

## ATTACHMENT

### Federal Authority Advice Record: Designation Request under IAA

Response due by **February 18, 2022**

Lambert La Ronge Peat Harvest Project

Department/Agency	Women and Gender Equality Canada
Lead Contact	Denise Gareau
Full Address	22 Eddy St., Gatineau QC
Email	<a href="mailto:CFC.EvaluationImpacts-ImpactsAssessment.SWC@cfc-swc.gc.ca">CFC.EvaluationImpacts-ImpactsAssessment.SWC@cfc-swc.gc.ca</a>
Telephone	419-729-6969
Alternate Departmental Contact	Jessica Bialek

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1. Has your department or agency considered whether it has an interest in 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 (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

No.

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2. 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?

WAGE does not hold any regulatory power, functions or duties.

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3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

N/A

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4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

WAGE holds expertise in the application of GBA Plus (as intersectional analysis) as well as information related to gender-based violence.

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5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

Provide an overview of the information or advice exchanged.

No.

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- 6.
- a. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of IAA?

The mandate of Women and Gender Equality Canada (WAGE) is to advance equality with respect to sex, sexual orientation, and gender identity or expression through the inclusion of people of all genders, including women, in Canada's economic, social, and political life. In addition to gender equality, WAGE is the Government of Canada lead on GBA Plus, which is an analytical tool to support the development of responsive and inclusive initiatives, including policies, programs, and other initiatives. GBA Plus is a process for understanding who is impacted by the issue being addressed by the initiative; identifying how the initiative could be tailored to meet diverse needs of the people most impacted; and anticipating and mitigating any barriers to accessing or benefitting from the initiative.

Application of GBA Plus within the Impact Assessment process helps unpack, contextualize, and address inequalities that are based on identity and other factors and their intersections. Factors include but are not limited to race, national and ethnic origin, Indigenous origin or identity, age, sexual orientation, socio-economic condition, place of residence and disability.

Based on the project's potential effects relating to women and the advancement of gender equality, the following are potential effects within federal jurisdiction on which WAGE focus:

- Section 2 of the Impact Assessment Act:
    - (c) With respect to the Indigenous people of Canada, an impact on: (i) physical and cultural heritage
    - (d) Any change occurring in Canada to the health, social or economic conditions of the Indigenous peoples of Canada
    - (e) Any change to a health, social or economic matter that is within the legislative authority of Parliament that is set out in Schedule 3.
- b. Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency?  
No, those effects cannot be managed through legislative or regulatory mechanisms administered by our department.
- c. If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?  
No licence, permit, authorization or approval can be issued by WAGE to include condition in relation to those effects.
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7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Project? In particular, the following issues have been raised by the requestor:
- effects to fish and fish habitats due to reduction in the volume of water, reduction in water filtration capacity of the watershed, and change in natural stream flow;
  - adverse effects on migratory birds and species at risk and their critical habitats (including the following threatened species at risk: Northern Leopard Frog, Common Nighthawk, Rusty Blackbird, and the boreal population of Woodland Caribou);
  - contribution to climate change due to greenhouse gas emissions and loss of carbon sequestration capacity;
  - adverse impacts on the rights of Indigenous peoples; and,
  - lack of consultation by the Crown.

WAGE does not have any additional program or authority to assist with these issues; however, GBA Plus can be applied to find potential solutions.

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8. Does your department or agency have information about the interests of Indigenous groups in the vicinity of the Project; the exercise of their rights protected by section 35 of the *Constitution Act, 1982*; and/or any consultation and accommodation undertaken, underway, or anticipated to address adverse impacts to the section 35 rights of the Indigenous groups?

WAGE does not have any additional program or authority to assist with the section 35 of the *Constitution Act, 1982* nor Indigenous consultation and accommodation. However, GBA Plus can be applied to anticipate adverse impacts on the Indigenous populations in order to mitigate any barriers and identify how the project could be tailored to meet diverse needs of the Indigenous people.

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1. If your department has guidance material that would be helpful to the proponent or the Agency, please include these as attachments or hyperlinks in your response.

