

Appendix 29-A

Summary of Indigenous Consultation

Table 29-A.1: Summary of the Results of the Siksika Nation Consultation Related to Aboriginal Interests and Other Matters of Concern

Siksika Nation Rights and Related Interests/VC	Siksika Nation Perspectives on Rights and Interests/VC	Proponent Response	Summary of Proposed Measures to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests	Status of Issue / Path Forward
<p>Traditional Use</p>	<p>Issue included in the Project Meeting May 26, 2020</p> <p>Issue provided in the Draft Effects Assessment Response October 22, 2021</p> <p>Removal of access to lands for traditional purposes and impacts to Indigenous rights and interests.</p> <p>Recommend NWP wait until Siksika's traditional use information can be incorporated into the draft Effects Assessment before proceeding. In the intervening time, expect that Siksika's interests and asserted uses be incorporated into the effects assessment.</p>	<p>Potential residual effects including Siksika perspectives within the Project footprint, the ATRI LSA, and ATRI RSA have been considered in the Application/EIS in the following ways:</p> <ul style="list-style-type: none"> The shared perspectives have formed the basis of the potential residual effects assessment with the overall assessment methodology documented in Chapter 5, Section 5.3 and the potential residual effects assessed in Chapter 29, Section 29.7.3.2. The potential residual effects assessment is based on inputs from the Siksika Nation through engagement identified in Section 29.5.2 that outline the Siksika perspectives on the development of the Project. Key issues that remain outstanding and are included in the opportunities for future engagement are the incorporation of Siksika Nation's traditional use information collection within the Project footprint and the ATRI LSA that is currently ongoing and should be incorporated into the assessment processes. The potential residual effects assessment for the Project utilizes Siksika Nation information where publicly available to determine the level of significance of effects to the use of lands and resources for traditional activities are based on publicly available Siksika perspectives on development in the Elk Valley as outlined in Section 29.6.6. 	<p>The key mitigation measures to reduce impacts to the Siksika Nation's rights and interests include:</p> <ul style="list-style-type: none"> NWP is committed to an ongoing dialogue with the Siksika Nation, including commitments to the following: Best management practices and procedures related to each VC of interest including the design of mitigation measures as outlined in the Application/EIS. Follow-up, monitoring and offsetting and compensation programs related to anticipated residual effects of select VCs. Implementation of the engagement agreement between NWP and the Siksika Nation. Confirmation and implementation of the Indigenous Impact Management Plan that outlines mitigation measures to avoid, minimize, reduce, and/or offset potential direct and indirect impacts of the Project and utilizes adaptive management approaches for follow-up strategies and monitoring programs. Consideration of collaborative strategies for addressing the cumulative effects where applicable, with the Siksika Nation, the identified Indigenous Communities, other proponents, and regulatory agencies. Follow the spirit and intent of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and its guiding principles. Support the recognition of Indigenous stewardship and governance in the Elk Valley. Recognize and respect the deep personal, community, and cultural attachment of the Siksika Nation to the land and resources where NWP does business. Incorporate NWP's understanding of Indigenous interests, values, knowledge, and ways of knowing into NWP decision making where practicable where practicable. To this end, NWP is committed to the Canadian Council for Aboriginal Business' Progressive Aboriginal Relations program. <p>In addition to the mitigations outlined in the specific VC chapters, the following mitigation measures are proposed to reduce the potential impact on the Siksika Nation's rights and interests based on the</p>	<p>The Project has the potential to impact the Siksika Nation's rights and interests related to:</p> <ul style="list-style-type: none"> Fishing: <ul style="list-style-type: none"> The potential for reduction in populations of fish species of interest due to impacts on fish habitat (though recognizing that habitat loss will be replaced with new habitat through the Fisheries Act required fish habitat compensation measures). The potential for temporary restrictions on access to the remaining sections of Alexander Creek due to Project activities (e.g., during blasting activities). The potential for change in water quality in Alexander Creek that could result in impacts to abundance and quality of fish species of interest and potential resulting in impact on traditional fishing activities. The potential changes to the actual or perceived health and quality of potential fish species of cultural interest/use for country foods. The potential for the permanent alienation of the Siksika Nation from fishing locations within the Project footprint resulting in impacts to their ability to know and teach the Siksika way of living. <p>The degree in severity of impact on the Siksika Nation's rights for the use of lands and resources for fishing and fish opportunities is rated as low to moderate based on the following:</p> <ul style="list-style-type: none"> The potential impacts to fish and fish habitat are predicted to be small in spatial extent. The recommended impact management measures and the Project's design to reduce impacts to fish and fish habitat VCs and the provision of fish habitat compensation, should allow for fishing opportunities to continue in the Elk Valley (other than the upper sections of West Alexander Creek) including those for traditional purposes. There is potential for the Project to result in the permanent alienation of the Siksika Nation from fishing locations within the Project footprint, for which there is no current mitigation identified. It is further noted that that this physical alteration and potential change in the opportunity of the Siksika Nation to practice related traditional activities (e.g., fishing) may also have impacts on intangible cultural heritage. Due to the lack of current information available on their use of the Project footprint for traditional purposes, understanding and characterizing these potential related impacts to their intangible cultural heritage requires further input from the Siksika Nation. 	<p>Issues have been considered in the effects assessment and are as documented in Chapters 4, and 29 of the application.</p> <p>NWP is committed to ongoing communication on this issue through future consultation and engagement with the Siksika.</p>

Table 29-A.1: Summary of the Results of the Siksika Nation Consultation Related to Aboriginal Interests and Other Matters of Concern

Siksika Nation Rights and Related Interests/VC	Siksika Nation Perspectives on Rights and Interests/VC	Proponent Response	Summary of Proposed Measures to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests	Status of Issue / Path Forward
		<ul style="list-style-type: none"> Impact management measures with respect to potential residual effects and where Siksika perspectives were available are addressed in Section 29.9. The Siksika Nation's rights and related interests are also assessed for potential impacts as a result of the residual Project effects and the residual cumulative effects in Section 29.10.2.1 where previous determinations on the degree of severity of adverse impacts were updated based on shared Siksika perspectives. NWP has also indicated in Chapter 29 that it is committed to ongoing communication on cumulative effects through future consultation and engagement with the Siksika Nation. <p>As noted by NWP, limitations of information provided by the Siksika Nation are identified in the setting of the Siksika Nation's rights and interests in Section 29.6.6.</p>	<p>response to the concerns raised by the Siksika Nation and the identified Indigenous Communities:</p> <ul style="list-style-type: none"> Engaging with the Siksika Nation to refine the Indigenous Impact Management Plan specific to the rights-based activities and other interests (e.g., cultural activities, hunting, trapping, fishing, gathering, and cultural heritage) exercised by the Siksika Nation within the Project footprint. The Indigenous Impact Management Plan will further describe cross-cultural awareness training, which will be developed in collaboration where practicable, with the Siksika Nation. This training is expected to build awareness and reduce potential adverse interactions with the identified Indigenous Communities and will include cultural awareness education and training for staff and on-the-ground personnel during the applicable phases of the Project. Supporting possible opportunities to augment VC-specific monitoring programs to include responses to concerns raised by the Siksika Nation utilizing adaptive management approaches for follow-up strategies. Participation in the Elk Valley Cumulative Effects Management Framework as co-led by the KNC. Encouraging the participation of the Siksika Nation to the applicable Project Advisory, Environmental Stewardship, and in the Environmental Monitoring Committee to review, shape, and steer monitoring activities and to guide future priorities. Encouraging the participation of the Siksika Nation in the Reclamation Planning Committee to review how traditional knowledge has been incorporated, including Indigenous traditional use and cultural expression as part of the Project closure goals. Supporting access to the Project site and provide applicable available resources for the Indigenous-Guardians Program to develop and lead monitoring programs related to the Project. Incorporating feedback from the Siksika Nation in the development of an Access Management and Monitoring Program which would address 	<ul style="list-style-type: none"> Though baseline data was sufficient to evaluate effects for the fish and fish habitat VCs, there is no current information available indicating that the Siksika Nation use the watercourses within the Project footprint. The Siksika Nation has also not expressed to date an interest in possibly using the Project-impacted watercourse (Alexander Creek) in the future. It should be noted that there is existing potential for fish and fishing opportunity available in the ATRI LSA and RSA with respect to watercourses outside of the Project footprint. Continued consultation with the Siksika Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures regarding fish and fish habitat are expected to improve the confidence rating and the severity assessment of impact on the Siksika Nation's rights and interests. Hunting and Trapping: <ul style="list-style-type: none"> The potential localized changes in accessibility to wildlife associated with riparian vegetation/habitat. The potential for changes to accessibility to aquatic wildlife species of interest (e.g., waterfowl) with the change or loss of aquatic habitats. The potential for changes in wildlife food sources through changes to ecosystems/vegetation communities resulting in changes to wildlife species of interest movements/migrations. The potential stressor on wildlife population with increased access roads potentially attracting hunters, vehicle collisions, and increased road densities. The potential for reduction of the quality and accessibility of wildlife species of interest for traditional/cultural purposes or country foods. The potential for the permanent alienation of the Siksika Nation from hunting and trapping locations within the Project footprint resulting in impacts to their ability to know and teach the Siksika way of living. <p>Though residual effects to wildlife VCs may occur as result of the Project, no significant adverse effects are anticipated and the potential impacts included will result in a temporary decline in the wildlife species available for use by the Siksika Nation in hunting and trapping practices as well as the temporary impact to the accessibility of areas used to hunt and trap in the Project footprint and the ATRI LSA. The Project has the potential to impact on Siksika Nation's Treaty 7 rights based on the above.</p> <p>In terms of specific wildlife VCs, bighorn sheep have important significance within the Siksika Nation's spiritual and ceremonial</p>	

