

Comments on the Marten Falls Community Access Road Project Peatland Study Plan – August 4, 2021

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

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020					
#	Tailored Impact Statement Guidelines Section¹	Required Action for Proponent	Proponent Response	Final Study Plan Section Reference	Agency comments
GC-01	Section 5 - Public Participation and views (including 5.1, 5.2)	<p>Provide a clear description in the study plans of how public engagement opportunities have been and/or will be integrated into the impact statement phase. This must include detail on how the public will have opportunities to provide input to contribute to the development of the Impact Statement, as required in Section 5 of the Guidelines.</p> <p>Describe what engagement with the members of the public listed in the Public Participation Plan has been done in the development of the study plans, and/or any planned engagement with members of the public on the proposed study plans.</p>	<p>Section 4: describes how the Proponent will provide Project notices and opportunities with members of the public listed in the Public Partnership Plan. This will also include the opportunity to provide input on the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures as applicable. A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.</p> <p>The study plans have recognized public and agency input received on the Project to date.</p>	Section 4.1 “A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.”	<p>Section 4.1 of the study plan mentions that “a variety of activities will be offered”, however, no details on the likely engagement activities are provided.</p> <p>As required by Sections 5 and 6 of the Guidelines, the Impact Statement must provide a record of engagement that describes all efforts taken to seek the views of local communities and other stakeholders with respect to the Project, including on the study plans. This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement, including prior to and during the planning phase, and in the preparation of the Impact Statement.</p> <p>Provide details on the timeline for public engagement relative to the project workplan, including engagement relative to the schedule for baseline work, and in consideration of the project team’s timeline for the development of the Impact Statement.</p>
GC-02	Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3)	<p>Provide a clear description in the study plans of how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will have opportunities to provide Indigenous knowledge, including the validation of how information they provided was applied. The study plan should include a description of the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that the guidance outlined in Section 6.2 of the Guidelines has been incorporated into the study plans.</p> <p>Describe what engagement with all the Indigenous groups listed in the Indigenous Engagement and Partnership Plan has been done in the development of the study plans, and/or any planned</p>	<p>In Section 4.2 it is noted that the Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in the Indigenous Partnership and Engagement Plan. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input. Section 2.1.1 outlines the approach to handling confidential information, by means of permission from Indigenous communities to include Indigenous Knowledge in the IS / EA Report, regardless of the source of the Indigenous Knowledge.</p> <p>The study plans have recognized Indigenous community input received on the Project to date.</p>	Section 4.2 “...A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input...” “...Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process...”	<p>Section 4.2 of the study plan states that “a variety of activities will be offered”, however, no details on the planned engagement activities are provided.</p> <p>Section 4.2 of the study plan also states that “Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process”, however, it is unclear on which components of the study plans the project team plans to engage. It is also unclear whether Indigenous groups will be provided with a meaningful opportunity to provide input on a preliminary approach/method for baseline data collection, as required in Section 6 of the Guidelines, or if engagement will take place after the baseline data collection is complete. Provide details on the timeline for Indigenous engagement on the peatlands study plan, including engagement relative to the schedule for baseline work, and spatial and temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge, and in consideration of the project team’s timeline for the development of the Impact Statement.</p>

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

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		engagement with Indigenous groups on the proposed study plans, particularly in relation to collection of Indigenous knowledge (i.e. develop the work plan in collaboration with those Indigenous groups that would need to provide knowledge).			
GC-03	Section 6.2 - Analysis and response to questions, comments, and issues raised	Revise the study plans to include an approach to handling confidential information that demonstrates adherence to the guidance provided in Section 6.2 of the Guidelines.	<p>Section 2.1.1: Section has been updated to include information regarding both confidentiality and permission information on all collected Indigenous Knowledge, regardless of the source.</p> <p>This section also includes how information regarding the Indigenous Knowledge Sharing Agreements will be established by the Proponent and Indigenous community participating in the Program.</p>	Section 2.1.1 “...Sensitive and / or confidential information collected through Indigenous Knowledge Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the Indigenous Knowledge Program prior to the sharing and use of any sensitive information. Instances where Indigenous Knowledge sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement, including where Indigenous Knowledge was incorporated into Project decisions and into the IS / EA Report (i.e., specifics will not be included in the Record of Consultation and Engagement given the potential sensitivity and / or confidentiality of the information shared)...”	<p>As required in Section 6 of the Guidelines, incorporate in the Impact Statement content that describes the confidential information provided by each Indigenous group. Present the content in sufficient detail to support understanding of the potential effects and impacts on rights, while also protecting confidential/sensitive specifics and respecting stipulations in the confidentiality agreements (e.g, use buffer areas instead of specific locations, etc.).</p> <p>Provide to the Agency, in the form of a letter from the Indigenous group that shared confidential information, a letter confirming that:</p> <ul style="list-style-type: none"> the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed.
GC-04	Study plans spatial boundaries	<p>Describe the approach to be implemented to demonstrate how the definitions of the proposed study area boundaries:</p> <ul style="list-style-type: none"> encompass the anticipated boundaries of the Project’s effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the 	Section 6.2: General information on study areas for the Project, including a detailed list of what was considered to develop the discipline-specific local and region study areas, is included in each study plan. Each study area has been proposed taking into consideration community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices, physical, ecological, technical, social,	<p>Section 6.2.1 “The preliminary LSA currently being considered within the scope of the ongoing provincial regulatory review process generally includes the area within 2.5 km of the centreline of Alternative 1 and Alternative 4”</p> <p>Section 6.2.2</p>	<p>As required in Section 7 of the Guidelines, demonstrate how a Local Study Area of approximately three kilometres from the centerline would be appropriate to assess effects on peatlands.</p> <p>As required in Section 7 of the Guidelines, provide details to demonstrate that the Regional Study Area² encompasses the anticipated boundaries of the Project’s effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan. Note that the Regional Study Area must encompass the spatial boundary of cumulative effects.</p>

