

## ATTACHMENT

### Federal Authority Advice Record: Designation Request under the IAA

Response due by **October 1, 2024**

Vista Coal Mine Phase II Expansion Project (the Project)

Department/Agency	Indigenous Services Canada (ISC)
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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?

**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 projects that are not on reserve lands.**

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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?

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

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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?

**Not applicable.**

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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 direct or incidental adverse effects stemming from the Project?

**Yes, ISC has some specialized information that could be relevant to examining how this Project affects Indigenous communities.**

**ISC has a mandate to support Indigenous Peoples (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. In this regard, ISC maintains or has access to information about economic indicators, socio-economic conditions on reserves, as well as information about housing and infrastructure on First Nations' reserve lands.**

**ISC also has information and knowledge of Indigenous matters on Federal lands.**

**For effects on health, ISC's First Nations and Inuit Health Branch (FNIHB) is mandated to ensure the availability of, or access to, health services for First Nations on-reserve and Inuit communities; to help First Nations and Inuit communities overcome health barriers and disease threats and achieve levels of health comparable to other Canadians living in similar locations; and to build strong partnerships with First Nations and Inuit to improve health services.**

**To support the assessment of health effects FNIHB can provide specialized information and knowledge on:**

- **The provision of health services;**
- **Community health and wellness programs; and**
- **Determinants of health (such as drinking water quality, food safety, chemical contamination of traditional foods or the perception of contamination, mental health and addictions, language, diet, and cultural identity).**

**FNIHB may also hold knowledge and/or information, which would vary from community to community on:**

- **Community level demographics;**
- **Health status of First Nations;**
- **The state of housing, public facilities and care facilities on reserves including state of food facilities; and**
- **Health promotion and disease prevention activities.**

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

**ISC has not had previous contact or involvement with the proponent.**

**ISC has had previous contact with the Impact Assessment Agency of Canada (IAAC, the Agency) due to the two previous designation requests for the Vista Coal Mine Phase II Expansion Project and Vista Underground Mine Project.**

**ISC-FNIHB has previously commented on the Vista Coal Mine Phase II Expansion Project and Vista Underground Mine Project designation request: <https://iaac-aeic.gc.ca/050/evaluations/proj/80731/contributions/id/54562>**

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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 direct or incidental adverse 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?

From the perspective of ISC-FNIHB's mandate and areas of expertise, the Vista Phase II Expansion Project, based on the designation request, appears to have the potential to cause adverse effects within federal jurisdiction or direct or incidental adverse effects as outlined in section 2 of the IAA. Specifically, these effects could include impacts on Indigenous Peoples and communities, particularly regarding:

- The direct and cumulative loss of access to traditional lands due to the Project could disrupt the physical and cultural connection that Indigenous Peoples have with their traditional territories, impacting their overall health and well-being.
- The Project has the potential to limit access to traditional foods from habitat destruction and result in real or perceived contamination of traditional foods. This could lead to further increase of food insecurity, which is already highest in the country among First Nations in Alberta, according to the published results of the First Nations Food Nutrition and Environment Study ([www.fnfnes.ca](http://www.fnfnes.ca)).
- The Project has the potential to facilitate the loss of cultural practices associated with traditional food gathering amongst Indigenous Peoples. In addition, the destruction of natural habitats or restricted access could result in the loss of medicinal plants, which are important for health and well-being.
- Accidents and malfunctions during the construction and operation phases of the Project could lead to increased use of healthcare services accessed by Indigenous Peoples. This increased use by employees of the Project could lead to a decreased ability to access healthcare services by Indigenous Peoples.

ISC does not issue any permits or authorizations that could be possibly required in the course of this Project.

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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:
- a. potential impacts on species at risk and their habitats;
  - b. potential impacts on migratory birds;
  - c. potential impacts on fish and fish habitat;
  - d. potential impacts on the health, social and economic conditions of Indigenous Peoples;
  - e. potential impacts on Aboriginal and Treaty Rights;
  - f. potential impacts on Indigenous lands and resources used for traditional purposes;
  - g. potential impacts on surface water quality and quantity;
  - h. potential impacts to groundwater quality and quantity; and
  - i. potential impacts on air quality.