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			<p>any concerns raised regarding access to areas that might be temporarily restricted due to safety concerns (e.g., in the Project footprint during construction and operations) by creating alternatives to guarantee access to key land use areas. NWP will establish No Unauthorized Entry (NUE) areas in order to ensure worker and public safety within and near the Project.</p> <ul style="list-style-type: none"> Supporting the establishment of conservation lands that may be privately held by NWP, an Indigenous Community, or a recognized conservation organization. Supporting Indigenous work related to land and resource use planning objectives in proximity to the Project and following the EAC, NWP will support Indigenous work related to land and resource use planning objectives for consideration during the relevant Project phases. Providing access to requested reports and identify feedback opportunities where applicable including the various mitigation and monitoring plans as well as those related to the Indigenous Impact Management Plan. <p>For each potential impact as previously described and assessed in Section 29.7, the specific mitigation measures identified that relate to the Siksika Nation's rights and interests are described in the following sections and are also summarized in Table 29.9-1.</p> <p>Key mitigation measures for each Siksika Nation right/interest that may potentially be impacted include:</p> <ul style="list-style-type: none"> Fishing: The mitigation measures identified for the change to use of lands and resources for traditional fishing purposes are as identified in Chapter 12, Section 12.5.3 including the Fish and Fish Habitat Management Plan and the Ecological Restoration Plan. The operational practices and procedures that are prescribed in the Site Water Management Plan in Chapter 33 (Section 33.4.1.8) including selenium, nitrate, and calcite management, and the Noise and Vibration Management Plan (Section 33.4.1.7), the Vegetation and Ecosystems Management and Monitoring Plan (Section 33.4.1.11) and the Aquatic Effects Management Program 	<p>teachings, songs, ceremonies, medicines, and stories as currently identified in Sections 29.5.4 and 29.6.6. Follow-up on impact management measures related to bighorn sheep are identified in Chapter 15 and included in the Indigenous Impact Management Plan (Section 29.9.2).</p> <p>The degree in severity of impact on the Siksika Nation's rights and interests for the use of lands and resources for hunting and trapping is rated as low to moderate based on the following:</p> <ul style="list-style-type: none"> The potential impacts are likely to be small in spatial extent, reversible in the long term, and with few effects to health and/or country foods. Mitigation and the Project's design to reduce impacts to wildlife VCs and the implementation of management, monitoring, and reclamation plans, should allow for hunting and trapping activities to continue within the ATRI LSA including those for traditional purposes. With specific regard to bighorn sheep, as identified in Section 29.7.3.2.2, the population has a relatively stable trend and while the Project will result in loss of a relatively small amount of year-round high-quality habitat, none of which has been mapped as bighorn sheep winter range. Sensory disturbance has the potential to displace bighorn sheep in high-quality annual habitat, though it does not overlap with mapped winter range. Post-closure, the reclaimed mine landscape will provide abundant forage for bighorn sheep. Based on the characterization of the residual effects as identified above and the local and regional bighorn sheep population levels, the Project would not limit the ability of bighorn sheep to persist and maintain self-sustaining populations in the ATRI LSA. The residual effects of habitat loss and degradation, sensory disturbance, disruption to movement, and increased mortality on bighorn sheep arising from the Project during all phases are therefore considered not significant. Though baseline data was sufficient to evaluate effects for identified wildlife VCs, areas currently or potentially used by the Siksika Nation for hunting and trapping have not been identified within the Project footprint through publicly available information. Information related to the Siksika Nation's use of the ATRI LSA to hunt and trap was not made available prior to the assessment and the currently identified low level of use by the Siksika Nation in the Project footprint, coupled with the lack of significant adverse effects to wildlife VCs that are potentially used for hunting and trapping purposes, indicates the level of impact on the Siksika Nation's rights and interests related to 	

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			<p>described in Section 33.4.1.5 will be the primary means by which the Project will address adverse effects to fish and fish habitat. These are identified in combination with the key mitigations for traditional fishing activities to reduce the impacts on the Siksika Nation's fishing rights including those related to their ability to know and teach the Siksika way of living during all Project phases.</p> <ul style="list-style-type: none"> Hunting and Trapping: The mitigation measures identified for the change to use of lands and resources for traditional hunting and trapping purposes are as identified in Chapter 15 (e.g., ungulates, Chapter 15, Section 15.4.3.3) including the Wildlife Management and Monitoring Plan and the Ecological Restoration Plan. Many of the measures to mitigate impacts to wildlife VCs are part of protocols described in Chapter 33 including the Air Quality and Greenhouse Gas Management Plan (Section 33.4.1.1), the Noise and Vibration Management Plan (Section 33.4.1.7), the Vegetation and Ecosystems Management and Monitoring Plan (Section 33.4.1.11), the Spill Prevention, Control, and Countermeasures Plan (Section 33.4.1.10), the Waste Management Plan (Section 33.4.1.12), and the Traffic Control Plan (Section 33.4.2.4) which includes access management. These are identified in combination with the key mitigations for traditional hunting and trapping activities to reduce the impacts on the Siksika Nation's hunting and trapping rights including those related to their ability to know and teach the Siksika way of living during all Project phases. Harvesting and Gathering: The mitigation measures identified for the change to use of lands and resources for traditional harvesting and gathering purposes are as identified in Chapter 13 (e.g., riparian habitat, Section 13.6.5.2) and Chapter 14 (e.g., whitebark pine, Section 14.5.5.2.1) including the Vegetation and Ecosystems Management and Monitoring Plan and the Ecological Restoration Plan. Many of the measures to mitigate impacts to plants and vegetation VCs are part of protocols described in Chapter 33 	<p>the use of lands and resources for traditional hunting and trapping.</p> <ul style="list-style-type: none"> There is potential for the Project to result in the permanent alienation of the Siksika Nation from hunting and trapping locations within the Project footprint, for which there is no current mitigation identified. It is further noted that that this physical alteration and potential change in the opportunity of the Siksika Nation to practice related traditional activities (e.g., hunting and trapping) may also have impacts on intangible cultural heritage. Due to the lack of current information available on their use of the Project footprint for traditional purposes, understanding and characterizing these potential related impacts to their intangible cultural heritage requires further input from the Siksika Nation. Continued consultation with the Siksika Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures regarding wildlife VCs are expected to improve the confidence rating and the severity of impact on the Siksika Nation's rights and interests. Harvesting and Gathering: <ul style="list-style-type: none"> The potential for reduction in the quality and accessibility of vegetation species of interest for traditional/cultural purposes or country foods. The potential for the permanent alienation of the Siksika Nation from harvesting and gathering locations within the Project footprint. The residual effects on landscapes and ecosystems within the Project footprint due to the Rail Loadout, the road, and the Project infrastructure footprint may remove areas currently or potentially used by the Siksika Nation to harvest and gather plants. The potential changes in vegetation communities/terrestrial ecosystems and introduction and colonization of invasive vegetation species that outcompete species of interest resulting in a loss of potentially traditionally/culturally important vegetation communities has the potential to impact on the Siksika Nation's rights and interests. The potential for the permanent alienation of the Siksika Nation from harvesting and gathering locations within the Project footprint resulting in impacts to their ability to know and teach the Siksika way of living. <p>The degree in severity of impact on the Siksika Nation's rights and interests for the use of lands and resources for harvesting and gathering is rated as moderate based on the following:</p>	

