

**ATTACHMENT: November 8, 2021**

**Federal Authority Advice Record**

**Response due by November 28, 2021**

Horsefly Regional Emergency Spillway Project – Municipality of Taber

Agency File: 005811

Department/Agency	Indigenous Services Canada
Lead Contact	Anik Guertin
Full Address	10 Wellington Street, Gatineau, Quebec, K1A 0H4
Email	<a href="mailto:anik.guertin@sac-isc.gc.ca">anik.guertin@sac-isc.gc.ca</a>
Telephone	613-297-3730
Alternate Contact	Candice Remillard-Scott: <a href="mailto:candice.remillard-scott@sac-isc.gc.ca">candice.remillard-scott@sac-isc.gc.ca</a> Jan Triska: <a href="mailto:jan.triska2@sac-isc.gc.ca">jan.triska2@sac-isc.gc.ca</a>

1. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

*“Indigenous Services Canada is not responsible for approving or issuing licences, permits or authorizations for the assessments of large, proposed projects.”*

2. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to the conduct of an impact assessment of the Project?

*Indigenous Services Canada also has information on and knowledge of Indigenous matters on Federal lands. Indigenous Services Canada has a mandate to support Indigenous people (First Nations, Inuit, and Métis) in their efforts to improve social well-being and economic prosperity; to develop healthier, more sustainable communities; and to participate more fully in Canada’s political, social, and economic development*

3. (a) Has your department or agency considered the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action that would allow the Project to proceed in whole or in part?

(b) Please include a description of consultation activities that would occur with Indigenous groups if your department or agency has to exercise a power or perform a duty or function related to the Project, and how potential impacts to Indigenous groups are addressed by your department or agency.

(c) Please include a description of opportunities for public participation if your department or agency has to exercise a power, or perform a duty or function related to the Project.

*“Indigenous Services Canada will not exercise power or perform a duty or function under any Act of Parliament in relation to the Project.”*

4. Has your department or agency had previous contact or involvement with the proponent or other party in relation to the Project? (For example, enquiry about methodology, guidance, or data; introduction to the project)

*“Indigenous Services Canada did not have previous contact or involvement with the proponent or other party in relation to the Project.”*

5. Does your department or agency have additional information or knowledge not specified, above?

*“Indigenous Services Canada is in possession of some specialist knowledge potentially relevant to the Project’s assessment and, as such, may be involved in disclosing/sharing information related to Indigenous communities (if it is deemed that such communities could be impacted by the Project). This information could pertain to socio-economic and health baseline conditions in the communities.”*

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6. From the perspective of the mandate and area(s) of expertise of your department or agency:
- I. Indicate whether the description of potential effects presented in the Initial Project Description sufficiently characterizes potential project effects— including direct and incidental effects, and effects within federal jurisdiction. Provide advice on whether these effects may be adverse and whether your regulatory instruments could be used to address these effects.
  - II. Identify any additional potential adverse effects of the Project that are not described in the Initial Project Description and their linkage to effects, effects within federal jurisdiction, and direct and incidental effects
  - III. Indicate any issues that should be addressed in the detailed project description that would inform a full understanding of how the Project’s potential effects to areas of federal jurisdiction are effectively being mitigated and managed. Please be as specific as possible and include a description of any anticipated residual and/or potential significant adverse effects.
  - IV. Indicate the issues that should be addressed in the impact assessment of the Project, should the Agency determine that an impact assessment is required.

*The Summary of the Initial Project Description submitted for the proposed Project includes plans proposed by the Municipal District of Taber (Alberta) to enlarge 14 kilometres of existing irrigation canals to divert storm water from the St. Mary’s River Irrigation District Main Canal to the Oldman River to better protect properties, crops, and other infrastructure during storm events. The expansion is estimated to increase the diversion capacity of the existing spillway from approximately 7.6m<sup>3</sup>/s to 40m<sup>3</sup>/s.*

*To Date, the following Indigenous Communities have been contacted by letter describing the Project*

- *Treaty 6 Communities*
  - *Samson Cree Nation*
  - *Louis Bull Tribe*
  - *Emineskin Cree Nation*
- *Treaty 6 Communities*
  - *Blood Tribe/Kainai First Nation*
  - *Stoney Nakoda Nations (Bears paw, Chiniki, Wesley)*
  - *Tsuut’ina Nation*
  - *Siksika Nation*
  - *Piikani Nation*
- *Non-Treaty Nations*
  - *Foothills Ojibway First Nation*
- *Métis Groups*
  - *Métis Nation of Alberta (Region 3)*

*Concerns surrounding impacts to Indigenous communities are centred around:*

- *loss of food security (traditional foods);*
- *loss of lands with native habitats and associated wildlife;*
- *impacts to soils, waters and fish habitat;*
- *loss of habitat for migratory birds;*
- *localized climatic changes due to potential emissions during construction, operation, and decommissioning;*
- *social well-being and economic prosperity;*
- *impacts to sacred sites and other cultural and heritage-sensitive areas; and*
- *cumulative effects due to significant oil, gas, forestry, and mining development activities over the past several decades.*

*Presently, concerns expressed by Indigenous communities regarding the Project are focused on the quality of water discharged into the Oldman River. ISC has also highlighted the need for more information pertaining to socio-economic opportunities for Indigenous peoples due to lack of clarity within the Summary of the Initial*

*Project Description. Information currently included within the Summary of the Initial Project Description only notes the ability to be included within a list of bidders for potential contractor work once the Project commences. It would be beneficial for the Detailed Project Description to include more information regarding training and employment opportunities for Indigenous communities who have expressed interest in the Project.*

*Indigenous Services Canada does not have any through legislative or regulatory mechanisms that could manage the potential adverse/incidental effects of the Project. ISC would not issue any licence, permit, authorization, or approval for this project.*

Indigenous Services Canada

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Name of Departmental / Agency Responder

Manager, Impact Assessment

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Title of Responder

19-11-2021

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Date