

**Federal Authority Advice Record (FAAR)**

**FAAR Response must be submitted by October 11, 2024**

Rocky Creek Metallurgical Coal Project – CTI Plus Resources Ltd.

Registry File: [88867]

Department/Agency	Indigenous Services Canada
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1. a) 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.

b) 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.

No

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2. Is your department or agency in possession of specialist or expert information or knowledge in its area of expertise that may be relevant to the conduct of an impact assessment of the Project?
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Indigenous Service Canada (ISC) holds some information on First Nations communities that is accessible to general public and could potentially inform the assessment. 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.

**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.

ISC operates numerous programs and services for on-reserve First Nations, which provide similar functions as a province or municipality does off-reserve. These programs include health, social, education, economic development, governance and infrastructure services . Although ISC maintains inventories of data related to each of these programs, often this data belongs to the participating community.

As a general guideline, ISC recommends that during the drafting of detailed project description (the DPD), consideration should be given to the potential for the following effects on Indigenous communities:

- effects on Indigenous Peoples and their culture, Treaty rights, and Traditional and current land uses
- changes in the health, socio-economic conditions and community well-being due to reduced access to land (traditional activities), resources, and sites of spiritual and cultural importance
- risks of displacement of wildlife, including species deemed important as food source or for cultural reasons, resulting in reduced access to traditional foods, and
- changes to quality in soils, water (surface and groundwater), and fish habitat (changes to water environment for fish)
- both positive and adverse economic effects brought by the availability of jobs and investments made in the region as a result of the project, with potential impacts on housing costs and general cost of living

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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?

Indigenous Services Canada (ISC) does not exercise a power or perform a duty or function in relation to this project.

ISC is generally not responsible for approving or issuing licences, permits or authorizations for the assessments of proposed designated projects, with the exception of permits for Indigenous reserve crossings (in cases when a First Nation manages its lands under the *Indian Act*). The latter scenario does not appear to apply to the project in question.

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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)

No

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5. Does your department or agency have additional information or knowledge on the project 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)?

No, not at this stage.

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6. Based on the mandate and area(s) of expertise of your department or agency, what are the key issues related to the project?

For each key issue:

- Describe the potential effect or the nature of the issue, including any relevant context ;
- Provide the rationale and/or evidence for why it is a key issue;

- Provide advice on how to address 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 considered by IAAC and may be used to inform its decision on whether an impact assessment is required and, where appropriate, for next steps in the impact assessment process including to develop project-specific draft Tailored Impact Statement Guidelines.

Please use Table 1 to respond to this question.

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7. Where possible, identify any additional information the proponent could include in their response to the Summary of Issues, and, if IAAC requires it, in their Detailed Project Description, that would:
- Give confidence that minor issues or effects could be addressed and managed by clear measures, existing guidelines, other regulatory processes or other existing tools;
  - Inform the decision as to whether an impact assessment is required; or
  - Aid in tailoring the Tailored Impact Statement Guidelines, if IAAC decides 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.

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Lee-Ann Hamilton

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Name of Departmental / Agency  
Responder

Senior Environmental Specialist

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Title of Responder

November 04, 2024

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Date

**Table 1: Key Issues to inform the impact assessment process**

IAAC asks that federal authorities align expert advice with IAAC’s approach to tailoring by project, which focuses on key project issues, clearly focused on the prevention of adverse effects within federal jurisdiction. 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 decision include:

- adverse effects within federal jurisdiction and direct or incidental adverse effects that may be to some extent significant, based on federal experts’ knowledge and experience with past projects;
- potential impacts on 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;
- adverse effects within federal jurisdiction or direct or incidental adverse 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 groups or local communities.

Effects that are anticipated to be minor or which can be managed using well understood mitigation, 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 IAAC to focus assessments on issues that are important to participants and to decision-makers.

Comment ID	Relevant section of the Initial Project Description	Valued Component or Factor to Consider	Description of Key Issue (Context and Rationale)	Advice	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 include that reference.</p>	<p>Identify valued component(s) or factor to consider—within the mandate of your department or agency—to which the potential effect or issue applies.</p>	<p>Provide a brief description of the issue and rationale for being a key issue.</p> <p>Include, where relevant,:</p> <ul style="list-style-type: none"> <li>• the pathway of effects;</li> <li>• relevant context on why it is a key issue;</li> <li>• key uncertainties that should be addressed in the impact assessment;</li> <li>• Indigenous or public concerns or perspective;</li> <li>• potential for differential effects among diverse subgroups;</li> <li>• scientific evidence or Indigenous Knowledge, including from past project experience, which supports inclusion as a key issue.</li> </ul>	<p>Where applicable, briefly provide solutions on how to address the potential issue or effects including:</p> <ul style="list-style-type: none"> <li>• Information or studies required to describe and characterize the potential effect; including any guidance for data collection and/or analysis or existing data sources to inform the assessment;</li> <li>• Any means, including any powers, duties or functions, that your department or agency has that may mitigate, manage, or set conditions related to the issue or effect;</li> <li>• 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</li> <li>• Commitments the proponent could make to respond to the issue.</li> </ul> <p>Where available, please refer to existing text in the Tailored Impact Statement Guidelines template.</p>	<p>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.</p>
ISC-01		Socio-economic conditions of Indigenous Peoples	<p>Any potential effects of a project on the socio-economic conditions in Indigenous population affected by it, including but not limited to the following:</p> <ul style="list-style-type: none"> <li>• Employment rates</li> <li>• Changes to average income levels</li> <li>• Effects on opportunities for Indigenous youth (education, job training)</li> <li>• Effects on access to key services in a community including social and health services</li> <li>• Changes to wage and non-wage economy due to project-driven changes in hunting, trapping, and gathering</li> </ul>	Refer to more detailed comments in Table 2	
ISC-02		Use of Lands and Resources (traditional)	<p>Broadly speaking, any potential project effects that would create impacts on Indigenous communities’ use of lands and resources, potentially also leading to impacts on Indigenous rights. These effects can encompass a variety, including:</p>	Refer to more detailed comments in Table 2	