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			<p>including the Wildlife Management and Monitoring Plan (Section 33.4.1.13), Air Quality and Greenhouse Gas Management Plan (Section 33.4.1.1), the Soil Management Plan (Section 33.4.1.9), Spill Prevention, Control, and Countermeasures Plan (Section 33.4.1.10), and the Waste Management Plan (Section 33.4.1.12). These are identified in combination with the key mitigations for traditional harvesting and gathering activities to reduce the impacts on the Siksika Nation's harvesting and gathering rights including those related to their ability to know and teach the Siksika way of living during all Project phases.</p> <ul style="list-style-type: none"> • Physical and Cultural Heritage: The mitigation measures identified for the change to physical and cultural heritage, and structures, sites, or things of historical, archaeological, paleontological, or architectural significance are related to reporting on the implementation of management and monitoring plans associated with the identification of appropriate mitigation for pre-contact archaeological sites based on collaboration with the Siksika Nation. An Archaeology Management Plan (Chapter 33, Section 33.4.1.2) was developed for the Project and describes protocols that will be followed where the Project footprint encroaches upon the recorded boundaries of pre-contact archaeological sites (pre-dating A.D. 1846) that are protected under the Heritage Conservation Act, in addition to best management practices for archaeological potential zones and Chance Finds. Mitigation measures for direct impacts to archaeological resources will include, but not be limited to, the application for a provincial Section 12.4 Alteration Permit, to be held concurrently with a Section 12.2 Heritage Inspection Permit. A Heritage Resources response procedure will be put in place as per the Section 12.4 Alteration Permit and will be followed in the event that a Heritage Resource is discovered during Project-related activities. <ul style="list-style-type: none"> ○ Social, Health, and Economic Conditions: The mitigation measures identified for the change to social, health, and economic conditions are as identified in Chapters 17 	<ul style="list-style-type: none"> • The potential impacts are likely to be small in spatial extent, reversible long-term, with few effects to health and/or country foods while there is potential for the Project to result in the permanent alienation of the Siksika Nation from harvesting and gathering locations within the Project footprint for which there is no current mitigation identified. • It is further noted that that this physical alteration and potential change in the opportunity of the Siksika Nation to practice related traditional activities (e.g., harvesting and gathering) may also have impacts on intangible cultural heritage. • Due to the lack of current information available on their use of the Project footprint for traditional purposes, understanding and characterizing these potential related impacts to their intangible cultural heritage requires further input from the Siksika Nation. • Though baseline data was sufficient to evaluate effects for the related Project VCs, there is no current information available indicating that the Siksika Nation use the Project footprint for harvesting and gathering. As previously identified, a conservative approach has been used in the assessment of impact on rights that assumes that the current and potential use of the lands and resources occurs throughout the ATRI RSA. • It should be noted that there is existing potential for harvesting and gathering for traditional purposes available in the ATRI LSA and RSA outside of the Project footprint. Continued consultation with the Siksika Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures as necessary is expected to improve the confidence rating and the severity of impact on the Siksika Nation's rights and interests. • Physical and Cultural Heritage: <ul style="list-style-type: none"> ○ The potential loss of pre-contact archaeological artifacts (if present) and tree throws related to physical and cultural heritage. ○ The potential loss/disconnection of historic and present-day travel routes and trail if present within or crossing new roads and infrastructure footprint. ○ The potential changes to or loss of places that may be important for ceremonial or sacred areas through changes in landscape/ecosystems within the Project footprint. ○ The potential for change in access to places that may be important for ceremonial or sacred areas, and the potential loss of pre-contact archaeological artifacts (if present) during Project phases. 	

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			<p>(Section 17.5.5) and 18 (Section 18.5.4), including the Health and Safety Management Plan. As noted in Chapter 22, Section 22.5.3, a wide array of design mitigation measures are having been recommended in relation to surface water and air, and considered in the assessment of impact on soil, plant/animal tissue (i.e., food) and sediment quality. As such, mitigation measures applicable to the surface water and air quality VCs are applicable, as well as the following in relation to social and health conditions as described in Chapter 33 including the Air Quality and Greenhouse Gas Management Plan (Section 33.4.1.1), the Noise and Vibration Management Plan (Section 33.4.1.7), the Vegetation and Ecosystems Management and Monitoring Plan (Section 33.4.1.11), the Spill Prevention, Control, and Countermeasures Plan (Section 33.4.1.10), the Waste Management Plan (Section 33.4.1.12), and the Traffic Control Plan (Section 33.4.2.4) which includes access management. These are identified in combination with the key mitigations for the Siksika Nation's traditional activities to reduce the impacts on the Siksika Nation's interests including those related to their ability to know and teach the Siksika way of living during all Project phases.</p>	<ul style="list-style-type: none"> ○ The Project has the potential to impact on the Siksika Nation's rights and interests as a result of the potential change due to a significant historic area located near the Project's roads: Grave Lake, Grave Creek, and Grave Prairie. ○ The potential for changes to ceremonial or sacred areas associated with Grave Creek and West Alexander Creek. ○ There is also the potential discovery of pre-contact archaeological resources (if present) in unconsolidated material or during progressive clearing activities. ○ The potential for the permanent alienation of the Siksika Nation from their cultural heritage due to the intangible value associated with a sense of place within the Project footprint. <p>The degree in severity of impact on the Siksika Nation's rights and interests related to physical and cultural heritage resources and structures, sites, or things of historical, archaeological, paleontological, or architectural significance is rated as moderate to high based on the following:</p> <ul style="list-style-type: none"> ● The potential impacts are likely to be small in spatial extent, and with no effects to health. These heritage resources may be of interest to the Siksika Nation based on their potential linkage to the Siksika Nation ancestry though none have been identified based on preliminary consultation with the Siksika Nation. ● Though baseline data was sufficient to evaluate effects for known heritage resources, the lack of regional information on the Siksika Nation's physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance increases the degree of severity of adverse impacts. ● There is potential for the permanent alienation of the Siksika Nation from their cultural heritage for which there is no current mitigation identified. It is further noted that that this physical alteration and potential change in the opportunity of the Siksika Nation to practice related traditional activities (e.g., ceremonies in areas of physical and cultural heritage) may also have impacts on intangible cultural heritage. The understanding and characterizing of these potential related impacts to the Siksika Nation's intangible cultural heritage requires further input from the Siksika Nation. ● Continued consultation with the Siksika Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures as necessary is expected to improve the confidence rating and the severity of impact on the Siksika Nation's rights and interests. 	

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				<ul style="list-style-type: none"> • Social, Health, and Economic Conditions: <ul style="list-style-type: none"> ○ The potential Project nuisance effects to residents due to noise and vibration. ○ The potential change in availability/reliance on country food. ○ The loss of potential access to species for traditional purposes due to loss of sections of West Alexander Creek. ○ The potential for the permanent alienation of the Siksika Nation from traditional use locations within the Project footprint. ○ The potential for public safety risks due to physical hazards. ○ The Project has the potential to impact on the Siksika Nation's rights and interests due to the potential change in population and demographics. ○ The potential change in community health and well-being. ○ The potential change due to the influx of new employees to the region that could potentially contribute to social impacts, including safety risks. <p>Based on the Human Health and Ecological Risk Assessment (HHERA; Chapter 22), which encompasses changes in surface water and air quality, and was estimated in consideration of use and rights-based Indigenous traditional use lifestyle scenarios, the overall Project-related risk to human health is considered to be low. Though the risk is identified as low, there is potential for residual effects to wildlife and human health, and as such, to the actual or perceived quality of fish and wildlife resources consumed as country foods. As such there is potential for less reliance on country foods because of this perceived impact to their quality.</p> <p>Based on the background information research and the consultation activities with the Siksika Nation to date, there are no anticipated interactions between the Project and the Siksika Nation housing, transportation, or social services and education, and therefore, no unmitigated Project effects on these aspects of health and social, health, and economic conditions are anticipated.</p> <p>There is also potential for potential modest positive change in the availability of community services, the potential for Indigenous Communities to take part in monitoring activities as outlined in the Indigenous Impact Management Plan (Section 29.9), and the potential economic benefit for Indigenous Community members related to employment and economic investment during the Project phases. The Project is anticipated to result in positive economic outcomes for employment, income, and local and regional economies.</p>	

