

ATTACHMENT: April 25, 2023
Federal Authority Advice Record

Response due by May 25, 2023

Aspen Power Station Project, Saskatchewan Power Corporation
Agency File: 84525

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| Department/Agency | Indigenous Services Canada. First Nations & Inuit Health Branch |
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1. 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 the Act of Parliament and that power, duty or function.

N/A. Indigenous Services Canada (ISC) is not responsible for approving or issuing licences, permits or authorizations for the assessments of large, proposed projects

1b. Please describe any Indigenous or public consultation that will be undertaken in relation to the exercise of that power, duty or function, including when it would take place.

N/A. Indigenous Services Canada (ISC) is not responsible for approving or issuing licences, permits or authorizations for the assessments of large, proposed projects, and as a result will not undertake any Indigenous or public consultation.

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2. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to the conduct of an impact assessment of the Project?

ISC/First Nations and Inuit Health Branch (FNIHB) has specialized knowledge pertaining First Nations peoples. Areas of expertise include, but are not limited to: the provision of health services, community health and wellness programs, drinking water quality on First Nations reserves, and social determinants of health, such as mental health and addictions, language, diet, or chemical contamination of traditional foods and perception of contamination.

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3. Has your department or agency considered 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 that would allow the Project to proceed in whole or in part?

Specify.
N/A

4. Has your department or agency had previous contact or involvement with the proponent or other party in relation to the Project? (for example: an enquiry about methodology, guidance, or data; introduction to the project)

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.

5. Does your department or agency have additional information or knowledge not specified, above, including information on the geographic, environmental, economic or social context of the project? (e.g. location of protected or sensitive areas, previous history between local communities and proponent or similar projects, local or regional social or economic concerns)?

ISC has no additional information or knowledge pertaining to the project.

6. What are the key issues likely to be relevant to the public interest decision, based on the mandate and area(s) of expertise of your department, and which should be addressed in an impact assessment of the Project, should the Agency determine that one is required?

For each key issue:

- Describe the effect or the nature of the issue, including any relevant context;
- Provide the rationale and/or evidence for why it is a key issue;
- Identify briefly solutions to the issue, including any information or studies that should be required in the Tailored Impact Statement Guidelines, potential mitigation measures, and/or regulatory requirements relevant to the issue;
- Provide a concise, plain-language summary of the issue for inclusion in the Summary of Issues.

The information provided will be used by the Agency to determine if and an impact assessment is required and where appropriate to develop project-specific draft Tailored Impact Statement Guidelines that focus on the key issues likely to be relevant to the public interest decision.

Please use table 1 to respond to this question

7. Where possible, identify any clarifications or additional information the Proponent could include in the Detailed Project Description or in the response to the Summary of Issues that would:

- give confidence that an issue or effect could be addressed and managed;
- inform the decision as to whether an impact assessment is required; or
- aid in tailoring the Impact Statement Guidelines, if an impact assessment is required.

These clarifications and additional information will be included as specific questions in the Summary of Issues provided to the proponent

Please use table 2 to respond to this question

ISC-FNIHB

Lisa May
Name of Departmental / Agency
Responder

Senior Environmental Officer
Title of Responder

May 23, 2023
Date

Table 1: Key Issues to inform decision-making

The Agency asks that federal authorities align expert advice with the Agency’s approach to tailoring, which focuses on key issues or effects that are likely to be relevant to the public interest decision. In identifying key issues, federal authorities should be mindful of the Project’s context (size, scope, location), Indigenous knowledge and perspectives, and public concerns. Key issues that may be relevant to the public interest decision include:

- effects that may be significant, based on federal experts’ knowledge and experience with past projects;
- effects that may impact Indigenous peoples and their rights, based on Indigenous knowledge and perspectives or experience with past projects;
- effects on key species or habitats (e.g. at risk, important to Indigenous communities, commercial importance, provide important ecosystem function);
- issues or effects that may result from novel project activities, components or technology;
- effects with large uncertainties, including in the effectiveness of mitigation measures;
- transboundary effects where mitigation measures are limited;
- positive effects, including where project may support other governmental priorities, including reconciliation with Indigenous peoples; and
- key concerns raised by Indigenous or local communities.

Effects that are anticipated to be minor or which can be managed using well understood mitigation measures, existing guidance, and/or other regulatory processes may have simplified information requirements or may be removed entirely. Measured advice from federal authorities on key issues and solutions —and on the scope and detail of any required information and studies — will enable the Agency to focus assessments on issues that are important to participants and to decision-makers.

