

# Appendix 31-A

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## Summary of Indigenous Consultation

Table 31-A.1: Summary of the Results of the MNA – Region 3 Consultation Related to Aboriginal Interests and Other Matters of Concern

MNA – Region 3 Rights and Related Interests/VC	MNA – Region 3 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
Traditional Use	<p>Issue provided in the Draft Effects Assessment Response October 22, 2021</p> <p>NWP has an imperative to handle Métis rights and land claims with dignity and respect and should not default to the Alberta Courts' faulty judgement on Cypress Hills. The notion that there were no Métis communities, regional or otherwise, in the Cypress Hills because it was Blackfoot territory is disputed and should not be used to minimize the assertion of a historic Métis presence in the area.</p>	<p>Potential residual effects including Métis 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"> <li>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 31, Section 31.7.3.2.</li> <li>The potential residual effects assessment is based on inputs from the MNA – Region 3 through engagement identified in Section 31.5.2 that outline the MNA – Region 3 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 MNA – Region 3'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.</li> <li>The potential residual effects assessment for the Project utilizes MNA – Region 3 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 MNA – Region 3 perspectives on development in the Elk Valley as outlined in Section 31.6.6.</li> <li>Impact management measures with respect to potential residual effects and where MNA – Region 3 perspectives were available are addressed in Section 31.9.</li> <li>The MNA – Region 3'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 31.10.2.1 where previous determinations on the degree of severity of adverse impacts were updated based on shared MNA – Region 3 perspectives.</li> <li>NWP has also indicated in Chapter 31 that it is committed to ongoing communication</li> </ul>	<p>The key mitigation measures to reduce impacts to the MNA – Region 3's rights and interests include:</p> <ul style="list-style-type: none"> <li>NWP is committed to an ongoing dialogue with the MNA – Region 3, including commitments to the following:</li> <li>Best management practices and procedures related to each VC of interest including the design of mitigation measures as outlined in the Application/EIS.</li> <li>Follow-up, monitoring and offsetting and compensation programs related to anticipated residual effects of select VCs.</li> <li>Implementation of the engagement agreement between NWP and the MNA – Region 3.</li> <li>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.</li> <li>Consideration of collaborative strategies for addressing the cumulative effects where applicable, with the MNA – Region 3, the identified Indigenous Communities, other proponents, and regulatory agencies.</li> <li>Follow the spirit and intent of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and its guiding principles.</li> <li>Support the recognition of Indigenous stewardship and governance in the Elk Valley.</li> <li>Recognize and respect the deep personal, community, and cultural attachment of the MNA – Region 3 to the land and resources where NWP does business.</li> <li>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.</li> </ul>	<p>The Project has the potential to impact the MNA – Region 3's rights and interests related to:</p> <ul style="list-style-type: none"> <li>Fishing: <ul style="list-style-type: none"> <li>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).</li> <li>The potential for temporary restrictions on access to the remaining sections of Alexander Creek due to Project activities (e.g., during blasting activities).</li> <li>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.</li> <li>The potential changes to the actual or perceived health and quality of potential fish species of cultural interest/use for country foods.</li> <li>The potential for the permanent alienation of the MNA – Region 3 from fishing locations within the Project footprint resulting in impacts to their ability to know and teach the Métis way of living.</li> </ul> </li> </ul> <p>The degree in severity of impact on the MNA – Region 3'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"> <li>The potential impacts to fish and fish habitat are predicted to be small in spatial extent.</li> <li>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.</li> <li>There is potential for the Project to result in the permanent alienation of the MNA – Region 3 from fishing locations within the Project footprint, for which there is no current mitigation identified.</li> <li>It is further noted that that this physical alteration and potential change in the opportunity of the MNA – Region 3 to practice related traditional activities (e.g., fishing) may also have impacts on intangible cultural heritage.</li> </ul>	<p>Issues have been considered in the effects assessment and are as documented in Chapters 4, 19, and 31 of the application.</p> <p>NWP is committed to ongoing communication on this issue through future consultation and engagement with the MNA Region 3.</p>

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MNA – Region 3 Rights and Related Interests/VC	MNA – Region 3 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>on cumulative effects through future consultation and engagement with the MNA – Region 3.</p> <p>As noted by NWP, limitations of information provided by the MNA – Region 3 are identified in the setting of the MNA – Region 3’s rights and interests in Section 31.6.6.</p>	<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 MNA – Region 3’s rights and interests based on the response to the concerns raised by the MNA – Region 3 and the identified Indigenous Communities:</p> <ul style="list-style-type: none"> <li>• Engaging with the MNA – Region 3 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 MNA – Region 3 within the Project footprint.</li> <li>• The Indigenous Impact Management Plan will further describe cross-cultural awareness training, which will be developed in collaboration where practicable, with the MNA – Region 3. 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.</li> <li>• Supporting possible opportunities to augment VC-specific monitoring programs to include responses to concerns raised by the MNA – Region 3 utilizing adaptive management approaches for follow-up strategies.</li> <li>• Participation in the Elk Valley Cumulative Effects Management Framework as co-led by the KNC.</li> <li>• Encouraging the participation of the MNA – Region 3 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.</li> <li>• Encouraging the participation of the MNA – Region 3 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.</li> </ul>	<ul style="list-style-type: none"> <li>• 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 MNA – Region 3.</li> <li>• Though baseline data was sufficient to evaluate effects for the fish and fish habitat VCs, there is no current information available indicating that the MNA – Region 3 use the watercourses within the Project footprint.</li> <li>• The MNA – Region 3 has also not expressed to date an interest in possibly using the Project-impacted watercourse (Alexander Creek) in the future.</li> <li>• 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 MNA – Region 3, 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 MNA – Region 3’s rights and interests.</li> <li>• Hunting and Trapping: <ul style="list-style-type: none"> <li>○ The potential localized changes in accessibility to wildlife associated with riparian vegetation/habitat.</li> <li>○ The potential for changes to accessibility to aquatic wildlife species of interest (e.g., waterfowl) with the change or loss of aquatic habitats.</li> <li>○ The potential for changes in wildlife food sources through changes to ecosystems/vegetation communities resulting in changes to wildlife species of interest movements/migrations.</li> <li>○ The potential stressor on wildlife population with increased access roads potentially attracting hunters, vehicle collisions, and increased road densities.</li> <li>○ The potential for reduction of the quality and accessibility of wildlife species of interest for traditional/cultural purposes or country foods.</li> <li>○ The potential for the permanent alienation of the MNA – Region 3 from hunting and trapping locations within the Project footprint resulting in</li> </ul> </li> </ul>	

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			<ul style="list-style-type: none"> <li>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.</li> <li>Incorporating feedback from the MNA – Region 3 in the development of an Access Management and Monitoring Program which would address 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.</li> <li>Supporting the establishment of conservation lands that may be privately held by NWP, an Indigenous Community, or a recognized conservation organization.</li> <li>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.</li> <li>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.</li> </ul> <p>For each potential impact as previously described and assessed in Section 31.7, the specific mitigation measures identified that relate to the MNA – Region 3’s rights and interests are described in the following sections and are also summarized in Table 31.9-1.</p> <p>Key mitigation measures for each MNA – Region 3 right/interest that may potentially be impacted include:</p> <ul style="list-style-type: none"> <li>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</li> </ul>	<p>impacts to their ability to know and teach the Métis way of living.</p> <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 MNA – Region 3 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 MNA – Region 3’s Treaty 7 rights based on the above.</p> <p>In terms of specific wildlife VCs, bighorn sheep have important significance within the MNA – Region 3’s spiritual and ceremonial teachings, songs, ceremonies, medicines, and stories as currently identified in Sections 31.5.4 and 31.6.6. Follow-up on impact management measures related to bighorn sheep are identified in Chapter 15 and included in the Indigenous Impact Management Plan (Section 31.9.2).</p> <p>The degree in severity of impact on the MNA – Region 3’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"> <li>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.</li> <li>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.</li> <li>With specific regard to bighorn sheep, as identified in Section 31.7.3.2.2, 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</li> </ul>	