² For a definition of the Regional Study Area please see: <https://iaac-aeic.gc.ca/default.asp?lang=En&n=43952694-1&toc=show&offset=11>

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020

#	Tailored Impact Statement Guidelines Section ¹	Required Action for Proponent	Proponent Response	Final Study Plan Section Reference	Agency comments
		<p>Indigenous Engagement and Partnership Plan; and</p> <ul style="list-style-type: none"> take into account community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and foreseeable future projects and activities. 	<p>health, economic and cultural considerations available at this time.</p> <p>The proposed discipline-specific study areas are preliminary. The proposed study areas will be consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program provides additional opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples to be shared in greater detail.</p>	<p>“Using the methods outlined above it was found that the LSA boundary should extend to 2.8 km from the limits of the PDA. We have rounded the LSA to 3 km on either side of centreline to capture the 100 m PDA.”</p>	<p>As required in Section 7.4.1 of the Guidelines, provide information regarding how the following were/will be taken into account in defining the spatial boundaries: community knowledge and Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and reasonably foreseeable future projects and activities.</p> <p>Provide the above information in a way that allows those who provided the knowledge to the proponent and the Agency to see their input reflected in the Impact Statement. It is not sufficient to state that “input from participants will be/was taken into account”.</p>
GC-05	Section 7 - Baseline Methodologies (Including 7.1, 7.2, 7.3, 7.4)	<p>Provide clear descriptions in the study plans of the proposed study areas and the criteria used to define the study areas for each valued component.</p> <p>Provide clear descriptions of the timing of previously collected data (days/month/year) and future approximate (month/year or season/year) for every field work planned and the criteria used to tailor the temporal boundaries to the valued components under consideration.</p> <p>Describe how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will be, or have been, engaged to provide input on spatial and temporal boundaries.</p> <p>Explain how the Agency will be provided opportunities to validate spatial and temporal boundaries.</p>	<p>Local Study Area (LSA) and Regional Study Area (RSA) for each valued component are described in Table 6-1, including rationale used to define the area.</p> <p>Study plans have been designed considering historical information, where applicable and available. Study plans will be updated with appended Work Plans, to be submitted at a future date, which will detail upcoming planned field activities.</p> <p>As detailed in both Section 4.2 and Section 6.2 the Proponent will continue to provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, including the LSAs and RSAs.</p> <p>Government agencies and interested persons will have the opportunity to comment on component of the study plans throughout the IS / EA Report consultation and engagement process</p>	Sections 4.2 and 6	<p>To ensure that baseline data collection will meet the requirements of the Guidelines, the Agency advises the project team to share a map or detailed information on the locations of data sampling, as well as the timing of data collection for previously and newly collected data and future data collection activities (month/year or season/year). If it is not possible to provide this information in the study plans or workplans, the Agency requires an opportunity to review the collected baseline data/baseline reports prior to the preparation of the Impact Statement documentation.</p>
GC-06		<p>Provide further details in the study plans on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines</p>	<p>Section 4.3 has been updated to include the consideration of Identity and Gender-Based Analysis Plus (GBA+) including both Indigenous communities and their relevant subpopulations and non-Indigenous communities and their subpopulations. During consultation and engagement activities these groups (and any others defined during consultation) will be engaged with on targeted input.</p>	Section 4.3	<p>Describe how GBA+ has been or will be applied to the consideration of engagement activities. Identify specific methods targeted to specific subgroups.</p> <p>Provide detail on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines.</p>