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				<p>The degree in severity of impact on the Siksika Nation’s social, health, and economic conditions is rated as low based on the following:</p> <ul style="list-style-type: none"> • The potential impacts are likely to be small in spatial extent, reversible long-term, and with few effects to health and/or country foods. • It should be noted that through this assessment it has been determined that there is potential for the Project to result in the permanent alienation of the Siksika Nation from locations within the Project footprint. It is further noted that that this physical alteration and potential change in the opportunity of the Siksika Nation to practice related traditional activities (e.g., consumption of country food) may also have impacts on intangible cultural heritage. The understanding and characterizing of these potential related impacts to Siksika Nation’s intangible cultural heritage requires further input from the Siksika Nation. • Though baseline data was sufficient to evaluate effects for socio-community, economic, and human health VCs, areas currently or potentially used by the Siksika Nation for traditional purposes have not been identified within the Project footprint by the Siksika Nation and the impact on rights assessment is based on the publicly available information. • As such, there is no information indicating that the Siksika Nation currently uses the Project footprint for social, health, and economic conditions. <p>Continued consultation with the Siksika Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures as necessary is expected to improve the confidence rating and the severity of impact on the Siksika Nation’s rights and interests.</p>	
Cumulative Effects Assessment	<p>Issue provided in the Draft Effects Assessment Response October 22, 2021</p> <p>Siksika is concerned about the approach taken by NWP in relation to cumulative effects and, in particular, dismayed by the finding that the Project will have “no significant adverse cumulative effects” on valued components that are related to Aboriginal and Treaty rights and interests.</p>	<p>Updates added to Chapter 29 to reflect consultation and on-going engagement.</p> <p>Section 29.5 details our preliminary understanding of the Siksika Nation’s rights and interests and how feedback received from the Siksika Nation was incorporated into the effects assessment process.</p> <p>Where the Siksika Nation highlighted the further consideration of the cumulative effects of the Project in relation to</p>	<p>In addition to the mitigations outlined in the specific VC chapters, the following mitigation measures are proposed to reduce the potential cumulative impacts on the Siksika Nation’s rights and interests:</p> <ul style="list-style-type: none"> • Best management practices and procedures related to each VC of interest are based on Siksika Nation perspectives shared with respect to the principles of reclamation and restoration including the design of mitigation measures for cumulative effects as outlined in the various specific VC chapters in the Application/EIS. • Restoration and progressive reclamation at various phases of the Project related to cumulative effects in an effort to address the 	<p>Within the ATRI RSA, lands have experienced and are experiencing past disturbances as a result of mining, forestry, agricultural/commercial/ residential development, and natural disturbances (e.g., avalanches, forest fires). Based on the results of the relevant VC potential residual cumulative effects assessments and in consideration of potential regional mitigation measures as well as the requirements of Section 5(1)(c) of CEA Act, 2012,</p>	<p>Issue has been considered in the effects assessment and is documented in Chapter 29 of the application.</p> <p>NWP provided a detailed description of the cumulative effects assessment methodology and overview of the projects and activities included in the assessment process that relate to past, present,</p>

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	<p>Siksika would suggest that NWP has not yet gathered the appropriate information to be advancing to the environmental assessment phase for this Project.</p>	<p>the past and present projects and activities related to coal mining, further clarity on what projects and activities were included in the cumulative effects assessment was provided to the Siksika Nation as a follow up to the feedback received. Section 29.7.4 includes updated maps and further details on those projects and activities included in the assessment process.</p> <p>Where information was available on the Siksika Nation's perspectives, they have been included in Sections 29.6 to 29.10.</p> <p>Key issues that remain outstanding and are included in the opportunities for future engagement are the incorporation of Siksika Nation's traditional use information collection within the Project footprint and the ATRI LSA that is currently ongoing and should be incorporated into the assessment processes, and the concerns regarding the overall potential cumulative effects within the Elk Valley due to on-going activities.</p>	<p>usually slow reclamation progress in the Elk Valley.</p> <ul style="list-style-type: none"> As part of the cumulative effects mitigation and the overall impact management measures, NWP will encourage the participation of the Siksika Nation on the applicable Project Advisory, Environmental Stewardship and Reclamation Planning committees. NWP is also committed to supporting the establishment of more new conservation lands than the loss of existing conservation lands. New lands may be privately held by NWP, an Indigenous Nation, or a recognized conservation organization. Confirming and implementing the Indigenous Impact Management Plan that outlines mitigation measures to avoid, minimize, reduce, and/or offset potential direct and indirect impacts of the Project on the Siksika Nation's rights and related interests and utilizes adaptive management approaches for follow-up strategies and monitoring programs. Consideration of collaborative strategies for addressing the cumulative effects where applicable, with Siksika Nation, the identified Indigenous Communities, other proponents, and regulatory agencies. Participation in the Elk Valley Cumulative Effects Management Framework as co-led by the KNC and other relevant regional cumulative effects initiatives, where appropriate. Supporting possible opportunities to augment VC-specific monitoring programs to include responses to concerns raised by the Siksika Nation utilizing adaptive management approaches for follow-up strategies. Adopting management practices and measures to meet regional planning objectives, where practicable, over the course of the Project. Supporting the recognition of Indigenous stewardship and governance in the Elk Valley and respecting Siksika Nation perspectives on their use of lands and resources for traditional purposes. Continued consultation and engagement with the Siksika Nation over the course of the Project to identify and understand current use 	<p>potential residual cumulative effects are anticipated to occur as they relate to:</p> <ul style="list-style-type: none"> The use of lands and resources for traditional purposes (i.e., fishing, hunting and trapping, harvesting and gathering); Physical and cultural heritage, and structures, sites, or things of historical, archaeological, paleontological, or architectural significance; and Social, health, and economic conditions. <p>Though potential residual cumulative effects to VC or VC groups that may be of interest to the Siksika Nation are not assessed as significant, a conservative approach to the assessment of residual cumulative effects on the Siksika Nation indicates residual cumulative effects may occur. Residual cumulative effects assessments for potential cumulative effects are presented in Sections 29.7.4.4.1 to 29.7.4.4.5.</p> <p>The Project has the potential to impact the Siksika Nation's rights and interests related to cumulative effects that may result in cumulative impacts addressed as follows:</p> <ul style="list-style-type: none"> Fishing: <ul style="list-style-type: none"> While the degree in severity of impact on the Siksika Nation's rights for the use of lands and resources for fishing and fish opportunities is rated as low to moderate, the cumulative impacts are rated as moderate. The Project in combination with other reasonably foreseeable future projects and activities is not anticipated to result in measurable cumulative residual Project effects that will reduce the ability and opportunity of the Siksika Nation to practice their rights and interests related to fishing within the ATRI RSA over the already existing reduced ability that has been previously identified (Section 29.7.4.2). The cumulative impacts have been assessed as moderate due to the on-going impacts of past and present projects and activities in combination with other reasonably foreseeable future projects and activities, on watercourses in the Elk Valley, the limited information currently available on the current and potential use of lands and resources within the ATRI RSA, and the uncertainty regarding the implications of regional climatic changes that may impact fish habitat availability. Siksika perspectives on cumulative effects in the ATRI RSA note that "waterways and the fish, and other species that rely on them are on the brink of devastation due to coal mining". The cumulative impact is determined as moderate due to the lack of information available from the Siksika Nation 	<p>and the reasonable future developments.</p> <p>NWP is committed to ongoing communication on this issue through future consultation and engagement with the Siksika.</p>

Table 29-A.1: Summary of the Results of the Siksika Nation Consultation Related to Aboriginal Interests and Other Matters of Concern