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			<p>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 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 MNA – Region 3’s fishing rights including those related to their ability to know and teach the Métis way of living during all Project phases.</p> <ul style="list-style-type: none"> <li>• 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 MNA – Region 3’s hunting and trapping rights including those related to their ability</li> </ul>	<p>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.</p> <ul style="list-style-type: none"> <li>• Though baseline data was sufficient to evaluate effects for identified wildlife VCs, areas currently or potentially used by the MNA – Region 3 for hunting and trapping have not been identified within the Project footprint through publicly available information.</li> <li>• Information related to the MNA – Region 3’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 MNA – Region 3 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 MNA – Region 3’s rights and interests related to the use of lands and resources for traditional hunting and trapping.</li> <li>• There is potential for the Project to result in the permanent alienation of the MNA – Region 3 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 MNA – Region 3 to practice related traditional activities (e.g., hunting and trapping) may also have impacts on intangible cultural heritage.</li> <li>• 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 MNA – Region 3.</li> <li>• Continued consultation with the MNA – Region 3, 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 MNA – Region 3’s rights and interests.</li> <li>• Harvesting and Gathering: <ul style="list-style-type: none"> <li>○ The potential for reduction in the quality and accessibility of vegetation species of interest for traditional/cultural purposes or country foods.</li> </ul> </li> </ul>	

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			<p>to know and teach the Métis way of living during all Project phases.</p> <ul style="list-style-type: none"> <li>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 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 MNA – Region 3’s harvesting and gathering rights including those related to their ability to know and teach the Métis way of living during all Project phases.</li> <li>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 MNA – Region 3. 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</li> </ul>	<ul style="list-style-type: none"> <li>The potential for the permanent alienation of the MNA – Region 3 from harvesting and gathering locations within the Project footprint.</li> <li>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 MNA – Region 3 to harvest and gather plants.</li> <li>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 MNA – Region 3’s rights and interests.</li> <li>The potential for the permanent alienation of the MNA – Region 3 from harvesting and gathering locations within the Project footprint resulting in impacts to their ability to know and teach the Métis way of living.</li> </ul> <p>The degree in severity of impact on the MNA – Region 3’s rights and interests for the use of lands and resources for harvesting and gathering is rated as moderate based on the following:</p> <ul style="list-style-type: none"> <li>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 MNA – Region 3 from harvesting and gathering locations within the Project footprint for which there is no current mitigation identified.</li> <li>It is further noted that that this physical alteration and potential change in the opportunity of the MNA – Region 3 to practice related traditional activities (e.g., harvesting and gathering) may also have impacts on intangible cultural heritage.</li> <li>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 MNA – Region 3.</li> <li>Though baseline data was sufficient to evaluate effects for the related Project VCs, there is no current information available indicating that the MNA –</li> </ul>	

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			<p>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.</p> <ul style="list-style-type: none"> <li>• Social, Health, and Economic Conditions: The mitigation measures identified for the change to social, health, and economic conditions are as identified in Chapters 17 (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 MNA – Region 3’s traditional activities to reduce the impacts on the MNA – Region 3’s interests including those related to their ability to know and teach the Métis way of living during all Project phases.</li> </ul>	<p>Region 3 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.</p> <ul style="list-style-type: none"> <li>• 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 MNA – Region 3, 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 MNA – Region 3’s rights and interests.</li> <li>• Physical and Cultural Heritage: <ul style="list-style-type: none"> <li>○ The potential loss of pre-contact archaeological artifacts (if present) and tree throws related to physical and cultural heritage.</li> <li>○ The potential loss/disconnection of historic and present-day travel routes and trail if present within or crossing new roads and infrastructure footprint.</li> <li>○ 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.</li> <li>○ 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.</li> <li>○ The Project has the potential to impact on the MNA – Region 3’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.</li> <li>○ The potential for changes to ceremonial or sacred areas associated with Grave Creek and West Alexander Creek.</li> <li>○ There is also the potential discovery of pre-contact archaeological resources (if present) in unconsolidated material or during progressive clearing activities.</li> <li>○ The potential for the permanent alienation of the MNA – Region 3 from their cultural heritage due to the intangible value associated with a sense of place within the Project footprint.</li> </ul> </li> </ul>	

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				<p>The degree in severity of impact on the MNA – Region 3’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"> <li>• 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 MNA – Region 3 based on their potential linkage to the MNA – Region 3 ancestry though none have been identified based on preliminary consultation with the MNA – Region 3.</li> <li>• Though baseline data was sufficient to evaluate effects for known heritage resources, the lack of regional information on the MNA – Region 3’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.</li> <li>• There is potential for the permanent alienation of the MNA – Region 3 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 MNA – Region 3 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 MNA – Region 3’s intangible cultural heritage requires further input from the MNA – Region 3.</li> <li>• Continued consultation with the MNA – Region 3, 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 MNA – Region 3’s rights and interests.</li> <li>• Social, Health, and Economic Conditions: <ul style="list-style-type: none"> <li>○ The potential Project nuisance effects to residents due to noise and vibration.</li> <li>○ The potential change in availability/reliance on country food.</li> <li>○ The loss of potential access to species for traditional purposes due to loss of sections of West Alexander Creek.</li> <li>○ The potential for the permanent alienation of the MNA – Region 3 from traditional use locations within the Project footprint.</li> </ul> </li> </ul>	



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				<ul style="list-style-type: none"> <li>○ The potential for public safety risks due to physical hazards.</li> <li>○ The Project has the potential to impact on the MNA – Region 3’s rights and interests due to the potential change in population and demographics.</li> <li>○ The potential change in community health and well-being.</li> <li>○ The potential change due to the influx of new employees to the region that could potentially contribute to social impacts, including safety risks.</li> </ul> <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 MNA – Region 3 to date, there are no anticipated interactions between the Project and the MNA – Region 3 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 31.9), 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> <p>The degree in severity of impact on the MNA – Region 3’s social, health, and economic conditions is rated as low based on the following:</p>	

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				<ul style="list-style-type: none"> <li>The potential impacts are likely to be small in spatial extent, reversible long-term, and with few effects to health and/or country foods.</li> <li>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 MNA – Region 3 from locations within the Project footprint. It is further noted that that this physical alteration and potential change in the opportunity of the MNA – Region 3 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 MNA – Region 3’s intangible cultural heritage requires further input from the MNA – Region 3.</li> <li>Though baseline data was sufficient to evaluate effects for socio-community, economic, and human health VCs, areas currently or potentially used by the MNA – Region 3 for traditional purposes have not been identified within the Project footprint by the MNA – Region 3 and the impact on rights assessment is based on the publicly available information.</li> <li>As such, there is no information indicating that the MNA – Region 3 currently uses the Project footprint for social, health, and economic conditions.</li> </ul> <p>Continued consultation with the MNA – Region 3, 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 MNA – Region 3’s rights and interests.</p>	
Cumulative Effects Assessment – Heritage Resources	<p>Issue provided in the Draft Effects Assessment Response October 22, 2021</p> <p>With respect to the identification of Heritage Resources, and the residual cumulative effects the Project may have on them; while NWP has identified these effects as not being considered significant, this is based on information that is not complete or has not yet been collected. It should be noted that the cumulative effects are considered to not be significant at this time, with a recognition that the lack of information</p>	<p>Updates added to Chapter 31 to reflect consultation and on-going engagement.</p> <p>Section 31.5 details our preliminary understanding of the MNA – Region 3’s rights and interests and how feedback received from the MNA – Region 3 was incorporated into the effects assessment process.</p> <p>Where the MNA – Region 3 highlighted the further consideration of the cumulative effects of the Project in relation to the past and present projects and activities related to coal mining, further clarity on what projects and activities were included in the cumulative effects</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 MNA – Region 3’s rights and interests:</p> <ul style="list-style-type: none"> <li>Best management practices and procedures related to each VC of interest are based on MNA – Region 3 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.</li> <li>Restoration and progressive reclamation at various phases of the Project related to</li> </ul>	<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, potential</p>	<p>Issue has been considered in the effects assessment and is documented in Chapter 31 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, and the reasonable future developments.</p>