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Name of departmental / agency responder

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Title of responder

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Date

### **Introduction**

Lambert Peat Moss Inc. is proposing to both construct and operate the La Ronge Area Peat Harvesting Project, located approximately 15 kilometres south of La Ronge, Saskatchewan. As proposed, the project would extract peat for the production of horticultural products at four harvesting sites that together would represent 2,619 hectares of potentially harvestable area. Other components of the project would include access roads, staging areas and a drainage network. The Project will be developed using standard peat harvesting methods. The first phase of the Project includes construction of the main access road from existing roads around and within the Cluster areas, construction of a drainage network, site clearing, mulching, and grading and, construction of internal bog roads. The next phase involves peat harvesting and maintenance. Peat harvesting is completed progressively throughout the Project; the entire area is not developed at once to limit the size of the Project footprint. Prior to harvest, peat fields are harrowed to aerate and decompact the surface layer to enhance drying of the peat. The peat is ready to be harvested once the water content reaches the desired level. Peat is harvested using peat vacuum harvesters pulled by tractors. Harvested peat is stockpiled in staging areas prior to transport. Maintenance activities include cleaning of ditches and sedimentation ponds, collecting woody debris on peat fields, and re-shaping and grading fields. Progressive reclamation is completed throughout the Project. As one harvestable area is retired, it is reclaimed during development of the next area which includes extending the ditching systems and internal bog roads as required. The final phase of the Project includes decommissioning of Project infrastructure and restoration of disturbed areas. Following decommissioning and restoration, follow-up monitoring is completed until the site meets applicable criteria or is determined to be restored.

The operation would take place on the traditional lands and Treaty 6 territory of the Woodland Cree, Dene, and Métis peoples. On April 20, 2021, Lac La Ronge Indian Band issued a media release stating their opposition to the project within their traditional lands. The Lac La Ronge Indian Band is the nearest First Nation and includes peoples living in Lac La Ronge, Kitsaki, Stanley Mission, Grandmothers Bay, Sucker River, Morin Lake, Little Red River, Potato River, Little Hills, Fox Point, and FourPortages. Concerns have been raised regarding how the Project will negatively impact Indigenous Peoples. The Project may impact wildlife; Indigenous rights to hunt, trap, and gather; Indigenous self-determination; and women's rights to protect the land. The Project is within Census No. 18 which covers Northern Saskatchewan and the closest community to the Project is the town of La Ronge. Public concerns against the Project from local citizens were made public. For example, a petition started by high schoolers has reached a total of 20,000 signatories, a Facebook has been created by concerned citizens in the Lac La Ronge areas which grew to over 1,600 members province-wide (as of January 2022), concerns were covered in media and various representatives were made aware of those public concerns.

In the context of this Project, women, men, and gender diverse persons and people from a range of groups and communities could have vastly different experiences of the risks, benefits and impacts of the Project – from access to benefits in terms of jobs, compensation or benefits and community investment; to decision making roles for new innovation and technologies; to access to services and programs that account for the perspective, knowledges and experiences of diverse individuals and communities. The following are the Department for Women and Gender Equality's (WAGE) key suggested areas/issues for the proponent to consider should the project progress to the Impact Statement phase. Guidance is provided on applying Gender-based Analysis Plus (GBA Plus) to understand the differential impacts of agricultural infrastructure industries on diverse populations and adapt the project design so that project benefits are widely shared, and negative disproportional impacts are minimized.

### **Information on petition**

On November 20, 2018, Saskatchewan Ministry of Environment received Lambert Peat Moss Inc.'s technical proposal for the proposed La Ronge Area Peat Harvest Project. Based on the proposal, the proponent indicated that "Based on the current understanding of the Project, the federal process will not be triggered because this type of project is not listed in the Regulations Designating Physical Activities. Other federal legislation, such as the Fisheries Act, Species at Risk Act (SARA), and Migratory Bird Conventions Act and associated regulations may apply to the Project." On January 8, 2019, the Government of Saskatchewan advised that an environmental impact assessment (EIA) will be required, and the Minister must ensure the

requirements of the Act have been met. Since then, a Terms of Reference (TOR) for the EIA has been submitted on April 08, 2019.

On January 15, 2022, the Minister of Environment and Climate Change received a petition to designate the Lambert La Ronge Peat Harvest Project under the Impact Assessment Act (IAA) from residents of northern Saskatchewan and members of *For Peat's Sake – Protecting Northern Saskatchewan Muskegs*, a coalition formed to protect the muskeg and peatlands of northern Saskatchewan. Some *For Peat's Sake* members are Indigenous people, but do not represent any First Nation or Métis organization.

## Overview of Gender-based Analysis Plus (GBA Plus)

GBA Plus is an analytical tool to support the development of responsive and inclusive initiatives, including policies, programs, and other initiatives. GBA Plus is a process for understanding who is impacted by the issue being addressed by the initiative; identifying how the initiative could be tailored to meet diverse needs of the people most impacted; and anticipating and mitigating any barriers to accessing or benefitting from the initiative. GBA Plus is also an ongoing process that does not stop once an initiative has been developed. GBA Plus is an analytical tool that can be applied to all stages of initiative development, implementation, monitoring, and evaluation. Applying GBA Plus early in the policy development process ensures that diversity considerations are embedded in the decision-making process, allowing for responsive and inclusive initiatives that meet the needs of diverse groups of people.

