

ATTACHMENT: July 14, 2023

**Federal Authority Advice Record: Designation Request under the IAA
Response due by August 3, 2023**

Port au Port-Stephenville Wind Power and Hydrogen Generation Project (also known as Project Nujio'qonik)

Department/Agency	Indigenous Services Canada
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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?

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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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?

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

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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?

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?

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.

5. Has your department or agency had previous contact or involvement with the Proponent or other parties in relation 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.

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 the 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?

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.

Although this project is not on reserve land and ISC has no specialist or expert information or knowledge relevant to potential adverse effects, reserve lands and traditional lands may experience downstream effects from Project activities.

Qalipu First Nation and Miawpukek First Nation could have rights and identified interests in the area. Miawpukek First Nation is within 200 km of the project site (Samiajij Miawpukek reserve) and has noted in its designation request that its members rely on the resources in the Bay St. George area which is within the project area. Qalipu First Nation has traditional lands in the area with offices located in Glenwood, Grand Falls-Windsor, St. George's, and Stephenville and its central administrative office is in Corner Brook. These offices give representation to the 67 traditional Mi'kmaq communities, spread out over 9 Electoral Wards. As such, 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. ISC recommends consideration be given to the impacts on Indigenous rights, and seek to obtain free and informed consent from the potentially impacted communities, as project activities may cause:

- *accidental spills of hazardous material*
 - *displacement of wildlife/wildlife relocation due to construction activities*
 - *loss of habitat and impacts to migratory birds*
 - *reduced access to traditional foods (which could affect food security)*
 - *potential changes to vegetation, quality in soils, waters, and fish habitat (changes to water environment for fish) impacting traditional foods, commercial and Indigenous Fisheries and culturally important species.*
 - *potential impacts to cultural heritage and/or archeogonial sites, impacts on land and resource use, and*
 - *changes in the health, socio-economic conditions and community well-being due to reduced access to land, resources, and sites of spiritual and cultural importance.*
 - *cumulative effects*
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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:

- *effects to fish and fish habitat;*
- *effects to wildlife, including migratory birds and species at risk;*
- *effects to the marine environment (e.g., disruption of historic contamination);*
- *accidents or malfunctions (e.g., ammonia or hydrogen leaks);*
- *alternative means of carrying out the project were not adequately considered;*
- *cumulative effects from past drilling, mining, milling, and accidents and malfunctions in the area,*

- mistrust in the proponent and the provincial process (e.g., perceived project-splitting);
- effects to Indigenous peoples (e.g., country foods, current use);
- effects to climate change from upstream and downstream impacts of hydrogen and ammonia production; and
- inadequate public and Indigenous engagement on the Project.

If yes, please specify the program or authority.

ISC does not have any 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:

Housing

The First Nation On-Reserve Housing Program helps to improve on-reserve housing. While it does not cover the full cost of housing, this program can be accessed by First Nations can to build and renovate houses, as well as contribute towards maintenance costs, insurance, debt servicing, and the planning and management of a housing portfolio.

Infrastructure

ISC works with First Nations governments and communities to support adequate and sustainable housing, clean drinking water and community infrastructure such as schools, roads and wastewater systems, which are essential to healthy, safe and prosperous communities.

Education

ISC has programs that support First Nations elementary and secondary education, and distinctions-based strategies for First Nations, Inuit and Métis Nation post-secondary students.

- *Education Partnership Program – a proposal-based program designed to advance First Nations student achievement in First Nations and provincial schools.*
- *Elementary and Secondary Education Program – provides eligible students ordinarily living on reserve with elementary and secondary education programs comparable to those in provincial schools.*
- *First Nation and Inuit Skills Link Program - supports initiatives that help First Nations and Inuit youth acquire essential employability and job-related skills, and to learn about job and career options.*
- *First Nations and Inuit Summer Work Experience Program - supports initiatives to help First Nations and Inuit youth acquire skills, prepare for full-time employment and earn income to support post-secondary education.*
- *Post-Secondary Student Support Program - department provides financial assistance to First Nations students who are enrolled in eligible post-secondary programs.*
- *High-Cost Special Education Program – to assist eligible First Nations students with high-cost special needs to access quality programs and services that are culturally sensitive and reflective of generally accepted provincial or territorial standards.*
- *University and College Entrance Preparation Program - to enable First Nations students to attain the academic level required for entrance into degree and diploma credit programs, as prioritized and directed by First Nations.*

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.

ISC-FNIHB also 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 relating to: changes to the environment that could affect the Indigenous peoples of Canada; and “changes occurring to the health, social, or economic conditions of the First Nations People of Canada” are:

a. 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.

b. *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.*

c. *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: <https://www.ClimateTelling.info>*

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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?

There are two First Nations located within a 200km radius of the Project, Miawpukek First Nation and Qalipu First Nation.

It would be important to continually consult with potentially affected Indigenous groups within the respective areas and develop some clarity on potential impacts on communities, such as access to the area, and particularly where it may impact health, and socio-economic activity (ie. food security).

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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.

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>.

Anna Kessler, on behalf of Julia Gregory

Name of departmental / agency responder

Policy Analyst

Title of responder

August 2, 2023

Date