

ATTACHMENT August 18, 2022

Federal Authority Advice Record: Designation Request under IAA

Response due by **September 8, 2022**

Summit Mine 14 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?

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?

No

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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?

No

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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?

Indigenous Service Canada (ISC) holds some general information on First Nations communities that is accessible to general public and could potentially inform the assessment, should a federal assessment be required. 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.

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.

ISC operates numerous programs and services for on-reserve First Nations, which provide similar functions as a province or municipality does off-reserve. These programs include health, social, education, economic development, governance and infrastructure services . Although ISC maintains inventories of data related to each of these programs, often this data belongs to the participating community.

Concerning health related information or knowledge, the First Nations and Inuit Health Branch (FNIHB) of ISC holds some types of data relevant to Indigenous communities. Areas of expertise include but are not limited to: the provision of health services, community health and wellness programs, drinking water quality on First Nation Reserves, and social determinants of health, such as mental health and addictions, language, diet, or chemical contamination of traditional foods and the 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?

No

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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?

ISC, as a whole, does not have sufficient information to determine whether the project will cause adverse effects or the extent of these impacts, and is not responsible for approving or issuing licences, permits or authorizations for the assessments of large proposed projects.

Consideration should be given to the potential for:

- risks of displacement of wildlife
- effects on Indigenous Peoples and their culture, Treaty rights, and Traditional and current land uses
- changes in the health, socio-economic conditions and community well-being due to reduced access to land (traditional activities), resources, and sites of spiritual and cultural importance
- reduced access to traditional foods, and
- changes to quality in soils, water (surface and groundwater), and fish habitat (changes to water environment for fish)

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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:

- adverse effects on fish and fish habitat;
- adverse effects on migratory birds and species at risk and their critical habitats. Concerns were raised about the yellow-bellied flycatcher, common yellowthroat, black-throated green

warbler, harlequin duck, Cassin's vireo, barred owl, and western toad; the requester asserts that these species are known to be near the Project's vicinity;

- changes to the environment that occur on federal lands, including Jasper National Park;
- changes to the environment that occur in a province or territory other than the one where the Project is taking place, including British Columbia;
- adverse effects to multiple waterways due to selenium contamination;
- adverse cumulative effects due to historical and present coal development in the area;
- adverse effects to critical wildlife habitat, including Bighorn sheep, Woodland caribou, grizzly bear and wolverines;
- changes to the environment that could affect the Indigenous peoples of Canada and their ability to practice section 35 rights; and,
- changes occurring to the health, social, or economic conditions of the Indigenous peoples of Canada.

If the project is designated and undergoes an impact assessment, as per IAA 2019, ISC would potentially be able to provide information relevant to the health, social or economic conditions of Indigenous peoples (if deemed impacted by this project). See Question 4 for detail.

There are several FNIHB 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. First Nations Baseline Assessment on the State of Health and the Environment – this program supports 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. The First Nations Environmental Contaminants program – this 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. The 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.

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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?

ISC has some information about the interests of the Aseniwuche Winewak Nation and in relation to the six sites mentioned in the project description (Indigenous lands of various types).

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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.

Jan Triska

Name of departmental / agency responder

Environmental Management Officer

Title of responder

September 8, 2022

Date