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					It is not sufficient to mention that Gender-Based Analysis Plus will be applied to the assessment. Clear descriptions of how GBA+ was integrated (including to which variables, method, and how it influenced results' interpretation) are needed in the Impact Statement.
GC-07	Section 13 - Effects Assessment (including 13.1, 13.2)	Provide details to demonstrate how the Project's potential effects will be considered, as per the requirements in Sections 13 to 19 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work. Provide detail on how engagement with all Indigenous groups listed in the Indigenous Engagement and Partnership Plan and the public will inform the effects assessment and the selection of mitigation measures and follow-up program measures.	Project environmental interaction are separated into Project phases, and Project activities for each environmental discipline in their VC-specific study plan listed as Table 9-1. Information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the Indigenous Knowledge Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs.	Throughout the study plan, Section 9	As required in Sections 7 and 13 of the Guidelines, ensure that the effects assessment considers the effects of each of the project components (including but not limited to all alternative routes brought forward in the Impact Statement, all aggregates sources, access roads, etc.) and physical activities, in all phases, and that the assessment is based on a comparison to the data and information gathered during the proposed baseline work. Clarify the level of information that will be shared with, and explained to, the Indigenous Knowledge Program leads and whether study plans will be made available to all Indigenous groups listed in the Indigenous Engagement and Partnership Plan.
GC-08	Section 13.1	Provide clear descriptions of the rationale behind the assumptions, including but not limited to the assumed average daily traffic and vehicles composition during the construction and operation phases that will be considered for the effects assessment and the cumulative effects assessment.	Section 10: Current assumptions to be used in the effects assessment have been identified. Any additional assumptions will be identified and rationale will be provided in the IS / EA Report.	Section 10	Before conducting the effects assessment analysis, the Agency advises the proponent to seek the Federal Review Team's confirmation of the assumptions that will be used in the analysis or, at a minimum, to discuss the type of assumptions that will be considered. As required by Section 13.1 of the Guidelines, ensure that the Impact Statement clearly outlines the assumptions used for the assessment of effects, including cumulative effects, on each valued component.
GC-09	Section 19.2 - Impacts on the Exercise of Aboriginal and Treaty Rights	Describe an approach for identifying the potentially impacted rights of Indigenous peoples of Canada that are recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> , and for integrating the potential impacts on those rights into the collection of baseline information and the effects assessment.	All study plans reference how potential effects on Indigenous rights will be assessed in the Aboriginal and Treaty Rights and Interests Study Plan. Impacts on Rights considerations are explained in the rationale for defining a Local Study Area and Regional Study Area for Aboriginal and Treaty Rights and Interests VCs. Further information for this is listed in Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan.	Section 5, and Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan	Feedback will be provided in the Federal Review Team's comments package on the Aboriginal and Treaty Rights and Interests Study Plan.
GC-10	Section 20 - Mitigation and enhancement measures	Provide detail on the approach to meeting the requirements of Section 20 of the Guidelines regarding the identification of mitigation and enhancement measures.	Section 9: Approach to mitigation and enhancement measures, specifically noting that once potential effects have been identified, the effects assessment will explore technically and economically feasible mitigation measures to avoid or minimize the identified negative effects and enhancement measures to increase positive effects.	Section 9.5.1 (lists relevant requirements) "Potential effects and specific mitigation measures will be established as part of the effects assessment and selection of the preferred alternative."	Section 9.5.1 of the study plan is listing the requirements outlined in Section 20 of the Guidelines. Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 20 of the Guidelines.

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				Concordance table “Section 20 of the TISG describes the requirements around mitigation and enhancement measures that must be considered in the IS”	
GC-11	Section 25 – Description of the Project’s contribution to sustainability	Provide detail on the approach to meeting the requirements of Section 25 of the Guidelines regarding the description of the Project’s contribution to sustainability.	Section 9: the sustainability assessment for the Project will be undertaken on the preferred alternative and will characterize the Project’s contribution to sustainability incorporating the requirements set out in Section 25 of the TISG.	Section 9.7	Section 9.7 of the study plan is listing the requirements outlined in Section 25 of the Guidelines. Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 25 of the Guidelines.
GC-15	Concordance with Federal Guidance	Provide a separate concordance table containing all requirements of the Guidelines. This is required to show how all requirements of the Guidelines, including the interactions of effects and interconnectedness of valued components, would be addressed.	Please refer to Table 11-1, Table 11-3 and the General Comments Table Response.	Section 11	The Agency has identified inconsistencies between the cross-references presented and the information contained in the study plans. For example, the peatland study plan indicates that long- and short-term habitat changes and food sources of wetland fauna will be described and documented including changes in terms of the health, integrity and availability of habitats related to migratory and non-migratory birds will be described in the wildlife plan. However, this information appears to be in the birds study plan. Provide a separate concordance table that describes the content of each study plans. This is needed to cross-check all plans against the Guidelines and demonstrate how all requirements of the Guidelines would be met.

