

ATTACHMENT: May 18, 2023
Federal Authority Advice Record
Response due by June 16, 2023

Moraine Power Generation Project – Moraine Initiatives Ltd.
Agency File: 005860

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?

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.

The IPD mentions an option that was considered to site the Project on Alexis Whitecourt #232. If this option is revisited, the *First Nation Commercial and Industrial Development Act* and the ISC Environmental Review Process could apply.

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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?

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 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.

Furthermore, the First Nations Environmental Contaminants Program, which started more than 20 years ago, supports community-based projects initiated by First Nations in order to identify, characterize and assess environmental contaminants issues. Several projects funded in the past or the present are located in the engagement zone of the proponent. Sharing of the results of these projects is possible within the federal government. Sharing of the project report outside the federal government would require community's leadership (C&C) permission.

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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.

The IPD indicates in Table 4.3 that Alexis Nakota Sioux Nation, "expressed interest in siting the Project on Alexis Nakota Sioux Nation reserve and discussed with Indigenous Services Canada and MIL to explore options for siting on the reserve. However, it was jointly determined to not be feasible due to significant timeline delay to comply with the *First Nations Commercial and Industrial Development Act* review process."

ISC was in contact with an advisor to Alexis Nakota Sioux Nation regarding the potential for siting the Project on the Alexis Whitecourt reserve. Communication was with respect to ISC's environmental review, assessment and permitting processes for such a development and the implication of the *First Nation Commercial and Industrial Development Act* (FNCIDA).

Information or advice exchanged included:

- The Constitutional division of powers means that some provincial laws governing commercial and industrial development do not apply on reserve, and there is often uncertainty about application and enforcement of some provincial laws.
- Some on-reserve projects may require regulations under the FNCIDA to adequately manage environmental, health and safety and other potential impacts.
- First Nation management of reserve lands under the First Nations Land Management Framework Agreement (FNLMA Framework Agreement) was mentioned as an option to address regulatory gaps through issuing enhanced leases, First Nation land laws (e.g. establishing on-reserve regulatory requirements similar to those under provincial laws/regulations etc.), entering into agreements with the provincial government for the carrying out of regulatory functions on reserve, and/or requesting that Canada make FNCIDA regulations applicable to the project
- It was recommended to explore the resources on the First Nations Land Management Advisory Board Resource Centre (LABRC) website, or reaching out to the LABRC staff directly: [First Nations Land Management Resource Centre \(RC\) \(labrc.com\)](http://www.fnlm.ca/first-nations-land-management-resource-centre) – a First Nation run organization that supports First Nations in exploring and implementing FNLMA.

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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)?

Specify as appropriate.

ISC has some general information on First Nations communities that are accessible to general public. This information can be accessed via the First Nations Profiles and the Community Well-being Index.

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://fnppn.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>.

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

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

Name of
Departmental /
Agency Responder

Jan Triska

Title of Responder

**Environmental
Management Officer**

Date

June 16, 2023

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
<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>Commitments the proponent could make to respond to the issue.</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-AB-01</p>	<p>Impacts to Indigenous peoples</p>	<p>Although this project is not on reserve land, reserve land may experience downstream effects from Project activities. Common concerns surrounding impacts to Indigenous communities may potentially be centred around:</p> <ul style="list-style-type: none"> • 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; 	<p>It would be important to continue engagement engage with the First Nations as well as the affected Métis group or Métis Settlements identified in the IPD to best understand the potential impacts and incorporate traditional knowledge into the assessment.</p>	<p>Although this project is not on reserve land, reserve land may experience downstream effects from Project activities. It is important to continue to engage with potentially impacted First Nations and Métis groups or Settlements with respect to potential impacts and provide any information from this continued engagement to describe any potential downstream impacts to reserve land or the use of reserve land.</p>

