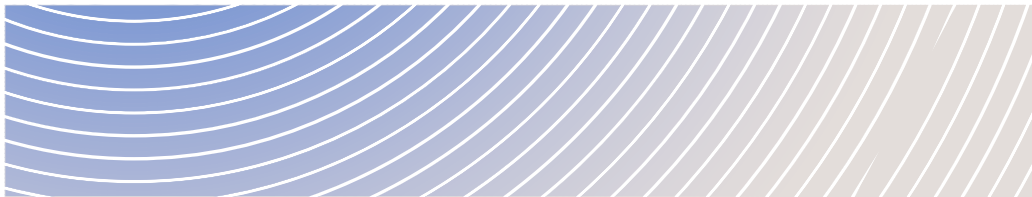




Draft Indigenous Engagement and Partnership Plan



VALUE CHAIN SOLUTIONS - HEARTLAND COMPLEX
EXPANSION PROJECT

April 27, 2021

DRAFT VERSION





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Indigenous Engagement and Partnership Plan

INDIGENOUS ENGAGEMENT AND PARTNERSHIP PLAN FOR THE VALUE CHAIN SOLUTIONS - HEARTLAND COMPLEX EXPANSION PROJECT

April 27, 2021

1. Introduction

On March 15, 2021, the Impact Assessment Agency of Canada (the Agency) determined that an impact assessment is required for the Heartland Complex Expansion Project (“the Project”), pursuant to Section 16 of Canada’s *Impact Assessment Act*.

The Indigenous Engagement and Partnership Plan (IEPP) outlines opportunities and methods for meaningful engagement and consultation with potentially affected Indigenous community throughout the impact assessment process for the Project. The IEPP is intended to be flexible and does not preclude the Agency from making changes to the approaches described in this IEPP in order to accommodate changes that may occur during the assessment process.

Throughout this IEPP, the terms “Indigenous community” or “Indigenous communities” refers to Indigenous communities connected by Nation, Band, geographical location, community roles, and other shared values and identities. Within the context of the impact assessment process, the Agency encourages the active participation of a diversity of a community’s diversity such as the Chief and Council, community leaders, as well as members of the community such as women, Elders, youth, and knowledge holders.

Throughout this IEPP, “engagement” refers to the spectrum of engagement defined in the [Interim Policy Context for Indigenous Participation in Impact Assessment¹](#), and “consultation” refers to the Government of Canada’s duty to consult and, where appropriate, accommodate, potentially affected Indigenous peoples.

To complement this broader Indigenous Engagement and Partnership IEPP, community-specific consultation plans may be developed to describe an Indigenous community specific objectives for consultation, or any unique features of the impact assessment and consultation process pertaining to that community.

A separate Public Participation Plan has been developed to describe how the Agency plans to engage with the public during the impact assessment process.

¹ (<https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/interim-policy-indigenous-participation-ia.html>)

2. Description of the Proposed Project

Value Chain Solutions Inc. (the Proponent) is proposing the Project to expand its approved Heartland bitumen upgrader and refinery, located in Alberta's Industrial Heartland, about 18 kilometres northeast of Fort Saskatchewan. The expansion would increase the facility's input capacity from 29,890 m³ of diluted bitumen per day to 119,240 m³ per day. The Project is designed to upgrade and refine diluted oil sands bitumen to produce a variety of products. The Project would include activities such as construction of processing units and associated infrastructure to enable upgrading and refining, and the expansion of a petroleum storage facility and railway facilities.

For more information on the impact assessment of the Heartland Complex Expansion Project or to view the information and comments received, visit the Canadian Impact Assessment Registry (the Public Registry) at <https://iaac-aeic.gc.ca/050/evaluations/proj/81148?culture=en-CA>.

