

**Comments from the Impact Assessment Agency of Canada on Marten Falls Community Access Road Project Draft Effects Assessment Study Plan – April 12, 2022**

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

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020					
ID #	Guidelines Section <sup>1</sup>	Required Action for Proponent	Proponent Response	Final Study Plan Section Reference	Agency comments
GC-01	<b>Section 5 - Public Participation and views (including 5.1, 5.2)</b>	<p>Provide a clear description in the study plans of how public engagement opportunities have been and/or will be integrated into the impact statement phase. This must include detail on how the public will have opportunities to provide input to contribute to the development of the Impact Statement, as required in Section 5 of the Guidelines.</p> <p>Describe what engagement with the members of the public listed in the Public Participation Plan has been done in the development of the study plans, and/or any planned engagement with members of the public on the proposed study plans.</p>	<p>Section 3: describes how the Proponent will provide Project notices and opportunities with members of the public listed in the Public Participation Plan. This will also include the opportunity to provide input on the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures as applicable. A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input.</p> <p>- The study plans have recognized public and agency input received on the Project to date.</p>	<b>Section 3.1</b> “A variety of activities will be offered so that members of the public are informed of the IA / EA process and results as it progresses and are aware of the opportunities and means to provide their input.”	<p>Section 3.1 of the study plan mentions that “a variety of activities will be offered”, however, no details on the likely engagement activities are provided.</p> <p>As required by Section 5 of the Guidelines, the Impact Statement must provide a record of engagement that describes all efforts taken to seek the views of local communities and other stakeholders with respect to the Project, including on the study plans. This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement, including prior to and during the planning phase, and in the preparation of the Impact Statement.</p> <p>Provide details on the timeline for public engagement relative to the project workplan, including engagement relative to the schedule for baseline work, and in consideration of the project team’s timeline for the development of the Impact Statement.</p> <p>Demonstrate in the Impact Statement that comments provided by members of the public on the effects assessment methodology are taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: <a href="https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions">https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions</a></p>
GC-02	<b>Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3)</b>	<p>Provide a clear description in the study plans of how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will have opportunities to provide Indigenous knowledge, including the validation of how information they provided was applied. The study plan should include a description of the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that the guidance outlined in Section 6.2 of the Guidelines has been incorporated into the study plans.</p> <p>Describe what engagement with all the Indigenous groups listed in the Indigenous Engagement and Partnership Plan has been done in the development of the study plans, and/or any planned engagement with Indigenous groups on the proposed study</p>	<p>- In Section 3.2 it is noted that the Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in the Indigenous Partnership and Engagement Plan. A variety of activities will be offered so that Indigenous communities are informed of the IA / EA as it progresses and are aware of the opportunities, means and timelines to provide their input.</p> <p>- Section 2.1.1 outlines the approach to handling confidential information, by means of permission from Indigenous communities to include Indigenous Knowledge in the IS / EA Report, regardless of the source of the Indigenous Knowledge.</p> <p>- The study plans have recognized Indigenous community input received on the Project to date.</p>	<b>Section 3.2</b> “...A variety of activities will be offered so that Indigenous communities are informed of the IA / EA process and results as it progresses and are aware of the opportunities, means and timelines to provide their input...”  “...Indigenous communities will have the opportunity to comment on components of the effects assessment methodology throughout the IA / EA consultation and engagement process...”	<p>Section 3.2 of the study plan states that “a variety of activities will be offered”, however, no details on the planned engagement activities are provided.</p> <p>Section 3.2 of the study plan also states that “Indigenous communities will have the opportunity to comment on components of the effects assessment methodology throughout the IA / EA consultation and engagement process”, however, it is unclear on which components of the effects assessment the project team plans to engage. It is also unclear whether Indigenous groups will be provided with a meaningful opportunity to provide input on a preliminary approach/method for baseline data collection, as required in Section 6 of the Guidelines, or if engagement will take place after the baseline data collection is complete.</p> <p>Provide details on the timeline for Indigenous engagement on the effects assessment methodology, including engagement relative to the schedule for baseline work, and spatial and temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge, and in consideration of the project team’s timeline for the development of the Impact Statement.</p>

<sup>1</sup> Refer to complete sections of the Guidelines for more context.