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	<p>on cultural heritage resources and Indigenous Knowledge pertaining to it is not evidence of a lack of that information existing, and that such information could be provided at a later time.</p>	<p>assessment was provided to the MNA – Region 3 as a follow up to the feedback received. Section 31.7.4 includes updated maps and further details on those projects and activities included in the assessment process.</p> <p>Where information was available on the MNA – Region 3’s perspectives, they have been included in Sections 31.6 to 31.10.</p> <p>Key issues that remain outstanding and are included in the opportunities for future engagement are the incorporation of MNA – Region 3’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>cumulative effects in an effort to address the usually slow reclamation progress in the Elk Valley.</p> <ul style="list-style-type: none"> <li>• As part of the cumulative effects mitigation and the overall impact management measures, NWP will encourage the participation of the MNA – Region 3 on the applicable Project Advisory, Environmental Stewardship and Reclamation Planning committees.</li> <li>• 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.</li> <li>• 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 MNA – Region 3’s rights and related interests and utilizes adaptive management approaches for follow-up strategies and monitoring programs.</li> <li>• Consideration of collaborative strategies for addressing the cumulative effects where applicable, with MNA – Region 3, the identified Indigenous Communities, other proponents, and regulatory agencies.</li> <li>• Participation in the Elk Valley Cumulative Effects Management Framework as co-led by the KNC and other relevant regional cumulative effects initiatives, where appropriate.</li> <li>• Supporting possible opportunities to augment VC-specific monitoring programs to include responses to concerns raised by the MNA – Region 3 utilizing adaptive management approaches for follow-up strategies.</li> <li>• Adopting management practices and measures to meet regional planning objectives, where practicable, over the course of the Project.</li> <li>• Supporting the recognition of Indigenous stewardship and governance in the Elk Valley and respecting MNA – Region 3 perspectives</li> </ul>	<p>residual cumulative effects are anticipated to occur as they relate to:</p> <ul style="list-style-type: none"> <li>• The use of lands and resources for traditional purposes (i.e., fishing, hunting and trapping, harvesting and gathering);</li> <li>• Physical and cultural heritage, and structures, sites, or things of historical, archaeological, paleontological, or architectural significance; and</li> <li>• Social, health, and economic conditions.</li> </ul> <p>Though potential residual cumulative effects to VC or VC groups that may be of interest to the MNA – Region 3 are not assessed as significant, a conservative approach to the assessment of residual cumulative effects on the MNA – Region 3 indicates residual cumulative effects may occur. Residual cumulative effects assessments for potential cumulative effects are presented in Sections 31.7.4.4.1 to 31.7.4.4.5.</p> <p>The Project has the potential to impact the MNA – Region 3’s rights and interests related to cumulative effects that may result in cumulative impacts addressed as follows:</p> <ul style="list-style-type: none"> <li>• Fishing: <ul style="list-style-type: none"> <li>○ While the degree in severity of impact on the MNA – Region 3’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.</li> <li>○ 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 MNA – Region 3 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 31.7.4.2).</li> <li>○ 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.</li> </ul> </li> </ul>	<p>NWP is committed to ongoing communication on this issue through future consultation and engagement with the MNA Region 3.</p>

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			<p>on their use of lands and resources for traditional purposes.</p> <ul style="list-style-type: none"> <li>Continued consultation and engagement with the MNA – Region 3 over the course of the Project to identify and understand current use of lands and resources for traditional purposes within the ATRI LSA and ATRI RSA.</li> </ul> <p>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>	<ul style="list-style-type: none"> <li>Métis 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”.</li> <li>The cumulative impact is determined as moderate due to the lack of information available from the MNA – Region 3 regarding their opportunity to conduct traditional fishing within the Project footprint at this time.</li> <li>It is expected that their ability to know and teach the Métis way of living can continue outside of the Project footprint during all Project phases.</li> <li>Hunting and Trapping: <ul style="list-style-type: none"> <li>While the degree in severity of impact on the MNA – Region 3’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.</li> <li>The Project in combination with other reasonably foreseeable future projects and activities is not anticipated to reduce the ability and opportunity of the MNA – Region 3 to practice rights and related interests related to hunting and trapping within the ATRI RSA.</li> <li>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).</li> <li>The moderate rating also reflects that the MNA – Region 3 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.</li> <li>It is expected that their ability to know and teach the Métis way of living can continue outside of the Project footprint during all Project phases.</li> <li>Uncertainty also exists regarding the implications of regional climatic changes that may impact wildlife habitat availability.</li> </ul> </li> <li>Harvesting and Gathering: <ul style="list-style-type: none"> <li>The degree in severity of impact on the MNA – Region 3’s rights and interests for the use of lands and resources for harvesting and gathering</li> </ul> </li> </ul>	

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				<p>is rated as moderate to reflect the cumulative impacts.</p> <ul style="list-style-type: none"> <li>○ 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 MNA – Region 3 to practice their rights and interests related to harvesting and gathering within the ATRI RSA.</li> <li>○ 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.</li> <li>○ Due to on-going impacts of past and present projects and activities in combination with other reasonably 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.</li> <li>○ The cumulative impact is also determined as moderate due to the lack of information available from the MNA – Region 3 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 Métis way of living can continue outside of the Project footprint during all Project phases.</li> <li>● Physical and Cultural Heritage:             <ul style="list-style-type: none"> <li>○ While the degree in severity of impact on the MNA – Region 3'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.</li> <li>○ There is potential for physical and cultural heritage resources and structures, sites, or things</li> </ul> </li> </ul>	

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				<p>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.</p> <ul style="list-style-type: none"> <li>○ 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).</li> <li>○ 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.</li> <li>○ 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.</li> <li>○ 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.</li> <li>○ The cumulative impact is determined as moderate due to the lack of information available from the MNA – Region 3 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 Métis way of living can continue outside of the Project footprint during all Project phases.</li> </ul> <ul style="list-style-type: none"> <li>● Social, Health, and Economic Conditions:</li> </ul>	

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				<ul style="list-style-type: none"> <li>○ The degree in severity of impact on the MNA – Region 3’s social, health, and economic conditions is rated as low to reflect the cumulative impacts.</li> <li>○ 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.</li> <li>○ 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.</li> <li>○ 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.</li> <li>○ The cumulative impact is determined as low due to the lack of information available from the MNA – Region 3 regarding their opportunity to conduct traditional activities related to country food consumption within the Project footprint at this time.</li> <li>○ It is expected that their ability to know and teach the Métis way of living can continue outside of the Project footprint during all Project phases.</li> <li>● Continued consultation with the MNA – Region 3, 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 MNA – Region 3’s rights and interests.</li> </ul>	

Table 31-A.2: Comments Received from Indigenous Communities on the Draft Effects Assessment and Recommendations Addressed