Comments from the Federal Review Team on Marten Falls Community Access Road Project Peatland Study Plan submitted in June 2021				
Comment ID #	Study Plan Section	Tailored Impact Statement Guidelines Section ³	Context	Required Action for Proponent
PE-01	N/A	<p>Section 8.5 "...The Impact Statement must: - provide pre-project characterization of the shoreline, banks, current and future flood risk areas, wetland catchment boundaries; - provide data files of mapped features depicting natural areas and wildlife presence within, and use of, the study area;..."</p> <p>Section 14.3 "...The Impact Statement must: - describe any changes to permafrost conditions as a result of the Project; - describe any changes to eskers and similar geological features as a result of the Project;..."</p>	<p>There are additional requirements related to riparian and wetland environments found in Sections 8.5 and 14.3 of the Guidelines that do not appear to be discussed anywhere in this study plan. It is unclear in which plan they will be addressed.</p> <p>If details about how these requirements will be met are found in separate study plans, references to that study plans in the peatlands concordance table should be provided.</p>	<p>Confirm where the additional requirements related to riparian and wetland environments found in Sections 8.5 and 14.3 of the Guidelines will be addressed.</p> <p>Provide references to that requirement and relevant study plans in the peatlands concordance table.</p>
PE-02	<p>Table 4-1: Identified Neighbouring Indigenous Communities, including their Provincial Territorial Organizations and / or Tribal Council Affiliations</p> <p>"Long Lake #58 First Nation** Animbiigoo Zaagi'igan Anishinaabek First Nation* * Indigenous communities or organizations identified by the MECP who should be consulted on the basis that they may be interested in the Community Access Road. ** The MECP indicated in a letter to MFFN that Long Lake #58 First Nation was moved from interest-based to rights-based."</p>	<p>Section 6 "...The Agency requires the proponent to engage with, at a minimum, the communities listed in the <i>Indigenous Engagement and Partnership Plan...</i>"</p>	<p>Animbiigoo Zaagi'igan Anishinaabek First Nation and Long Lake #58 First Nation are included in the Indigenous Engagement and Partnership Plan as Indigenous groups identified by the Agency for consultation, on the basis that the Project may adversely impact the exercise of Aboriginal and Treaty rights.</p>	<p>For the federal impact assessment process, Animbiigoo Zaagi'igan Anishinaabek First Nation and Long Lake #58 First Nation must be equitably engaged as per the requirements of Section 6 of the Guidelines.</p>
PE-03	<p>Marten Falls First Nation Community Access Road Project – General Comments from the Agency on Draft Study Plans</p> <p>"The proposed discipline-specific study areas are preliminary. The proposed study areas will be consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program</p>	<p>Section 7.4 "...The proponent should engage with Indigenous groups when defining spatial and temporal boundaries for valued components, especially for those that are identified by Indigenous groups..."</p>	<p>As stated in comment GC-04 above, the peatlands study plan does not provide information on how Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations were/will be taken into account when defining the spatial boundaries.</p> <p>Attawapiskat First Nation submitted comments on January 29, 2020 that indicated they want to be involved in</p>	<p>Engage Attawapiskat First Nation, as well as the other Indigenous groups identified in the Indigenous Engagement and Partnership Plan, on the wetlands study area boundaries and demonstrate in the Impact Statement and as per Section 7.4 of the Guidelines, how their concerns were addressed.</p>

³ Refer to complete sections of the Guidelines for more context.