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		plans, particularly in relation to collection of Indigenous knowledge (i.e. develop the work plan in collaboration with those Indigenous groups that would need to provide knowledge).			Demonstrate in the Impact Statement that comments provided by Indigenous groups on the effects assessment methodology were taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: <a href="https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions">https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions</a>
GC-03	<b>Section 6.2 - Analysis and response to questions, comments, and issues raised</b>	Revise the study plans to include an approach to handling confidential information that demonstrates adherence to the guidance provided in Section 6.2 of the Guidelines.	<ul style="list-style-type: none"> <li>- Section 2.1.1: Section has been updated to include information regarding both confidentiality and permission information on all collected Indigenous Knowledge, regardless of the source.</li> <li>- This section also includes how information regarding the Indigenous Knowledge Sharing Agreements will be established by the Proponent and Indigenous community participating in the Program.</li> </ul>	<b>Section 2.1.1</b> “...Sensitive and / or confidential information collected through Indigenous Knowledge Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the Indigenous Knowledge Program prior to the sharing and use of any sensitive information. Instances where Indigenous Knowledge sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement.	<p>As required in Section 6 of the Guidelines, describe the confidential information provided by each Indigenous group. Present the content in sufficient detail to support understanding of the potential effects and impacts on rights, while also protecting confidential/sensitive specifics and respecting stipulations in the confidentiality agreements (e.g, use buffer areas instead of specific locations, etc.).</p> <p>Provide to the Agency, in the form of a letter from the Indigenous group that shared confidential information, a letter confirming that:</p> <ul style="list-style-type: none"> <li>• the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed;</li> <li>• the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed.</li> </ul>
GC-04	<b>Study plans spatial boundaries</b>	<p>Describe the approach to be implemented to demonstrate how the definitions of the proposed study area boundaries:</p> <ul style="list-style-type: none"> <li>• encompass the anticipated boundaries of the Project’s effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan; and</li> <li>• take into account community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and foreseeable future projects and activities.</li> </ul>	<ul style="list-style-type: none"> <li>- Section 6.2: General information on study areas for the Project, including a detailed list of what was considered to develop the discipline-specific local and region study areas, is included in each study plan. Each study area has been proposed taking into consideration community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices, physical, ecological, technical, social, health, economic and cultural considerations available at this time.</li> <li>- The proposed discipline-specific study areas are preliminary. The proposed study areas will be consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program provides additional opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples to be shared in greater detail.</li> </ul>	<b>Section 6.2</b>	<p>Section 7 of the Guidelines, states that “The size, nature and location of past, present and foreseeable future projects and activities are factors that should be included in the definition of spatial boundaries.”</p> <p>Feedback on the valued components specific Local Study Areas was provided for each study plan submitted to the Agency.</p> <p>For the cumulative effects assessment, at a minimum, the study area should cover:</p> <ul style="list-style-type: none"> <li>• all valued components’ Regional Study Areas presented in each VC’s specific study plan; and</li> <li>• the zones of influence of past, present and reasonably foreseeable projects, including all projects listed in Section 22 of the Guidelines.</li> </ul> <p>Describe the study area of interest of all the projects that could contribute to the cumulative effects assessment, taking into account the zones of influence for the projects.</p> <p>As required in Section 7.4.1 of the Guidelines, provide information regarding how the following were/will be taken into account in defining the spatial boundaries: community knowledge and Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and reasonably foreseeable future projects and activities.</p> <p>Provide the above information in a way that allows those who provided the knowledge to the proponent and the Agency to see their input reflected in the Impact Statement. It is not sufficient to state that “input from participants will be/was taken into account”.</p>

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GC-06		Provide further details in the study plans on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines	- Section 3.3 has been updated to include the consideration of Identity and Gender-Based Analysis Plus (GBA+) including both Indigenous communities and their relevant subpopulations and non-Indigenous communities and their subpopulations. During consultation and engagement activities these groups (and any others defined during consultation) will be engaged with on targeted input.	<b>Section 3.3</b>	<p>The study plan does not sufficiently describe how GBA Plus will be utilized throughout the consultation process to better inform the baseline data.</p> <p>A GBA Plus framework should be applied to analyze historic and current power relations, decision-making processes, and how gender intersects with health, social, and economic conditions.</p> <p>Include equity considerations as a tool to ensure inclusiveness in the engagement process.</p> <p>Describe how GBA Plus has been or will be applied to the consideration of engagement activities. Identify specific methods targeted to specific subgroups.</p> <p>It is not sufficient to mention that Gender-Based Analysis Plus will be applied to the assessment. Clear descriptions of how GBA Plus was integrated (including to which variables, method, and how it influenced results' interpretation) are needed in the Impact Statement.</p>
GC-07	<b>Section 13 - Effects Assessment (including 13.1, 13.2)</b>	<p>Provide details to demonstrate how the Project's potential effects will be considered, as per the requirements in Sections 13 to 19 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work.</p> <p>Provide detail on how engagement with all Indigenous groups listed in the Indigenous Engagement and Partnership Plan and the public will inform the effects assessment and the selection of mitigation measures and follow-up program measures.</p>	<p>- Project environmental interaction are separated into Project phases, and Project activities for each environmental discipline in their VC-specific study plan listed as Table 9-1.</p> <p>- Information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the Indigenous Knowledge Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs.</p>	<b>Throughout the study plan</b>	<p>As required in Sections 7 and 13 of the Guidelines, ensure that the effects assessment considers the effects of each of the project components (including but not limited to all alternative routes brought forward in the Impact Statement, all aggregates sources, access roads, etc.) and physical activities, in all phases, and that the assessment is based on a comparison to the data and information gathered during the proposed baseline work.</p> <p>Clarify the level of information that will be shared with, and explained to, the Indigenous Knowledge Program leads, and clarify whether study plans will be made available to all Indigenous communities listed in the Indigenous Engagement and Partnership Plan (IEPP).</p> <p>Demonstrate in the Impact Statement that engagement with all Indigenous communities listed in the IEPP and the members of the public listed in the Public Participation Plan informed the effects assessment, including the cumulative effects assessment, and the selection of mitigation measures and follow-up program measures.</p> <p>See also comments GC-01 and GC-02.</p>
GC-08	<b>Section 13.1</b>	Provide clear descriptions of the rationale behind the assumptions, including but not limited to the assumed average daily traffic and vehicles composition during the construction and operation phases that will be considered for the effects assessment and the cumulative effects assessment.	- Section 14: Current assumptions to be used in the effects assessment have been identified. Any additional assumptions will be identified and rationale will be provided in the IS / EA Report.	<b>Section 14</b> "... Any assumptions used in the effects assessment, for example the assumed average daily traffic on the CAR, will be clearly identified and rationale provided in the IS / EA Report..."	<p>Before conducting the effects assessment analysis, the Agency advises the proponent to seek the Federal Review Team's confirmation of the assumptions that will be used in the analysis or, at a minimum, to discuss the type of assumptions that will be considered.</p> <p>As required by Section 13.1 of the Guidelines, ensure that the Impact Statement clearly outlines the assumptions used for the assessment of effects, including cumulative effects, on each valued component.</p>
GC-09	<b>Section 19.2 - Impacts on the Exercise of Aboriginal and Treaty Rights</b>	Describe an approach for identifying the potentially impacted rights of Indigenous peoples of Canada that are recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> , and for integrating the potential	- All study plans reference how potential effects on Indigenous rights will be assessed in the Aboriginal and Treaty Rights and Interests Study Plan.	<b>Section 9 in the Aboriginal and Treaty Rights and Interests Study Plan</b>	Feedback was provided in the Federal Review Team's comments package on the Aboriginal and Treaty Rights and Interests Study Plan.