Date Received	Comment No.	Original EIS Section No.	Original 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 31	NWP's Response to Comment / Disposition to Issue
Oct-22-2021	1	23.11.1	Introduction	Métis Nation of Alberta Region 3 Region 3 should be referred to as MNA Region 3 or MNAR3 through this document. The MNA refers to MNA Provincial Office.	Update MNA to Métis Nation of Alberta Region 3	Updated to Métis Nation of Alberta Region 3, MNA Region 3, and MNA R3 wherever applicable.	
	2	23.11.3.1	Engagement Protocols	The process for consulting the Métis regarding Crown actions that could impact Métis Aboriginal rights and interests in the Province of Alberta has been updated since the July 2009 consultation policy. The current implementation of Crown consultation and the MNA is outlined in the MNA-Canada Consultation Agreement established in July of 2018.	Update to the July 2018 MNA-Canada Consultation Agreement.	Update added to Section 31.5.1 Engagement Protocols:  Since the release of the July 2009 consultation policy, the process for consulting the Métis regarding Crown actions that could impact Métis Aboriginal rights and interests in the Province of Alberta has been updated. The current implementation of Crown consultation and the MNA is outlined in the MNA-Canada Consultation Agreement established in July 2018 (MNA, 2018).	N/A
	3	23.11.3.3	Future Engagement	NWP Coal notes that IAAC has indicated that the duty to consult with MNA in relation to the Project is at the low end of the consultation spectrum. MNA Region 3 is requested information related to this determination for evaluation.		Update added to Section 31.5.4 Preliminary Understanding of Rights and Interests:  Section 31.5.4 of the Project Application/EIS addresses MNA – Region 3's rights and interests as identified by the Impact Assessment Agency of Canada (IAAC) (formerly the Canadian Environmental Assessment Agency [CEAA]). Information received from the Agency on May 10, 2021 (IAAC, 2021c), indicates the following as their preliminary understanding of the nature and extent of MNA – Region 3's potential Aboriginal rights and interests.  <i>Excerpts from the correspondence follow here.</i>  While the Agency's understanding of MNA – Region 3 interests list Hunting, Harvesting, and Gathering, it should also be noted that there are cultural, spiritual, and environmental interests related to freedom of travel in the area, experiential enjoyment of the land, air, and water, as well as the ability for future generations to experience and exercise rights in the area in the same way as previous generations (MNA R3, 2021b).  In consultation with MNA – Region 3, the preliminary potential impacts to Métis rights and interests are recognized as generally adequate, consideration for additional potential adverse environmental effects are listed in the comments provided by the MNA – Region 3 on October 22, 2021 (MNA R3, 2021b). As per NWP's understanding of the MNA – Region 3's rights and interests, IAAC indicated their revised understanding of potential impacts of the Project on MNA – Region 3's Aboriginal rights (IAAC, 2021c) to include:	NWP to coordinate with IAAC to provide MNA Region 3 with Letter from IAAC determining that MNA Region 3 is at the low end of the consultation spectrum.



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						<ul style="list-style-type: none"> <li>• Hunting and Trapping;</li> <li>• Harvesting and Gathering;</li> <li>• Fishing;</li> <li>• Ceremonial/Sacred (i.e., Culturally Significant) Areas;</li> <li>• Access and Travel (and Trade) Routes;</li> <li>• Physical and Cultural Heritage; and</li> <li>• Social, Health, and Economic (i.e., Health and Socio-Economic) Conditions.</li> </ul>	
				With respect to NWP's commitment to ongoing dialogue with the MNA and formalizing consultation protocols between NWP and MNA; this should specifically reference the 2018 MNA-Canada Consultation agreement, which is the Federally recognized mechanism for consulting with the MNA.	Specifically reference the 2018 MNA-Canada Consultation Agreement.	<p>Update added to Section 31.5.3 Future Engagement:</p> <p>NWP is committed to an ongoing dialogue with MNA Region 3, including a commitment to the following:</p> <ul style="list-style-type: none"> <li>• Entering into an agreement to formalize consultation protocols between NWP and MNA Region 3, with special consideration to the MNA-Canada Consultation Agreement (the federally recognized mechanism for consulting with the MNA).</li> </ul>	N/A
	4	23.11.3.3	Future Engagement	While NWP mentions its commitment to possible mitigation for potential impacts to Métis rights and interests, there is also a need to commit to potential accommodation measures for impacts that cannot be mitigated.		<p>Update added to Section 31.5.3 Future Engagement:</p> <p>NWP is committed to an ongoing dialogue with MNA – Region 3, including a commitment to the following:</p> <ul style="list-style-type: none"> <li>• Entering into an agreement to formalize consultation protocols between NWP and MNA Region 3, with special consideration to the MNA-Canada Consultation Agreement (the federally recognized mechanism for consulting with the MNA);</li> <li>• Supporting site visits from representatives of the MNA – Region 3;</li> <li>• Identifying mitigation and accommodation measures to prevent/offset impacts to valued components; and</li> <li>• Discussing possible mitigation for potential impacts to MNA – Region 3 rights and interests.</li> </ul>	<p>NWP notes that engagement discussions and consultation with the MNA Region 3 are ongoing and information provided will be reviewed and considered.</p> <p>NWP to address potential accommodation measures through further consultation for impacts that cannot be mitigated and where appropriate to accommodate.</p>
	5	23.11.4.1	Governance	MNA Region 3 can not speak to the accuracies for the Métis Settlements General Council (MSGC) information.		<p>Updated in Section 31.6.1 Governance:</p> <p>The MNA's Provincial Council is led by the Provincial President and Vice President, in conjunction with the Presidents and Vice Presidents of the six administrative Regions within the MNA, who are each elected to office for four-year terms (MNA R3, 2021b).</p>	

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	6	23.11.4.2	History and Ethnography	<ul style="list-style-type: none"> <li>• More recent documentation does indicate that the European men arrived in Canada earlier than the 1700's. My family dates to the 1600's (Nicole Shepherd) some other families date back further but I do not have a public record on this currently but can provide it in the upcoming study with applicable references. (My apologies, after loosing all the data it was difficult to pull everything together in one week).</li> <li>• St. Paul des Métis is better referred to as the first Métis colony, with lands provided to the Catholic Church which in turn established a "Métis Colony". While the foremost explanation of St. Paul's failure is public homesteading, there were other reasons, including: <ul style="list-style-type: none"> <li>○ The community of St. Paul began in 1896 as a Metis "colony" known as "Saint-Paul-Des-Metis".<sup>1</sup> The collapse of the Bison economy and dismal outcome of the 1885 Red River Resistance further contributed to the marginalization that Metis in the prairies had suffered. Father Albert Lacombe, who had sympathy for the Metis,<sup>2</sup> petitioned the Dominion of Canada for land and resources to alleviate the hardships of Metis in the area that would become MNA Region 2. The Dominion granted Lacombe's request for a Metis colony, and at its peak, the colony was home to over fifty families.<sup>3</sup> Disaster plagued the colony at every turn. Crop yields suffered due to volatile weather<sup>4</sup>, and a fire destroyed the community school.<sup>5</sup> Financial aid was promised by the Dominion, but never arrived. Unbeknownst to the Metis living in the ravaged Saint-Paul-Des-Metis, the Dominion reclassified the colony, allowing European settlers to take residence.<sup>6</sup> "Des-Metis" was dropped from the name, and the former colony's population exploded. Settlers and Metis immediately forged close ties, and inclusivity is a defining trait of the modern-day Saint Paul.</li> </ul> </li> </ul>		<p>Update added to Section 31.6.2 History and Ethnography:</p> <p>The Métis are the descendants of Aboriginal women (mainly Cree, Ojibway, or Dene) and European men (mainly French, English, or Scottish), who arrived in Canada during the 16th century to participate in the fur trade (Foster, et al., 2013; Library and Archives Canada, 2020; Teillet, 2013).</p> <p>Communities of Métis people settled along the routes of the fur trade. The first Métis colony in Alberta was St. Paul des Métis with lands provided to the Catholic Church in 1895 by the federal government but terminated in 1905 (MSGC, 2018). The community of St. Paul began in 1896 as a Metis "colony" known as "Saint-Paul-Des-Métis" (Ens, et al., 2016, p 246). The collapse of the bison-based economy and the dismal outcome of the Red River Resistance in 1885 further contributed to the marginalization that the Métis people in the prairies had suffered. Father Albert Lacombe, who had sympathy for the Métis, petitioned the Dominion of Canada for land and resources to alleviate the hardships of Métis in the area that would become MNA Region 2 (Ens, et al., 2016, p 246). The Dominion granted Lacombe's request for a Métis colony, and at its peak, the colony was home to over fifty families (Ens, et al., 2016, p 590). Disaster plagued the colony at every turn. Crop yields suffered due to volatile weather (Ens, et al., 2016, p 250), and a fire destroyed the community school (Ens, et al., 2016, p 251). Financial aid was promised by the Dominion, but never arrived. Unbeknownst to the Métis living in the ravaged Saint-Paul-Des- Métis, the Dominion reclassified the colony, allowing European settlers to take residence (Ens, et al., 2016, p 251-254). "Des-Metis" was dropped from the name, and the former colony's population exploded. Settlers and Métis immediately forged close ties, and inclusivity became a defining trait of the modern-day Saint Paul.</p>	N/A
	7	23.11.4.5	Traditional Territory and Asserted Rights & Interests	NWP Coal Canada Ltd. Has an imperative to handle Métis rights and land claims with dignity and respect and should not default to the Alberta Courts' faulty judgement on Cypress Hills. The notion that there were no Métis communities, regional or otherwise, in the Cypress Hills because it was Blackfoot territory is disputed and should not be used to minimize the assertion of a historic Métis presence in the area.		<p>Update added to Section 31.6.5 Community and Traditional Territory:</p> <p>There are no Métis settlements identified within Region 3 of MNA, there is however the assertion of a historic Métis presence in the area (MNA R3, 2021b). Rights of Métis Nation are recognized an affirmed in</p>	