3. Objectives of Indigenous Engagement and Partnership

Impact Assessment Agency of Canada's objectives

- Conduct adequate Crown consultation on the potential positive and adverse effects (direct and incidental) of the Project and adverse impacts of the Project on the exercise of Aboriginal and/or Treaty rights of the Indigenous peoples of Canada recognized and affirmed in section 35 of the Constitution Act, 1982 (Aboriginal or Treaty rights);
- Meaningfully engage with Indigenous communities regarding Indigenous knowledge they may wish to apply when considering potential effects and impacts of the Project and impacts on the exercise of Aboriginal or Treaty rights;
- Meaningfully engage with Indigenous communities throughout the impact assessment process with opportunities to provide comments on key documents and the engagement process;
- Engagement efforts should be consistent with the Government of Canada's commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) as a comprehensive international human rights instrument and Canada's roadmap for reconciliation. The Declaration emphasizes the importance of recognizing and upholding the rights of Indigenous peoples and ensuring that there is effective and meaningful participation of Indigenous communities in decisions that affect them, their communities, and territories. The Declaration also emphasizes the need to work together in partnership and respect, as articulated through the principle of free, prior, and informed consent. This principle reflects working together in good faith on decisions that impact Indigenous peoples, with the intention to achieve consensus;
- Include Indigenous knowledge, if provided, in the assessment of potential effects and impacts of the Project and impacts on the exercise of Aboriginal or Treaty rights, and explain how Indigenous knowledge was considered or used in the assessment; and

- Provide opportunities for collaboration with Indigenous communities on specific elements of the impact assessment.

The Agency welcomes feedback on the following objectives and interests identified by Indigenous communities from comments received to date on this Project:

Objectives identified by Indigenous communities during the Planning phase

During the Planning phase, some Indigenous communities identified values and objectives for Indigenous consultation for this Project. The Agency summarizes these as:

- Consultation needs to be early and meaningful. Additional consultation objectives which would add to the meaningfulness of consultations include:
 - Engaging and including each Indigenous community's input in summary of baseline information, including:
 - Biophysical information;
 - Information on Treaty rights;
 - Engaging with each Indigenous community to understand and anticipate positive changes to the community's economic and social conditions and health;
 - Respecting traditional protocols for consultation;
 - Designing an appropriate engagement and consultation process that identifies Indigenous knowledge, values and interests related to the Project, including:
 - Assessments of impacts to rights;
 - Retention of expert advice;
 - Face-to-face meetings with the Crown and the Proponent for agreement on mitigation measures.
 - Direct engagement with the Proponent.
- Efforts to strengthen relationships and partnerships with local Indigenous communities should continue throughout the regulatory process, including post-decision phase, including:
 - Building long- term relationships with Indigenous communities;
 - Ensuring process is collaborative with the Crown, as represented by IAA as well as the Proponent;
 - Ensuring engagement is not limited to location based rights, Treaty rights, and Section 35 of the Constitution Act, 1982

4. Indigenous communities

The Agency identified the following lists of communities that may be potentially impacted by the Project. This includes communities where the Project may adversely impact the exercise of Aboriginal



or Treaty rights of Indigenous peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982* and also Indigenous peoples with asserted rights where an assessment of effects under section 22 of the Act may be required. This list is based on information available in the Government of Canada's Aboriginal and Treaty Rights Information System, as well as information shared by Indigenous communities during initial meetings and throughout the Planning phase.

Although the impact assessment process is not a rights-determination process, the Crown acknowledges that the content and extent of the duty to consult and, where appropriate, accommodate varies according to the nature of the rights (established or potential) and the severity of the Project's potential impact on these rights. The Agency's assessment of the extent of the duty to consult and, where appropriate, accommodate is at its preliminary phase. The Agency wishes to complete this exercise in collaboration with Indigenous communities during the Impact Statement phase.

The Government of Canada is committed to renewing its relationship with Indigenous peoples, which is based on the recognition of rights, respect, cooperation and partnership. Through this IEPP, the Agency supports this commitment. In addition to the IEPP, the Agency plans to engage Indigenous organizations that have indicated an interest in the impact assessment process using the engagement tools and methods outlined in the Public Participation Plan.

4.1 Crown consultation list of Indigenous communities

The Crown will consult with Indigenous communities listed² below to understand the concerns and potential impacts of the project on their exercise of potential or established Aboriginal or Treaty rights, including where an assessment of effects under section 22 of the Act may be required and, where appropriate, make accommodations. These consultations will comprise an integral part of the work that will support the assessment of the Project.

- Alexander Frist Nation
- Alexis Nakota Sioux Nation
- Beaver Lake Cree Nation
- Blood Tribe (Kainai Nation)
- Buffalo Lake Métis Settlement
- Chipewyan Prairie Dene First Nation
- Elizabeth Métis Settlement
- Enoch Cree First Nation
- Ermineskin Cree Nation

² The list of Indigenous communities identified here may change as knowledge of the effects and potential impacts of the Project is gained, or if the project or its components are modified during the impact assessment. The Agency reserves the right to modify this list based on additional information gathered during the impact assessment.