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		impacts on those rights into the collection of baseline information and the effects assessment.	- Impacts on Rights considerations are explained in the rationale for defining a Local Study Area and Regional Study Area for Aboriginal and Treaty Rights and Interests VCs. Further information for this is listed in Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan.		
GC-10	<b>Section 20 - Mitigation and enhancement measures</b>	Provide detail on the approach to meeting the requirements of Section 20 of the Guidelines regarding the identification of mitigation and enhancement measures.	- Section 10.2: Approach to mitigation and enhancement measures, specifically noting that once potential effects have been identified, the effects assessment will explore technically and economically feasible mitigation measures to avoid or minimize the identified negative effects and enhancement measures to increase positive effects.	<b>Section 10.2</b>	Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 20 of the Guidelines.
GC-11	<b>Section 25 – Description of the Project's contribution to sustainability</b>	Provide detail on the approach to meeting the requirements of Section 25 of the Guidelines regarding the description of the Project's contribution to sustainability.	Section 10.4: the sustainability assessment for the Project will be undertaken on the preferred alternative and will characterize the Project's contribution to sustainability incorporating the requirements set out in Section 25 of the Guidelines.	<b>Section 10.4</b>	Section 10.4 of the study plan lists the requirements outlined in Section 25 of the Guidelines.  Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 25 of the Guidelines and aligns with Agency's guidance on sustainability. <sup>2</sup>

<sup>2</sup> Guidance - Considering the Extent to which a Project Contributes to Sustainability: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-considering-extent-project-contributes-sustainability.html>

Comments from the Impact Assessment of Canada on the Marten Falls Community Access Road Project Draft Effects Assessment Study Plan submitted in February 2022				
ID #	Study Plan Section	Guidelines Section <sup>3</sup>	Context	Required Action for the Proponent
EA-01 Editorial	<b>Section 5.1 Class Environmental Assessments</b> “The intent for the CAR (i.e., public or private) may determine other provincial and federal environmental approvals, including additional EA process requirements.”		Section 5.1 is focused on provincial class environmental assessments but a reference to federal environmental requirements is made.	As Section 5.1 of the draft effects assessment study plan is about provincial class environmental assessments, references to federal requirements should be removed.
EA-02 Editorial	<b>Section 5.1 Class Environmental Assessments</b> “Further details on implementation of the amendments were provided in November 2021, and included information on amendment proposals for Class Environmental Assessments that if implemented could impact the Project. MFFN will consult with government agencies throughout the IA / EA process to confirm applicable requirements from the EAA amendment.”		Section 5.1 states that “further details on implementation of the amendments were provided in November 2021”, however, the Agency did not receive this information.	Update the study plan to clarify who received the “Further details on implementation of the amendments provided in November 2021” mentioned in Section 5.1.
EA-03	<b>Section 6.1 Temporal Boundaries: Project Phases</b> “There are currently no plans to decommission the CAR should it be constructed as there is no expected / known end date for its need. Therefore, future suspension, decommissioning and eventual abandonment of the CAR will not be considered in the IS / EA Report. It will be considered if and when a decommissioning or abandonment application is made for the road.”	<b>Section 3.2.3</b> “...If the proponent does not anticipate decommissioning and abandonment, it must state clearly under what circumstances decommissioning would occur, and demonstrate a commitment to following environmental and social best practice in all its activities...”	If the Proponent does not anticipate decommissioning and abandonment, the Impact Statement must state clearly under what circumstances decommissioning would occur.  The study plan as drafted does not provide a commitment from the proponent to implement environmental and social best-practices if circumstances change and decommissioning and abandonment would occur for the Project.	Include in the Impact Statement a clear description of the circumstances under which decommissioning would occur.  Include in the Impact Statement a commitment to implement environmental and social best-practices if circumstances change and decommissioning and abandonment would occur for the Project.
EA-04	<b>5. Effects Assessment Approach</b> Temporary infrastructure for each alternative route will be identified and assessed and considered in the evaluation of the alternatives. Temporary infrastructure includes pits and quarries, access road, staging areas, stockpile areas and camps... ... The specific location of the Project components of the CAR, including the roadway, is not yet known and will be determined in the IA / EA. Throughout the planning and design phase, modifications to Project design are anticipated to occur based on information that arises through advancement of design, environmental investigations and studies, and the Indigenous Knowledge and consultation programs. Therefore, it is possible that additional viable alternative routes may be identified that warrant consideration in the IA / EA...  <b>6.2 Spatial Boundaries: Study Areas</b>	<b>Section 3.1</b> “... The Impact Statement must describe all project components including but not limited to: - <b>final route</b> for all permanent and temporary linear infrastructure, including the road corridor, width of road surface, width of cleared corridor, width of right-of-way, access roads (permanent and temporary), and temporary crossings;... - borrow pits, gravel or aggregate pits and quarries... - waste rock, overburden, topsoil, gravel and rock storage and stock piles (footprint, locations, volumes, development plans and design criteria); - aggregate extraction and production (crushing/screening) facilities (footprint, technology, location);... - any other infrastructure relevant to the Project, including any planned or anticipated colocation, construction or site preparation of additional right-of-way infrastructure such as, but not limited to, transmission lines, telecommunication infrastructure, and pipelines...”	The Agency understands that the Proponent intends to further engage potentially impacted Indigenous communities to determine the preferred alternative. However, if the final location of Project components is outside the currently identified study areas and/or if additional viable alternative routes are identified during the impact assessment process, the Federal Review Team may require the Proponent to conduct additional baseline data collection.	Identify the preferred alternative route and the preferred locations of all project components prior to submitting the Impact Statement to the Agency for review.  Inform the Agency in a timely manner, if the final locations of project components is outside the currently identified study areas and/or if additional viable alternative routes are identified during the impact assessment process, so that the Federal Review Team can confirm whether additional baseline data collection will be required to meet the requirements of the Guidelines.  Include in the Impact Statement a comprehensive effects assessment of all alternatives still under consideration, if the alternatives assessment fails to conclude with a preferred route and preferred project components, activities and/or locations.

