field studies. Results of field investigations will be provided at a later date.</p> <p>The reference to Table 1 has been removed but we have included Figures showing location of sampling sites previously visited.</p>	<p>Appendix C Figures 1 to 6</p> <p>Section 7.2.3 Future Field Studies “Sites proposed for future assessment will be selected pending further desktop review, review of recent field studies (2019-2020), health and safety considerations and logistical constraints such as access and gear- type. To achieve the target % subsets (Section 7.2.1.1), the balance of the sites remaining after previous field investigations (2011 / 2012, 2019 and 2020) will be assessed. Based on information available at this time, this translates to approximately 40 additional sites to be completed for habitat assessment and fish community sampling, and approximately 7 sites for benthic invertebrate collection. The detailed field schedule for future fish and fish habitat assessment is yet to be finalized.”</p>	<p>This comment has not been adequately addressed.</p> <p>Figures 1 to 6 in Appendix C summarize all the watercourse crossings but do not provide information of what field investigation was completed at each site. There are colours to represent electrofishing effort, minnow trapping and general fishing effort; however, more detail describing what field investigation was completed at each site is required.</p> <p>Additionally, the proponent indicated that 40 additional sites will be completed for habitat assessment and fish community sampling, and approximately seven sites for benthic invertebrate collection. It remains unclear where these sites are, what sampling will be done at each site and the rationale for selection of the sites. Provide a table in an updated aquatics work plan that:</p> <ul style="list-style-type: none"> • Lists all sites that were sampled in 2019 and 2020, and any sites that will be in future field studies; • Provides details about the specific surveys that were completed at each site; • Indicates why each site was selected for this project as appropriate for a representative subset of the Alternative Routes

² Refer to complete sections of the Guidelines for more context

Federal Review Team comments on the Marten Falls Community Access Road Project Draft Fish and Fish Habitat Study Plan – July 20, 2020						
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FH-02	Section 4.2 Desktop Assessment “desktop analysis and existing background information gathering will also rely heavily of community knowledge, public consultation and Indigenous Knowledge (IK).”	Section 6 “The proponent must engage with all Indigenous groups that may be impacted by the Project. The Indigenous Engagement and Partnership Plan, issued by the Agency, is available to assist the proponent in further developing or refining their engagement strategy and supporting ongoing trust and relationship-building. In addition to the requirements set out in section 6.1, 6.2 and 6.3, the proponent must provide Indigenous groups with an opportunity to: provide Indigenous knowledge during baseline data collection; comment on the list of valued components and indicators...” Section 7.4.1 “Spatial boundaries are defined taking into account the appropriate scale and spatial extent of potential effects and impacts of the Project; community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; and physical, ecological, technical, social, health, economic and cultural considerations.”	Provide further details to demonstrate how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be engaged with, and provided opportunities to provide Indigenous knowledge on fish and fish habitat. This includes incorporating into the plan where Indigenous groups will be provided with opportunities to: <ul style="list-style-type: none"> • provide Indigenous knowledge during baseline data collection; • comment on the list of valued components and indicators; • inform the effects assessment and review its conclusions; and • inform the development of mitigation measures and follow-up programs. 	As identified in Section 4.2 of the Study Plan, the Proponent will provide opportunities for consultation and engagement with Indigenous communities identified in Table 4-1, which is inclusive of all Indigenous communities identified in the Indigenous Partnership and Engagement Plan for the Marten Falls Community Access Road Project Impact Assessment (IAAC 2020a). Further information on how Indigenous Knowledge will be considered in the IS / EA Report has been included in Section 5 of the Study Plan. Section 5 of the Study Plan provides further details on the two concurrent and complementary avenues for Indigenous communities and groups to be engaged with and provide input on the Project: the Indigenous Knowledge Program and the Consultation and Engagement Program.	Section 7.1 Desktop Assessment “ Through consultation with the public and Indigenous community members, the MFFN CAR Project Team intends to collect specific fishery information and traditional uses of waterbodies in the study areas, such as traditional and current fishing grounds, spawning habitat and migration corridors.” Section 7.2.1.1 Site Selection “The site selection process for the subset of waterbody crossing locations for detailed assessment was based on several factors, including: representative sites per tertiary watershed, logistics, health and safety, cultural importance (which, to date has been provided by only MFFN), available background information and previous studies (e.g., waterbody crossing locations surveyed previously in support of the Cliffs Chromite Project Environmental Assessment [Golder 2013] where sections of the preferred route alternatives overlap with the alignment of the Cliffs route), waterbody type and abundance within the tertiary watershed.”	This comment has not been adequately addressed. It remains unclear if Indigenous groups have had the opportunity to provide Indigenous knowledge during baseline data collection or comment on the list of valued components and indicators. Describe how and when Indigenous groups will have the opportunity to comment on baseline data collection related to Fish and Fish Habitat. Provide details to demonstrate how and when: <ul style="list-style-type: none"> • Indigenous groups have been provided the opportunity to comment on the Fish and Fish Habitat study plan or field program to date; and • Indigenous knowledge has influenced or will influence the selection of subset sites that will be sampled for the fish and fish habitat study.
