

**ATTACHMENT: May 8, 2023**

**Federal Authority Advice Record**

**Response due by June 7, 2023**

De Havilland Field Project, 2150038 Alberta Inc.

Agency File: 84552

Department/Agency	Indigenous Services Canada (ISC)
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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?

Indigenous Services Canada (ISC) will not be required to exercise a power or perform a duty or function related to the Project as it is not responsible for approving or issuing licences, permits or authorizations for the assessments of large, proposed projects.

If yes, specify the Act of Parliament and that power, duty or function.

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.

**ISC does not anticipate to exercise a power or perform a duty or function related to the Project.**

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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?

**Yes**

Specify the specialist or expert information or knowledge.

**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.**

**ISC-FNIHB has expertise related to First Nations peoples. Areas of expertise include, but are not limited to:**

- **health service delivery**
- **community-based health and wellness programs**
- **drinking water quality on First Nations reserves**
- **social determinants of health, such as mental health and addictions, language, diet, chemical contamination of country 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.

**ISC has considered an interest in the Project related to impacts on Indigenous peoples and 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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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)

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.**

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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 does not have any additional knowledge in these aspects.**

Specify as appropriate.

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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

**See Table 1**

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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

**See Table 2**

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Jan Triska

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Name of Departmental / Agency  
Responder

Environmental Management Officer

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Title of Responder

June 7, 2023

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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
<i>Please identify comments by organization and comment number.</i>  <i>e.g.: IAAC-01</i>	<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>	<i>Provide a brief description of the issue and rationale for being a key issue.</i>  <i>Include, where relevant,:</i> <ul style="list-style-type: none"> <li>• <i>the pathway of effects;</i></li> <li>• <i>social, economic or environmental context which are relevant to it being a key issue;</i></li> <li>• <i>key uncertainties that should be addressed in the impact assessment;</i></li> <li>• <i>Indigenous or public concerns or perspective;</i></li> <li>• <i>potential for differential effects among diverse subgroups;</i></li> <li>• <i>scientific evidence or traditional knowledge, including from past project experience, which supports inclusion as a key issue.</i></li> </ul>	<i>Where applicable, briefly identify solutions to address the potential issue or effects including</i> <ul style="list-style-type: none"> <li>• <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></li> <li>• <i>Any powers, duties or functions that your department or agency has that may mitigate, manage, or set conditions related to the effect;</i></li> <li>• <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></li> <li>• <i>Commitments the proponent could make to respond to the issue.</i></li> </ul> <i>Where available, please refer to existing text in the TISG template.</i>	<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>
<b>ISC-AB-01</b>	<b>Key concerns raised by Indigenous communities</b>	It is noted in the IPD that engagement with Indigenous groups has been commenced and that meetings with Siksika, Louis Bull, Samson Cree, and Metis Nation of Alberta are in the works. However, the IPD does not provide any description of potential issues, concerns or benefits of the Project expressed by Indigenous communities. There is not enough information provided in the IPD to comment on key issues that may be relevant to the ISC mandate in this regard.	Recommend including additional details regarding the issues raised by Indigenous participants (e.g., environment, health, social, economic impacts), which would allow reviewers to determine the specific aspects of valued components potentially impacted.	Provide a summary of potential issues, concerns, and/or benefits of the Project that have been expressed by Indigenous communities through the ongoing Indigenous engagement efforts.
<b>ISC-FNHIB-01</b>	<b>Engagement with Indigenous groups</b>	Continued engagement with Indigenous groups is necessary to ensure free, prior and informed consent for activities that may affect their rights, lands, territories and resources) as per UNDRIP Article 32(2).	The proponent needs to continue consultations /engagement with Indigenous groups and provide updated information of consultations /engagement that have taken place with those pending, or groups not engaged (and why), including concerns/issues raised by each group, and proposed measures to mitigate any issues raised by the community members.	It is important to continue to engage with the Indigenous communities in the surrounding area to understand and answer any potential concerns communities may have in regard to health and well-being.

ISC-FNHIB-02	<b>Indigenous Health and Well being</b>	<p>According to the proponent, the project should not impact indigenous health related to access: to land for traditional purposes, to medical services specific to communities and to community resources (WSP, 2023, p.52). However, no justification is presented to support those conclusions.</p> <p>While the project is located on private land, there are Indigenous reserves in the vicinity (nearest at 23 km southeast of the project) (WSP, 2023, p.51) that may be impacted by project activities. Indigenous People have a connection to their land and also have rights to be able to practice their cultural activities as well as to hunt/gather/trap, as part of their way of life.</p>	<p>The proponent should assess the potential impact of the project on indigenous health and well-being using a recognised method and consider the communities concerns.</p> <p>It would be important to assess more deeply the potential impact of the project activities on indigenous health related to:</p> <ul style="list-style-type: none"> <li>- Access to land for traditional purposes.</li> <li>- Destruction of wildlife/wildlife relocation.</li> <li>- health/medical services.</li> <li>- community resources.</li> </ul> <p>all other health/well-being related aspects for which communities may have concerns.</p>	<p>It is important to assess the potential impact of the project activities on indigenous health and well-being.</p>
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Please insert additional rows as necessary.

