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December 19, 2022

CIAR File No.: [84141](#)

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Subject: Natural Resources Canada Submission in Response to the Designation Request for the Clearwater Peat Harvesting Project

On November 28th, the Impact Assessment Agency of Canada (the Agency) requested that Natural Resources Canada (NRCan) provide information in response to the Designation Request for the Clearwater Creek Peat Harvesting Project (the Project) located 10 kilometres northwest of Caroline, Alberta.

NRCan is responding to this Designation Request pursuant to subsection 13(1) of the *Impact Assessment Act*. Details of NRCan's response can be found in the appendix below.

If you have any questions, please contact me via e-mail at walker.smith@nrcan-rncan.gc.ca or by phone at (613) 447-2892.

Thank you,

<Original signed by>

Walker Smith
Environmental Assessment Officer
Office of the Chief Scientist

cc: Peter Unger – Director (A), Impact Assessment Division

Canada 

ATTACHMENT November 28, 2022

Federal Authority Advice Record: Designation Request under IAA

Response due by **December 19, 2022**

Clearwater Peat Harvesting Project

Department/Agency	Natural Resources Canada
Lead Contact	Walker Smith, Environmental Assessment Officer, Office of the Chief Scientist
Full Address	588 Booth Street, Ottawa, ON, K1A 0E4
Email	walker.smith@nrcan-rncan.gc.ca
Telephone	613-447-2892
Alternate Departmental Contact	Kathy McPherson, Team Leader (A), Office of the Chief Scientist (kathy.mcpherson@nrcan-rncan.gc.ca)

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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?

NRCan does not have an interest in the Project, nor has it taken any course of action (e.g., regulatory decision, funding, etc.) to enable 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?

Based on available information, it is not probable that NRCan will be required to exercise a power or perform a duty or function related to the Project.

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?

Not applicable.

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?

In relation to the Project, NRCan is in possession of expertise related to forestry, including:

- Forest health and biodiversity
- Forest hydrology (e.g., impacts of projects activities on hydrology [i.e., surface water]), including lowlands such as peatlands and wetlands
- Species at Risk habitat (e.g., Woodland Caribou)
- Forested land use, and reclamation and restoration (i.e., post-closure)

NRCan may further refine its expertise as more information becomes available related to the Project.

5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

No.

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?

From the perspective of the legislative mandate of the Department, NRCan is unaware of any potential Project-related adverse effects within federal jurisdiction. Through its various research programs, NRCan is able to provide scientific expertise and advice to other Federal Authorities as needed, to support their assessment of potential effects within federal jurisdiction (e.g., Department of Fisheries & Oceans and impacts to fish and fish habitat, and Environment & Climate Change Canada and impacts to Species at Risk).

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 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.)

No.

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?

No.

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.

Not applicable.

Walker Smith

Name of departmental / agency
responder

Environmental Assessment Officer

Title of responder

December 19, 2022

Date