FH-03	Section 4.2 Desktop Assessment “Available existing information will be reviewed to characterize the context of the fish and fish habitat within the study areas of the Project as defined in Section 3. Resources that will be reviewed for existing information will include (but not limited to) waterbodies, thermal	Section 7.2 “The Impact Statement must provide detailed descriptions of specific data sources, data collection, sampling, survey and research protocols and methods followed for each baseline environmental, health, social and economic condition that is described, in order to corroborate the validity and accuracy of the baseline information collected...”	Provide detailed descriptions of specific data sources that will be used to identify baseline conditions, as proposed in Section 4.2 of the study plan. Sources should be listed and preferably correlated to the criteria and indicators that they will inform.	Appendix A of the Study Plan was revised to include specific sources. The results of the desktop studies will be provided at a later date.	Section 7.2.2.1 Historic Field Studies Undertaken “ Fish sampling and habitat assessment was carried out at 19 watercourse crossings in 2011 / 2012 by Golder in support of the Cliffs Chromite Project (Project EA since terminated) and results are available that are pertinent for this Project because the study areas for both projects have some overlap. Therefore, previous information collected for the Cliffs Chromite Project will be used to supplement	This comment has not been adequately addressed. Information on historical data used by watercourse crossing should be available and included in an updated aquatics work plan as an Appendix. Provide a table that outlines information on which crossings have available information from the Cliffs Chromite Project by Golder (or other project) and what type of survey was done at that site (for example, fish habitat

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	regimes, fish species, significant fish habitat features (e.g., spawning habitat, nursery habitat, migration barriers), aquatic Species at Risk (SAR), Species of Conservation Concern, and SAR habitat. The reviewed resources will include (but not limited to) those listed in Appendix A, in addition to preliminary Project-related reports. Furthermore, desktop analysis and existing background information gathering will also rely heavily of community knowledge, public consultation and Indigenous Knowledge (IK)."	"If using existing data sources, the Impact Statement must provide justification to show that the data sources are relevant in spatial and temporal coverage to the Project. Some data sources may have good coverage in Southern Ontario or existing road networks but be unsuitable as a baseline for these northern areas where there are not roads."	Provide justifications to demonstrate that each data source is relevant in spatial and temporal coverage to the project.		the data collected for this Project to understand significant long-term changes in fish habitat where there is overlap in sampling locations."	assessment, fish sampling, biological sampling, etc.).
FH-04	<p>Section 4.3.1.1 Fish "Fish sampling will be completed once at each assessment site during either the spring, summer, and fall months of a single sampling season"</p> <p>Section 5.2.2 Biological Analysis "The scope of the fish sampling program and data collected as described in Section 4.2.2 will include quantitative and qualitative data that will describe: Species seasonal variation, by conducting sampling over the course of spring, summer and fall (as conditions and access allow)".</p>	<p>Section 7.4.2 "Baseline data collection for all biophysical valued components is to be provided for a minimum of two years, unless specified otherwise. Temporal boundaries spanning more than one year will enable accounting for variation due to irregular events (e.g., masting events, storms on migration, late snowfalls)."</p>	Provide clarity on timing of the fish sampling conducted in 2019, and for the sampling proposed in future years. Provide justification for situations where the timing may be different in future years from the 2019 timing.	Study Plan was revised to provide additional details on timing of previous surveys. Future studies are anticipated for spring and / or fall of 2021.	<p>Section 7.2.3 Future Field Studies "Field studies will be completed under appropriate seasonal and weather conditions to facilitate safe access for field crews and appropriate conditions for visual inspection, such as minimal snow cover, open water, and avoidance of flood conditions.</p> <p>The detailed field schedule for future fish and fish habitat assessment is yet to be finalized."</p>	<p>The requirement has been met for two years of field data, however Fisheries and Oceans Canada strongly recommends spring data collection in addition to fall data collection.</p> <p>There is value in collecting data in other seasons, particularly spring, to provide a more complete picture of the site of the watercourse crossing (for example, data collected during the spring may provide information on important habitat for fish based on seasonal water levels and flows).</p>
FH-05	<p>Section 4.3.2.2 Lotic Habitat "Lotic habitat assessment, where there is evidence of unidirectional flow at the</p>	<p>Section 15.1 "Describe and justify watercourse-crossing techniques to be used and the criteria for determining the techniques proposed for each watercourse crossing."</p>	Describe and justify water-crossing techniques for each watercourse crossing, as is required in Section 15.1 of the	Velocity measurements will be collected for the purpose of characterizing the baseline conditions of the fish habitat.	Section 7	This comment has been adequately addressed.