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>Please identify comments by organization and comment number.</p> <p>e.g.: IAAC-01</p>	<p>If the comment is related to a specific section of the Initial Project Description, please provide a reference.</p> <p>You may also choose to copy the relevant text here.</p>	<p>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</p>	<p>Provide recommended clarification or additional information to be included in the Detailed Project Description to address the issue, concern or uncertainty, for example</p> <ul style="list-style-type: none"> <li>• Clarifications to project description (e.g. components, activities, locations or alternatives);</li> <li>• Project design changes that could avoid effects;</li> <li>• Evidence that could be presented to demonstrate there is no effect pathway or that effects will be negligible;</li> <li>• Evidence that standard mitigations will address potential effects;</li> <li>• Commitments the proponent could make to respond to the issue, including the implementation of federal operational policies or guidance documents.</li> </ul>	<p>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.</p>
ISC-AB-01	<p><b>Part B Section 7.0 – Proposed Project Need</b></p> <p><b>Part C Section 15.1 – Social Context and 15.3 – Economic Context</b></p> <p><b>Part E Section 21.1 – Indigenous Land Use</b></p> <p><b>Part E Section 22.3 Potential Economic Impacts</b></p>	<p>In several instances in the IPD it is stated that the Project workforce is expected to draw from local communities as the region has trained labour markets available for employment. Section 15.3 of the IPD provides labour force statistics for Wheatland County and the Town of Strathmore however, does not provide employment or economic statistics for the nearby Siksika Nation or other Indigenous communities while stating, “The Project will have a modest effect on local (including Indigenous and non-Indigenous worker) income levels during construction and operation.” It is not clear if the social and economic contexts described includes Indigenous populations or considers the availability of an indigenous workforce.</p> <p>In Section 22.3, the Proponent has stated a commitment to engaging with Indigenous communities to identify opportunities for employment, contracting, and procurement of goods and services and section 4 includes Indigenous engagement principles the provision of employment opportunities and opportunities for Indigenous businesses to bid on contracts.</p>	<p>The Proponent should summarize and provide social and economic data that includes specific metrics surrounding Indigenous peoples and communities in the region to support conclusions around availability of a trained labour force in the area and to provide details surrounding how and what opportunities could be provided indigenous communities specifically with regards to employment, contracting, and the procurement of goods and services.</p> <p>Potential sources for Indigenous community information include:</p> <ul style="list-style-type: none"> <li>- <a href="https://www.sac-isc.gc.ca">The Community Well-Being index (sac-isc.gc.ca)</a> (<a href="https://www.sac-isc.gc.ca/eng/1100100016579/1557319653695">https://www.sac-isc.gc.ca/eng/1100100016579/1557319653695</a>)</li> <li>- <a href="https://fnp-ppn.aadnc-aandc.gc.ca">First Nation Profiles (aadnc-aandc.gc.ca)</a> (<a href="https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/index.aspx?lang=eng">https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/index.aspx?lang=eng</a>)</li> </ul>	<p>Expand on the social and economic contexts to include information on demographic characteristics of Indigenous communities (such as: social characteristics, education, workforce, population/gender make-up, baseline health and economic data, available infrastructure – social services, etc.)</p> <p>Provide details on strategies to promote employment, training, and economic opportunities to Indigenous communities.</p>
ISC-AB-02	<b>Part C Section 13.0 – Geographic Location</b>	Considering the reserves identified in under item e), <i>Table 5: Federal Lands in Proximity to the Project</i> is incomplete.	<i>Table 5: Federal Lands in Proximity to the Project</i> should be updated to include all federal reserve lands listed under part e) (Tsuut’ina Nation 145, Stoney Nakoda Nation 142, 142B, 143 and 144, and Eden Valley 216,	Update <i>Table 5: Federal Lands in Proximity to the Project</i> to include a holistic list of federal reserve lands.
ISC-AB-03	<b>Part C Section 13.0 – Geographic Location</b>	Section 13.0 states that Siksika reserve No. 146 is located 37 km SE of the Project. This is inconsistent with the rest of the IPD that states the reserve is approximately 23 km from the Project.	Errata	N/A
ISC-AB-04	<b>Part E Section 21.2 – Physical and Cultural Heritage, and Historical, Archaeological and Paleontological Resources</b>	The IPD includes a discussion on the handling of items of historical, archaeological, paleontological, or spiritual significance to Indigenous groups and states, “...will stop work and flag the area to prevent any further disturbance. Workers will notify the Proponent who will contact a Resource Specialist. No potential	In the event items of historical, archaeological, paleontological, or spiritual significance to Indigenous groups, the Proponent should also describe the process for notifying Indigenous groups and how Indigenous groups will be consulted on the mitigation measures.	Describe how Indigenous groups will be notified and consulted in the event that items of historical, archaeological, paleontological,

		archaeological or paleontological sites will be further disturbed or affected until the Resource Specialist has indicated that appropriate mitigation measures have been met." It is not clear if and how Indigenous groups would be notified or consulted in these instances.		or spiritual significance to Indigenous groups are discovered.
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