

**ATTACHMENT: November 8, 2021**  
**Federal Authority Advice Record**  
**Response due by November 29, 2021**

Horsefly Regional Emergency Spillway Project – Municipality of Taber  
Agency File: 005811

Department/Agency	Infrastructure Canada
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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?

If yes, specify the Act of Parliament and that power, duty or function.

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**Response:**

Yes, INFC has proposed funding for the project under two separate funding programs. INFC has reviewed the project that was submitted for funding in the form of multiple phases under the ICIP and DMAF programs, and have identified a legal duty to consult Indigenous groups under Section 35 of the *Constitution Act, 1982*. INFC identified a potential for Impact Assessment requirements at which point we reached out to the Agency for assistance in assessing if the proposed project would be designated.

INFC will need to confirm that Indigenous consultation requirements that were identified in our determination have been met before we will signal that the project should proceed with construction. All requirements identified by INFC must be met before funding will be released for the project.

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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?

Specify as appropriate.

**Response:** INFC does not possess specialist or expert information or knowledge that pertains to the environmental impact assessment. However, INFC has experience consulting

with the Indigenous groups that have been identified for consultation and have been involved in the consultation process to date.

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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?

Specify as appropriate.

(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.

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**Response:**

- a. Yes, INFC has considered the project. INFC has identified an obligation to consult with Canada's Indigenous Peoples. INFC is actively involved in the consultation process between the project proponent and Indigenous groups that have been identified for consultation.

INFC has proposed federal funding for the project under two different programs. All Indigenous consultation and impact assessment requirements must be determined to be met, and continue to be met in order for funding to be released.

- b. INFC's intent is to work with the project proponent to engage and consult with Indigenous groups that may have a potential interest in the proposed project.

INFC has identified a duty to consult with the following Indigenous groups:

- Blood Tribe
- Metis Nation of Alberta (Region 3)

INFC has communicated these requirements in a determination letter to the proponent on October 30, 2020.

The IAAC recommended that the proponent additional groups for consultation. The proponent has followed this recommendation and has been including INFC on communications regarding all consultation for the project.

The proponent has initiated consultation with all of the identified groups, and engagement regarding the project is underway.

- c. Outside of Indigenous consultation INFC does not facilitate public participation.
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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)

Provide an overview of the information or advice exchanged.

Response: Yes, INFC completed a project review and provided a determination letter to the proponent outlining Indigenous consultation requirements, and the potential for an Impact Assessment review. INFC has exchanged emails regarding the project and consultation requirements. INFC has participated in Indigenous engagement meetings and has been kept in the loop of ongoing Indigenous consultation for the project.

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

Specify as appropriate.

Response: N/A

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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.

**Details:**

After reviewing the Impact Assessment Agency of Canada, Initial Project Description, INFC agrees that potential project effects are adequately characterized.

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

**Details:**

There was no mention of the potential presence of Bull Trout in the Old Man River. This is an area we would leave with DFO, however based on some regional knowledge we wanted to point out that this may be a consideration.

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.

**Details:**

Based on the document it was not clear where the works associated with wetlands are occurring. INFC is funding a project with the following description:

The proposed project involves the construction of an artificial wetland in the Town of Taber, AB. Currently, the Town's east industrial area does not have a designated area for storm water to run off to, which is causing untreated storm water to flow into the Town's Irrigation Reservoir.

Project scope includes:

- Construction of a new 100,000 m<sup>2</sup> constructed wetland;
- Sedimentation area or pond;
- New outfall structure;
- Various ditch improvements (~3 km); and
- Force main improvements to connect the existing storm water system to the newly constructed system.

The proposed wetland will treat approximately 80,000 m3 of storm water for a 1:100 year storm event working as a storm water storage retention and treatment facility, and increasing significantly the Town's capacity to treat and manage storm water.

A sedimentation area will be also built with drainage ditch to convey storm water located south of the wetlands project, as well as storm water crossings at Highway 3 and Highway 36 to allow for surface drainage from the eastern and southern parts of Taber.

The purpose of the project is to improve water quality, habitat creation, and mitigate flooding. It will eliminate untreated storm water flowing to the Oldman River and Taber Reservoir. The retention of storm water upstream and its controlled release will prevent downstream impacts, promote wildlife habitat, and provide future opportunities for recreational activities.

Update construction start date: 2022-03-15

\*\*We need to confirm if the scope being considered by the agency includes the works mentioned above. If they are we need to clarify this with the Town because these works have been approved by our minister. Considering the updated construction start date we see this as a potential risk if the Horesefly Emergency Spillway project required a full review by the agency.

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.

For each issue identified, provide a concise, plain-language summary that is appropriate for inclusion in the Summary of Issues.

**Details:**

Whether it is through the IAA process or INFC's process, it is necessary to determine that Indigenous consultation had been conducted in a meaningful way and that any concerns are addressed adequately.

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Jared Bone

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Name of Departmental / Agency  
Responder

Senior Environmental Review and  
Approvals Officer

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Title of Responder

2021-11-29

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Date