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	time of assessment with the potential to support fish, will include the extent of the watercourse and riparian area within the PSA. Habitat assessments will involve the establishment of a transect at the CL of the proposed route alignment, and at regular intervals upstream and downstream of the CL within the boundaries of the PSA. The following data will be collected at each transect:..”		Guidelines. It is recommended that this include a discussion of fish passage. To meet this requirement, baseline velocity at the site locations should be measured to determine if fish can pass through the culvert structures.	Crossing structures will be designed to avoid fish passage issues; a more fulsome discussion of criteria considering when identifying and designing crossing structures will be included in the IS / EA Report.		
FH-06	<p>Section 4.3.2.1 Lentic Habitat and Section 4.3.2.2 Lotic Habitat “Suitable sensitive habitat features or potential important habitat function such as spawning, migration, overwintering, nursery, productive feeding areas, fish passage barriers, etc. will be delineated or mapped, photographed and described.”</p> <p>Table 5-1 Examples of Literature Reviewing indicator Species Habitat Suitability Patterns</p>	<p>Section 8.8 “provide a characterization of fish habitat features that may demonstrate the presence of fish species in terms of appropriate habitats—water quality and quantity characteristics, sediment type characteristics, benthic features, prey, shelter, refuge, feeding, spawning habitats, nursery habitats, rearing habitats, overwintering, migration routes and the sensitive times for these activities;”</p>	Provide details to demonstrate how the spawning locations for the species listed in Table 5-1 will be determined. Clarify if spawning surveys have been completed, or will be completed. Provide any desktop or field data that has been collected relating to spawning, including from any spawning surveys that have been undertaken.	<p>Standalone spawning surveys have not been completed, nor are they proposed. The known spawning locations within the PDA for the indicator species will be identified through desktop analysis, field assessment, and Indigenous Knowledge (where available). Where suitable spawning habitat is observed through desktop analysis and fish habitat assessment, it will be documented, photographed and mapped.</p> <p>The results of the desktop and field assessment studies will be provided at a later date.</p>	Section 7, Appendix A	This comment has been adequately addressed.
FH-07	<p>Section 7 Concordance with Federal and Provincial Guidance “Qualitative and/or quantitative description (as applicable) of potential stressors and effects, and anticipated residual effects will include potential changes to such changes to fish habitat”</p>	<p>Section 15.1 (relevant to many requirements)</p>	Update the study plan to explain the proposed approach and methods used to fully integrate the requirements of Section 15.1 of the Guidelines into the study plan.	The Concordance Table 7 (now numbered Table 11-1, 1-2, and 11-3) has been revised to provide concise responses to the requirements of the TISG. The Study Plan was revised to specify the potential effects that are expected to be quantified and measurable, such as the area of direct loss or alteration of habitat caused by project infrastructure (water crossings), area of loss of riparian vegetation, area of loss or alteration of important habitat features (e.g. suitable spawning	Section 9, Section 11	This comment has been adequately addressed.

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				habitat), and those that are not expected to be measurable (i.e. changes in light penetration effects of existing local activities).		
FH-08	Section 7 Concordance with Federal and Provincial Guidance “Sampling of zooplankton and phytoplankton is not proposed.”	Section 8.8 “provide a description of the biodiversity within the freshwater environment, including: trophic state, periphyton, phytoplankton, zooplankton, fish and the interactions and relative significance of each species with the identified food chains;”	Provide further detail on proposed methodologies, including the rationale, to demonstrate how the baseline studies described in the study plan will meet all requirements of Section 8.8 of the Guidelines.	Amendment to this requirement will be requested (please refer to Table 11-2 of the Study Plan). Baseline studies including zooplankton and phytoplankton sampling are unprecedented for an assessment of projects of similar scope, as it is generally accepted that negative residual effects to these aspects of fish and fish habitat are unlikely to occur with current industry practices. Studies are not typically required by the DFO Fish Habitat Protection Program, the Ontario Ministry of Transportation Class EA process and Protocol for Protecting Fish and Fish Habitat on Provincial Transportation Undertakings, and the Ontario Crown Land Bridge Guidelines or Ontario Environmental Guide for Access Roads.	Section 11	Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process. The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team.