- Fishing Lake Métis Settlement
- Fort McMurray First Nation
- Kehewin Cree Nation
- Kikino Métis Settlement
- Lac Ste. Anne (Gunn) Métis Local
- Louis Bell Tribe
- Métis Nation of Alberta – Regional Zone 4 (Edmonton)
- Montana First Nation
- O'Chiese First Nation
- Paul First Nation
- Piikani Nation
- Saddle Lake Cree Nation
- Samson Cree Nation
- Sunchild First Nation
- Siksika Nation
- Stoney Nakoda Nations
- Tsuut'ina Nation
- Whitefish (Goodfish) Lake First Nation #128

4.2. Crown list of additional Indigenous communities to be engaged

The Crown will engage with Indigenous communities listed³ below to understand the concerns and potential impacts where an assessment of effects under section 22 of the Act may be required, including as appropriate potential impacts on Aboriginal or Treaty rights.

- Cold Lake First Nation
- Descendants of Michel
- Foothills Ojibway First Nation
- Friends of Michel First Nation
- Kelly Lake First Nation
- Papaschase First Nation

³ The list of Indigenous communities identified here may change as knowledge of the effects and potential impacts of the project is gained, or if the project or its components are modified during the impact assessment. The Agency reserves the right to modify this list based on additional information gathered during the impact assessment.

5. Engagement and Consultation Tools, and Methods

Due to Covid-19, the Agency intends to plan virtual meetings until in-person meetings are deemed appropriate. Any in-person meetings would happen in accordance with local and provincial health guidelines, and would only occur at the request of, and with consent from the Indigenous community.

The following is a list of tools and methods identified by the Agency and Indigenous communities during the Planning phase to ensure meaningful consultation in the impact assessment process, including:

- Providing funding under the Participant Funding Program (<https://www.canada.ca/en/impact-assessment-agency/services/public-participation/participant-funding-application-environmental-assessment.html>) to support Indigenous communities in participating in the impact assessment process;
- Providing clear information on available funding, impact assessment process timelines, and the workload expected of Indigenous communities to ensure meaningful participation and consultation;
- Communicating with Indigenous communities in an ongoing, open, and transparent manner;
- Consideration of cultural needs including seasonal issues (e.g. harvesting, hunting) and cultural protocols (e.g. offering tobacco and providing gifts) and spiritually (opening prayers);
- Hold technical meetings with Indigenous communities and the proponent and/or key expert authorities to support Indigenous communities' technical review of key documents and participation throughout the impact assessment while considering timelines and capacity of Indigenous communities;
- Providing reasonable time for in-community visits, as appropriate;
- Establishing requirements for diverse participation (e.g. accessibility of meeting locations, timing of meetings, transportation);
- Providing individualized and/or group training on the impact assessment process and how to effectively participate in the process, including offering the Agency's Level 1 and Indigenous-focused Level 2 training;
- Providing translators and/or interpreters to support meetings between Indigenous communities and the Crown; and
- Providing user-friendly summaries of key documents, fact sheets, infographics, PowerPoint tools, booklets, and audio-visual materials.

In addition, the Agency will explore opportunities for:

- Translating key high-level summary documents whenever reasonably possible;
- Accommodating communication and consultation processes according to the communities' schedule, where possible; and



- Workshop formats to discuss key documents through the impact assessment process, where appropriate.

The Agency will work bilaterally with individual Indigenous communities on items not listed above, in the development of an Indigenous community-specific consultation work plan, as appropriate.

6. Engagement and Consultation Approach

Table 6.1, below, provides a description of the main phases in the impact assessment process and an explanation as to how the Agency, on behalf of the federal Crown, proposes to engage and consult with Indigenous communities during each phase. This table describes objectives of each phase and engagement methods proposed throughout the impact assessment process.

Prior to the determination that an impact assessment was required, the Agency consulted with Indigenous communities on the Project Description and prepared the Summary of Issues. Subsequently, the Agency provided the Summary of Issues to the proponent for preparation of the Detailed Project Description, including a response to the Summary of Issues. The Agency included the key issues identified by Indigenous communities in the Summary of Issues, and directed the proponent to refer back to the Indigenous community submissions to ensure they use the appropriate context and intent of the comments in their response. The Agency is now seeking input from Indigenous communities for the development of the Tailored Impact Statement Guidelines (Guidelines) and the IEPP.