<sup>3</sup> Refer to complete sections of the Guidelines for more context.

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	<p>“The specific location of Project components, including the roadway, quarries, pits and temporary infrastructure, are not yet known and will be documented in the IS / EA Report. While most of the Project components are expected to be located within the preliminary 5 km wide study area, benefits (e.g., reduced environmental disturbance, avoidance of sensitive features, technical considerations, concerns received through consultation) for locating Project components on lands outside of the 5 km wide study area may become known during the IA / EA process. If the need to locate Project components outside the 5 km wide study area is determined to be required or of benefit to the Project, the study area would be adjusted.”</p>			
<p><b>EA-05</b></p>	<p><b>7. Existing Environment</b> Ongoing effects to VCs may be occurring due to past and present activities. The IA / EA will recognize that historical and current activities may have changed the conditions of the environment observed today. Since these ongoing effects are taking place prior to construction, operations and maintenance of the Project, they have become part of the existing conditions. Therefore, the description of existing conditions that will be documented within the IS / EA Report represents a cumulative description of the effects of other past and present activities. To better understand the cumulative effects of the past and present activities, relevant information shared through the Indigenous Knowledge Program will inform a description of historical conditions and the existing conditions will be contextualized by looking at how land use has changed as a result of these past and existing activities.”</p>		<p>The draft effects assessment study plan does not clearly indicate how the effects caused by past and present activities will be distinguished from the existing environment to be identified and be accounted for in the cumulative effects assessment for the Project.</p> <p>Reasonable effort should be made to identify past and existing physical activities based on direct evidence available from the historical record and other reliable sources, such as reports, community knowledge or Indigenous knowledge. Information on existing physical activities should cover their full lifecycle, particularly if decommissioning is certain or reasonably foreseeable.</p> <p>In addition, the Impact Statement must include a cumulative effects assessment that describes and considers the effects caused by reasonably foreseeable physical activities, as required in Section 22 of the Guidelines. Note that key cumulative effects could be additive, synergistic, compensatory, and masking. Please refer to the guide on the Agency’s website: <a href="https://iaac-aeic.gc.ca/050/documents/p80100/119247E.pdf">https://iaac-aeic.gc.ca/050/documents/p80100/119247E.pdf</a></p>	<p>Update the draft effects assessment study plan to describe how effects caused by past and present activities will be taken into account into the cumulative effects assessment, including considerations of how future climate trends may influence these activities.</p> <p>Update the draft effects assessment study plan to ensure that the approach for the cumulative effects assessment aligns with the information provided in the Technical Guidance Assessing Cumulative Environmental Effect (<a href="https://iaac-aeic.gc.ca/050/documents/p80100/119247E.pdf">https://iaac-aeic.gc.ca/050/documents/p80100/119247E.pdf</a>).</p> <p>Include in the Impact Statement a cumulative effects assessment that describes and considers the effects caused by past, present and reasonably foreseeable physical activities, as outlined and required in Section 22 of the Guidelines.</p>
<p><b>EA-06 Editorial</b></p>	<p><b>Section 7. Existing Environment</b> “Similar environmental features are grouped into environmental disciplines for characterization and assessment of effects. The IS / EA Report will include a description of baseline conditions for each environmental discipline listed in Error! Reference source not found. based on a combination of existing information and Project-specific investigations.”</p>		<p>Error message in Section 7 of the draft effects assessment study plan (“Error! Reference source not found”).</p>	<p>Edit the draft environmental assessment study plan to correct the error message.</p>