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						<p>Section 35 of the Constitution Act of 1982. MNA Region 3 asserts Aboriginal rights including hunting, fishing, and plant gathering. The MNA takes the position that in Alberta, the Métis rights-bearing community co-exists with First Nations rights throughout all of Alberta (MNA, 2009). Métis harvesting rights in Alberta are outlined in the Métis Harvesting in Alberta Policy (2019), which is further described under Section 31.6.6.3 below. The policy recognizes the rights of eligible MNA citizens to hunt, fish, and trap for food in four large regional Métis Harvesting Areas in central and northern Alberta (Figure 31.6-1) (MNA R3, 2021b). The MNA has an approval process for Métis citizens of Alberta that wish to apply for a Métis Harvester Licence (MNA, 2021e).</p>	
				<p>While the Agency's understanding of MNA interests list Hunting, Harvesting, and Gathering, it should also be noted that there are cultural, spiritual, and environmental interests related to freedom of travel in the area, experiential enjoyment of the land, air, and water, as well as the ability for future generations to experience and exercise rights in the area in the same way as previous generations.</p>		<p>Update added to Section 31.6.5 Community and Traditional Territory:</p> <p>According to the Aboriginal Treaty Rights Information System (ATRIS), the Court of Appeal of Alberta, made a final decision for the case on Hirsekorn, who claimed an aboriginal right to hunt for food after he was charged with hunting wildlife outside an open season on July 4, 2013. Hirsekorn, who was Métis, shot a mule deer near Elkwater, which was on the western edge of the Cypress Hills in southern Alberta. The Alberta Provincial Court concluded that he failed to prove that there was a historic rights-bearing Métis community in southern Alberta before the time of European control. The Alberta Court of Queen's Bench agreed, concluding more specifically that hunting in the Cypress Hills area did not become integral to Métis culture until after effective control. The Alberta Court of Appeal upheld the Court of Queen's Bench decision. No Métis community had sufficient presence in the Cypress Hills and environs leading up to the time of effective control, which occurred in 1874. The decision indicating that there were no Métis communities settled in the Cypress Hills area in southeast Alberta because that was Blackfoot territory is disputed and should not be used to minimize the assertion of a historic Métis presence in the area (MNA R3, 2021b). At the time, Blackfoot territory covered the southern half of Alberta and Saskatchewan and west to the Rockies (ATRIS, 2020).</p> <p>In 2016 the Supreme Court of Canada ruled in Daniels v. Canada that "Indians" under section 91(24) of the</p>	<p>N/A</p>

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						Constitution Act, 1867 includes all Aboriginal peoples, including non-status Indians and Métis. By this, the federal government has legislative authority with respect to non-status Indians and Métis (ATRS, 2020). As stated above in Section 31.6.1, MNA and the Federal Government of Canada signed the Métis Government Recognition and Self-Government Agreement in June 2019. This agreement represents formal recognition of Métis Nation of Alberta's right to self-government (Dillon, 2019).	
	8	23.11.4.5	Traditional Territory and Asserted	<p>While the listed preliminary potential impacts to Métis rights and interests are generally adequate, consider the additional potential adverse environmental effects for inclusion:</p> <ul style="list-style-type: none"> <li>Natural effects that may increase as a result of a residual effect of human disturbances. <ul style="list-style-type: none"> <li>i.e., alternate prey competition due habitat change/damage made by humans that could affect harvesting availability of preferred species with new influx of other species, potentially those classified as species of concern.</li> <li>increased fire events because of tree removal.</li> <li>increase flood events because of poor remediation or alterations to watercourse crossings/aquatic habitat.</li> </ul> </li> <li>Potential cumulative effects on inherent rights; address how will the methodology be carried out, how have indicators been chosen (has this been done collaboratively with Indigenous?); how has criteria or thresholds been considered, and again, have they been discussed with Indigenous to gain thoughts on values, indicators, and other impacts not otherwise considered?</li> <li>How rights are being considered in the planning for cumulative effects as well as for general environmental effects; are requirements or criteria adequately as well as meaningfully capturing Indigenous concerns? Is there a process? How are they selected? Are these available for communities to review to co-evaluate to be sure concerns are accurately captured and heard; driving home the concept of transparency and need for adequate and fulsome (ongoing) engagements, consultation, and discussions?</li> </ul>	Inclusion of natural effects that may increase as a result of a residual effect of human disturbances into traditional territory and asserted rights.	<p>Update added to Section 31.6.5 Community and Traditional Territory:</p> <p>There is a potential for the Project to affect the MNA – Region 3's Aboriginal rights. Therefore, MNA – Region 3's cultural and traditional heritage and traditional knowledge and land use must be taken into consideration and accommodated where appropriate in relation to the Project. An activity that has the potential to infringe on the Aboriginal rights of MNA – Region 3 will trigger the Crown's duty to consult with MNA – Region 3.</p> <p>In consultation with MNA Region 3, the preliminary potential impacts to Métis rights and interests are recognized as generally adequate, however consideration for additional potential adverse environmental effects are listed in the comments provided by the MNA Region 3 on October 22, 2021. In the comments provided MNA Region 3 included emphasis on natural effects that may increase as a result of a residual effect of human disturbances such as alternate prey competition due to habitat changes that could affect the harvesting availability of preferred species including the influx of other species potentially those classified as species of concern, increased fire events because of tree removal, increased flood events because of poor remediation or alterations to watercourse crossings/aquatic habitats, and potential cumulative effects on inherent rights (MNA R3, 2021b).</p>	<p>NWP to consult with IAAC on MNA Region 3's Traditional Territory and Asserted Rights.</p> <p>NWP to provide EA chapters for review to MNA Region 3 during the review phase.</p>
				Identify how potential cumulative effects on inherent rights are being collaborated on with ICs regarding on indicators, criteria, thresholds, and values.		Section 31.10 Assessment of Potential Impacts on Métis Nation of Albert – Region 3's Rights and Interests includes Section 31.10.1 Assessment Methods that details the indicators, criteria,	NWP to provide EA chapters for review to MNA Region 3 during the review phase