ISC has some programs that could be relevant as far as potential impacts on the health, social and economic conditions of Indigenous Peoples in the region around the proposed Project.

In particular, the department maintains the First Nations Profiles and has created the Community Well-Being Index, which has four components: education, labour force activity, income, and housing. The Community Well-Being Index is accessible here: <https://www.sac-isc.gc.ca/eng/1421245446858/1557321415997>.

ISC also collects various other census-derived data related to employment rates, income levels, education levels, and other socio-economic determinants of First Nations communities.

#### Health

There are several ISC-FNIHB programs that may be relevant and could be considered as a means of assisting First Nations in further investigating and determining their concerns about the Project related 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 Indigenous Peoples of Canada. These include the:

- a. First Nations Baseline Assessment Program on Health and the Environment (BAPHE) – supports First Nation communities south of 60<sup>th</sup> parallel to assess the baseline status of human health and the environment in their community and traditional territory prior to the implementation of a major industrial project (e.g., mine, nuclear facility, oil and gas facility, dam, port). The program supports two types of projects:

- i. **Primary Research:** Community-based research to collect and analyze data on human health and the environment directly through questionnaires, surveys, interviews and sampling.
- ii. **Knowledge Integration:** Community-based research that compiles, integrates and analyzes existing community information and scientific data on human health and the environment.

For more information on the program please visit: [First Nations Baseline Assessment Program on Health and the Environment \(isc.gc.ca\)](http://isc.gc.ca).

- b. **First Nations Environmental Contaminants Program (FNECP)** – supports First Nation communities south of 60<sup>th</sup> parallel to identify, investigate and characterize the impact of exposure to environmental hazards. Its activities include community-based research, monitoring, risk assessment, risk communication, and knowledge integration. For more information on the program please visit: [First Nations Environmental Contaminants Program \(sac-isc.gc.ca\)](http://isc.gc.ca).
  - c. **Climate Change and Health Adaptation Program (CCHAP)** – supports First Nation communities south of the 60<sup>th</sup> parallel to identify, assess and respond to the health impacts of climate change. The program supports projects that focus on the health impacts of climate change by helping communities to develop and implement health-related adaptation or action plans; develop and share knowledge-building and communication materials; and support adaptation decision-making at the local, regional and national level. For more information on the program please visit: [Climate Change and Health Adaptation Program \(sac-isc.gc.ca\)](http://isc.gc.ca).
8. Does your department or agency have a program or mechanism that would address or mitigate impacts resulting from ammonia, nitrates, nitrites, sulphates, mercury and selenium contamination of water systems? If yes, please provide a brief explanation on the program, mechanism, including whether Indigenous consultation takes place.

Through programs such as the Capital Facilities and Maintenance Program (CFMP), ISC has mechanisms to address drinking water quality on reserve including the development of infrastructure such as water treatment facilities. The CFMP funding is managed through First Nation infrastructure investment plans, developed in partnership with First Nations and based on community-identified infrastructure needs. These guidelines help decision makers fund projects in a fair and consistent manner and make sure that the highest priority projects are funded.

As such, ISC programs such as the CFMP are designed for the benefit of Indigenous communities and not to mitigate the potential downstream impacts of contamination from proposed upstream industrial activity.

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9. 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?

ISC is aware of a community, Mountain Cree Camp (also known as Smallboy Camp), that is within the vicinity of the Project. However, this community is not a band registered under the *Indian Act*, nor is it a Treaty First Nation. The community is occupying provincial crown land and does not have federal reserve lands or other official land base. Therefore, ISC does not have jurisdiction regarding services or programs to the community, and has limited knowledge of the community profile.

The Project is located in Treaty 6 Traditional Territory, which includes 47 FN, some of which are in AB and others in SK. The territory of the mine appears to be also a part of the Horse Lake First Nation (Treaty 8) Traditional Territory (reference: [Aboriginal and Treaty Rights Information System \(ATRIS\)](http://isc.gc.ca)).

10. If your department has guidance material that would be helpful to the Proponent or to IAAC, please include these as attachments or hyperlinks in your response.

Jan Triska

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Name of departmental / agency responder

Environmental Management Officer

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Title of responder

September TBD

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Date