GBA Plus also involves consideration of the context within which people live, including systems and structures of power. When we consider how these factors work together, we recognize that there are as many differences within groups of people as there are between groups. This recognition is important for doing GBA Plus well and thoroughly.

Some key questions to consider as data and information are gathered at all stages of GBA Plus include, but are not limited to:

- What disaggregated data is available to understand the various intersecting dimensions of the issue?
- Am I prioritizing certain factors and/or data over others? If so why?
- Who should be involved in gathering and analysing data?
- How does age, culture, disability, education, ethnicity, geography, gender, economic status, language, race, religion, sex, and sexual orientation shape who is impacted by this issue? How do these factors change the nature and extent of the impacts?
- How might I engage those who are affected by this issue in my analysis and in the development, implementation and monitoring of the initiative including those who are not traditionally represented?
- Are there any gaps in data in identifying differences and inequalities?

Additional information on GBA Plus and diversity analysis is available at the following:

- <https://research-groups.usask.ca/reed/documents/CEAA%20Report.FINAL.%20Walker%20Reed%20Thiessen.%20Gender%20Diversity%20in%20IA.Feb%208%202019.pdf>
- <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/gender-based-analysis.html#toc9>

## Documenting the context – Creating a baseline

If an Impact Statement is required, there would be a need to document baseline information about the community potentially impacted by the project. This would include basic data and gender analysis as it related to the social, economic and health impacts, such as gender and poverty, division of labour, the differential situation of women and men vis-à-vis indicators (such as literacy, land access, participation in fishing/ agriculture, political participation, etc.). This information should bring to the surface gender and other differences and disparities related to a core problem or issue demonstrating that some groups face different, distinct or greater barriers and risks than others. The analysis should move beyond the descriptive (e.g., percentage of low-income people) to ask critical questions about norms, roles and relations and how that influences power relations (e.g., who has what, who does what, etc.) in a particular context. It should also demonstrate linkages between the economic and legal environment where norms and rules in organizations or in other societal structures become obstacles for certain groups (e.g., historical and contextual issues that have limited access to opportunities).

## Disaggregated data

Detailed overview of the target population group(s) and local context will be necessary in the Impact Statement. This will allow to clearly identify the segments of the population that will either benefit or be negatively impacted by the project. Information should be updated and disaggregated at minimum by sex, gender, age, and ethnicity. Where possible, data should be further disaggregated to include information such as on the impact to diverse groups within the project's area of influence, such as Indigenous peoples, women, low income, under or unemployed, disabled, seniors and systematically marginalized groups. Disaggregated baseline information will be essential in the Impact Statement to demonstrate changes over the life of the project and to provide a reference point for assessing gender equality results. Extracting this data normally involves consulting a range of sources, such as government statistics, administrative reports, or previous studies. If data gaps exist, this should be mentioned up

front in the Impact Statement and additional steps should be taken to fill gaps in information. For instance, while there is a rise in census participation from Indigenous communities, the information may not always be available or shared.

The quantitative information, including gender sensitive data, should also be complemented by qualitative insights from studies or consultations and from various sources. For example, the Impact Statement should provide a detailed profile of the socio-economic conditions of the households and communities that may be affected by the project.

### **Public Engagement and decision-making**

Consultation with various groups and individuals, including residents and Indigenous groups, are an important element of the GBA Plus process. The initial project description discussed engagement activities to date, however further detail is required on the participants in the engagement plan to ensure transparent and inclusive processes. Companies often fail to adequately consult with women or diverse groups when negotiating access to land, compensation or benefit-sharing agreements. In addition, language and information materials should be accessible to all. If not adequately consulted, this can disempower and disadvantage individuals as groups, and many also undermine traditional decision-making structures. Communities also have different social, economic, and political conditions and cultural specificities that combine in different ways to enable or constrain women's agency and leadership. It is important to understand decision making processes and abilities of individuals or groups in the local area – not only who, but also different kinds of decisions people make, particularly related to the use of resources.

Ultimately, the Impact Statement should allow for a better understanding of people's decision-making abilities about development in the community, particularly on the use of resources. An Impact Statement can provide information on how the project intends to support culturally sensitive participation of women and diverse groups in decision making.