Siksika Nation Rights and Related Interests/VC	Siksika Nation Perspectives on Rights and Interests/VC	Proponent Response	Summary of Proposed Measures to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests	Status of Issue / Path Forward
			<p>of lands and resources for traditional purposes within the ATRI LSA and ATRI RSA. Opportunity for ceremonies on the land prior to construction of project infrastructure as well as opportunities for harvesting and gathering within the Project footprint prior to construction for Indigenous community members.</p>	<p>regarding their opportunity to conduct traditional fishing within the Project footprint at this time.</p> <ul style="list-style-type: none"> ○ It is expected that their ability to know and teach the Siksika way of living can continue outside of the Project footprint during all Project phases. ● Hunting and Trapping: <ul style="list-style-type: none"> ○ While the degree in severity of impact on the Siksika Nation's rights and interests for the use of lands and resources for hunting and trapping is rated as low to moderate, the cumulative impacts are rated as moderate. ○ The Project in combination with other reasonably foreseeable future projects and activities is not anticipated to reduce the ability and opportunity of the Siksika Nation to practice rights and related interests related to hunting and trapping within the ATRI RSA. ○ The wildlife and wildlife habitat conditions within the regional study areas of relevant wildlife species of interests including their ecology, habitat availability, and distribution, and occurrence and abundance, are well understood at the scale of the VC regional study areas (e.g., Terrestrial RSA). ○ The moderate rating also reflects that the Siksika Nation have not provided any specific information to date regarding their use of the Project footprint for hunting and trapping for traditional purposes or whether they have an interest in using the area in the future. ○ It is expected that their ability to know and teach the Siksika way of living can continue outside of the Project footprint during all Project phases. ○ Uncertainty also exists regarding the implications of regional climatic changes that may impact wildlife habitat availability. ● Harvesting and Gathering: <ul style="list-style-type: none"> ○ The degree in severity of impact on the Siksika Nation's rights and interests for the use of lands and resources for harvesting and gathering is rated as moderate to reflect the cumulative impacts. ○ The Project, in combination with other reasonably foreseeable future projects and activities, is not anticipated to result in measurable residual Project effects to reduce the ability and opportunity for the Siksika Nation to practice their rights and interests related to harvesting and gathering within the ATRI RSA. ○ The opportunity to harvest and gather within the ATRI RSA is dependent on the location of ecosystems and plant species of interest as well as the access to these areas. ○ Due to on-going impacts of past and present projects and activities in combination with other reasonably 	

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Siksika Nation Rights and Related Interests/VC	Siksika Nation Perspectives on Rights and Interests/VC	Proponent Response	Summary of Proposed Measures to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests	Status of Issue / Path Forward
				<p>foreseeable future projects and activities, on the Elk Valley, the limited information currently available on the use of lands and resources within the ATRI RSA, the uncertainty regarding the implications of regional climatic changes that may impact terrestrial ecosystems and vegetation communities, the changes in the accessibility to harvest and gather in the ATRI RSA that may potentially impact the ability to undertake cultural and traditional practices for community members, and the importance of available lands for traditional practices, the cumulative impacts have been assessed as moderate.</p> <ul style="list-style-type: none"> ○ The cumulative impact is also determined as moderate due to the lack of information available from the Siksika Nation regarding their opportunity to conduct traditional harvesting and gathering activities within the Project footprint at this time. It is expected that their ability to know and teach the Siksika way of living can continue outside of the Project footprint during all Project phases. ● Physical and Cultural Heritage: <ul style="list-style-type: none"> ○ While the degree in severity of impact on the Siksika Nation's rights and interests related to physical and cultural heritage resources and structures, sites, or things of historical, archaeological, paleontological, or architectural significance is rated as moderate to high, the cumulative impacts are rated as moderate. ○ There is potential for physical and cultural heritage resources and structures, sites, or things of historical, archaeological, paleontological, or architectural significance to be located with the ATRI RSA and as such, a potential for development of reasonably foreseeable future projects and activities to overlap with these resources and sites. ○ At this time, the locations of these resources and sites require further consultation with the Indigenous Communities within the ATRI RSA, other than those documented as part of the Project Archaeological Baseline Assessment within the Project footprint and the Archaeological LSA (Chapter 16). ○ It is anticipated that mitigation measures to identify heritage resources will be implemented as part of current and reasonably foreseeable future projects and activities prior to development. ○ Within the ATRI RSA, the location of physical and cultural heritage and of structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance are currently unknown outside of the Project footprint and Archaeological LSA. 	

Table 29-A.1: Summary of the Results of the Siksika Nation Consultation Related to Aboriginal Interests and Other Matters of Concern

Siksika Nation Rights and Related Interests/VC	Siksika Nation Perspectives on Rights and Interests/VC	Proponent Response	Summary of Proposed Measures to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests	Status of Issue / Path Forward
				<ul style="list-style-type: none"> ○ Should reasonable foreseeable future projects and activities be carried out within the ATRI RSA and mitigation measures be implemented to protect and avoid physical and cultural heritage and any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance (i.e., no permanent loss), the residual cumulative effects to physical and cultural heritage and to any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance arising from the Project in combination with other past, present, and reasonably foreseeable future projects and activities during all phases are not anticipated to be significant. ○ The cumulative impact is determined as moderate due to the lack of information available from the Siksika Nation regarding their opportunity to conduct traditional activities within the Project footprint at this time. It is expected that their ability to know and teach the Siksika way of living can continue outside of the Project footprint during all Project phases. ● Social, Health, and Economic Conditions: <ul style="list-style-type: none"> ○ The degree in severity of impact on the Siksika Nation's social, health, and economic conditions is rated as low to reflect the cumulative impacts. ○ The assessment of residual cumulative effects of the Project in combination with those of past, present, and reasonably foreseeable future projects and activities on wildlife and human health concluded no significant adverse cumulative effects on terrestrial, aquatic, and human health. ○ Additionally, no adverse residual effects on social, health, and economic conditions were predicted, therefore no cumulative effect to social, health, and economic conditions are expected to occur. ○ The residual cumulative effects on social, health, and economic conditions arising from the Project in combination with other past, present, and reasonably foreseeable future projects and activities during all phases are also considered not significant. ○ The cumulative impact is determined as low due to the lack of information available from the Siksika Nation regarding their opportunity to conduct traditional activities related to country food consumption within the Project footprint at this time. ○ It is expected that their ability to know and teach the Siksika way of living can continue outside of the Project footprint during all Project phases. 	

Table 29-A.1: Summary of the Results of the Siksika Nation Consultation Related to Aboriginal Interests and Other Matters of Concern

Siksika Nation Rights and Related Interests/VC	Siksika Nation Perspectives on Rights and Interests/VC	Proponent Response	Summary of Proposed Measures to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests	Status of Issue / Path Forward
				Continued consultation with the Siksika Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures as necessary is expected to improve the confidence rating and the severity of impact on the Siksika Nation's rights and interests.	

Table 29-A.2: Comments Received from Siksika Nation on the Draft Effects Assessment and Recommendations Addressed