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EA-07 Editorial	<b>8. Identify Valued Components and Indicators</b> “The potential effect on each VC is measured through perceived changes to one or more indicators that are assigned to each VC.”	<b>Section 7.3</b> “...In selecting a valued component to be included, the following factors should be considered:... - the extent to which the effects (real or perceived) of the Project and related activities have the potential to interact with the valued component;...”	The assessment of effects should include potential effects, both real and perceived effects, on each valued component.  “Real effects” are those effects that can be measured quantitatively (e.g. measured with a device). “Perceived effects” are those effects that should be measured qualitatively. While not quantitatively measurable or obvious, perceived effects may be a real cause of concern to those who may be potentially impacted (e.g. change in experience of traditional land or resource use due to increased presence of others).  Section 7.3 of the Guidelines expects the proponent to consider and address all concerns expressed about the Project by participants. If some of the concerns expressed by participants are considered not relevant by the proponent, the Impact Statement will be expected to include justifiable evidence as well as a description of the process followed to resolve the issue with the participant/s that expressed the concern.	Replace the occurrence/s of the terms “perceived changes” with the terms “real or perceived changes”, as appropriate.  Include in the Impact Statement justifiable evidence, as well as a description of the process followed to resolve all concerns expressed by participants, including those concerns considered not relevant by the proponent.
EA-08 Editorial	<b>8. Identify Valued Components and Indicators</b> “Indicators represent the resource, feature or issue related to the VC that, if changed, may demonstrate an effect on the environment.”		Update the draft effects assessment study plan to specify that, in this instance, environment is used to identify both the natural and the human environment, in which the human environment includes health, social, and economic conditions.	
EA-09	<b>9.2 Operations Phase</b> Although the CAR will be designed using an Annual Average Daily Traffic amount of up to 400 vehicles and in accordance with relevant design guides and regulations, the effects assessment will consider the anticipated use of the CAR by the MFFN community only (i.e., shipment of supplies and community use for travel, recreation and other community uses), which is expected to be lower than Annual Average Daily Traffic amount used for design.	<b>Section 3.2.2</b> “...The Impact Statement must describe the anticipated activities during the operation phase of the Project, including: ... • anticipated road use by different users (traffic volume, type of vehicles, maximum weight, etc.), including Indigenous groups, the general public, and mining proponents of reasonably foreseeable future projects (e.g., Eagle’s Nest, Blackbird, Black Thor, Black Label, Big Daddy, anticipated future community access roads); • anticipated use of the Anaconda and Painter Lake forestry access roads; ...”  <b>Section 13.1</b> “...The Impact Statement must describe in detail the project’s potential adverse and positive effects in relation to each phase of the Project (construction, operation, maintenance, suspension, decommissioning, and abandonment)...”	Projects undergoing a federal impact assessment are expected to provide conservative predictions of effects. For the Project, the federal impact assessment must assess: <ul style="list-style-type: none"> <li>• the full project lifecycle; and</li> <li>• the worst case scenario for effects arising from the project being carried out (specifically, for this project, the maximal traffic amount allowed by a road design that considers all potential road users and the maximum numbers and frequencies of their vehicle types using the road).</li> </ul> As proposed, the approach described in Section 9.2 of the draft effects assessment study plan does not meet the requirements of Sections 3.2.2 and 13.1 of the Guidelines.	Update the draft effects assessment study plan to capture an effects assessment for the Project that considers the worst-case scenarios for road construction and road use, based on a road designed for use by all potential users (and their vehicle types), over the life of the Project.
EA-10	<b>Footnote 9</b> Access for hunting, fishing and resource use purposes are restricted under the <i>Public Lands Act</i> during the key tourism season. Therefore,		The Project, as proposed, is being designed to meet MTO’s highways standards and to accommodate multi-purpose uses, including industrial and mining users. It is reasonable to expect that the road will be	Update the draft effects assessment study plan to clarify that the effects assessment will include access associated with all potential future uses, including access for hunting, fishing and resource use purposes.

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	associated vehicular traffic is anticipated to be negligible and vehicle numbers for operations and maintenance will focus on MFFN community use of the CAR and not other types of traffic.		<p>accessible by Indigenous communities other than Marten Falls First Nation, the general public, as well as private industries, including the mining industry, if other reasonably foreseeable road projects proceed during the life of the Project.</p> <p>It is unknown whether any type of access restriction will be possible and/or relevant for the construction and/or operation phases of the Project. Assuming access restrictions are in place, given the likely road use by other potential users, is not considered a worst-case scenario for the effects assessment.</p>	See also EA-09.
EA-11	<b>10.3.1 Alternative Route Segments</b> Segments EF, GH and IJ correspond to the segments of Alternative 1 and Alternative 4 that overlap. The residual effects of these segments will be assessed in the EA and are anticipated to become part of the preferred alternative.		The draft effects assessment study plan seems to indicate that the effects assessment will be conducted only on the segments that overlap for both route alternatives. The effects assessment, as required by the Guidelines, must assess the full project and cannot be limited to the portions of the road alternatives that overlap.	<p>Ensure that the Impact Statement includes an effects assessment that covers the full project footprint and all project components and activities, and is not be limited to the portions of the road alternatives that overlap.</p> <p>If the alternative assessment fails to conclude with a preferred route, a comprehensive effects assessment of each alternative route is required in the Impact Statement.<sup>4</sup></p>
EA-12	<b>Section 10.4 Consideration of Sustainability Principles</b>		Section 10.4 of the study plan lists the requirements outlined in Section 25 of the Guidelines.	See comment GC-11.
EA-13	<b>Table 11-1 Cost and Constructability Evaluation Criteria Considered in the Final Alternative Analysis</b>	<b>Section 4.4</b> The Impact Statement must identify the elements of each alternative means and the associated adverse and positive environmental, health, social or economic effects or impacts on the exercise of rights of Indigenous peoples, as identified by the Indigenous group(s). The application of Gender Based Analysis Plus (GBA+) that considers the potential for disproportionate effects for diverse subgroups, including groups identified by age, socio-economic status or disability is required. The proponent must also consider the views or information provided by Indigenous people, the public and other participants in establishing parameters to compare the alternatives means. The determination of alternative means must be conducted in accordance with the Impact Assessment Agency of Canada's policy and guidance documents <sup>4</sup> .	It is unclear how aspects such as the views of participants (Indigenous people, the public and other participants) as well as socio-economic, health and GBA Plus considerations will be incorporated in the alternative selection process along with the criteria outlined in Table 11-1, as required by Section 4.4 of the Guidelines.	Update the draft effects assessment study plan to describe how aspects such as the views of participants (Indigenous peoples, the public and other participants) as well as socio-economic, health and GBA Plus considerations will be incorporated in the alternative selection process, along with the criteria outlined in Table 11-1, to meet the requirements of Section 4.4 of the Guidelines.
EA-14	<b>Section 12. Cumulative Effects Assessment</b> Identify other past, present and reasonably foreseeable activities with effects likely to overlap in type of effect (i.e., VC), temporally (i.e., time) and spatially (i.e., space) with the predicted residual adverse effects of the Project; and ... Only those activities known (i.e., publicly known) at the time of preparing the IS / EA	<b>Section 2.2</b> "...If the Project is part of a larger sequence of projects, the Impact Statement must outline the larger context, including likely future developments by other proponents that may use project infrastructure, and activities that may be enabled by the current Project..."  <b>Section 22</b> "...The Impact Statement must:	<p>The draft effects assessment study plan seems to suggest that one or more project from the list in Section 22 of the Guidelines may be excluded in the cumulative effects assessment for the Project.</p> <p>The Guidelines state that the projects listed in Section 22 are the projects that, at a minimum, must be included in the cumulative effects assessment. The projects required to be included in the cumulative effects assessment do not include any new</p>	<p>Update the draft effects assessment study plan to indicate that projects listed in Section 22 of the Guidelines will be included in the cumulative effects assessment for the Project.</p> <p>Ensure that the methodology applied for each project considers the latest available information about each project and is described in the Impact Statement.</p>

