

ATTACHMENT

Federal Authority Advice Record: Designation Request under IAA

Response due by **May 12, 2022**

Deadhorse Coulee Reservoir Project

Department/Agency	Indigenous Services Canada
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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?

Specify as appropriate.

Indigenous Services Canada (ISC) has considered an interest in the Project related to impacts on Indigenous peoples and the rights of Indigenous peoples. ISC has not 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.

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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?

If yes, specify that power, duty or function and its legislative source.

ISC is not responsible for approving or issuing licences, permits or authorizations for the assessments of large, proposed projects that are not on reserve.

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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?

Specify as appropriate.

N/A

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?

Specify as appropriate.

ISC has a mandate to support Indigenous people (First Nations, Inuit and Métis) in their efforts to improve social well-being, health and economic prosperity; to develop healthier, more sustainable communities; and to participate more fully in Canada's political, social and economic development.

ISC also has information and knowledge of Indigenous matters on Federal lands.

ISC-FNIHB has specialized knowledge pertaining to First Nations people. Areas of expertise include, but are not limited to: the provision of health services, community health and wellness programs, drinking water quality on First Nations reserves, and social determinants of health, such as mental health and addictions, language, diet, or chemical contamination of traditional foods and perception of contamination.

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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?

To the best of its knowledge, ISC has had no previous contact or involvement with the proponent or other parties in relation to the project.

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6. 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? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

Specify as appropriate.

Currently, ISC does not have enough information to make determinations as to whether or not the Project may pose adverse direct or incidental effects as described in Section 2 of IAA 2019. However, any proposed changes from the Project activities may interfere with land use/access, loss of traditional lands, and ability to hunt, fish, gather, and/or trap, as well as the ability for Indigenous People to practice their culture. As such, consideration should be given to:

- displacement of wildlife/wildlife relocation
- reduced access to traditional foods (which could affect food security)
- potential changes to quality in soils, waters, and fish habitat (changes to water environment for fish);
- changes in the health, socio-economic conditions and community well-being due to reduced access to land, resources, and sites of spiritual and cultural importance

The potential impacts of the proposed Project should be considered over an extended period of time (80-100 years) and with particular attention paid to anticipated impacts of advancing climate change on food security and traditional activities of Indigenous peoples potentially affected by the proposed project. Common concerns surrounding impacts to Indigenous communities may potentially be 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.

Although this project is not on reserve land, and ISC has no specialist or expert information or knowledge relevant to potential adverse effects, reserve lands may experience downstream effects from Project activities. These potential impacts include large withdrawals and altered flow regimes on riparian and aquatic ecosystems.

It would be important to consult with potentially affected First Nations, as well as any Metis group or Metis Settlement within the respective areas.

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 habitat;
 - adverse effects on migratory birds and species at risk and their critical habitat. Special concern species at risk that may be affected includes Great Plains Toad and Northern Leopard Frog. Threatened species at risk that may be affected includes Thick-Billed McCown's Longspur, Tiny Cryptantha, and Bull Trout. Endangered species at risk that may be affected includes Burrowing Owl, Greater Short-horned Lizard, and Lake Sturgeon (Endangered status under COSEWIC). Other species at risk that may be affected are noted in Appendix 1 of the Request for Designation;
 - changes to the environment on federal lands, including reserve lands and Canadian Forces Base Suffield;
 - changes to the environment that occur in a province or territory other than the one where the Project is taking place, including Saskatchewan;
 - changes to the environment that occur outside of Canada;
 - contribution to climate change due to greenhouse gas emissions and loss of carbon storage capacity by converting native grasslands to irrigated agricultural lands;
 - changes to the environment that could affect the Indigenous peoples of Canada; and,
 - changes occurring to the health, social, or economic conditions of the Indigenous peoples of Canada.

If yes, please specify the program or authority.

ISC does not have any thorough legislative or regulatory mechanisms that could manage the potential adverse/incidental effects of the Project.

Indigenous Services Canada is aware that the requestor has mentioned potential downstream effects from Project activities on reserve lands and impacts on Indigenous rights, including a reduction in instream flows in the Highwood, Bow, Oldman and South Saskatchewan Rivers through increased diversions from the rivers and reduced return flows to the rivers. This is especially so since the South Saskatchewan River Basin is fully or nearly fully allocated, and there will be likely water shortages in some watercourses.