| Comment ID | Valued Component or Factor to Consider | Description of Key Issue (Context and Rationale) | Solutions | Plain language summary for inclusion in Summary of Issues |
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| <p><i>Please identify comments by organization and comment number.</i></p> <p><i>e.g.: IAAC-01</i></p> | <p><i>Identify valued component(s) or factor to consider—within the mandate of your department or agency—to which the effect or issue applies.</i></p> | <p><i>Provide a brief description of the issue and rationale for being a key issue.</i></p> <p><i>Include, where relevant,:</i></p> <ul style="list-style-type: none"> • <i>the pathway of effects;</i> • <i>social, economic or environmental context which are relevant to it being a key issue;</i> • <i>key uncertainties that should be addressed in the impact assessment;</i> • <i>Indigenous or public concerns or perspective;</i> • <i>potential for differential effects among diverse subgroups;</i> • <i>scientific evidence or traditional knowledge, including from past project experience, which supports inclusion as a key issue.</i> | <p><i>Where applicable, briefly identify solutions to address the potential issue or effects including</i></p> <ul style="list-style-type: none"> • <i>Information or studies required to describe and characterize the effect, should an impact assessment be required; including any guidance for data collection and/or analysis or existing data sources to inform the assessment;</i> • <i>Any powers, duties or functions that your department or agency has that may mitigate, manage, or set conditions related to the effect;</i> • <i>Guidance or policies for mitigating effects or any standard and well-understood mitigation measures that would address the effect, including follow-up monitoring activities; and/or</i> • <i><u>Commitments the proponent could make to respond to the issue.</u></i> <p><i>Where available, please refer to existing text in the TISG template.</i></p> | <p><i>For issues to be included in the Summary of Issues, provide a concise, plain language synopsis of the key issue and any questions or directions for the proponent.</i></p> |
| <p>ISC-FNIHB -01</p> | <p>Consultation & Engagement with Indigenous groups . Sect 4.2; 4.3; 4.3.1; 4.4</p> | <p>There are Indigenous groups that are located in proximity to the project, that could potentially be impacted by the project. Engaging communities early on in the process is essential to building trust, and obtaining information on traditional knowledge, and proponent must strive to achieve this.</p> <p>It is not clear whether any actual engagement with Indigenous communities have taken place. The IPD (sect 4.3) indicates initial/attempted engagement with some communities through email/mail and calls, while there are no specifics on which groups were <u>actually involved in engagement</u>. Further, section 4.3.1 indicates that no issues were raised by Indigenous groups, but no indication of which were consulted.</p> | <p><i>Meaningful engagement with indigenous communities is necessary and part of the UNDRIP.</i></p> | <p>Provide detail on <u>actual</u> engagement that has taken place with Indigenous communities, and provide an updated on the list of consultations/engagement that have taken place with communities, those pending, or communities not engaged (and why), including health or specific determinants of health related concerns/issues raised by each group, and proposed measures to mitigate any issues raised by the community members.</p> |

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| | | (NB: Table 4-4. Letters, emails and phone call invitation do not mean meaningful engagement) | | |
| ISC-FNIHB-01 | Traditional Land Use Sect 13.5; 21.3 | <p>Again, the IPD indicates that there are<i>“no concerns regarding potential effects on TLRU sites, areas, and activities have been raised during engagement with Indigenous groups ...”</i> though there is no indication (it is not clear) which groups were actually consulted.</p> <p>In addition, there are no known traditional land and resources use studies (TLRU) that have taken place in the project area, and the project is said to be located within Treaty Six and the Métis Nation of Saskatchewan territory and near Treaty Four.</p> <p>Traditional lands are important to Indigenous communities for cultural and spiritual reasons, and activities during the construction and operation could potentially disrupt accessibility in the vicinity that would be used for hunting, gathering and spiritual reasons (Beardy’s and Okemasis FN is the nearest First Nations, and is 68 km away).</p> | <p>Land use studies are important in identifying lands used by Indigenous groups for traditional purposes.</p> <p>Additional detail is needed on land use, and how changes, and over what projected period of time, may affect Indigenous harvesting rights in the area (this ensures the protection of Indigenous harvesting which may affect food security).</p> <p>The proponent will need to engage with Indigenous groups to collect information (traditional land use/knowledge).</p> | Provide more detail (incl. locations) on land use (by Indigenous group) and how/if access to traditional land may be affected during the project implementation. |
| | Wildlife/habitat Sect 19.9 | There will be changes in the landscape during project implementation (noise and human activity /traffic during construction) that may affect the different wildlife (moving away from area, etc.), and plants/vegetation (destruction during construction). Should this happen, it will likely affect traditional food sources of the Indigenous groups | Consideration should be given to potential impacts and mitigation on project activities to wildlife and vegetation | Provide more information on the potential impacts on wildlife and vegetation due to change in landscape during project implementation activities. What does this mean to communities that rely on the area for their traditional foods (food security implications). What plans are in place to reduce impacts? |
| | Human environment/Infrastructure Sect. 14.2.6 /19.9 | The IPD highlights the projects impact on community services and infrastructure (i.e., accommodation, health care services). Some communities are already faced with issues of adequate housing and pressures on social services/healthcare/infrastructure, and project activities may exacerbate these issues. | Additional detail is required on the extent and anticipated impacts on the well-being of communities from the influx of workers, and potential increased cost of housing, reduced access to social services and health care. | Describe how the increased demands on local services will impact the local community, and how will this be addressed? |

Table 2. Clarifications or additional information the Proponent could include in the Detailed Project Description or in the response to Summary of Issues

| Comment ID | Relevant section of the Initial Project Description | Description of Issue, Concern or Uncertainty | Clarification or additional information | Plain language summary for inclusion in Summary of Issues |
|---|---|--|--|---|
| <p><i>Please identify comments by organization and comment number.</i></p> <p>e.g.: IAAC-01</p> | <p><i>If the comment is related to a specific section of the Initial Project Description, please provide a reference.</i></p> <p><i>You may also choose to copy the relevant text here.</i></p> | <p><i>Provide a description of the issue, concern or uncertainty the proponent could address in their detailed project description that would give confidence that the issue will be addressed and managed, or which could aid in tailoring the Guidelines</i></p> | <p><i>Provide recommended clarification or additional information to be included in the Detailed Project Description to address the issue, concern or uncertainty, for example</i></p> <ul style="list-style-type: none"> • <i>Clarifications to project description (e.g. components, activities, locations or alternatives);</i> • <i>Project design changes that could avoid effects;</i> • <i>Evidence that could be presented to demonstrate there is no effect pathway or that effects will be negligible;</i> • <i>Evidence that standard mitigations will address potential effects;</i> • <i>Commitments the proponent could make to respond to the issue, including the implementation of federal operational policies or guidance documents.</i> | <p><i>For issues to be included in the Summary of Issues, provide a concise, plain language synopsis of the issue and of the question or direction for the proponent.</i></p> |
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Please insert additional rows as necessary.