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	<p>provides additional opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples to be shared in greater detail.”</p> <p>Table 6-1 Peatlands Study Areas “Borders of overlapping quaternary watershed boundaries (may be refined following desktop analysis and input from other VCs that may indirectly affect Peatlands)”</p>		<p>identifying a regional study area of sufficient size to capture effects to wetlands⁴.</p> <p>It is unclear if this comment has been actioned by the proponent or if Attawapiskat First Nation has been involved in defining the wetlands study area boundary.</p> <p>Since Attawapiskat First Nation has specifically indicated a desire to be involved in defining the spatial boundaries for wetlands, the Agency recommends proactively engaging with Attawapiskat First Nation on this topic.</p>	
PE-04	<p>Section 7.2.1 “Classification of the RSA will remain consistent with the approach suggested by related disciplines (e.g., vegetation). The level of existing information on vegetation and peatland communities within the RSA (Far North Land Cover) is considered adequate to support an assessment of indirect effects on Peatland VCs within the RSA. No additional desktop delineation or classification in the RSA will occur.”</p>	<p>Section 7.1 “...If surrogate data from reference sites are used rather than site-specific surveys, the proponent should demonstrate that the data are representative of project site conditions...”</p> <p>Section 14.3 “...The Impact Statement must: - describe direct, incidental and cumulative predicted positive and/or adverse effects to riparian, wetland (including separate description relevant to peatlands)...”</p>	<p>It is unclear how it was determined that the existing information on vegetation and peatland communities within the RSA is considered adequate to support an effects assessment.</p> <p>Additionally, Section 7.2.1 of the study plan states that the available information is considered adequate to assess indirect effects on peatlands. However, the study plan does not demonstrate that the information available will be sufficient to assess cumulative effects.</p>	<p>Provide details to demonstrate how it was determined that the existing information on vegetation and peatland communities within the RSA is considered adequate to support an assessment of indirect effects on peatlands.</p> <p>Demonstrate that the information available will be sufficient to assess cumulative effects. Provide details about the approach and methods that will be used to conduct the effects assessment and the assessment of cumulative effects.</p>
PE-05	<p>Section 7.3.2 Peatland Composition “There will be no ground surveys within the broader RSA.”</p> <p>Section 7.3.3 Peatland Function “Peatland composition information collected during the vegetation and physiography, terrain and soils field components (Section 7.3.2) will be used to assess the habitat and hydrological function of the peatland ecosystems. Habitat suitability, and wildlife observations captured as described in the Bird,</p>	<p>Section 8.5 “...complete this assessment prior to the start of Project construction for a representative selection of wetlands that the Project would directly impact and for a representative selection of wetland(s) that are hydrologically connected.” [reviewer emphasis]</p>	<p>Section 8.5 of the Guidelines requires a wetland functions assessment for a representative selection of wetlands (which includes peatlands) that are hydrologically connected to wetlands expected to be directly impacted by the Project. However, none of the sampling programs that feed into the functions assessment occurs in the peatland RSA, where such peatlands would be located.</p>	<p>Ensure that the Impact Statement includes a wetland functions assessment of a representative selection of peatlands in the RSA. Sampling programs that feed into the wetland functions assessment should capture wetlands (including peatlands) that are connected hydrologically to wetlands expected to be impacted by the Project.</p>

⁴ On January 29, 2020, Attawapiskat First Nation submitted comments on the Canadian Impact Assessment Registry ([Attawapiskat First Nation Preliminary Comments on the Draft TISG - MFCAR](#)). The proponent is expected to review all comments provided by Indigenous groups and the public on the project and take them into account in the Impact Statement. Comments provided to the Agency are available on the Canadian Impact Assessment Registry: [Impact Assessment Agency of Canada - Canada.ca \(iaac-aeic.gc.ca\)](#).

Comments from the Federal Review Team on Marten Falls Community Access Road Project Peatland Study Plan submitted in June 2021