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						<p>thresholds, and values being utilized for the assessment of potential cumulative impacts on Indigenous rights and interests. Section 31.10.2.1 Characterization of Severity of Adverse Impact on MNA – Region 3's Rights and Interests addressed the impact on rights is considered in relation to potential effects of the Project.</p>	
				<p>Identify how rights are being considered in the planning for cumulative effects as well as for general environmental effects.</p>		<p>Section 31.7.4 Cumulative Effects Assessment of the Changes to the Environment on MNA – Region 3 includes Section 31.7.4.1 Cumulative Effects Assessment Methods that details the indicators, criteria, thresholds, and values being utilized for the assessment of potential residual cumulative effects on MNA – Region 3. Section 31.7.4.2 Identifying Past, Present, and Reasonably Foreseeable Projects and/or Activities, 31.7.4.3 Identification of Potential Cumulative Effects of Changes to the Environment on MNA – Region 3, and 31.7.4.4 Potential Residual Cumulative Effects of the Changes to the Environment on MNA – Region 3 address the cumulative effects of the Project on MNA – Region 3 in combination with the past, present, and reasonably foreseeable future project and/or activities in relation to potential effects of the Project.</p>	
	9	23.11.4.6	Community	<p>The MNA is divided into six administrative geographical Regions, each with its own Regional Office. These are in addition to the Provincial Head Office located in Edmonton. There are Métis Locals within each Region. Be careful when referring to Local offices, as Métis Locals are a branch of the MNA's governance structure which are distinct from the Region.</p> <p>The MNA's Provincial Council is led by the Provincial President and Vice President, in conjunction with the Presidents and Vice Presidents of the six administrative Regions within the MNA, who are each elected to office for four-year terms. The governing body of the MNA is presently comprised of the following representatives: Audrey Poitras - Provincial President, Dan Cardinal - Provincial Vice President, James Cardinal - Region 1 President, Jason Ekeberg - Region 1 Vice President, Duane Zaraska - Region 2 President, Andrea Sandmaier - Region 2 Vice President, Lawrence Gervais - Region 3 President, Judy Gentes - Region 3 Vice President, Dr. Tracy Friedel - Region 4 President, Gary Gagnon - Region 4 Vice President, Elmer Gullion - Region 5 President, Hilda Lambert - Region 5 Vice President, Carol Ridsdale - Region 6 President, Barry Dibb - Region 6 Vice President</p>		<p>Comment identifying current leadership not included to maintain consistency between the Indigenous Communities chapters.</p> <p>Update added to Section 31.6.5.1 Community:</p> <p>As discussed under Section 31.6.1, MNA is divided into six administrative geographical Regions, each with its own Regional office shown in Figure 31.6-2. According to MNA, the Provincial Head Office is located in Edmonton, the other five regions are represented by local offices (i.e., Region 1: Lac La Biche, Region 2: Bonnyville, Region 4: Edmonton, Region 5: Slave Lake, and Region 6: Peace River). Métis Locals are a branch of the MNA's governance structure which are distinct from the Region and there are Métis Locals within each Region (MNA R3, 2021b). Region 3 is a boundary established by the MNA to represent Métis peoples living in southern Alberta with the regional office for Region 3 being located in Calgary. There are eight Métis Settlements in Alberta; none are located in Region 3.</p>	N/A

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	10	23.11.4.7	Historic and Current Use of Lands and Resources for Traditional Purposes	<ul style="list-style-type: none"> <li>• There are currently four regional Métis harvesting areas in central and northern Alberta.</li> <li>• It should be acknowledged that Region 3 in Alberta falls within an area the Métis do not currently have harvesting rights recognized by Alberta. The lack of recognition from Alberta regarding the Métis right to harvest in southern Alberta is disputed by the MNA and MNA Region 3. Alberta's failure to recognize this right is not an indication that the right does not exist, nor that this right will not be recognized in the future. Currently this right to hunt and harvest in Region 3 is exercised through mechanisms outside the Alberta Métis Harvesting agreement, such as through provincial fishing and hunting licenses.</li> <li>• Given that harvesting rights are exercised through means other than the current provincial harvesting policy, and that the province of Alberta may in the future formally recognize the existence of harvesting rights in southern Alberta, how will impacts to these rights be mitigated or accommodated?</li> <li>• NWP Coal Canada Ltd. was unable to locate publicly available information related to historic and current land use and recognizes that further information on land use will be updated through continued engagement with the MNA. It should be further noted lack of access to Indigenous Knowledge is not evidence of a lack of Indigenous Knowledge itself. It needs to be clearly recognized that if Indigenous Knowledge on an area hasn't been provided or hasn't been found, that should not be taken as a negative inference against the existence of Indigenous Knowledge in that area, nor should it be binding. In some cases, Indigenous knowledge has not been collected, is not in a form that can be shared, or is deemed too sensitive to share within existing Knowledge sharing frameworks.</li> <li>• Also, to be noted that the Métis are recognized in all of Alberta on Federal Level which would include Crown Lands in Southern Alberta.</li> </ul>		<p>Update added to Section 31.6.5 Community and Traditional Territory:</p> <p>Métis harvesting rights in Alberta are outlined in the Métis Harvesting in Alberta Policy (2019), which is further described under Section 31.6.6.3 below. The policy recognizes the rights of eligible MNA citizens to hunt, fish, and trap for food in four large regional Métis Harvesting Areas in central and northern Alberta (Figure 31.6-1) (MNA R3, 2021b). The MNA has an approval process for Métis citizens of Alberta that wish to apply for a Métis Harvester Licence (MNA, 2021e).</p> <p>Updates added to Section 31.6.6 MNA – Region 3's Rights and Interests: Historic and Current Use of Lands and Resources for Traditional Purposes:</p> <p>Métis harvesting rights in Alberta are outlined in the Métis Harvesting in Alberta Policy (2019). A large portion of Region 3 in Alberta falls within an area that Métis do not currently have harvesting rights recognized by the Government of Alberta and is disputed by the MNA and MNA – Region 3 (MNA R3, 2021b). The Métis Harvesting Agreement includes Métis harvesting rights in the north of Region 3 and MNA members living in Region 3 are able to harvest in central and northern Alberta if they can show a historical and contemporary connect there (MNA, 2021e). Currently, the right to hunt and harvest in Region 3 is exercised through mechanisms outside the Alberta Métis Harvesting Agreement, such as through provincial fishing and hunting licenses. As the Métis people are recognized in Alberta federally, this includes Crown lands in Southern Alberta (MNA R3, 2021b).</p> <p>Information on MNA – Region 3's current and historic use of lands is not publicly available, as such, information related to historic and current land use is not presented. NWP recognizes that the lack of access to Indigenous Knowledge is not evidence of a lack of Indigenous Knowledge itself. Indigenous Knowledge may not be publicly available for reasons that include currently undergoing collection activities, being in a form that cannot be shared, or deemed too sensitive to share within existing Indigenous Knowledge sharing frameworks.</p>	N/A

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	11	23.11.4.7.1	Historic and Current Use of Lands and Resources for Traditional Purposes - Fishing	As above, the lack of information on historic or current use of fish in the vicinity should not be taken as an indication the information does not exist, and as in the above section, it should be noted that further information in this regard will be updated through continued engagement with the MNA.		<p>Update added to Section 31.6.6.1 Fishing:</p> <p>As noted in Section 31.5, at the time of the Application/EIS submission, the MNA – Region 3 did not provide a Traditional Land-Use Study (TK/TLU) to NWP. Where Indigenous Knowledge was provided by the MNA – Region 3 (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 MNA – Region 3 did provide information related to mitigation measures, those have been included in the Indigenous Impact Management Plan (Section 31.9).</p> <p>Limitations of information for assessing the Project effects to the MNA – Region 3's rights and interests include the lack of specific information regarding the spatial distribution of site-specific knowledge and use values reported by Métis citizens 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 Métis knowledge holders and based on Métis oral histories, any intangible non-site specific values that may include reported Métis 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.</p> <p>For the use of lands and resources for traditional purposes, site-specific knowledge and use values associated with subsistence sites, transportation, and</p>	N/A