Date Received	Comment No.	Original EIS Section No.	EIS Section Title	Indigenous Community Comment on EIS Section	Changes to EIS Section as Recommended by Indigenous Community	Comments/Updates Related to Comments in EIS - Chapter 29	NWP's Response to Comment / Disposition to Issue
Oct-22-2021	1	23.9.4.7	Historic and Current Use of Lands and Resources for Traditional Purposes	<p>We appreciate that NWP has now entered into a funding agreement with Siksika but there has been significant delay in getting to this point.</p> <p>Although an agreement has now been reached, it took some time. In this time, without the required funding, the necessary information was not gathered. As we have now reached an agreement, we can proceed to gathering the necessary information on to inform NWP on Siksika's rights and use in the area. Siksika will inform NWP when interim reports can be made available. If we proceed prematurely, then NWP is proceeding without a thorough understanding of the ecological conditions necessary to preserve Siksika's Aboriginal rights in BC.</p>	Siksika requests that NWP not proceed to a final effects assessment until they can incorporate the information gathered from the reports contemplated in the Letter Agreement between the two (2) parties.	<p>Update added to Section 29.3.3.2 Project Development and Pre-Application Engagement:</p> <p>On February 1, 2021, NWP provided a draft version of the initial sections of this Application/EIS section for their review and comment. The remaining section, complete with the effects assessments, was provided to the Siksika Nation on August 30, 2021. Feedback on the draft section was provided by the Siksika Nation on November 2, 2021, with key concerns related to the timing and inclusion of the traditional land use (TLU) study to highlight Siksika Nation's use within the Project footprint and the ATRI LSA in the Application/EIS identified. NWP responded to the Siksika Nation's feedback in writing on November 26, 2021. A follow-up meeting was undertaken on January 21, 2022 with the Siksika Nation to discuss the feedback provided, its incorporation into the draft Application/EIS, and the next steps in the assessment processes.</p>	NWP notes that engagement discussions and consultation with the Siksika Nation are ongoing and information provided will be reviewed and considered.
	2	23.9.4.7.2	Hunting and Trapping	The draft Effects Assessment must incorporate greater consideration of Bighorn sheep and neighbouring protected areas.	NWP should reflect this in the draft Effects Assessment.	Updated in Sections 29.3.3.2 Project Development and Pre- Application Engagement, 29.6.6.2 Hunting and Trapping, and 29.7.3.2.2, Change to Use of Lands and Resources for Traditional Hunting and Trapping Purposes with a subsection for bighorn sheep. Also included in Table 29.3-1 with other ungulates.	NWP to provide EA chapters for review to Siksika Nation during the review phase.
	3	23.9.6	Assessment of Potential Project Effects on Siksika First Nation	<p>Siksika's major concern is that the draft Effects Assessment is not sufficiently populated with information from Siksika. Siksika has recently entered into a funding agreement to gather this information and it seems premature to proceed to a draft Effects Assessment and into an environmental assessment without first gathering and understanding this information.</p> <p>Siksika notes that NWP qualifies this chapter, stating: "... the assessment of effects on Aboriginal and Treaty rights and interest presented in this section is purposely general and preliminary". Continuing, that "[n]o traditional ecological knowledge or traditional land and resource use studies had [sic] been completed specifically for the Project, nor for the region as a whole". This chapter is based "on the generally available knowledge of Indigenous use of land and resources and culture, and professional judgement. ... Supplemented by literature sources and secondary information".</p> <p>Assessment of impacts to valued components connected to Aboriginal and Treaty rights does</p>	<p>NWP must gather additional information in order to proceed to a final environmental assessment document.</p> <p>It is necessary that NWP work with Siksika to gather the necessary information to complete this document.</p>	<p>Update added to Section 29.3.3.2 Project Development and Pre-Application Engagement:</p> <p>On February 1, 2021, NWP provided a draft version of the initial sections of this Application/EIS section for their review and comment. The remaining section, complete with the effects assessments, was provided to the Siksika Nation on August 30, 2021. Feedback on the draft section was provided by the Siksika Nation on November 2, 2021, with key concerns related to the timing and inclusion of the traditional land use (TLU) study to highlight Siksika Nation's use within the Project footprint and the ATRI LSA in the Application/EIS identified. NWP responded to the Siksika Nation's feedback in writing on November 26, 2021. A follow-up meeting was undertaken on January 21, 2022 with the Siksika Nation to discuss the feedback provided, its incorporation into the draft Application/EIS, and the next steps in the assessment processes.</p> <p>Sections 29.7.3.1 Project Components and Interactions, 29.7.3.2 Characterization of Potential Residual Effects of the Changes to the Environment on the Siksika Nation, and 29.10.2.1 Characterization of Severity of Adverse Impacts on the Siksika Nation's Rights and Interests outline how the potential effects on Siksika Nation were determined. Due to the preliminary nature of the understanding of the Siksika Nation's rights and interests, it is expected that the Crown consultation process will confirm the contents of the assessment on impact on Siksika Nation's rights and interests described in these sections.</p>	NWP notes that engagement discussions and consultation with the Siksika Nation are ongoing and information provided will be reviewed and considered.

Table 29-A.2: Comments Received from Siksika Nation on the Draft Effects Assessment and Recommendations Addressed

Date Received	Comment No.	Original EIS Section No.	EIS Section Title	Indigenous Community Comment on EIS Section	Changes to EIS Section as Recommended by Indigenous Community	Comments/Updates Related to Comments in EIS - Chapter 29	NWP's Response to Comment / Disposition to Issue
				not sufficiently consider the concerns raised by Siksika. As identified in the previous section, there are many valued components connected to Aboriginal and Treaty rights that are likely to have residual adverse effects from the proposed development of the Project. However, the draft Effects Assessment lists nearly all of these as "not significant".			
	4	23.9.6.3.2	Potential Unmitigated Effects on the Historic and Current Use of Lands and Resources for Traditional Purposes	In Section 23.9.6.3.2 titled "Potential Unmitigated Effects on the Historic and Current Use of Lands and Resources for Traditional Purposes", NWP lays out a series of potential effects on Siksika's right to fish, hunt and trap, and harvest and gather. In addition, NWP identifies effects on ceremonial/sacred areas, access and travel routes, and physical and cultural heritage. Siksika would like to identify how NWP determined these potential effects on Siksika.	Siksika would like to identify how NWP determined these potential effects on Siksika.	Sections 29.7.3.1 Project Components and Interactions, 29.7.3.2 Characterization of Potential Residual Effects of the Changes to the Environment on the Siksika Nation, and 29.10.2.1 Characterization of Severity of Adverse Impacts on the Siksika Nation's Rights and Interests outline how the potential effects on Siksika Nation were determined. Due to the preliminary nature of the understanding of the Siksika Nation's rights and interests, it is expected that the Crown consultation process will confirm the contents of the assessment on impact on Siksika Nation's rights and interests described in these sections.	NWP notes that engagement discussions and consultation with the Siksika Nation are ongoing and information provided will be reviewed and considered. NWP to provide EA chapters for review to Siksika Nation during the review phase.
	5	23.9.6.5.2	Characterization of Residual Effects	Specifically with regard to hunting and trapping, the draft Effects Assessment indicates that "to the Proponent's knowledge, it is anticipated that currently Siksika Nation has a low level of use in the Terrestrial LSA". We look forward to working with NWP to gather the information necessary to highlight Siksika's use in the area – both historical and current – and provide NWP with a more comprehensive understanding of Siksika members' activity in and around the Project area. We also note that, on multiple occasions, Siksika has told NWP that their members are active in the area. This is reflected in the "Siksika Nation Interests" section, where NWP states that "Siksika people continue to hunt for elk mule deer, bighorn sheep, and moose and occasionally bear in the foothills and front slopes of the Rocky Mountains". However, this use is not carried through to the effects assessment. As identified through consultation with Siksika, Siksika has use in the area. This is use is likely to be impacted by this Project. NWP should reflect this in the draft Effects Assessment.	We also note that, on multiple occasions, Siksika has told NWP that their members are active in the area. This is reflected in the "Siksika Nation Interests" section, where NWP states that "Siksika people continue to hunt for elk mule deer, bighorn sheep, and moose and occasionally bear in the foothills and front slopes of the Rocky Mountains". NWP should reflect this in the draft Effects Assessment.	Updated Section 29.6.6 Siksika Nation's Rights and Interests: Historic and Current Use of Lands and Resources for Traditional Purposes: As noted in Section 29.5, at the time of the Application/EIS submission, the Siksika Nation did not provide a Traditional Land-Use Study (TK/TLU) to NWP. Where Indigenous Knowledge was provided by the Siksika Nation (during the review of Project Planning and Design documents and during Pre-Application Engagement) it has been incorporated into the effects assessment for the use of lands and resources in relation to the Project. As such, the limitations of the information sources considered include those publicly available (e.g., other development project EA/IA applications, including Baldy Ridge Extension Project, the Castle Project, Grassy Mountain Coal Project, and the Line Creek Operations Project) and those activities and correspondence that detail Project-specific information available to be shared publicly related to traditional activities. Where the Siksika Nation did provide information related to mitigation measures, those have been included in the Indigenous Impact Management Plan (Section 29.9). Limitations of information for assessing the Project effects to the Siksika Nation's rights and interests include the lack of specific information regarding the spatial distribution of site-specific knowledge and use values reported by Siksika community members in the Project footprint and the ATRI LSA based on subsistence sites, ceremonial and cultural/spiritual uses, transportation features, habitation values, and environmental features. In addition to any tangible site-specific values mapped by Siksika knowledge holders and based on Siksika oral histories,	NWP notes that engagement discussions and consultation with the Siksika Nation are ongoing and information provided will be reviewed and considered.