In terms of programs that relate to potential effects on health, social or economic conditions of the Indigenous Peoples of Canada, ISC manages several kinds of programs:

Housing

The First Nation On-Reserve Housing Program helps to improve on-reserve housing. While it does not cover the full cost of housing, this program can be accessed by First Nations to build and renovate houses, as well as contribute towards maintenance costs, insurance, debt servicing, and the planning and management of a housing portfolio.

Infrastructure

ISC works with First Nations governments and communities to support adequate and sustainable housing, clean drinking water and community infrastructure such as schools, roads and wastewater systems, which are essential to healthy, safe and prosperous communities.

Education

ISC has programs that support First Nations elementary and secondary education, and distinctions-based strategies for First Nations, Inuit and Métis Nation post-secondary students.

- Education Partnership Program – a proposal-based program designed to advance First Nations student achievement in First Nations and provincial schools.

- Elementary and Secondary Education Program – provides eligible students ordinarily living on reserve with elementary and secondary education programs comparable to those in provincial schools.
- First Nation and Inuit Skills Link Program - supports initiatives that help First Nations and Inuit youth acquire essential employability and job-related skills, and to learn about job and career options.
- First Nations and Inuit Summer Work Experience Program - supports initiatives to help First Nations and Inuit youth acquire skills, prepare for full-time employment and earn income to support post-secondary education.
- Post-Secondary Student Support Program - department provides financial assistance to First Nations students who are enrolled in eligible post-secondary programs.
- High-Cost Special Education Program – to assist eligible First Nations students with high-cost special needs to access quality programs and services that are culturally sensitive and reflective of generally accepted provincial or territorial standards.
- University and College Entrance Preparation Program - to enable First Nations students to attain the academic level required for entrance into degree and diploma credit programs, as prioritized and directed by First Nations.

Emergency Management

The Emergency Management Assistance Program provides funding to First Nations communities in order to build resiliency, prepare for natural hazards and respond to them using the 4 pillars of emergency management (mitigation, preparedness, response, recovery). This program is jointly implemented with provincial and non-governmental organizations.

ISC-FNIHB also has several programs that may be relevant and could be considered as a means of assisting First Nations people in further investigating and scoping out their concerns about the Project relating to: *changes to the environment that could affect the Indigenous peoples of Canada; and "changes occurring to the health, social, or economic conditions of the First Nations People of Canada" are:*

- a. The First Nations Baseline Assessment on the State of Health and the Environment program - supports community-based research in First Nation communities that are interested in assessing the baseline health and environment status of their community prior to the implementation of planned large-scale industrial projects on their traditional territories, and when such projects may have potential impacts on the community.
- b. First Nations Environmental Contaminants program – supports community-based research in First Nations communities that are interested to improve their health and wellbeing by supporting their capacity to identify, investigate and characterize the exposure to environmental hazards on their health and environment through community-based research, monitoring, risk assessment and risk communication.
- c. Climate Change Health and Adaptation Program – supports community-based research and action oriented projects, to help southern First Nation communities minimize risks and adapt to the impacts of climate change on human health. More on the program can be accessed at: <https://www.ClimateTelling.info>

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?

If yes, please specify.

N/A

9. 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.

ISC has some general information on First Nations communities that are accessible to general public. This information can be accessed via the First Nations Profiles and the Community Well-being Index.

First Nations Community Profiles

The First Nation Profiles is a collection of information that describes individual First Nation communities across Canada. The profiles include general information on a First Nation along with more detailed information about its reserve(s), governance, federal funding, geography, registered population statistics and various Census statistics. This information can be accessed here: <https://fnppn.aadnc-aandc.gc.ca/fnp/Main/Index.aspx?lasng=eng>.

Community Well-being Index

ISC maintains the Community Well-being Index (CWB). This index measures socio-economic well-being for individual Indigenous communities across Canada. It has 4 components: education, labour force activity, income, and housing. It is compatible with other community-level data to facilitate a wide variety of research on the factors associated with well-being, and allows for cross-comparison with other Indigenous and non-Indigenous communities. The Community Well-being Index can be accessed through the following website: <https://www.sac-isc.gc.ca/eng/1100100016579/1557319653695>.

Anik Guertin

Name of departmental / agency responder

Manager

Title of responder

May 12, 2022

Date