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						<p>related environmental features including seasonal access and usage from Métis knowledge holders would further support and guide the assessment of Project-related effects within the Project footprint, the ATRI LSA, and the ATRI RSA in terms of potential interactions during the Project lifecycle.</p> <p>It is understood that present day availability of lands for the practice of traditional activities is reduced from the increased pressure on those lands by agriculture, residential development, mining, forestry, and park creation, among other modern developments. There is recognition within this assessment process that current use may not be reflective of desired current use, as Indigenous Communities have been impacted in many ways that may have impeded their ability to undertake some traditional activities (e.g., loss of knowledge between generations). Current use as defined in Chapter 31 is reflective of current use of lands and resources for traditional purposes as well as preferred future use as desired by the MNA – Region 3.</p> <p>As the MNA – Region 3 did not provide a Project-specific Traditional Land-Use Study (TLU), the information available to describe the baseline information for the Métis' rights and interests in the following sections was based on publicly available information and those activities and correspondence that detail Project-specific information available from the MNA – Region 3 to be shared publicly. NWP's understanding of the Métis' rights and interests is limited to those confirmed by the MNA – Region 3 in Section 31.5.4 with limitations identified in Section 31.4.1.1, and as such, no information on the description and characterization of the location of hunting camps and cabins within the ATRI LSA and RSA to inform the determination of the appropriate spatial boundaries to describe the baseline information was provided by MNA – Region 3 or publicly available. No information on the description of commercial activities of the Méti citizens within the ATRI LSA/RSA were provided by MNA – Region 3 or publicly available. No information on the description of Méti citizens' recreational uses were provided by the MNA – Region 3 or publicly available. No input from the MNA – Region 3 was directly provided in establishing the baseline conditions related to health and socio-economics.</p>	



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						Further information on the use of navigable waters, forestry and logging operations, commercial fishing, hunting, trapping, and gathering activities, commercial outfitters, and recreational use, including wildlife viewing, will be updated through continued engagement with the MNA – Region 3 during the assessment processes where applicable. For the Métis' physical and cultural heritage, the only information provided by the MNA – Region 3 and publicly available is included in Sections 31.6.6.4, 31.6.6.5, and 31.6.6.6.	
	12	23.11.4.7.3	Historic and Current Use of Lands and Resources for Traditional Purposes - Harvesting and Gathering	As above, while harvesting rights in southern Alberta are not currently recognized by the province, this is disputed and not an indication the rights do not exist, nor that they won't be recognized by the province in the future.		Update added to Section 31.6.6.3.2 Harvesting and Gathering – Current Use:  A large portion of Region 3 in Alberta falls within an area that Métis do not have harvesting rights to. The Métis Harvesting Agreement includes Métis harvesting rights in the north of Region 3 and MNA members living in Region 3 are able to harvest in central and northern Alberta if they can show a historical and contemporary connection there (MNA, 2021). Harvesting rights in southern Alberta are currently not recognized by the province, and as this is disputed, this cannot be taken as an indication that the rights do not exist, as MNA Region 3's harvesting rights may be recognized by the province in the future (MNA R3, 2021b).	N/A
	13	23.11.4.7.6	Historic and Current Use of Lands and Resources for Traditional Purposes - Physical and Cultural Heritage	As in the previous section covering historic and current use of lands and resources for traditional resources, it should be recognized that the lack of information obtained for the EA is not an indication that the information doesn't exist, nor should it be binding. Additionally, with respect to archaeological finds and records, there is still much to be understood about what forms Métis Artifacts may take, and how to recognize them in the archaeological process. Métis Knowledge holders have indicated in the past that it can be difficult to distinguish between First Nations and Métis artifacts in the archaeological record as some First Nations practices, including tool construction, were still being implemented in the early stages of Métis ethnogenesis.		Update added to Section 31.6.6.6.1 Physical and Cultural Heritage – Historic Use:  Additional information from MNA Region 3 on physical and cultural heritage was not publically available and as noted above the lack of information is not considered an indication that the information does not exist. Additionally, with respect to archaeological finds and records, Métis Knowledge holders have indicated that it can be difficult to distinguish between First Nations and Métis artifacts in the archaeological record as some First Nations practices, including tool construction, were still being implemented in the early stages of Métis ethnogenesis (MNA R3, 2021b).	N/A
	14	23.11.4.8.1.3	Education and Training	This section should mention the Rupertsland Institute, which is an MNA affiliate heavily involved in educational and employment services.		Update added to Section 31.6.6.7.3 Education and Training:  Rupertsland Institute (RLI) is an affiliate of the Métis Nation of Alberta, and the MNA Provincial Council assigned three mandates to Rupertsland Institute in the areas of education, training, and research. RLI executes these mandates from its eleven Métis	N/A

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						<p>Education &amp; Training Information Services (MÉTIS) centres, a head office located in Edmonton, Alberta, and mobile units that travel to rural communities throughout the province. Since its inception in 2010, RLI creates programs and provides services that support its vision for a "skilled, knowledgeable and self-reliant Métis Nation". The programs and services that are developed reinforce RLI's responsibility to labour market self-sufficiency, informed decision-making, strategic partnerships, lifelong learning, and enhanced accountability. RLI is accountable to its sole shareholder – the Métis people of Alberta – as represented by the MNA Provincial Council and to funding partners at the federal and provincial governments (Rupertsland Institute, 2021).</p>	
	15	23.11.6.2	Assessment Methods	<ul style="list-style-type: none"> <li>• What are the measurable thresholds for calculated potential impacts?</li> <li>• What are the criteria outlined in the "assessment of residual/cumulative effects? How are residual and cumulative effects being determined, prioritized, categorized, assessed, and evaluated in relation to Indigenous rights?</li> <li>• Has a socioeconomic study been performed that takes into account and informs the assessment and mitigation of residual effects and cumulative impacts to inherent Métis rights?</li> <li>• Develop specifics on how Indigenous Knowledge, rights, and sacred sites are being considered at all stages of the project.</li> <li>• Engage in the co-development of criteria for the determination of finds, both in terms of handling and assessment.</li> <li>• What are the protocols surrounding timelines for evaluation and review of finds, as well as provisions for capacity support to engage Indigenous governments in the evaluation of these finds?</li> <li>• Are the rubrics, criteria, and questions used to obtain the perspectives that informed the socioeconomic assessment available, and is MNA Region 3 able to have access to those in order to evaluate the data collection methods?</li> <li>• How do you determine "Condition"?</li> <li>• After identification of effects occurs, what rubric/models are used to evaluate and/or prioritize? Has Indigenous or will Indigenous be involved in developing this rubric to prioritize effects/impacts that are of immediate concern that overlap or align with Indigenous rights or</li> </ul>	<p>Address what are the measurable thresholds for calculated potential impacts?</p> <p>Develop specifics on how Indigenous Knowledge, rights, and sacred sites are being considered at all stages of the project.</p> <p>Engage in the co-development of criteria for the determination of finds, both in terms of handling and assessment.</p> <p>Valued components of water quality and aquatic habitats and fish are potentially affected with infrastructure and road construction, and it is recommended that additional capacity support, material information, and mutually established timelines are developed to continue reviewing internally and through external engagement throughout the project lifecycle.</p>	<p>Updates included in Section 31.3 Overview of the Assessment Methodology for addressing how the assessment process is undertaken, Section 31.7.1 Thresholds for Determining the Significance of Residual Effects identifies the thresholds for significance of effects, Section 31.7.3 Potential Effects of the Changes to the Environment on MNA – Region 3 gives an overview of the socio-economic considerations for the assessment of potential residual effects of the Project and Section 31.7.4.3 Identification of Potential Cumulative Effects of Changes to the Environment on MNA – Region 3 and Section 31.7.4.4.5 Potential Residual Cumulative Effects of the Changes to the Environment on MNA – Region 3 undertake the change to socio-economic conditions based on the cumulative effects of the Project in relation to past, present, and reasonably foreseen future projects and activities in the ATRI RSA.</p> <p>Section 31.5.2 Project Development and Pre-Application Engagement and Section 31.9 Indigenous Impact Management Plan detail on-going and future collaboration activities for addressing impact management measures.</p> <p>Section 31.8 Overview of the Changes to the Environment on Métis Nation of Alberta – Region 3 includes Métis perspectives where available and applicable and Section 31.10 Assessment of Potential Impacts on Métis Nation Alberta – Region 3's Rights and Interests details the assessment methods for addressing potential impacts on Métis rights and interests.</p>	<p>NWP to provide EA chapters for review to MNA Region 3 during the review phase.</p> <p>NWP to consult with IAAC and BC EAO in responding to the protocols surrounding timelines for evaluation and review of archaeological finds, as well as provisions for capacity support to engage Indigenous governments in the evaluation of these finds.</p>