Table 29-A.2: Comments Received from Siksika Nation on the Draft Effects Assessment and Recommendations Addressed

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						any intangible non-site specific values that may include reported Siksika cultural properties or heritage sites in the vicinity of the Project including particular oral histories regarding Elders, ceremonies, and events that took place in the area and non-site specific values associated with oral histories of the area were those included from publicly available sources as no Project-specific information was provided. For this chapter, wherever practicable, these intangible cultural heritage resources are included within the physical and cultural heritage information.	
	6	23.9.6.5.2	Characterization of Residual Effects	<p>We ask that NWP provide Siksika with the draft sections of their assessment that pertain to Bighorn sheep. This will permit Siksika to better understand the impact of the Project on Bighorn sheep. Bighorn sheep are a species of special importance to Siksika and the Blackfoot, in general. There is significant public information about the connection between Blackfoot and Bighorn sheep. Much of this can be found in the publicly available trial decision in R v Breaker, 2000 ABPC 179 (and the evidence provided in that case). As identified in Breaker, Siksika elder Tom Crane Bear testified that Rocky Mountain Bighorn Sheep have been used as a food source and for hides. Mr. Crane Bear provided the Blackfoot word for Bighorn sheep "mistaksaomahkihkina" and testified that:</p> <p>"But as far as I know, my grandmother, she often talked about big sheep. That her brother -- now I don't want to give names because I don't know the names. Her brother they used to camp around the Castle Mountain area way back for medicine. And this is where we get all our medicine supplies is from the valleys of the mountains. And his brother used to camp out. And she used to tell us that in the -- in the fall time, or in the springtime early they come back with a lot of meat, consisting of "mistaksaomahkihkina", that's mountain big head."</p> <p>That decision highlights Blackfoot hunting rights in the area just northeast of the Project.</p> <p>Further, Siksika highlights the proximity of Bob Creek Wildland Provincial Park to the east, Castle Wildland Provincial Park to the south, and Beehive Natural area to the north. These</p>	<p>We ask that NWP provide Siksika with the draft sections of their assessment that pertain to Bighorn sheep. It is important for Siksika to understand how additional industrial activity in British Columbia will impact the activities of these large mammals.</p>	<p>Update added to Section 29.6.6.2.2 Hunting and Trapping Current Use:</p> <p>Bighorn sheep are a species of special importance to Siksika Nation specifically, and to the Blackfoot in general (JFK Law, 2021c). The trial decision in R v Breaker, 2000 ABPC 179 (and the evidence provided in that case) identified Siksika elder Tom Crane Bear who testified that Rocky Mountain Bighorn Sheep have been used as a food source and for hides. Mr. Crane Bear provided the Blackfoot word for Bighorn sheep "mistaksaomahkihkina" and testified (full quote) that (R. v. Breaker, 2000):</p> <p><i>"Mahkihkina" means big head in the -- in the Blackfoot language. And the reason for that name is the -- the horns that the animal carries. And "mistaksao" means a mass of rock where they live. So, it would be mountain sheep, or mountain big head, or big horn, whatever you might call it.</i></p> <p><i>"Well, let's go back to the times of the buffalo. We were so used to one source of meat and that's coming from the buffalo. And then at the turn - at the time of the Treaty when the buffalo was no more, they substitute that meat to the beef, the cattle. And people didn't agree with that cattle beef. A lot of it was thrown out in them early years, because they weren't used to the domestic-- the domestic beef.</i></p> <p><i>"And your question, I would say it's a wild meat and I'm pretty sure in them days, when they do get a -- get a hold of some of that -- 'cause in them days, warriors go all over this territory and it takes days to come back with -- with survival, like food commodities. And in them could be big horn sheep meat, we don't know.</i></p> <p><i>"But as far as I know, my grandmother, she often talked about big sheep. That her brother -- now I don't want to give names because I don't know the names. Her brother they used to camp around the Castle Mountain area way back for medicine. And this is where we get all our medicine supply is from the valleys of the mountains. And his brother used to camp out. And she used to tell us that in the -- in the fall time, or in the springtime early they come back with a lot of meat, consisting of "mistaksaomahkihkina", that's mountain big head (R. v. Breaker, 2000)."</i></p>	<p>NWP to provide EA chapters for review to Siksika Nation during the review phase.</p>

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				<p>areas represent important and fragile protected environments for large mammals, including Bighorn sheep. Siksika is concerned about how the Project will interfere with migrations from and to these areas. Of particular note is Beehive Natural Area, which hosts lambing sites for Bighorn sheep (in addition to being the wintering range for one of Alberta's largest elk herds). It is important for Siksika to understand how additional industrial activity in British Columbia will impact the activities of these large mammals.</p>		<p>The decision highlights Blackfoot hunting rights within the ATRI LSA and northeast of the Project footprint. During early engagement activities for the Castle Project, the Siksika indicated that hunting practices of elk, mule deer, bighorn sheep (a species of cultural importance), moose and bear in the foothills and front slopes of the Rocky Mountains are part of the Siksika's hunting rights (B.C. EAO, 2020b). Siksika people continue to hunt for elk, mule deer, bighorn sheep, moose, and occasionally bear in the foothills and front slopes of the Rocky Mountains (IAAC, 2020b).</p> <p>As identified in Section 29.5.4, to practice their hunting rights, the Siksika Nation require access to healthy ecosystems where traditionally hunted and trapped species occur within their Traditional Territory (IAAC, 2020b). The Siksika Nation continue to hunt for elk, mule deer, bighorn sheep, moose, and occasionally bear in the foothills and front slopes of the Rocky Mountains (IAAC, 2020b). Due to the lack of Project-specific information provided by the Siksika Nation, while they have not currently identified hunting and trapping areas within the Project footprint that are utilized, it is expected that the Siksika Nation utilize the ATRI LSA for traditional activities (IAAC, 2020b). It is noted that the exercise of Siksika Nation's rights and interests related to hunting and trapping in the ATRI LSA and RSA have likely been impacted by past and ongoing development activity (e.g., reduction in wildlife populations, reduced access to areas for traditional activities). As noted above, due to the lack of information available, it is unknown as to the extent to which hunting and trapping activities are undertaken in the ATRI LSA and RSA by the Siksika Nation at this time, the potential future use of these areas for hunting and trapping without the Project is expected to be similar to the existing conditions (i.e., past and ongoing development activities may impact potential future hunting and trapping activities in the ATRI LSA and RSA).</p> <p>Updated in Sections 29.3.3.2 Project Development and Pre- Application Engagement and 29.7.3.2.2, Change to Use of Lands and Resources for Traditional Hunting and Trapping Purposes with a subsection for bighorn sheep. Also included in Table 29.3-1 with other ungulates.</p>	
	7	23.9.7	Cumulative Effects Assessment	<p>Siksika is concerned about the approach taken by NWP in relation to cumulative effects and, in particular, dismayed by the finding that the Project will have "no significant adverse cumulative effects" on valued components that are related to Aboriginal and Treaty rights and interests. The cumulative effects assessment is far too narrow and does not incorporate the current coal mines in the area. Siksika would like a more detailed explanation as to how this determination was made. The draft Effect Assessment contemplates considerable adverse effects that go to the</p>	<p>The cumulative effects assessment is too narrow.</p>	<p>Updated Section 29.7.4.2 Identifying Past, Present, and Reasonably Foreseeable Projects and/or Activities to outline "past and present projects and activities" inclusion into baseline conditions determination including providing a detailed rationale as to the focus of the cumulative effects assessment on reasonably foreseeable future projects and activities.</p>	<p>NWP to provide EA chapters for review to Siksika Nation during the review phase.</p>

Table 29-A.2: Comments Received from Siksika Nation on the Draft Effects Assessment and Recommendations Addressed

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				<p>core of Siksika's Aboriginal rights. However, the draft Effects Assessment found that "No significant adverse cumulative effects were anticipated for VCs or VC groups that are related to Aboriginal and Treaty rights and interests". The VCs include: fish and fish habitat, wildlife and wildlife habitat, terrestrial ecosystems, vegetation, land use and access, heritage resources, and human wildlife health. This appears largely due to the fact that NWP has not gathered any information about Siksika's use in the area.</p>			
	8	23.9.7	Cumulative Effects Assessment	<p>Further, Siksika requests greater detail on the following:</p> <ul style="list-style-type: none"> - Fish and Fish Habitat: NWP states that "[c]hanges in water quality as a result of the Project will be mitigated through Project design and Project-specific mitigation measures and are not anticipated to extend beyond the Fish and Fish Habitat LSA." It is well known that the impacts of selenium from coal mining extend far beyond the project area. It is unclear to Siksika how these impacts will be mitigated and/or prevented from flowing downstream and affecting wildlife, fish and fish habitat necessary for the practice of Aboriginal and Treaty rights. - Wildlife and Wildlife Habitat: NWP states that "[t]he Project, in combination with other reasonably foreseeable future projects and activities, would not limit the ability of ungulates, carnivores, and birds to persist and maintain self-sustaining populations in the VC-specific regional study areas (i.e., Terrestrial RSA, Grizzly Bear RSA)". Siksika requests additional information on how this determination was made. The Project is in an area with significant historical coal activity, multiple proposed mines, and the planned extension and growth of further coal mines. It seems far-fetched that additional coal mining in this area would not contribute to the shrinking of suitable habitat for large mammals and other wildlife. 		<p>As noted in Section 29.5.2 Project Development and Pre-Application Engagement:</p> <p>The Siksika Nation has noted the importance of understanding how additional industrial activity in B.C. such as the Project will impact large mammals and their activities. Feedback from the Siksika Nation noted that Blackfoot hunting rights are situated in the area just north east of the Project.</p> <p>With respect to feedback on the Project's cumulative effects assessment, the Siksika Nation expressed concern regarding the potential for the impacts of selenium and other contaminant levels in surface water and riparian habitats from coal mining to extend far beyond the Project area and noted the lack of clarity on how these impacts may be mitigated and/or prevented from flowing downstream and affecting wildlife, fish, and fish habitat necessary for the practice of their rights and interests. The Siksika Nation noted that the effects of coal dust and other pollution on riparian habitats, other sensitive areas, and the plants located within them must also be considered. The Siksika Nation stated that the Project is in an area with significant historical coal activity, multiple proposed mines, and the planned extension and growth of further coal mines will likely contribute to the shrinking of suitable habitat for large mammals and other wildlife. Where the Siksika Nation highlighted further consideration of the cumulative effects of the Project in relation to past and present projects and activities related to coal mining, further clarity on what projects and activities were included in the cumulative effects assessment was provided to the Siksika Nation as a follow up to the feedback received. Siksika Nation's views expressed on the effectiveness of the mitigation or accommodation measures where applicable are further outlined in Appendix 29-A, Table 29.A-1 and Table 29.A-2. It is noted that currently no changes were made to Project design and implementation directly as a result of on-going consultation with Siksika Nation. The other matters of concern raised by the Siksika Nation not captured in the feedback provided in Appendix 29-A, Table 29.A-2 are addressed in Appendix 29-A, Table 29.A-1 where noted and included in Sections 29.6, 29.7, 29.8, 29.9 and 29.10.</p>	<p>NWP to provide EA chapters for review to Siksika during the review phase.</p>

