

ATTACHMENT November 23, 2022

Federal Authority Advice Record: Designation Request under IAA

Response due by December 19, 2022

Clearwater Peat Harvesting Project

Department/Agency	Indigenous Services Canada, Alberta Region
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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.

The project is not on reserve lands, therefore ISC has no legislative authority over this project. ISC has a considered interest in the Project related to impacts on Indigenous peoples, impacts to traditional territory and reserve lands, and impacts to 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.

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.

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.

Although this project is not on reserve land, ISC may have specialist or expert information or knowledge relevant to potential adverse effects, and how the project will affect traditional practices for local Indigenous groups.

Indigenous Services Canada 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.

Indigenous Services Canada also has information and knowledge of Indigenous matters on Federal lands. For example, ISC – Lands and Economic Development may have relevant information on the following areas depending on the final scope of the project: climate change impacts to traditional lands and reserve lands, cumulative effects on traditional territories and reserve lands, the assessment and remediation of chemical contamination of traditional territories and reserve lands.

First Nations and Inuit Health Branch (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 Nation Reserves, and social determinants of health, such as mental health and addictions, language, diet, or the chemical contaminants of traditional foods and perceptions of contamination.

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.

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.

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.

ISC has no legislative authority over this project.

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:

- analysis of cumulative impacts relative to other resource development initiatives in the area including oil and gas extraction;
- displacement of wildlife/wildlife relocation, resulting in 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); and
- changes in the health, socio-economic conditions and community well-being due to reduced access to land.

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 other resource extraction projects in the area.

There is limited information on the extent of the project impacts, however, any project activities will likely interfere with land use/access, loss of traditional lands and ability to hunt (loss of terrestrial habitat), fish, gather and/or trap as well as the ability for Indigenous People to practice their culture. However, the potential impacts of the proposed project have to be considered over an extended period of and with particular attention to anticipated impacts of advancing climate change on food security and traditional activities of First Nations potentially affected by the proposed Peat harvesting.

Additional considerations should be given to the letter from O'Chiese First Nation to Hon. Steven Guilbeault, ECCC Minister (dated November 18, 2022) which outlines several concerns of impacts the project.

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

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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;
 - adverse impacts to soil, water, wetlands, watersheds, medicines, vegetation and other component of the environment important to O'Chiese First Nation treaty rights;
 - alteration of the land and hydrological and ecological functions of groundwater, surface water, and wetlands in O'Chiese First Nation's traditional territory;
 - significant adverse impacts on the treaty and aboriginal rights of O'Chiese First Nation as well as significant adverse effects on health, social, and economic conditions;
 - adverse impacts to O'Chiese First Nation's Section 35 rights;
 - impacts to highly used traditional hunting, trapping and gathering areas including areas of cultural importance (i.e. gravesite located approximately 6km from the Project area);
 - 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 are likely irreversible or not restorable for well over 100 years.)

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.

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 that may relate to the above specific potential adverse and cumulative effects of the project:

- **Lands Operations – The Lands Operations unit is responsible for the administration and management of Reserve lands, as well as land devolution programs.**
- **Environmental Planning and Management: The focus of this Unit is to provide technical and environmental support services to First Nation communities in the areas of climate change, solid waste, water quality, additions to reserve, on reserve projects, environmental assessment and contaminated sites assessment and remediation.**
- **ISC – First Nation and Inuit Health Branch Programs:**
ISC-FNIHB 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:
 - **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.**
 - **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.**
 - **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: [Climate Change and Health Adaptation Program \(sac-isc.gc.ca\)](http://sac-isc.gc.ca)**
- **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. – [Emergency Management Assistance Program](#)**
- **Economic Development: ISC supports First Nation’s in building sustainable economies through economic programs to build economic ventures, participate in economic opportunities and partner to develop the local economy through the Lands and Economic Development Services Program (LEDSP) - [Program Guidelines - Lands and Economic Development Services Program \(LEDSP\) \(sac-isc.gc.ca\)](#) and**
 - [Community Opportunity Readiness](#)
 - [COVID-19: Indigenous businesses initiative](#)
 - [Indigenous Business Development](#)
 - [Lands and Economic Development Services Program](#)
 - [Strategic Partnerships Initiative](#)

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.

ISC is aware of the following external report that may be relevant to the project and potential impacts to interests of Indigenous Groups that may be impacted by the project – a full scope of the project would need to be established to determine relevance:

[Allocation and Sustainable Management of Peat Resources on Public Land \(alberta.ca\)](#)

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.

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://fnp-ppn.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>.

Mathew Wiens

Name of departmental / agency responder

Regional Program Development Advisor

Title of responder

December 8, 2022

Date