		<ul style="list-style-type: none"> • 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 significant oil, gas, forestry, and other industrial development activities over the past several decades. 		
ISC-AB-02	Impacts to Indigenous peoples	<p>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:</p> <ul style="list-style-type: none"> • displacement of wildlife/wildlife relocation • 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); • changes in the health, socio-economic conditions and community well-being (including mental health related to stress) due to reduced access to land, resources, and sites of spiritual and cultural importance. 	The potential impacts of the proposed Project should be considered over an extended period of time (beyond the 40 year operation of the Project) 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.	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 time 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 Project
ISC-FNHIB-01	Engagement with Indigenous People	There are Indigenous groups that are located in proximity to the project (i.e. Alexis Nakota Sioux Nation is approx. 13km from Whitecourt), that could potentially be impacted by the project. Engaging communities early on in the process is essential to building trust, obtaining, and incorporating information on traditional knowledge.	Meaningful engagement with indigenous communities is necessary to address any concerns from the project and project activities on Indigenous culture, Treaty rights, and Traditional and current land uses, and to ensure the protection of Indigenous harvesting rights, and continued access to traditional food sources, and use of land for cultural purposes.	Continue engaging with potentially impacted Indigenous groups on land use and how/if access to traditional land may be affected during the project implementation. Engagement and presentations of project and project activities (including both pros and cons) should be clearly explained and communicated in a culturally accepted approach that is understood by community members.
ISC-FNHIB-02	Traditional Land Use	Indigenous communities have deep cultural and spiritual connections to their lands and resources. Project activities such as clearing of land for infrastructure development, can lead to the destruction of natural habitats, and displacement of wildlife	Land use studies are important in identifying land used by Indigenous groups for traditional purposes The proponent will need to engage with the potentially impacted Indigenous groups to collect information (traditional land use/knowledge), as early in the process as possible.	Provide more detail on land use by Indigenous groups. Explain how potential changes (consider projected period of time), may affect Indigenous harvesting rights in the area or use of land for cultural purposes.
ISC-FNHIB-03	Part C. 13. Geographic information/ 22. Potential Effects on Indigenous Health, Social, and Economic Conditions	The Proponent indicates that ...” the project is proximal to Indigenous groups and organizations. Traditional land uses by Indigenous groups will be confirmed during engagement; however, it is anticipated that the linear Project components will overlap areas that may have been or continue to be used for traditional practices based on baseline settings of the regional location and wildlife use..”	<p>Indigenous communities have deep cultural and spiritual connections to their lands and resources, and changes due to project activities may affect the ability for Indigenous groups to carry out their traditional activities, which may result in impacting mental health and well-being, including food security.</p> <p>The proponent should review the Alberta Regional Report for the First Nations Food Nutrition and Environment study, offering relevant and regionally representative perspective with regard to the importance of</p>	<p>Describe the existing conditions in the communities in proximity to the project site, the potential changes due to project activities, and potential impacts to the health, social and economic impacts on the Indigenous groups .</p> <p>The proponent should review the Alberta Regional Report for the First Nations Food Nutrition and Environment Study ((FNFNES Alberta Regional Report ENGLISH 2019-10-09.pdf)) with regard to baseline conditions.</p>

			traditional foods in the diets of First Nations in Alberta, as well as measuring the extent of food insecurity experienced by Alberta First Nations. This resource would offer the Regional level picture with regard to certain baseline conditions, which need to be confirmed in the First Nations communities most likely to be affected by the project implementation due to their proximity to the project site.	
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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"> • Clarifications to project description (e.g. components, activities, locations or alternatives); • Project design changes that could avoid effects; • Evidence that could be presented to demonstrate there is no effect pathway or that effects will be negligible; • Evidence that standard mitigations will address potential effects; • Commitments the proponent could make to respond to the issue, including the implementation of federal operational policies or guidance documents. 	<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>Part A: General Information 1 - The Project's Name, Type or Sector and Proposed Location</p> <p>Part C: Location Information and Context 13 – Geographic Location</p> <p>Part E : Potential Effects of the Project 20 – Potential Effects on Extra-Provincial and Federal Lands</p> <p>Figure 1.1</p>	<p>Figure 1.1 describes the Projects location including the potential pipeline and transmission line routes. Section 13 states, "Straight line distances to the nearest recreational facility includes the Eagle River Casino and Travel Plaza 1 km northeast of the PGF and 1.3 km to the Eagle River Tourism RV Park, all of which are located on the Alexis Sioux Nation reserve lands."</p> <p>The distances to the Eagle River Casino and Travel Plaza and the Eagle River Tourism and RV Park are to the PFG and not other project components such as the transmission line or pipelines. A figure has not been provided at an appropriate scale to show the location of all Project components in relation to federal reserve land such as Alexis Whitecourt No. 232 which is described in Section 20 as proximal to the Project.</p>	<p>The proponent should provide a figure that includes federal land that is in the proximity of the Project such as Alexis Whitecourt No. 232. This figure should be at an appropriate scale to show all project components in relation to the federal reserve land. Updated distance of all project components from federal reserve land should be provided.</p> <p>It is difficult to fully consider potential changes to the environment and impacts of the project to federal reserve land without consideration of all project components in relation to reserve boundaries.</p>	<p>Provide a figure at shows the location of all project components in relation to federal reserve land in the proximity of the project, Describe and provide distances of all project components (PFG, pipelines, transmission lines, etc.) to federal reserve lands.</p>
ISC-AB-02	<p>Part C Section 14 - Physical Environment 14.1.7 Historical Resources</p> <p>Party E Section 21 Potential Effects on Traditional Land Use, Physical and Cultural Heritage, and Historical, Archaeological and Paleontological Resources_</p>	<p>The IPD indicates that the proposed pipelines and power transmission line may cross quarter sections with designated historical resource values (HRV) of 4 (contains a historic resource that may require avoidance or assessment) and 5 (high potential to contain a historic resource) and that It is possible that the areas near the Athabasca River crossing could have additional historical importance, which would be determined during Alberta Culture review.</p> <p>The proponent further states that the CO2 pipeline and the transmission line are in proximity to 4c and 5a sites that, under the <i>Heritage Resources Act</i>, may trigger engagement with Indigenous Nations and that Alberta Culture will review the Project relative to anticipated impacts to historical resources and cultural aspects. Conditions may include engagement with Indigenous groups in order to acquire project approval.</p> <p>The Proponent states there will be a chance find protocol developed but does not provide any details.</p>	<p>The proponent should engage with Indigenous groups regardless of requirements under the <i>Alberta Historical Resources Act</i> with respect to Physical and Cultural Heritage and Historical, Archaeological and Paleontological Resources as they may hold knowledge surrounding such sites that could limit potential impacts of the Project. Indigenous groups should be included in the development of chance find protocols.</p>	<p>The proponent should engage with Indigenous groups regardless of requirements under the <i>Alberta Historical Resources Act</i> with respect to Physical and Cultural Heritage and Historical, Archaeological and Paleontological Resources as Indigenous groups may hold knowledge surrounding such sites that could limit potential impacts of the Project.</p> <p>Summarize any chance find protocols to be implemented for the Project and describe how Indigenous groups will be included these. protocols</p>