Specific Indigenous communities to whom the Crown owes a duty to consult and who wish to work with the Agency to identify consultation activities beyond those included within this IEPP are welcome to express their interest in an Indigenous community-specific consultation work plan during the Impact Statement phase. The Agency will work with Indigenous communities to develop community-specific consultation work plans, as needed. Table 1 provides a high-level list of approaches and activities that will be undertaken.

If the Agency enters into a Joint Review Panel Agreement with the Alberta Energy Regulator, the Agency will seek clarity on federal/provincial consultation activities with Alberta's Aboriginal Consultation Office.

Table 6.1 – Table of Indigenous Engagement Approaches and Activities

Process Phase	Objectives of the Phase	Expected Activities (Agency/Other Jurisdiction/Proponent)	Indigenous Engagement Tools	Timelines
Planning	<ul style="list-style-type: none"> Increase awareness of the impact assessment process and how to meaningfully participate Obtain comments and feedback on documents related to the planning phase Share information on the impact assessment process and on opportunities for participation, including the opportunity to influence the proponent's Impact Statement Development of this Indigenous plan and TISG 	<ul style="list-style-type: none"> Agency responds to any inquiries received via emails, phone calls Letter prior to and at the start of the impact assessment informing Indigenous communities of upcoming project, funding opportunities and the impact assessment process. Agency administers participant funding with eligible Indigenous groups to support participation in the impact assessment process Agency will deliver virtual non-Project-specific Level 2 Impact Assessment Agency training to Indigenous groups Agency will host virtual meetings with Indigenous groups to support understanding of, and the participation in, the impact assessment At the end of the planning phase, Agency posts key documents on the Registry website, including the final Tailored Impact Statement Guidelines, Indigenous Engagement and 	Comment period Virtual engagement meetings Provision of documents	Comment period April 15 – May 17, 2021 End of Planning Phase – June 25, 2021 Virtual sessions as needed



	<ul style="list-style-type: none"> • Early identification of Project concerns and potential mitigation and accommodation measures 	<p>Partnership Plan, Public Participation Plan, Cooperation Plan, Permitting Plan</p>		
<p>Impact Statement</p>	<ul style="list-style-type: none"> • Increase the awareness of the impact assessment process and how to meaningfully participate • Identify, encourage and implement opportunities for collaboration (e.g. Indigenous lead studies) • Develop Indigenous community-specific consultation work plans, as requested • Proponent develops Impact Statement based on comments received on the Tailored Impact Statement Guidelines 	<ul style="list-style-type: none"> • Agency works with Indigenous communities to implement the Indigenous Engagement and Partnership Plan • Agency works with Indigenous groups to develop and implement Indigenous community-specific consultation plans, including identifying collaborative approaches, as applicable • Agency has ongoing dialogue with Section 35 rights holders on conducting a rights impact assessment • Agency administers participant funding with eligible Indigenous communities to support participation in the impact assessment process • Agency sends direct communications with process updates; plain language handouts; and links to key documents on the public registry internet site • Agency shares information and/or provides training to Indigenous communities on the impact assessment process 	<p>In-person information session, if able</p> <p>Virtual engagement meetings</p> <p>Further items to be determined</p>	<p>To be determined.</p>