<sup>4</sup> Agency's guidance: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-need-for-purpose-of-alternatives-to-and-alternative-means.html>



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	<p>Report will be included in the cumulative effects assessment. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p>	<ul style="list-style-type: none"> <li>• identify the sources of potential cumulative effects. Specify other projects or activities that have been or that are likely to be carried out that could cause effects to each selected valued component within the boundaries defined, including potential induced effects, and whose effects would act in combination with the residual effects of the Project. This assessment must consider the results of any relevant regional study conducted. <u>At a minimum</u>, the following projects or activities should be included in the cumulative effects assessment:               <ul style="list-style-type: none"> <li>▪ historical and existing mineral developments (including, but not limited to, Goldcorp's Musselwhite Mine, DeBeers' Victor Mine, Greenstone Gold's Hardrock Mine);</li> <li>▪ other historical infrastructure projects;</li> <li>▪ the Webequie Supply Road Project and other all-season road projects;</li> <li>▪ power transmission projects;</li> <li>▪ construction of upgrades to the Anaconda and Painter Lake forestry access roads;</li> <li>▪ the construction and operation of the Northern Road Link (road that may link the northern portion of the Marten Falls Community Access Road to the Ring of Fire area);</li> <li>▪ railway transload facility;</li> <li>▪ forest management units;</li> <li>▪ mining activities, including those associated with the following deposits: Eagle's Nest, Black Thor, BlackBird, Big Daddy, Black Label;</li> <li>▪ road use past Nakina, including transportation of ore to the proposed future Ferrochrome Production Facility in Sault Ste. Marie, or to the smelter in Sudbury;</li> <li>▪ mineral exploration activity in the area; and</li> <li>▪ past projects, including the Ogoki and Long Lac diversions..."</li> </ul> </li> </ul>	<p>technology or physical activity that could justify their exclusion without particular information being provided.</p> <p>Furthermore, cumulative effects assessment may be conducted using different methods and does not need to rely solely on quantitative approaches. The methodology applied for each project will depend on the information about each project available at the time of formal submission of the Impact Statement.</p>	
EA-15	<p><b>Section 12.1 Valued Components to be Included in the Cumulative Effects Assessment</b></p> <p>The IS / EA Report will identify potential cumulative effects of the preferred alternative with other past, present and reasonably foreseeable activities with effects likely to overlap in type of effect, time and space....</p> <p>..." The preferred alternative and associated residual adverse effects are not known at this time and are dependent on the IA / EA being</p>		<p>The Agency understands that the proponent intends to engage potentially impacted Indigenous groups to determine the preferred alternative.</p>	<p>If the alternative assessment fails to conclude with a preferred route, a comprehensive effects assessment of each alternative route is required in the Impact Statement.<sup>4</sup></p> <p>See also comments EC-11 and EC-14.</p>