			<ul style="list-style-type: none"> <li>• Change in the ability to access preferred locations used for traditional purposes.</li> <li>• Change to the safe and productive use of the land for traditional purposes by Indigenous nations.</li> <li>• Changes in presence, absence, abundance, quality or spatial distribution of freshwater, terrestrial or other resources</li> <li>• Changes to Indigenous interests, including socio-economic status, community well-being and cultural practices (knowledge transfer, ceremonial uses of sites, etc)</li> </ul>		

*Please insert additional rows as necessary.*

**Table 2. Clarifications or additional information the Proponent could include 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
IAAC-01		<p>The proponent appears to have done quite a lot of early engagement and has reached out to the Indigenous communities potentially affected by the project. The following Indigenous groups have confirmed they would like to participate throughout the process (in the EA): Halfway River First Nation, Horse Lake First Nation, McLeod Lake Indian Band, Saulteau First Nations, and West Moberly First Nations.</p> <p>Ensure that no other Indigenous group has been missed and that all groups who have been in contact (with the proponent) get a chance to participate, as they see fit. There is a likelihood that other First Nations may seek to be included or seek more information about the proposed project.</p>	<p>Describe how future communications will be maintained with Indigenous groups, as well as track and record the instances of reaching out to all the potentially implicated First Nations, beyond the five who have confirmed their active participation in the EA process.</p>	<p>The following Indigenous groups have confirmed they would like to participate throughout the process (in the EA): Halfway River First Nation, Horse Lake First Nation, McLeod Lake Indian Band, Saulteau First Nations, and West Moberly First Nations.</p> <p>List all the other Indigenous groups</p>
IAAC-02	Table 10-2 of IPD	<p>Given the participation of these five First Nations, what the next round of documentation (the DPD) should contain is a description/discussion of the receiving socio-economic environment in these respective communities. <u>In the Table 10-2 of the IPD, the proponent has indicated that the following potential effects are possible:</u></p> <ul style="list-style-type: none"> <li>• Employment, income, and local government revenue generation and gross domestic product benefits. <ul style="list-style-type: none"> <li>○ Changes to employment, employment income, and training.</li> <li>○ Changes to gross domestic product.</li> <li>○ Changes to local government revenues and expenditures.</li> <li>○ Changes to wage and non-wage economy due to Project-driven changes in hunting, trapping, and gathering;</li> </ul> </li> <li>• Changes to local population and demographics due to Project-driven labour market changes.</li> </ul> <p>What is not yet clear is whether the underlying socio-economic conditions such as described above are known for the five participating First Nations and when data about these indicators will be collected.</p>	<p>The DPD should include available data and/or observations about all the quoted socio-economic parameters, for the five participating Indigenous communities, including:</p> <ul style="list-style-type: none"> <li>• Employment levels/unemployment rates</li> <li>• Demographic data for each community such as % of population between 15 and 64 years of age</li> <li>• Average per capita income</li> <li>• Information about major sectors that generate employment (e.g. forestry, construction, government services)</li> <li>• Education levels</li> </ul> <p>In addition, qualitative information should be included about the practices of hunting, trapping and gathering in the traditional territories of the five First Nations (Halfway River First Nation, Horse Lake First Nation, McLeod Lake Indian Band, Saulteau First Nations, and West Moberly First Nations).</p>	<p>Characterize the economic and social conditions prevalent in the participating Indigenous communities and support these indicators with available data, considering that the following socio-economic factors may be affected by the Rocky Creek coal mine project:</p> <ul style="list-style-type: none"> <li>• Employment, income, and local government revenue generation and gross domestic product benefits. <ul style="list-style-type: none"> <li>○ Changes to employment, employment income, and training.</li> <li>○ Changes to gross domestic product.</li> <li>○ Changes to local government revenues and expenditures.</li> <li>○ Changes to wage and non-wage economy due to Project-driven changes in hunting, trapping, and gathering;</li> </ul> </li> <li>• Changes to local population and demographics due to Project-driven labour market changes.</li> </ul>
IAAC-03	Section 4.3, page 25 of IPD	<p>Further related to the socio-economic effects of the Rocky Creek coal mining project, Section 4.3. of the IPD describes the anticipated workforce (Page numbered 25). <u>This section seems very brief and incomplete, accounting for the “operations” phase of the mine only.</u></p> <p>Without knowing at least an estimate for the construction phase workforce size, it is not possible to carry out an assessment of the project’s overall effect on the regional economy, on the socio-economic conditions of the affected Indigenous people and on the potential for secondary and/or tertiary job creation stimulated by the project (logistics and supply, service industries and such).</p>	<p>The proponent needs to include estimates of labour required for the construction phase, considering that this will be a very large project with site preparation activities, building of ancillary infrastructure, extra work on road access/upgrading, etc. Providing this information will enable the regulator to carry out the assessment of effects on socio-economic conditions, including on Indigenous people.</p>	<p>Section 4.3. of the IPD describes the anticipated workforce (Page numbered 25). <u>This section seems very brief and incomplete, accounting for the “operations” phase of the mine only.</u> The proponent needs to include estimates of labour required for the construction phase, considering that this will be a large project including site preparation, building of ancillary infrastructure, extra work on road access/upgrading, etc. Providing this information will enable the regulator to carry out the assessment of effects on socio-economic conditions, including on Indigenous people.</p>
IAAC-04	Section 7.2.2 of IPD	<p>The project site is within the Southern Mountain Caribou habitat, a protected species which is culturally important to a number of the region’s Indigenous groups. According to IPD Section 7.2.2, based on federal caribou mapping (Environment Canada 2014), the entirety of the mine site is outside both local population unit (LPU) boundaries; the majority of the Site Access Road, majority of the Transmission Line, and the Substation are within the Quintette local population unit; and the Rail Loop, Rail Loadout Facility, and majority of the Clean</p>	<p><u>The DPD should describe how the proponent plans to develop caribou-specific mitigation plans or other suitable measures during the active phase of the project. These plans should reference and relate to the existing conservation agreements in place</u> (On February 21, 2020, the governments of Canada, BC, Saulteau First Nations, and West Moberly First Nations finalized two conservation</p>	<p><u>The DPD should describe how the proponent plans to develop caribou-specific mitigation plans or other suitable measures during the active phase of the project. These plans should reference and relate to the existing Southern Mountain Caribou conservation agreements in place.</u></p>