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	Ungulates and Wildlife Study Plans will also be incorporated into the functional assessment.”			
PE-06	<p>Sections 4.1 and 4.2 “The study plans have recognized Indigenous community input received on the Project to date.”</p> <p>“The study plans have recognized public and agency input received on the Project to date.”</p> <p>Section 9.2 “Inputs received to date from Indigenous communities, agencies and interested persons through the Consultation and Engagement Program, including inputs received on the Draft ToR, have also been used to inform the selection of the VCs and indicators for Peatlands.”</p>	<p>Section 5 “...The proponent must engage with the public and provide timely notification of proposed engagement activities to seek community knowledge and views on: - baseline conditions; - valued components and indicators, taking into consideration the requirements under section 25 of this document; - effects assessment and the assessment of the Project’s contribution to sustainability; - mitigation and follow-up measures; and - conclusions...”</p> <p>Section 6 “...In addition to the requirements set out in section 6.1, 6.2 and 6.3, the proponent must provide Indigenous groups with an opportunity to: - provide Indigenous knowledge during baseline data collection; - comment on the list of valued components and indicators; - inform the effects assessment and review its conclusions; and - inform the development of mitigation measures and follow-up programs...”</p>	<p>The study plan states that “<i>inputs received to date from Indigenous groups and interested persons... have informed the selection of VCs and indicators for peatlands</i>”. It is not clear what input has been received to date and how it was used to inform the peatlands study plan.</p> <p>More detail is needed about <u>who</u> has provided input related to peatlands, <u>what</u> the input was and <u>how</u> input received to date has informed the selection of VCs and indicators specifically for peatlands.</p> <p>It is also unclear what is meant by “the study plans have recognized Indigenous community / public and agency input received on the Project to date.”</p>	<p>As required in Sections 5 and 6 of the Guidelines, ensure that the Impact Statement provides more detail about <u>who</u> from the public or Indigenous groups has provided input related to peatlands, <u>what</u> the input was and <u>how</u> input received to date has informed the selection of VCs and indicators specifically for peatlands. If information is considered sensitive or confidential, provide the information in a way that does not breach confidentiality but still allows the individual that provided the input to see the information reflected in the Impact Statement.</p> <p>The following statements are not sufficient to demonstrate that input was taken into account therefore additional information should be provided:</p> <ul style="list-style-type: none"> • “The study plans have recognized Indigenous community input received on the Project to date.” • “The study plans have recognized public and agency input received on the Project to date.”
PE-07	<p>Section 9.3 Potential Effects, Table 9-3 “An indirect effect occurs when a change to one environmental discipline resulting from a Project activity causes a change to another environmental discipline (e.g., changes in vegetation could indirectly affect wildlife). Table 9-3 provides a preliminary identification of how changes to Peatlands may result in indirect effects to other environmental disciplines.”</p>	<p>Section 8.5 “...The Impact Statement must: - quantify, delineate and describe wetlands (fens, marshes, peat lands, bogs, etc.) within the local study area potentially directly, indirectly and/or cumulatively effected by the Project...”</p> <p>Section 14.3 “...The Impact Statement must: - describe direct, incidental and cumulative predicted positive and/or adverse effects to riparian, wetland (including separate description relevant to peatlands) and terrestrial biodiversity metrics...”</p>	<p>Section 9.3 of the study plan indicates that Table 9-3 provides a preliminary identification of <i>how</i> changes to peatlands may cause indirect effects to other disciplines. However, it appears that table 9.3 does not indicate <i>how</i> changes to peatlands may result in indirect effects to other environmental disciplines, but rather <i>whether</i> those interactions may occur.</p> <p>The more relevant consideration for this study plan is whether changes to other environmental disciplines/VCs may result in indirect effects to peatlands.</p>	<p>Ensure that potential interactions that may result in indirect effects to peatlands are identified.</p> <p>Clarify that Table 9-3 indicates not how but whether indirect effects may occur.</p>
PE-08	<p>Section 9.4 Methods for Predicting Future Conditions (Entire section)</p>	<p>Section 13.1 “...The assessment of the effects of each of the project components and physical activities, in all phases, must be based upon a comparison of baseline environmental, health, social and economic conditions and the predicted future conditions with the Project and the predicted</p>	<p>It is not clear from Sections 9.3 Potential Effects or 9.4 Methods for Predicting Future Conditions whether the predicted future conditions with and without the Project for each indicator in Table 9.2 will be compared to the baseline conditions as described by the data outlined in sections 7.2 and 7.3 for those indicators.</p>	<p>Clarify that predicted future conditions with and without the Project for each indicator in Table 9-2 will be compared to the baseline conditions for those indicators.</p>

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		future conditions without the Project. Predictions must be made on clearly stated assumptions and the Impact Statement must clearly describe how it has tested each assumption...”		
PE-09	<p>Table 9-4: Peatlands Magnitude Definition “A small variation predicted in the peatland measurement indicators. Effects will be assessed through a qualitative narrative or numeric quantification support by a reasoned narrative. A moderate variation predicted in the peatland measurement indicators. Effects will be assessed through a qualitative narrative or numeric quantification support by a reasoned narrative. A large variation predicted in the peatland measurement indicators. Effects will be assessed through a qualitative narrative or numeric quantification support by a reasoned narrative.”</p>	<p>Section 13.1 “...Severity, defined as, within the scope, the level of damage to the valued component from the effect that can reasonably be expected; typically measured as the degree of destruction or degradation within the scope or the degree of reduction of the population within the scope. Characterize the severity of each predicted adverse effect on each valued component as follows: o extreme: within the scope, the effect is likely to destroy or eliminate the valued component or reduce its population by 71-100% within ten years or three generations; serious: within the scope, the effect is likely to seriously degrade/reduce the valued component or reduce its population by 31-70% within ten years or three generations; moderate: within the scope, the effect is likely to moderately degrade/reduce the valued component or reduce its population by 11-30% within ten years or three generations; and slight: within the scope, the effect is likely to only slightly degrade/reduce the valued component or reduce its population by 1-10% within ten years or three generations...”</p>	<p>As per the guidance in Section 13.1 of the Guidelines, the terms used to describe effects (i.e., small, moderate, large from Table 9-4 of the study plan) must be defined before the effects assessment is conducted.</p>	<p>Define what is considered small vs moderate vs large variation prior to conducting the effects assessment. The guidance in Section 13.1 of the Guidelines provides internationally accepted methodology for this.</p> <p>Include in the Impact Statement the definitions used to describe the effects in the effects assessment.</p>
PE-10	<p>Section 9.6 Residual Effects “The residual effects will therefore be described in terms of the direction, magnitude, geographic extent, duration, frequency, likelihood, and whether effects are reversible or irreversible. Footnote - TISG Section 13.1 identifies additional effects characteristics for certain disciplines (e.g., wetlands, birds, terrestrial wildlife, species at risk). These additional effects characteristics are described in the respective discipline-specific study plans.”</p>	<p>Section 13.1 “...The effects to each valued component outlined in sub-sections 14.3, 15.2, 15.3, 15.4 must be described using the following criteria...”</p>	<p>The criteria described in Section 13.1 on page 81 of the Guidelines should be used to describe effects to valued components outlined in the Guidelines, Section 14.3 Changes to riparian, wetland and terrestrial environments. Peatlands encompass two types of wetlands – bogs and fens. Use these criteria for peatlands.</p>	<p>Use the criteria outlined in Section 13.1 of the Guidelines to describe effects to peatlands.</p>
PE-11	<p>Table 11-1: Study Plan Federal Concordance – Conformance with Requirements, #1 “The potential effects of the environment on the project will be assessed in accordance with</p>	<p>Section 1.1 “...j) any change to the designated project that may be caused by the environment;...”</p>	<p>Section 9.1 of the study plan outlines project components that may impact peatlands, not how the peatland environment may impact the Project.</p> <p>The intent of this factor is to consider how environmental conditions could affect the Project. In relation to peatlands, this might include effects of climate change on the Project</p>	<p>Include consideration of any change to the Project that may be caused by the environment, including effects of climate change.</p>