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				<p>valued areas? For example, table 23.11-3 "potential loss of ceremonial or sacred sites", how are buffers determined and implemented, and will there be the opportunity to play a role in determining those buffers and/or co-developing buffer and threshold limits.</p> <ul style="list-style-type: none"> <li>Valued components of water quality and aquatic habitats and fish are potentially affected with infrastructure and road construction, and it is recommended that additional capacity support, material information, and mutually established timelines are developed to continue reviewing internally and through external engagement throughout the project lifecycle.</li> </ul>			
	16	23.11-3	Table: Summary of Potential Interactions between the Project and Aboriginal and Treaty Rights /Interests	<p>While NWP Coal have not identified any historic or contemporary travel routes, trails, or sacred areas within the project footprint, once again it should be noted that this is not an indication that information on these value components doesn't exist and may be provided in the future.</p>		<p>Update added to Section 31.6.6.5.1 Access and Travel Routes – Historic Use:</p> <p>Currently, no information on MNA Region 3 historic or current use of access and travel routes associated with navigation within the Project footprint is publically available, as such, information related to historic and current use is not presented.</p> <p>Update added to Section 31.6.6.5.2 Access and Travel Routes – Current Use:</p> <p>Currently, no information on MNA – Region 3 current use of access and travel routes associated with navigation within the Project footprint is publicly available, as such, information related to current use is not presented. As noted previously, the lack of publicly available information is not considered an indication that the information does not exist and may be updated through engagement with MNA – Region 3. Figure 31.6-1 depicts known Regional Métis Harvesting Areas in Central and Northern Alberta. While the MNA – Region 3 has not currently identified specific access and travel routes within the Project footprint that are utilized, and it is unknown as to the extent to which access and travel routes areas are available in the ATRI LSA and RSA for the MNA – Region 3 at this time, the potential future use of these areas for access and travel routes without the Project is expected to be similar to the existing conditions (i.e., past and ongoing development activities may impact access and travel through the ATRI LSA and RSA).</p> <p>For the Métis' rights and interests in relation to traditional access and travel routes, site-specific</p>	<p>NWP to provide EA chapters for review to MNA Region 3 during the review phase.</p>

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						knowledge and use values that may include further information on culturally significant access routes, their specific sites/locations, cultural values and teachings related to certain access and travel routes, Métis oral histories related to areas used for access and travel routes, and perspectives on the seasonality of access and usage from Métis knowledge holders would support and guide the assessment of Project-related effects within the Project footprint, the ATRI LSA, and the ATRI RSA in terms of potential interactions during the Project lifecycle. At the time of the assessment, as this information was not provided by the MNA – Region 3, the lack of this specific information requires continued consultation with the MNA – Region 3.	
	17	23.11.7.1	Assessment Methods	When assessing the potential Project effects to the socio-community value components, and the opportunity for positive socio-economic generated by the project, monitoring opportunities with respect to valued components and the project as a whole should be mentioned.		Updates included in Section 31.10.2.1.5 Impact on Social, Health, and Economic Conditions assess the potential Project effects to the socio-community value components as they relate the Métis and include the opportunity for positive socio-economic outcomes generated by the Project. Monitoring opportunities with respect to valued components and the Project are included in the Indigenous Impact Management Plan under Section 31.9.5 Social, Health, and Economic Conditions Impact Management.	NWP notes that engagement discussions and consultation with MNA Region 3 are ongoing and information provided will be reviewed and considered.
	18	23.11.7.4	Identification of Potential Cumulative Effects	With respect to the identification of Heritage Resources, and the residual cumulative effects the project may have on them; while NWP Coal Canada Ltd has identified these effects as not being considered significant, this is based on information that is not complete or has not yet been collected. It should be noted that the cumulative effects are considered to not be significant at this time, with a recognition that the lack of information on cultural heritage resources and Indigenous Knowledge pertaining to it is not evidence of a lack of that information existing, and that such information could be provided at a later time.		Updated added to Section 31.7.4.3 Identification of Potential Cumulative Effects of Changes to the Environment on MNA – Region 3: <ul style="list-style-type: none"> <li>Heritage Resources: At this time, no spatial or temporal overlap of the Project's effects in combination with the effects of other past, present, or reasonably foreseeable future projects or activities is known to occur within the ATRI RSA. 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 overlap with the other future projects and activities. 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 potentially impacted Indigenous Communities. Archaeological resources and sites are protected by the</li> </ul>	N/A

Table 31-A.2: Comments Received from Indigenous Communities on the Draft Effects Assessment and Recommendations Addressed

Date Received	Comment No.	Original EIS Section No.	Original 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 31	NWP's Response to Comment / Disposition to Issue
						<p>Heritage Conservation Act through designation as "provincial heritage sites", or through automatic protection by virtue of being of particular historic or archaeological value (FLNRORD, 2021). Protected archaeological sites may not be altered (i.e., changed in any manner) without a permit issued by the Minister or designate. The residual cumulative effects on heritage resources were therefore considered to be not significant. The potential residual cumulative effects to the change to physical and cultural heritage resources and structures, sites, or things of historical, archaeological, paleontological, or architectural significance resulting from the Project in combination with other reasonably foreseeable future projects and activities are described in Section 31.7.4.4.4.</p>	
	19	General Comments		<p>Additional recognition for the need for:</p> <ul style="list-style-type: none"> <li>• Transparency of information, as well as sharing of available data (biophysical, inventories, studies, etc.) as early as possible with adequate timelines for internal engagement and discussion for the purposes of reporting on outstanding concerns that may arise during or after project construction.</li> <li>• Frequency, consistent, and early dialogue and/or notification on project changes or updates.</li> <li>• Meaningful inclusion of Indigenous at every and all stage of the project lifecycle.</li> <li>• Respect and inclusion of Indigenous Knowledge and the holistic understanding of land and land use complexities following engagement through existing consultation activities.</li> <li>• Ongoing Indigenous monitoring programs as well as the need for routine and ongoing observational studies of the project and surrounding areas.</li> <li>• Post-engagement opportunities for the lifetime of the project, with sufficient capacity to support Indigenous involvement.</li> <li>• Note: These comments and others throughout the document are general to the duration of the project and come from the Consultation Team and not all of them are familiar with where this Project is at in the timeline, so these comments may apply at a different portion of the project and may be coming from an experience had in a different projects that they would like to prevent from occurring again.</li> </ul>		<p>Section 31.9 Indigenous Impact Management Plan details on-going and future collaboration activities for addressing impact management measures. Section 31.11 Follow-up Strategy details how the follow-up programs and strategies will serve to improve the level of confidence in the predictions of Project-related effects on various VCs (i.e., monitoring plans for wildlife VCs such as ungulates and carnivores) in this assessment process and outline the communications plan in the Indigenous Engagement and Reporting Plan (Chapter 33, Section 33.4.3).</p>	<p>NWP to provide EA chapters for review to MNA Region 3 during the review phase.</p>