		<p>Coal Haul Road are within the Burnt Pine LPU. (On February 21, 2020, the governments of Canada and BC and Saulteau and West Moberly First Nations finalized two conservation agreements for the Southern Mountain Caribou, under Section 11 of the federal Species at Risk Act: 1) a Section 11 conservation agreement between Canada and British Columbia (ECCC 2020b) and 2) a partnership agreement between Saulteau First Nations, West Moberly First Nations, Canada, and BC (ECCC 2020c).)</p> <p>The caribou are a very important species, culturally and also from a food perspective, to a number of interior British Columbia Indigenous groups. As such, this issue needs to be linked to the broader "Indigenous interests" component of the project review.</p>	<p>agreements for the Southern Mountain Caribou, under Section 11 of the federal Species at Risk Act: 1) a Section 11 conservation agreement between Canada and British Columbia (ECCC 2020b) and 2) a partnership agreement between Saulteau First Nations, West Moberly First Nations, Canada, and BC (ECCC 2020c).)</p> <p>The proponent should describe how the potential effects on Southern Mountain Caribou fit into the broader topic of impacts on Current Use of Lands and Resources ( by the involved First Nations).</p>	
IAAC-05	Table 10-2 of IPD	<p>The proponent has prepared a thorough list of foreseen potential impacts on Indigenous interests (Table 10-2), including those on Current Use of Lands and Resources, and has outlined possible mitigations for such impacts:</p> <ul style="list-style-type: none"> <li>• Change in the ability to access preferred locations used for traditional purposes.</li> <li>• Change to the safe and productive use of the land for traditional purposes by Indigenous nations.</li> <li>• Changes in presence, absence, abundance, quality or spatial distribution of freshwater, terrestrial or other resources</li> <li>• Changes to Indigenous interests, including socio-economic status, community well-being</li> </ul> <p>This is a thorough approach but it must be noted that <u>these potential impacts are also linked to food security, especially through the changes to availability and/or quality of country foods, this important link should be acknowledged in the DPD.</u></p>	<p>Specifically express and acknowledge, in the DPD, that <u>these potential impacts are also linked to food security, especially through the changes to availability and/or quality of country foods.</u></p>	<p>The proponent should acknowledge the linkages between concerns over the possible effects on traditional land and resource use and the food security/impact on quality of country foods, as well as on cultural well-being of the local Indigenous people.</p>
IAAC-06	Section 6.0 of IPD	<p>The EIA should include information on the economic and employment conditions of the First Nations, including available trades skills, availability of individuals requiring apprenticeships, employment training or re-training, etc.</p>		<p>The EIA should include information on the economic and employment conditions of the First Nations, including available trades skills, availability of individuals requiring apprenticeships, employment training or re-training, etc.</p>

Please insert additional rows as necessary.