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	applicable standards and guidance.” “Section 9.1”		(e.g., will the climate conditions for which the road is designed change over the lifespan of the road and what impact would that have on the Project). Other common, potentially relevant ways that wetlands/ peatlands may impact road projects include flooding, compromised bearing capacity, road settlement, ponding on the road, saturation of road base, rutting, sunken culverts, etc.	
PE-12	Table 11-1: Study Plan Federal Concordance – Conformance with Requirements, # 24 “Wetlands that are considered socially, ecologically or economically important to the region will be discussed in the IS / EA Report.”	Section 8.5 “...The Impact Statement must: - determine whether these wetlands are within a geographic area of Canada where wetland loss or degradation has reached critical levels, or considered ecologically or socially or economically important to a region;...”	It is unclear how it will be determined if wetlands are socially, ecologically or economically important to the region.	Provide detail to demonstrate how it will be determined if wetlands there are socially, ecologically or economically important to the region. Include details about the approach and methods that will be used to make this determination.
PE-13	Table 11-1: Study Plan Federal Concordance – Conformance with Requirements, #12 “Descriptions of specific data sources, data collection, sampling, survey and research protocols and methods followed for each baseline environmental condition will be provided in the IS / EA Report and are summarized in this Study Plan.” Table 11-1: Study Plan Federal Concordance – Conformance with Requirements, #27 “Data will be collected in ways that enable reliable extrapolations in space and in time. Surveys will be designed to represent the spatial and temporal targets of extrapolations.”	Section 7.2 “...With regard to field studies, survey work must be planned to include multiple sampling locations and multiple visits to each location to support all required assessment analyses... ...Baseline data must be collected in a manner that enables reliable analysis, extrapolations and predictions. Resulting data should be suitable for analyses to estimate pre-project baseline conditions, derive predictions of impacts, and evaluate and compare post-project conditions and at scales of within and across the Project, Local and Regional Assessment areas...” Section 8.5 “...Collect data from representative wetlands in a manner that enables reliable extrapolations in space (i.e., at minimum to Project, local and regional study areas) and in time (i.e., across years): • design surveys so that they represent the spatial and temporal targets of modeling and extrapolations, and to produce scientifically defensible predictions of impacts and estimates of mitigation effectiveness. Survey designs should be sensitive enough to detect and quantify the impacts at the spatial and temporal scales identified above (i.e., project study area, local study area, and regional study area), any departures from predictions, and the effectiveness of mitigations. Justify the selection of modeling techniques based on current and recent scientific literature; • survey protocol planning for representative wetlands should include modeling and simulations to estimate sampling requirements, and analysis to evaluate resulting design options; and	More detail is required to assess whether the requirements of Section 7.2 of the Guidelines will be met. The study plan does not contain adequate detail to show the Impact Statement will have sufficient samples and an appropriate survey design to allow for reliable extrapolations. It is unclear, based on the information provided in the concordance table and study plan, if multiple sampling locations and multiple visits to each location are planned. More detail about the proposed sampling design are needed to determine if this requirement will be met. The peatland study plan indicates that field sampling methods and design will be outlined in four other study plans: - Groundwater and Geochemistry - Surface Water - Physiography, Terrain, and Soils - Vegetation In addition, data from the Wildlife Study Plan will be used to inform wetland habitat function. As previously commented on the Vegetation Study Plan in June 2020: <i>“Not enough information has been provided about the 2019 vegetation surveys or the planned future surveys to assess whether they meet the requirements in the Guidelines.”</i> <i>Detailed information is needed on the areal coverage of the habitat classes, and the numbers of samples intended for each habitat class under the selected sampling design.”</i>	Provide detail to demonstrate that sampling designs are appropriate for producing reliable and sufficient data. Provide the requested information in the work plan, or include a plan to obtain it, to demonstrate (i.e., substantiate the claim) that survey sampling designs meet the requirements in the Guidelines (as per previous comment on the Vegetation Study Plan in June 2020). Provide a workplan for all future surveys to be conducted that outlines how the data will be collected, such as information on location, scheduling, sequencing (i.e., how to action the study plan).