<p>ISC-AB-03</p>	<p>Part C Section 15 Health, Social and Economics of Woodlands County and the Town of Whitecourt</p> <p>Party E Section 22 Potential Effects on Indigenous Health, Social and Economic Conditions</p>	<p>The Proponent identifies that local resources for employment support and training programs include the Alexis Nakota Sioux Nation (Sub-office) for band members in Whitecourt and that Métis people in the region have access to offices across Alberta through the Rupertsland Institute. The IPD concludes that socioeconomic effects are anticipated to be positive for Indigenous groups due to opportunities for employment during construction and operations of the PGF.</p>	<p>Where available, the Proponent should disaggregate, 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"> - The Community Well-Being index (sac-isc.gc.ca) (https://www.sac-isc.gc.ca/eng/1100100016579/1557319653695) - First Nation Profiles (aadnc-aandc.gc.ca) (https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/index.aspx?lang=eng) 	<p>Provide details on opportunities that the Project will create for employment, training, and economic benefit specific to Indigenous communities. This should be informed using disaggregated data where possible.</p>
<p>ISC-AB-04</p>	<p>Party E: Section 19 Environmental Effects of the Project</p> <p>19.3 Acoustic Environment</p>	<p>The IPD indicates that noise from the construction phase of the PGF site is expected to be similar to that of other construction activities and traffic in the Whitecourt vicinity and that Noise will be compliant with AUC rule 12. It is not clear how the AUC rule 12 considers the receptors such as the Eagle River Casino and Travel Plaza and the Eagle River Tourism and RV Park, or other users of the land in proximity to the Project.</p> <p>Compliance with AUC rule 12 alone may not consider impacts to the use and enjoyment of lands located on Alexis Whitecourt No. 232 including future interests that Alexis Nakota Sioux Nation may have for lands located on reserve. Potential impacts from sensory disturbances such as noise and light should consider the current use of lands and resources for traditional purposes and to the health social, and economic conditions of the Indigenous peoples of Canada. Identification of potential impacts should be informed through engagement with potentially impacted Indigenous groups.</p>	<p>The Proponent should describe how AUC rule 12 does or does not considers impacts of noise on the Eagle River Casino and Travel Plaza, the Eagle River Tourism and RV Park, and other users of the land for traditional or cultural purposes in proximity to the Project. If AUC rule 12 does not account for these receptors, provide how sensory disturbances, including light, would be mitigated and how information from engagement with Indigenous supports the conclusions.</p>	<p>Provide context on how AUC rule 12 considers the potential impacts of noise on the Eagle River Casino and Travel Plaza, the Eagle River Tourism and RV Park, and other users of the land for traditional or cultural purposes in proximity to the Project. Describe additional mitigations or controls that will be employed if needed.</p> <p>Identification of potential impacts should be informed through engagement with potentially impacted Indigenous groups.</p>

Please insert additional rows as necessary.