FH-09	Section 7 Concordance with Federal and Provincial Guidance “data collection through desktop or field studies and/or biological sampling specific to assess fertility, recruitment, mortality, re-colonization, sex ratios, population regulation, stability, and behavioural studies are not proposed.”	Section 8.8 “provides a characterization of fish (as defined in subsection 2(1) of the <i>Fisheries Act</i>) and other aquatic species on the basis of resident and migratory species, food webs and trophic levels, structural and functional linkages, life history and population dynamics, such as dispersion, fertility, recruitment, mortality rates, re-colonization, age structure, sex ratios, population regulation, stability, distribution (communities, stocks, subpopulations, metapopulations), movements, migratory patterns, routes and preferred corridor, seasonal and annual trends in abundance, sensitive habitats and periods in relation to the study area, behavioural habitat selection, mating strategies, social interactions, predator-prey interactions at multiple spatial and temporal scales, which are critical to identifying effects to population	Provide a rationale for the decision to exclude biological sampling specific to assess fertility, recruitment, mortality, re-colonization, sex ratios, population regulation, stability, and behavioural studies from the proposed desktop or field studies, as required in Section 8.8 of the Guidelines.	Amendment to this requirement will be requested (please refer to Table 11-3 of the Study Plan). Baseline studies including dispersion, fertility, recruitment, mortality, re-colonization, sex-ratios, etc. are unprecedented for an assessment of projects of similar scope, as it is generally accepted that negative residual effects to these aspects of fish and fish habitat are unlikely to occur with current industry practices. Such studies are not required by the DFO Fish Habitat Protection Program project review process, Ontario Ministry of Transportation Class EA process and Protocol for Protecting Fish and Fish Habitat on Provincial Transportation Undertakings, and the Ontario Crown Land Bridge Guidelines or Ontario Environmental Guide for Access Roads.	Section 11	Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process. The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team.

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#	Draft Study Plan Section	Tailored Impact Statement Guidelines Section ²	Required Action for Proponent	Proponent Response	Final Study Plan Section Reference	Agency comments on June 11, 2021 - Fish and Fish Habitat Study Plan
		persistence and ecological processes”.				
FH-10	Section 7 Concordance with Federal and Provincial Guidance “To be completed during desktop analysis and field habitat assessment for geophysical information including depth.”	Section 15.1 “provide a characterization of fish habitat features that may demonstrate the presence of fish species in terms of appropriate habitats—water quality and quantity characteristics, sediment type characteristics, benthic features, prey, shelter, refuge, feeding, spawning habitats, nursery habitats, rearing habitats, overwintering, migration routes and the sensitive times for these activities; provide a description of habitat information that includes water depths (bathymetry) and the littoral, sublittoral, limnetic, profundal, and benthic zones. Stratification information will include epilimnion, metalimnion, and hypolimnion depths in combination with a water chemistry profile (dissolved oxygen, pH, conductivity, etc.)”.	Provide details to demonstrate which aspects of the requirements in Section 15.1 of the Guidelines will be completed by a desktop analysis or habitat assessment. Provide details about methods and specific data that will be used.	Information to be collected through fish habitat field assessment and desktop analysis are described in Section 7 of the Study Plan. Additional detail of the relevant desktop information sources to-date was provided in Appendix A. Additional information on water chemistry can be found in the Surface Water VC Study Plan.	Section 7 Appendix A Surface Water VC Study Plan	This comment has been adequately addressed.
FH-11	Section 7 Concordance with Federal and Provincial Guidance “Summary of desktop analysis and background information review will provide a description of such effects and activities”	Section 15.1 “describe any existing effects associated with previous or current activities (e.g., angling pressures, commercial fisheries)”	Provide details to demonstrate how any existing effects associated with previous or current activities (e.g., angling pressures, commercial fisheries) will be assessed, including descriptions of specific data sources that will be used.	The IS / EA Report will include a discussion of these activities and the identified or and potential effects of these activities to fish and fish habitat, where available and relevant to understanding Project-related effects. Consequential effects on Land and Resource Use and Aboriginal and Treaty Rights and Interests will also be considered in the IS / EA Report. Data on resource use activities will be gathered as described in those referenced Study Plans.	Section 9.4 Methods for Predicting Future Conditions “Qualitative discussion of the existing activities and infrastructure which may currently or previously have had an effect on fish and fish habitat. Existing activities will be identified using desktop analysis, consultation with local Indigenous communities, and field observations...”	The Federal Review Team recommends that a regional provincial biologist be included in this discussion as they may have specific examples of past or current activities that have caused problems or been beneficial. Provide additional detail in the Impact Statement to demonstrate the methods and approach used in the analysis, consultation with local Indigenous groups, and field observations to address the requirement in Section 15.1 of the Guidelines.
