

## ATTACHMENT

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

Response due by **May 12, 2022**

Deadhorse Coulee Reservoir Project

Department/Agency	Women and Gender Equality 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.

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?

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

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?

Specify as appropriate.

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?

Specify as appropriate.

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

Specify as appropriate.

(A) 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 racialization, national and ethnic origin, Indigenous origin or identity, gender, age, sexual orientation, socio-economic condition, place of residence and disability.

From the perspective of WAGE's mandate and responsible areas, the following issues should be addressed in the impact assessment of the Project:

- **Assessing current realities:** Identify the position of various groups with respect to decision-making, participation, access and control over resources as well as norms, values, and rights. What are the barriers to equality?
- **Inclusion of disaggregated data:** Will data on benefits and negative impacts on diverse people be counted? If data is limited what steps will be taken to ensure that the needs of diverse people are understood and reflected in the Project design?
- **Analysis of differential impacts:** Do diverse populations get a fair share of the benefits associated with the Project? Are some disproportionately affected by the negative consequences (e.g., Gender - based violence)? Will historical gaps and perceptions prevent certain people from benefiting from the Project equally?
- **Engagement of diverse people in a culturally-sensitive manner:** Have people and particularly those who are marginalized been consulted? How will the views and perspectives of these people help shape the Project?
- **Are investments distributed across different groups:** What will be done to ensure that the Project serves to strengthen capacities and quality of life for diverse groups and individuals?
- **Mainstreaming equality:** Does the Project seek to address the identified needs of various people? Do project outcomes include a broader commitment to improving equality and not perpetuating norms and structures that contributed to these inequalities?

- **Information on those implementing the Project.** Does the business have equality, anti-harassment or other relevant policies in place? Is the current workforce diverse? Is there a history of abuses or infractions as it relates to social justice issues? Is training provided on issues related to equality, diversity and inclusion to ensure that the implementation team has **the skill, knowledge, and commitment to positive change** to bridge gaps in a lasting manner?

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)** No, those effects cannot be managed through legislative or regulatory mechanisms administered by our department.

**(C)** No licence, permit, authorization or approval can be issued by WAGE to include condition in relation to those effects.

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 habitats. 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 Rocky Mountain Sculpin. 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.

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

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.

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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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.

Denise Gareau

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Name of departmental / agency responder

Director, Research, Results and Delivery Branch, Women and Gender Equality Canada

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Title of responder

May, 12, 2022

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Date

## Introduction

The Bow River Irrigation District is proposing to construct and operate the Deadhorse Coulee Reservoir Project, a new reservoir located on the Bow River Irrigation District main canal, approximately 10 kilometres southeast of Enchant, Alberta. The reservoir would have a surface area of 500 hectares and a water storage capacity of 24 million cubic metres. As proposed, the Project would allow water storage for irrigation, and provide a location for the community to participate in sport fishing and other water-related activities.

The Project as proposed is not a designated project as described in the Physical Activities Regulations. The impact assessment process under the IAA only applies to designated projects.

According to the Alberta Water Portal Society, In addition to increasing water storage, this reservoir will provide a vital balancing function on our main canal to reduce spill. Environmental and engineering investigations are underway, meetings with affected landowners are ongoing, and discussions with government officials on the regulatory approval process are occurring. The current land use within the reservoir footprint is agriculture, with all land privately owned.

The Project's construction is expected to take place from 2023-2025.

The Project is one activity of a broader, coordinated irrigation expansion and modernization program proposed by Irrigating Alberta Inc., itself an entity wholly owned and controlled by ten of Alberta's irrigation districts, including the Bow River Irrigation District. This broader program consists of the modernization of 85 components of irrigation infrastructure and the construction or expansion of four off-stream reservoirs, including the Deadhorse Coulee Reservoir Project. The broader program of physical activities would be the largest expansion of irrigation infrastructure and irrigated lands in Alberta's history, including over 200 kilometers of new or converted pipelines and canals, over 1,850 hectares of new reservoir footprint, and over 95,000 hectares of newly irrigated land. The broader program has total funding of \$933 million, 50% of which is being provided by the Government of Canada through the Canada Infrastructure Bank. The Government of Alberta is providing 30% of the funding and the involved irrigation districts are providing 20% of the funding. The Project's cost is expected to be \$59.1 million.

This request is for designation only for the Deadhorse Coulee Reservoir Project, and not for the entire expansion and modernization program which Irrigating Alberta Inc. is undertaking. However, the Deadhorse Coulee Reservoir Project exists within the broader context of the overall expansion and modernization program, and its potential effects must be viewed in light of their contribution to the broader program, which is likely to have a very significant cumulative impact on the already stressed South Saskatchewan River Basin and its subbasins.

Indigenous peoples may suffer adverse effects to cultural and ecological resources and water rights as a result of the Project. Insofar as Indigenous peoples' access to cultural, archaeological, and ecological resources within the Project footprint or in areas which may be impacted by the Project or the broader expansion and modernization program are protected under section 35 Aboriginal or Treaty rights, they could potentially suffer the adverse effects of the Project and of the broader expansion and modernization program to which the Project would contribute.

### **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 a diversity of 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 should demonstrate how engagement of community members has increased understanding of adverse impacts and informed mitigation measures to enhance positive impacts.

## **Access and control over resources**

Access and control over resources relates to both the availability of resources, and the benefits that come from their use. The 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 describe who accesses these resources. For example, if traditional livelihoods are affected and certain groups lack the required skills for employment, the proponent might consider ways to remove barriers through targeted activities and supports. In addition to direct employment, the Proponent could consider inclusion of underrepresented groups through supply chain arrangements, like for example, procuring goods and services from businesses owned by local, Indigenous persons and/or women.

In addition, to understanding the constraints and barriers faced by certain individuals or groups, the Impact Statement should include a description of the social norms and broader social power structures. Social norms refer to the rules and accompanying behaviours that govern social behaviour and expectations. Both formal and informal rules govern market behaviours. The ‘informal rules’ include norms (or what we call “social norms”) and relations (meaning the power dynamics between people). For example, women often occupy different economic spheres, due to social norms that define acceptable roles and behaviours for women. Across most contexts, women are more likely to work as unpaid family workers, in the informal sector or part-time so that they can combine work with care responsibilities. Even in formal employment, in many contexts women tend to work in “female” occupations for lower returns.

### **Economic opportunities**

Economic opportunities and access to financial benefits of projects is often limited for some populations. Moreover, the Impact Statement should describe whether the project will generate significant benefits and opportunities for local communities (e.g., who from the communities will benefit) and the potential for differential benefits, including opportunities for women, persons with disabilities or Indigenous peoples in the Project workforce. It should also outline the current rates of employment and describe differences between and among subgroups 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 extraction 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.