	<ul style="list-style-type: none">• Share project information in a timely manner, to the extent possible• Engage and/or consult on issues of importance to potentially affected Indigenous• Identify potential impacts on Section 35 rights• Identify avoidance, mitigation or accommodation measures to address potential impacts on Section 35 rights• Ensure the Impact Statement contains the required information and studies, as outlined in the Guidelines• Review of the proponent's Impact Statement to ensure it contains the information and	<ul style="list-style-type: none">• Agency instructs proponent to provide accessible information documents to support Indigenous communities participation• Agency instructs proponent to present project information, results of baseline studies, and brief Indigenous communities on technical matters• Agency instructs the proponent to work with groups to gather and incorporate Indigenous Knowledge• Agency instructs the proponent to work with Indigenous communities to collaborate on the proponent's assessment of potential effects, mitigation and follow-up measures, to inform the Impact Statement• Agency works with Indigenous communities on implementing collaborative approaches as appropriate, regarding the proponent's Impact Statement to ensure it contains all of the information and studies outlined in the Tailored Impact Statement Guidelines• Agency provides Indigenous communities with guidance on how to protect confidential information• Agency-led engagement and/or consultation on the proponent's Impact Statement to ensure it contains the information and studies		
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	<p>studies outlined in the Tailored Impact Statement Guidelines</p>	<p>outlined in the Tailored Impact Statement Guidelines</p> <ul style="list-style-type: none">• Agency sends direct email and/or letter with process updates; and plain language handouts and Registry links to key documents• Agency provides Indigenous communities with opportunity to provide comments on the proponent's Impact Statement to ensure it contains the information and studies outlined in the Tailored Impact Statement Guidelines• Agency sends correspondence detailing how comments received during a comment period as well as meetings have been addressed• Agency issues requests to the proponent for information or studies required to satisfy the Tailored Impact Statement Guidelines• Agency, provide the Impact Statement.• Agency works with Indigenous communities and the proponent to determine ways to communicate the results of the Impact Statement, including potential effects, effects assessment, mitigation and follow-up measures and conclusions• Agency posts key documents on the Registry website: proponent's Impact Statement Summary in English and French, Impact Statement and Appendices in English		
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<p>Impact Assessment</p>	<ul style="list-style-type: none"> • Develop Agency's preliminary analysis and conclusions related to potential project impacts on Indigenous communities in relations to environmental, health, social and economic conditions, and exercise of Aboriginal and Treaty rights, and proposed mitigation and/or accommodation measures, and follow-up program measures • Consult Indigenous communities on the Agency's preliminary analysis and conclusions and on issues of importance to potentially affected Indigenous communities • Development of and consultation on the Agency's draft Impact Assessment Report, 	<ul style="list-style-type: none"> • Agency works with Indigenous communities to continue to implement the Indigenous Engagement and Partnership Plan • Agency works with specific Indigenous communities to implement Indigenous community-specific consultation work plans, as applicable • Agency administers participant funding with eligible Indigenous communities to support participation in this phase • Agency sends direct email and/or letter with process updates; and plain language handouts and/or posters and Registry links to key documents • Agency sends correspondence detailing how comments received during a comment period as well as at meetings have been addressed • While preparing its draft Impact Assessment Report, the Agency provides Indigenous communities with opportunity to comment and confirm Agency's preliminary analysis on potential project impacts on Indigenous communities in relation to environmental, health, social and economic conditions, and the exercise of Aboriginal and Treaty rights, proposed mitigation and/or accommodation measures, and follow-up program measures 	<p>Online Comment period on draft Impact Assessment Report</p> <p>Consider collaboratively developing portions of the IA report with involved nations.</p>	
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	<p>including consultation summary as well as an assessment of potential impacts on the exercise of Aboriginal and Treaty rights, and potential conditions</p> <ul style="list-style-type: none"> • Validate information related to potential impacts on Indigenous communities in relation to environmental, health, social and economic conditions, and exercise of Aboriginal and Treaty rights in the draft Impact Assessment Report 	<ul style="list-style-type: none"> • Agency provides Indigenous communities with opportunity to comment on the Agency's draft Impact Assessment Report, including consultation summary as well as assessment of potential impacts on rights, and potential conditions, including the assessment of project impacts on the exercise of Aboriginal and Treaty rights • Agency-led consultation on the Agency's draft Impact Assessment Report, including consultation summary as well as assessment of potential impacts on rights, and potential conditions • Agency has ongoing dialogue with Aboriginal and Treaty rights holders on validating the assessment of the project impacts on the exercise of rights • Indigenous communities provide comments on the Agency's draft Impact Assessment Report and potential conditions • Agency posts key documents on the Registry website: Agency's draft Impact Assessment Report and potential conditions in French and English 		
<p>Decision-Making</p>	<ul style="list-style-type: none"> • Inform potentially affected Indigenous communities about the Minister of 	<ul style="list-style-type: none"> • Agency has ongoing dialogue with Indigenous communities • Agency sends direct email and/or letter with process updates; and plain language 	<p>-</p>	<p>-</p>