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				<p>- Landscapes and Ecosystems/Vegetation: Siksika requests that NWP consider the effects of selenium and other pollution on riparian habitat and other sensitive areas. Additionally, Siksika requests further information on how coal dust will impact these sensitive areas and the plants located within them.</p> <p>- Heritage Resources: NWP states that "[t]here is potential for physical and cultural heritage resources and structures, sites, or items of historical, archaeological, paleontological, or architectural significance to be located with the ATRI RSA and overlap with the other future projects and activities; however, the locations of these resources and sites are unknown at this time at a regional scale. It is anticipated that planned mitigation for current and future projects and activities includes identification of heritage resources prior to the development of projects and activities, as well as the commitment to implement mitigation in consultation with Indigenous Communities." Despite this lack of information on the location of resources, NWP determines that the residual cumulative effects would be "not significant". It is premature to assume, without further study, that mitigation measures that have not been reviewed by Siksika will be sufficient to mitigate the effects of the Project.</p> <p>- Human and Ecological Health: Siksika wishes to raise concerns about the impacts of selenium pollution on the large mammals that rely on contaminated drinking water. And in turn, the impacts on the human population that consume the meat from these animals. This is an area for further study and has been highlighted to Siksika by a recent news story about selenium contamination in bighorn sheep.</p>		<p>Key issues that remain outstanding and are included in the opportunities for future engagement are the incorporation of Siksika Nation's traditional use information collection within the Project footprint and the ATRI LSA that is currently ongoing and should be incorporated into the assessment processes, and the concerns regarding the overall potential cumulative effects within the Elk Valley due to on-going activities. With respect to discrepancies in views shared previously and updates since engagement began with the Siksika Nation, NWP continues to work with the Siksika Nation to address key issues that have been raised, and regards consultation as an iterative process that adapts in order to identify applicable mitigative measures.</p> <p>Sections 29.7.3.2 Characterization of Potential Residual Effects of the Changes to the Environment on the Siksika Nation, 29.7.3.2.7 Change to Social and Health Conditions, and 29.10.2.1 Characterization of Severity of Adverse Impacts on the Siksika Nation's Rights and Interests include information on the potential residual effects of selenium on wildlife and human health.</p> <p>Updated Section 29.4.1.1 Limitations of Information Sources:</p> <p>At the time of the Application/EIS submission, the Siksika Nation did not provide a Project-specific Traditional Land-Use Study (TLU) to NWP. Throughout this Application/EIS, where Indigenous Knowledge was provided by the Siksika Nation it has been incorporated where applicable and noted as such. The limitations of the information sources considered include those publicly available (i.e., information provided by Siksika Nation on other relevant EIS/project applications e.g., including Baldy Ridge Extension Project, the Castle Project, Grassy Mountain Coal Project, and the Line Creek Operations Project) and those activities and correspondence that detail Project-specific information validated by the Siksika Nation to be shared publicly. Limitations of information are also noted where no information is provided by the Siksika Nation directly related to the baseline conditions established in Section 29.6 and NWP's understanding of Siksika Nation's rights and interests are limited to those confirmed by the Siksika Nation in Section 29.5.4.</p>	

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	9	23.9.7	Cumulative Effects Assessment	<p>In addition, we ask that NWP explain the rationale for excluding “past and present projects and activities” from the cumulative effects assessment for Siksika. We understand that the project baseline has been developed elsewhere in the document, but Siksika has not had any insight into how that was determined, and in an environment such as this – where existing coal mining (and other development) is producing a significant amount of disruption to the lands and a severe amount of pollution – we think it is necessary to consider those effects as part of the continuing impact on the land. Current coal mines and other industrial activity is not historical but present and ongoing.</p> <p>Siksika has indicated a primary concern about selenium levels in surface water, and how this may impact wildlife, fish and fish habitat, and the plants and medicines that rely on this water. To exclude the existing coal mines in the area, from any consideration of cumulative effects, creates a false baseline. The area has been polluted and damaged by coal development. The current state is not an ideal state. Any consideration of cumulative effects must address the reality that these waterways and the fish, and other species that rely on them are on the brink of devastation due to coal mining.</p>	<p>Before proceeding to a final version, Siksika would like to review the draft cumulative effects section of the environmental assessment document. This would greatly assist in our understanding of NWP's determination that there will be no cumulative effects on Aboriginal rights from this Project.</p> <p>The cumulative effects assessment should reflect this and the map on page 55 should include all current major industrial development in the area (i.e. the Teck mines).</p>	<p>Figure 29.7-5 Certain Past, Present, and Reasonably Foreseeable Future Projects and Activities in the ATRI RSA has been updated.</p>	<p>NWP to provide EA chapters for review to Siksika during the review phase.</p> <p>NWP correspondence to Siksika Nation (dated November 29, 2021) regarding “past and present projects and activities” inclusion into baseline conditions determination including rationale as to the focus of the cumulative effects assessment on reasonably foreseeable future projects and activities.</p>
				<p>Additionally, we recommend that NWP approach the issue of cumulative effects of the Project from a more holistic perspective. To assist in this process, and to better understand how the determination that “[n]o significant adverse cumulative effects were anticipated for VCs or VC groups that are related to Aboriginal and Treaty rights and interests” was made, Siksika requests a review of the draft cumulative effects chapter of the environmental assessment.</p>	<p>Additionally, we recommend that NWP approach the issue of cumulative effects of the Project from a more holistic perspective.</p>	<p>Updated Section 29.7.4.2 Identifying Past, Present, and Reasonably Foreseeable Projects and/or Activities to outline “past and present projects and activities” inclusion into baseline conditions determination including providing a detailed rationale as to the focus of the cumulative effects assessment on reasonably foreseeable future projects and activities.</p> <p>Updated Section 29.10.2 Potential Impact on Siksika Nation's Rights and Interests Assessment to determine cumulative impacts to biophysical VCs connected to Aboriginal and Treaty rights and interests including intangible cultural heritage where available and applicable.</p>	<p>NWP to provide EA chapters for review to Siksika Nation during the review phase.</p>

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	10	23.9.8	Impacts on Rights and Interests	Additionally, it is unclear to Siksika how NWP has determined that the Project will have "not significant" impacts on Siksika's Aboriginal and Treaty rights. Further information is required from Siksika in order for NWP to make this claim.		Updated Section 29.10 Assessment of Potential Impacts on the Siksika Nation's Rights and Interests to outline assessment of potential for impacts on the Siksika Nation's rights and interests described in consideration of the existing and potential future use of the Project footprint, the ATRI LSA, and the ATRI RSA by the Siksika Nation to exercise their rights and interests with and without the Project. This section includes a comparison of the impacts on the Siksika Nation's rights and interests in terms of the potential future exercise of the Siksika Nation's rights and interests in the Project footprint, the ATRI LSA, and the ATRI RSA.	NWP notes that engagement discussions and consultation with the Siksika Nation are ongoing and information provided will be reviewed and considered.