FH-12	Section 7 Concordance with Federal and Provincial Guidance “Currently not proposed for fish program baseline assessment. Refer to Field Work Plan – Surface Water”	Section 15.1 “potential for direct effects of contamination downstream of the Project on fish and bioaccumulation of contaminants (e.g., selenium, mercury, chromium, arsenic) in fish that may be consumed by Indigenous groups;	Provide details to demonstrate how effects of contamination downstream of the Project on fish, and bioaccumulation of contaminants (e.g., selenium, mercury, chromium, arsenic) in	The IA / EA will evaluate the potential for contaminant bioaccumulation as result of the project. If it is determined by the IA / EA that a residual effect pathway for contaminant bioaccumulation exists (i.e., after mitigation), additional baseline studies may be proposed. Please see the Physiography, Terrain	Physiography, Terrain and Soils Study Plan Groundwater Study Plan Surface Water Study Plan	This comment has been adequately addressed.

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	<p>Surface Water Study Plan: "...additional in situ measurements may be collected as part of the Fish and Fish Habitat VC field program (refer to the Fish and Fish Habitat VC Study Plan)."</p> <p>"Qualitative methods will be used to assess potential effects of the Project to surface water quality based on an understanding of baseline surface water quality, likely Contaminants of Potential Concern associated with different project activities and in consideration of mitigation measures."</p>	<p>...describe the effects of changes to the aquatic environment on fish and fish habitat, including: contaminant levels in harvested species and their prey".</p>	<p>fish that may be consumed by Indigenous groups will be assessed. Provide information about methods and approaches that will be used to meet the requirements in Section 15.1 of the Guidelines.</p>	<p>and Soils Study Plan, the Groundwater and Geochemistry Study Plan, and the Surface Water Study Plan for details on methods and approaches for assessing the potential for contaminant release into the environment as result of the Project.</p>		

New comments from the Federal Review Team on the revised Fish and Fish Habitat Study Plan submitted in June 2021.				
#	Study Plan Section	Tailored Impact Statement Guidelines Section	Context	Required Action for the Proponent
FH-13	<p>Section 3 Study Plan Technical Discussions</p> <p>“Review of 2019 field studies, proposed 2020 studies and site selection, including additional details regarding site selection rationale (for both 2019 and 2020 studies).</p> <p>DFO review of the additional details provided and acknowledgement of the information provided satisfying the request for additional information (Comment FH-01, Appendix B)</p>	<p>Section 7.2 Sources of Baseline Information “With regard to field studies, survey work must be planned to include multiple sampling locations and multiple visits to each location to support all required assessment analyses.”</p> <p>Section 7.4.2 “Baseline data collection for all biophysical valued components is to be provided for a minimum of two years, unless specified otherwise. Temporal boundaries spanning more than one year will enable accounting for variation due to irregular events (e.g., masting events, storms on migration, late snowfalls).”</p>	<p>The requested information has not been included in the updated study plan.</p> <p>Review FH-01 above for further detail.</p>	Refer to the required actions for FH-01.
FH-14	<p>Footnote 10, Section 9.2 “In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs. The VCs will be consulted and engaged on early in the IA/EA process and finalized taking into consideration the input received. Therefore, only information relevant to the Project that arises from the regional assessment of the Ring of Fire within an appropriate timeline will inform the VCs for the Project.”</p>	Editorial comment	<p>The statement in the footnote 10 in Section 9.2 “<i>In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs.</i>” is inaccurate, as the Regional Assessment in the Ring of Fire area has not yet begun.</p>	<p>Replace the text in footnote 10 with “<i>In February 2020, the Minister of Environment and Climate Change determined that a regional assessment will be conducted in an area centred on the Ring of Fire mineral deposits in northern Ontario. Relevant information available in relation to the Regional Assessment in the Ring of Fire area would be considered in the impact assessment of the Project.</i>”</p>
FH-15	<p>Table 11-3: Study Plan Federal and Provincial Concordance – Requirement Deviations</p>		<p>Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process.</p> <p>The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team.</p>	