	<p>Environment and Climate Change Canada (the Minister) or Government in Council (GIC) decision on whether adverse effects in federal jurisdiction are in the public interest</p> <ul style="list-style-type: none">• Increase potentially affected Indigenous communities awareness of the Minister or the GIC decision	<p>handouts and/or posters and Registry links to key documents</p> <ul style="list-style-type: none">• Agency sends correspondence detailing how comments received during a comment period as well as at meetings have been addressed• Agency responds to any outstanding concerns prior to the Minister's or GIC's decision on whether the adverse effects in federal jurisdiction are in the public interest• Agency posts the Minister's Decision Statement and reasons for decisions on the Registry• Agency provides a briefing to Indigenous communities on the Minister's Decision Statement• Agency provides opportunities to Indigenous communities to learn about next steps post-impact assessment decision• Agency facilitates transfer of Crown Consultation record to federal authorities for regulatory approvals post-decision• Agency posts key documents on the Registry website: Minister's Decision Statement, including conditions, and the Agency's final Impact Assessment Report		
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Post–Impact Assessment Decision Phase	<ul style="list-style-type: none">• May establish a Monitoring Committee to support ongoing follow-up and monitoring program• Results of follow-up program are made available	<ul style="list-style-type: none">• Indigenous communities may participate in a Monitoring Committee• Agency will conduct compliance and enforcement activities• Agency will consult on potential amendments to Decision Statements, should the proponent submit a project change	Online Comment period on potential amendments to Decision Statement	
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* All comments received throughout Indigenous engagement and consultation activities will be made publicly available on the Agency’s Impact Assessment Registry site at <https://www.iaac-aeic.gc.ca/ciar>. A summary of comments received will also be included in the Impact Assessment



7. Participant Funding

During the Planning phase, Indigenous communities received grant funding to support their comments on the Initial Project Description, the draft Guidelines, and the draft IEPP. Funding is also available to support Indigenous communities to participate throughout the impact assessment process. The opportunity to submit applications for funding will be made available to the Indigenous communities during the Impact Statement phase. These participant-funding opportunities will support the Indigenous communities to comment on the proponent's Impact Statement and the Impact Assessment Report, including the draft Consultation and Accommodation Report and potential conditions.

For information about the activities that are eligible for funding or to apply for funding please see the National Program Guidelines and application on the following page

<https://www.canada.ca/en/environmental-assessment-agency/services/public-participation/participant-funding-application-environmental-assessment.html>.

8. Federal Agencies' Roles and Responsibilities

The draft Permitting Plan issued at the end of the Planning phase describes the permits and authorizations that may be required for the Project to proceed.

Federal authorities identified in the draft Permitting Plan as well as those with additional expert advice (Fisheries and Oceans Canada, Transport Canada, Environment and Climate Change Canada, Natural Resources Canada, Indigenous Service Canada – First Nation and Inuit Health Board, Employment and Social Development Canada, Health Canada, Parks Canada, and Department for Women and Gender Equality) will engage as needed with the Agency, proponent, Indigenous communities and other parties to clarify information requirements related to its specialist or expert information and knowledge. Throughout the impact assessment process, federal authorities may also review and analyze the proponent's Impact Statement and the review panel Report; support and participate in the Agency's Crown consultation activities; and support the Agency and Indigenous communities in understanding, assessing and addressing impacts on the exercise of Aboriginal and Treaty rights.

9. How to submit comments

Comments may be submitted during the process by using the "Submit a comment" feature on the Project's page on the Public Registry (reference number 81148, at <https://iaac-aeic.gc.ca/050/evaluations/proj/81148?culture=en-CA>). Attachments can be uploaded using this feature.



If you have any difficulties with the submission process, please contact the Agency, using the contact information below. Comments may also be submitted by email to IAAC.Heartland.AEIC@canada.ca or by regular mail.

Comments and other documents received by the Agency will form part of the Project record and will be posted on the Canadian Impact Assessment Registry website. The [Agency's Submission Policy](#) determines what information can be shared publicly and what information should remain private. For more information on how we protect your privacy, please refer to the [Agency's Privacy Notice](#). If you do not want your comment to be posted on the Public Registry, please contact the Agency before submitting your comment.

If you have questions or need information, please contact:

Impact Assessment Agency of Canada
Prairie and Northern Regional Office
Canada Place
9700 Jasper Avenue, Suite 1145
Edmonton, AB T5J 4C3

Tel.: 780-495-2037

Fax: 780-495-2876

Email: IAAC.Heartland.AEIC@canada.ca