### **Social needs and well-being**

The Impact Statement should also include information on what was heard through the engagement or consultation process on social needs and well-being. Including diverse perspectives in engagement and consultation processes supports the identification of different needs, particularly as it relates to social needs such as health or social services. For example, when barriers are identified to women's participation such as lack of childcare services, measures can be considered to provide childcare services or creating child-friendly spaces during meetings. Similarly, there are cases where men gain employment in industrial projects and withdraw their labour from traditional subsistence activities such as hunting, fishing, gathering and/or trapping, which can create – and exacerbate existing – gender inequalities in the communities. The Impact Statement will also need to demonstrate how engaging community members helps ensure the specific needs of men, women and gender diverse groups of people are understood and adverse impacts are mitigated, or positive impacts enhanced.

### **Access and control over resources**

Access and control over resources is concerned with both the availability of resources, and the benefits that come from the use of these resources. The project proponent may wish to include information in the Impact Statement on how access and use of resources, such as education, information and services will be impacted by the implementation of the proposed project. The Impact Statement should elaborate on how the proponent plans to implement local employment and policies and planning, while using local skills and supporting local initiatives.

For the project to be sustainable and inclusive, the Impact Statement should identify resources in the community, and then describe who accesses these resources. For example, if traditional livelihoods are affected and women are unable to access employment due to skill shortages, the project can consider ways to support women's employment in the industry or hire business owned by local and/or Indigenous women in the supply chain.

In addition, to understand the constraints and barriers faced by certain individuals or groups in access to and use of resources, the Impact Statement should describe the social norms and broader social power structures, such as legal frameworks that can impact women, men and diverse groups of people's ability to equally benefit from the opportunities in the agricultural industry.

### **Economic opportunities**

Economic opportunities and access to the financial benefits of projects is often limited for women and for a range of diverse groups. Moreover, the Impact Statement should describe whether the project will generate significant benefits and opportunities for local communities, such as who from the communities will benefit and the potential for diverse labour force and considerations, including women's employment or entrepreneurship opportunities in the sector. It should also outline employment rates in the area and describe the level of nature of unemployment in the local area (e.g., people with low levels of educational attainment,).

As the project proponent develops the Impact Statement, information should be included on how women and men and diverse groups of people are employed either as wage earners in the labour market or in customary livelihood occupations. This is particularly relevant for Indigenous communities where "pluri-activity" often characterizes household incomes. The proponent may wish to include information on what potential it has for increasing employment for women and other under-represented groups in the sector and for local workers more generally. The proponent may wish to identify measures that will be undertaken to support the recruitment, development, and retention of those workers. Information on the training opportunities that will be made available

for the prospective workers may also be of relevance. This could include collaboration with local learning institutions to deliver training targeted to these populations. Measures related to the supply chain may also be considered for example, the creation of incentives or criteria that favour local suppliers. Additional detail on how the project can have positive implications on the local economy more broadly should be included (e.g., supplying food, accommodations or potentially as it related to purchasing construction materials). The proponent may also wish to describe in the Impact Statement its own workforce development plans as they related to diversity and inclusion.

### **Gender-Based Violence (GBV)**

In certain cases, projects can generate and result in increasing migration and influx of transient workers. In most cases, men remain over-represented in the agricultural development and infrastructure sector. The Impact Statement should identify and assess the potential issues of gender-based violence (e.g., sexual harassment, violence against women, human trafficking). The Impact Statement will need to explore these potential issues and increased risks such as gender-based violence, which can make women feel less safe in their homes and communities. The Impact Statement will need to identify the specific systemically marginalized groups among women (e.g., Indigenous, younger women, youth), that are often disproportionately affected by these health and safety risks, including intimidation and discrimination. Risks and negative impacts can also be experienced by groups that are not specifically targeted by the project.

GBV is a persistent problem in all societies and should be explored in the assessment, for example, to ensure that the proponent and worksite contractors take measures to prevent sexual harassment and violence. The Impact Statement should include an overview of the legal framework, such as relevant labour laws and policies related to GBV. For example, Canada's laws governing domestic violence and the jurisdictions to address the problems differ from province to province. The Impact Statement should also consider mitigation measures, where relevant, such as programs to support the safety and security of people, including codes of conduct and programs to engage men as change agents – arguably one of the most challenging aspects of promoting gender equality. If temporary infrastructure is required, such infrastructure should include washroom facilities that are safe spaces for all workers. Should it be relevant, the proponent should include in the Impact Statement background information on GBV in the impacted communities and how project interventions may have unintended impact or increased risk in the development of the project.

### **Conclusion**

While GBA Plus should be embedded throughout the Impact Statement and Impact Assessment, a specific section that summarizes key issues and identifies mitigating measures to address these issues can be useful as it helps form the basis for a GBA Plus implementation framework. It is recommended that key issues and practical measures be prioritized, rather than devising an exhaustive list that might not be realistic to implement. Underpinning these key actions with indicators of success and monitoring progress regularly also helps institutionalize gender equality and inclusion in the project management.