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	sufficiently advanced (i.e., the preferred alternative identified).”			
EA-16	<p><b>Section 12.2 Spatial and Temporal Boundaries</b></p> <p>The TISG indicates the cumulative effects assessment should look at potential effects throughout the lifecycle of the Project, including decommissioning and abandonment; however, there are currently no plans to decommission the Project. Therefore, the IA / EA will be limited to identifying and assessing cumulative effects during the Project construction, and operations and maintenance phases.</p>	See GC-04, EA-03 and EC-04.	See GC-04, EA-03 and EC-04.	See GC-04, EA-03 and EC-04.
EA-17	<p><b>12.3 Other Past, Present and Reasonably Foreseeable Activities</b></p> <p>For an activity to be considered foreseeable and included in the cumulative effects assessment, the activity will have to be known at the time of preparing the IS / EA Report. That is, sufficient information about the activity must be available to make a reasonable assessment of its potential effects. This will include induced development that is certain or reasonably foreseeable and activities with additive effects where appropriate (Canadian Environmental Assessment Agency 2018). Reasonably foreseeable activities that will not be considered are those for which formal plans have not been publicly disclosed and information is not available. If sufficient information is not available about a potential future activity to be able to include it within the Project cumulative effects assessment, it is anticipated that should that activity proceed, the proponent of that activity would consider the cumulative effects of their activity with the CAR as appropriate.</p> <p>...</p> <p>Using professional judgement, past, present and reasonably foreseeable activities identified during the review of the above noted sources and based on comments received through the Consultation and Engagement Program will be screened to focus the cumulative effects assessment on those activities whose effects are likely to act cumulatively with the Project.</p>	See EA-14.	See EA-14.	See EA-14.
EA-18	<p><b>12.3 Other Past, Present and Reasonably Foreseeable Activities</b></p> <p>Since there are no plans to decommission the CAR, effects of the Project may occur over a</p>	<p><b>Section 7.4</b></p> <p>“... The proponent should engage with Indigenous groups when defining spatial and temporal boundaries for valued components...”</p>	Projects undergoing a federal impact assessment are expected to provide conservative predictions of effects. For the Project, the federal impact assessment must assess:	Update the effects assessment study plan to demonstrate how engagement with the Indigenous communities listed in the IEPP determined the definition of the temporal boundaries.

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	<p>very long timeframe. However, to effectively assess cumulative effects, an assumed timeline is needed. The operations and maintenance phase of the Project is considered to be 75 years based on the expected timeline for when major refurbishment of road components will be needed (Section 6.1). Therefore, the other activities that will be included in the cumulative effects assessment will be those activities that occurred in the past and have ongoing effects, as well as present and reasonably foreseeable activities occurring within the 75 years following the completion of construction.</p>	<p>“...When defining temporal boundaries, the proponent should consider how elements of environmental, health, social and economic well-being that local communities, including municipalities, and Indigenous groups identify as being valuable could change over time...”</p> <p><b>Section 22</b>                      “...Cumulative effects are defined as changes to the environment, health, social and economic conditions, as a result of the Project’s residual environmental, health, social and economic effects combined with the existence of other past, present and reasonably foreseeable physical activities, as well as within activities of the Project itself from multiple emissions and discharges (e.g., simultaneous operations) to understand synergistic or additive effects...”                      “ ...  <input type="checkbox"/>temporal boundaries must include an appropriate baseline and should look at all potential effects throughout the lifecycle of the Project...”</p> <p><b>Section 25</b></p>	<ul style="list-style-type: none"> <li>the full project lifecycle; and</li> <li>the worst case scenario for effects arising from the project being carried out (specifically, for this project, the maximal traffic amount allowed by a road design that considers all potential road users and the maximum numbers and frequencies of their vehicle types using the road).</li> </ul> <p>In addition, the views of all potentially impacted Indigenous communities listed in the IEPP should be considered when determining appropriate temporal boundaries, given the importance of sustainability principles in making this determination, including the well-being of present and future generations in particular.</p>	
<p><b>EA-19</b> <b>Editorial</b></p>	<p><b>12.3 Other Past, Present and Reasonably Foreseeable Activities</b>                      The TISG identifies a preliminary list of other activities for consideration in the cumulative effects assessment.</p>	<p><b>Section 22</b>                      “...The Impact Statement must:                      • identify the sources of potential cumulative effects. Specify other projects or activities that have been or that are likely to be carried out that could cause effects to each selected valued component within the boundaries defined, including potential induced effects, and whose effects would act in combination with the residual effects of the Project. This assessment must consider the results of any relevant regional study conducted. <u>At a minimum</u>, the following projects or activities should be included in the cumulative effects assessment:...”</p>	<p>Section 22 of the Guidelines states that “...At a minimum, the following projects or activities should be included in the cumulative effects assessment...”. The list provided in Section 22 of the Guidelines should not be considered a “preliminary” list; it is the list of the projects that the Proponent must assess at a minimum, as part of the cumulative effects assessment.</p>	<p>Update the draft effects assessment study plan to state clearly that the list of projects in Section 22 of the Guidelines reflects the minimum projects to include in the cumulative effects assessment.</p>
<p><b>EA-20</b></p>	<p><b>Footnote 11.</b> <i>In February 2020, the Minister of Environment and Climate Change determined that a regional assessment will be conducted in an area centred on the Ring of Fire mineral deposits in northern Ontario. In October 2020, MFFN and Webequie First Nation entered into a voluntary agreement with the MECP to make the proposed Northern Road Link Project subject to the EAA. In October 2021, the ToR for the Webequie Supply Road Project was approved by the MECP. However, these undertakings are not sufficiently advanced at this time to inform the Project effects assessment methods. Should information from the regional assessment and the cumulative effects assessment of the two road projects that</i></p>	<p><b>Section 2.2</b>                      “...If the Project is part of a larger sequence of projects, the Impact Statement must outline the larger context, including likely future developments by other proponents that may use project infrastructure, and activities that may be enabled by the current Project...”</p> <p><b>Section 22</b>                      ...If there is an ongoing or completed regional assessment in the proposed project area, the proponent should use the information generated through that process to inform the cumulative effects assessment.</p>	<p>Footnote 11 of the draft environmental assessment study plan suggests that the Webequie Supply Road Project, the Northern Road Link Project, and the Regional Assessment in the Ring of Fire area will not be sufficiently advanced to inform the Project’s Impact Statement.</p> <p>The draft effects assessment study plan refers to sufficient information about projects being needed to conduct cumulative effects assessment as a rationale to screen out projects, however, cumulative effects assessments may be conducted with limited information and using different methodologies (qualitative and/or quantitative).</p>	<p>Update the draft effects assessment study plan to clarify that the Webequie Supply Road Project and the Northern Road Link Project will be included in the cumulative effects assessment in the Impact Statement, in order to meet the requirements of Section 22 of the Guidelines.</p> <p>Update the draft effects assessment study plan to clarify that relevant information in relation to the Regional Assessment in the Ring of Fire area available prior to the submission of the Impact Statement will be taken into account in the Impact Statement.</p>