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		<ul style="list-style-type: none"> sample size must be planned to support evaluation of the project study area within the context of the local study area and regional study area. Appropriate design of surveys will need to consider multiple survey locations in order to represent the wetland heterogeneity of the regional study area, and to yield multiple survey locations per wetland type, without requiring aggregation of habitat classes post-hoc... 		
PE-14	<p>Table 11-1: Study Plan Federal Concordance – Conformance with Requirements, #27 “Data will be collected in ways that enable reliable extrapolations in space and in time. Surveys will be designed to represent the spatial and temporal targets of extrapolations.”</p>	<p>Section 7.4 “...The spatial and temporal boundaries to be used in the impact assessment are outlined and discussed through the tailoring process, and include comments and input from federal and provincial government departments and agencies, local government, Indigenous groups, the public and other interested parties...”</p> <p>Section 8.5 “...The Impact Statement must: – Collect data from representative wetlands in a manner that enables reliable extrapolations in space (i.e., at minimum to Project, local and regional study areas) and in time (i.e., across years): • design surveys so that they represent the spatial and temporal targets of modeling and extrapolations, and to produce scientifically defensible predictions of impacts and estimates of mitigation effectiveness. Survey designs should be sensitive enough to detect and quantify the impacts at the spatial and temporal scales identified above (i.e., project study area, local study area, and regional study area), any departures from predictions, and the effectiveness of mitigations. Justify the selection of modeling techniques based on current and recent scientific literature; • survey protocol planning for representative wetlands should include modeling and simulations to estimate sampling requirements, and analysis to evaluate resulting design options; and • sample size must be planned to support evaluation of the project study area within the context of the local study area and regional study area. Appropriate design of surveys will need to consider multiple survey locations in order to represent the wetland heterogeneity of the regional study area, and to yield multiple survey locations per wetland type, without requiring aggregation of habitat classes post-hoc...”</p>	<p>Section 8.5 of the Guidelines requires data be collected from representative wetlands in a manner that enables reliable extrapolations in time. It is predicted that the effects of climate change will be especially severe in the north. That includes degradation of permafrost and the effects of the latter on peatland structure and functions, including carbon storage. As such, climate change should be part of the temporal considerations.</p>	<p>Consider climate change as part of temporal modeling and extrapolations for wetlands, as well as in the potential changes in natural disturbance regimens.</p>

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PE-15	Table 11-2: Study Plan Provincial Concordance – Conformance with Requirements “The EA will assess direct effects of the alternative routes on wetlands (Section 7.2.6), and the indirect effects on wildlife habitat (Section 7.2.7) and climate change (Section 7.2 and Section 7.2.1) from changes to wetlands and / or peatlands.”	Section 14.3 “...The Impact Statement must: - Describe direct, incidental and cumulative predicted positive and/or adverse effects to riparian, wetland (including separate description relevant to peatlands) and terrestrial biodiversity metrics, effects of fragmentation, changes to regional biodiversity that could be caused by all project activities, including but not limited to effects to wetland ecological functions, including effects that may alter the wetland’s capacity to perform hydrological, biogeochemical cycling, habitat, and climate functions...”	Natural Resources Canada suggests the Proponent consult the guides developed by Ducks Unlimited when developing the effects assessment, including: <ul style="list-style-type: none"> - Partington, M., Gillies, C., Gingras, B., Smith, C., and J. Morissette. 2016. Resource Roads and Wetlands: A Guide for Planning, Construction, and Maintenance. FPInnovations. (Special Publication SP-530E). Point-Claire, QC.-FPInnovations; and - Osko, T., Gillies, C., and Pyper, M. 2018. COSIA In-situ oil sands shared practices for working in and around wetlands. Available from https://www.cosia.ca/sites/default/files/attachments/COSIA-WetlandSharedPracticesReport-2018-02-27.pdf <p>In addition, Natural Resources Canada suggests the Proponent consult the following reference when developing the climate change assessment for the Project: Cherie J. Westbrook (2014) Wetlands of the Hudson Bay Lowland: An Ontario Overview, Canadian Water Resources Journal / Revue canadienne des ressources hydriques, 39:1, 83-83, DOI: 10.1080/07011784.2013.872874</p>	
PE-16	Table 11-3: Study Plan Federal and Provincial Concordance – Requirement Deviations		Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process. The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team.	