

ATTACHMENT October 25, 2022

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

**Response due by November 15, 2022**

Sugar Creek Peat Harvesting Project

Department/Agency	Health 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.

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?

Specify as appropriate.

Not applicable

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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.

As a federal authority, Health Canada will provide specialist or expert information and knowledge in the Department's possession (expertise) to support the assessment of impacts on human health from

projects considered individually or cumulatively under the *Impact Assessment Act* (IAA). The Department provides expertise in the areas described below; it does not play a regulatory role. It should also be noted that expertise related to assessing human health that is relevant to impact assessment (IA) may be held by other federal, provincial, and municipal partners, reflecting the shared jurisdiction for environmental and human health within Canada. For example, the Public Health Agency of Canada (PHAC) has expertise in social determinants of health and health equity, and may provide that expertise through Health Canada, upon request from the reviewing body or bodies. How the expertise provided by Health Canada and PHAC will be used in the IA process will ultimately be determined by the reviewing body or bodies.

Health Canada can provide human health expertise in the following areas:

- Air quality health effects;
- Contamination of country foods (e.g. fish, wild game, garden produce, berries, etc.);
- Drinking and recreational water quality;
- Radiological effects;
- Electric and magnetic fields;
- Noise impacts;
- Methodological expertise in human health risk assessment;
- Methodological expertise in conducting Health Impact Assessment (HIA); and
- Public health emergency management of toxic exposure events.

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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. 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.

Health Canada has reviewed the following documents provided by the Impact Assessment Agency of Canada (the Agency):

- Request for Designation under IAA - Letter to Federal Authorities (Notification and Request for Info.pdf
- Fisher River Cree Nation letter - Designation Request for Sugar Creek Peat Harvesting Project.pdf

The information provided in the Request for Designation is not sufficient to confirm whether there exists a potential to cause adverse effects on human health within federal jurisdiction, i.e., effects to Indigenous peoples. The Designation Request indicates that the proposed project is in close proximity to Indigenous communities (20 km southeast of Fisher River Cree Nation, Manitoba) and traditional territories. However, uncertainty remains regarding traditional land use practices (hunting, trapping, fishing, harvesting plants and drinking water and recreational water use), in the region and potential for interactions with the Project. In order to determine the extent of any direct effects on Indigenous peoples, Health Canada would seek to understand whether Project-related changes to air quality, water quality, noise, and country foods have the potential to affect the health of Indigenous people. Health Canada also notes a need for clarification around the location and distance from the Project site of all potential human receptors (permanent, seasonal, or temporary), taking into consideration the different types of land uses (e.g., residential, recreational, industrial, etc.).

Health Canada does not administer legislative or regulatory mechanisms, or issue licenses, permits, authorizations, or approvals under the *Impact Assessment Act* (the Act). If the Minister of Environment and Climate Change designates the project under the Act, Health Canada can provide expertise on issues addressed within its departmental mandate to support the Agency with its review.

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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. The Project could result in potential:
- adverse effects to areas within federal jurisdiction, including Indigenous peoples and lands, species at risk, and fish and fish habitat;
  - alteration of the land and hydrological and ecological functions of groundwater, surface water, and wetlands in Fisher River Cree Nation (FRCN) traditional territory;
  - adverse effects to fish habitat and spawning within the Sugar Creek watershed system;
  - adverse effects to wildlife populations, migration patterns, and wildlife habitat;
  - significant adverse impacts on the treaty and aboriginal rights of FRCN, as well as significant adverse effects on FRCN's health, social, and economic conditions;
  - change to FRCN's ability to develop its land and economic plans;
  - impacts to locations of cultural and historical importance to FRCN and other Indigenous communities;
  - adverse effects to the Fisher Bay Provincial Park and Proposed Expansion that is underway;
  - contribution to climate change due to loss of peatland carbon storage and sequestration area; and
  - cumulative effects of existing peat harvesting operations in the area, which were not considered in previous provincial licensing processes and are likely irreversible or not restorable for well over 100 years.

If yes, please specify the program or authority.

No

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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?

If yes, please specify.

No

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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.

**Available Health Canada guidance:**

Health Canada has published the following guidance documents for evaluating human health impacts: Guidance for Evaluating Human Health Impacts in Environmental Assessment:

- [Human Health Risk Assessment](#)
- [Air Quality](#)
- [Water Quality](#)
- [Country Foods](#)
- [Noise](#)
- [Radiological Impacts](#)
- [Interim Guidance on Health Impact Assessment](#)<sup>1</sup>

Dave Kitchen

Name of departmental / agency responder

Regional Manager

Title of responder

November 15, 2022

Date

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<sup>1</sup>Health Canada. Draft Interim Guidance Document for the Health Impact Assessment of Designated Projects under the *Impact Assessment Act*. Draft for review. June 30, 2022. Available upon request.