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	<i>is relevant to the Project become available during preparation of the EA, it will be reviewed and used to inform the assessment for the Project. However, the effects assessment methods will be consulted and engaged on early in the IA / EA process and finalized taking into consideration the input received based on information available at that time.</i>		<p>Section 22 of the Guidelines requires the Proponent to include the Webequie Supply Road Project and the Northern Road Link Project in the cumulative effects assessment of the Project. In addition, Section 22 of the Guidelines states that “if there is an ongoing or completed regional assessment in the proposed project area, the proponent will be expected to use the information generated through that process to inform the effects assessment.”</p> <p>While the Agency understand that proponents develop their assessment methodology early in the impact assessment process, information that becomes available before the submission of a final Impact Statement to the Agency is expected to be taken into consideration. The proponent is expected to make allowances in their work plan to allow the incorporation of new information that becomes available prior to submitting the Impact Statement to the Agency.</p>	
EA-21	<p><b>12.3 Other Past, Present and Reasonably Foreseeable Activities</b></p> <p>During the IA / EA each of the above listed activities will be reviewed and screened (i.e., whether they overlap in type of effect, time, and space) to determine whether they may act cumulatively with the Project and therefore should be included in the cumulative effects assessment.</p>	<b>Section 22</b>	<p>The draft effects assessment study plan does not outline how the cumulative effects assessment will take into account past, present and reasonable foreseeable activities, as required by Section 22 of the Guidelines.</p> <p>Note that neither activities nor effects need to overlap in type, time, or space to be included in the cumulative effects assessment. Effects could be additive, synergistic, compensatory, or masking. Please review the Technical Guidance Assessing Cumulative Environmental Effect.<sup>5</sup></p> <p>See also comment EA-14.</p>	<p>Update the draft effects assessment study plan to outline how the cumulative effects assessment will take into account past, present and reasonable foreseeable activities outlined in Section 22 of the Guidelines.</p> <p>Update the draft effects assessment study plan to remove statements indicating that activities and effects need to overlap (in type, time, or space) to be included in the cumulative effects assessment.</p> <p>Update the draft effects assessment study plan to ensure that the approach for the cumulative effects assessment aligns with the information provided in the Technical Guidance Assessing Cumulative Environmental Effect (<a href="https://iaac-aeic.gc.ca/050/documents/p80100/119247E.pdf">https://iaac-aeic.gc.ca/050/documents/p80100/119247E.pdf</a>).</p> <p>See also comment EA-14.</p>
EA-22	<b>Footnote 12.</b> <i>The current understanding is that upgrades to the Anaconda and Painter Lake forestry roads are required to commence construction of the CAR. As such, this project will be completed prior to the start of the construction of the CAR and therefore the upgrades to these roads would not overlap in time or space with the construction or operation of the CAR. Based upon this understanding, the upgrades to Anaconda and Painter Lake forestry roads will not be included in the CAR cumulative effects assessment.</i>	<b>Section 22</b> Cumulative effects are defined as changes to the environment, health, social and economic conditions, as a result of the Project’s residual environmental, health, social and economic effects combined with the existence of other past, present and reasonably foreseeable physical activities, as well as within activities of the Project itself from multiple emissions and discharges (e.g., simultaneous operations) to understand synergistic or additive effects.	Footnote 12 is incorrect. The cumulative effects assessment must consider past, present and reasonably foreseeable physical activities or projects. Even if the upgrades to the Anaconda and Painter Lake forestry roads were to be completed prior to the submission of the Impact Statement for the Project, this would not provide rationale for exclusion from the cumulative effects assessment. In the hypothetical scenario described in Footnote 12 of the study plan, the construction phase of the Anaconda and Painter Lake upgrades should be included in the cumulative effects assessment as “past project” and its operation phase should be included as a “present project”.	As required by Section 22 of the Guidelines, the cumulative effects assessment for the Project must include both construction and operation of the Anaconda and Painter Lake upgrades.

<sup>5</sup> Technical Guidance Assessing Cumulative Environmental Effect: <https://iaac-aeic.gc.ca/050/documents/p80100/119247E.pdf>

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EA-23	<p><b>Footnote 13.</b><i>At this time, only the Eagle's Nest deposit has publicly available information about potential future development that can inform the cumulative effects assessment of the Project with reasonably foreseeable activities. As noted earlier, reasonably foreseeable activities that will not be considered are those for which formal plans have not been publicly disclosed and information is not available. Therefore, the Black Thor, Black Bird, Big Daddy or Black Label deposits cannot be assessed as reasonably foreseeable activities in the cumulative effects assessment if plans for future development have not been disclosed at the time of preparing the IS / EA Report. However, these deposits can be reviewed for cumulative effects due to past and existing mineral exploration.</i></p>	Section 22	See comments EA-14 and EA-21.	See comment EA-14 and EA-21.