

Federal Authority Advice Record (FAAR)**FAAR Response must be submitted by February 6, 2025**

Sussex Region Flood Diversion Project – Town of Sussex.

Registry File: 89179

Department/Agency	Indigenous Services Canada (ISC) SAC.EvaluationImpacts-ImpactsAssessment.ISC@sac-isc.gc.ca
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1. Is it probable that your department or agency exercise a power, perform a duty or function, or provide financial assistance, related to the project to enable it to be carried out in whole or in part?

As relevant,

- a) Specify the applicable Act of Parliament and that power, duty or function, or describe the financial assistance provided.
- b) Describe any associated Indigenous or public consultation, including timelines.
- c) Describe any associated requirements (e.g., alternative means, offsetting) that may be coordinated with the impact assessment process, if an impact assessment is required, to meet the target of five years or less to complete any required federal impact assessment and permitting.

Indigenous Services Canada (ISC) does not anticipate to exercise a power, perform a duty or function, or provide financial assistance, related to the project to enable it to be carried out in whole or in part.

2. Is your department or agency in possession of specialist or expert information or knowledge with respect to the project beyond what is described in the [Memorandums of Understanding with IAAC](#)?

As relevant,

- a) Specify the specialist or expert information or knowledge that is specifically related to the project and may be relevant to the conduct of an impact assessment of the project, 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).

- b) Provide an overview of any information received or exchanged with the proponent or other party in relation to the project (e.g., about methodology, guidance, or data).

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 notes that the proposed project is not in proximity to reserve lands and the affected waterbodies do not run through or adjacent to reserve lands downstream of the proposed project. However, information on the social and economic context of the project may support an assessment of impacts on Indigenous peoples; the [Community Well-Being Index](#) may assist in this regard.

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.

In addition to the areas of expertise outlined in the MOU with IAAC, 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.**

3. Based on the mandate and expertise of your department or agency as well as information and knowledge in its possession, including the Initial Project Description, are you of the opinion that the project may cause adverse effects within federal jurisdiction or direct or incidental adverse effects?
- a) Identify adverse effects within federal jurisdiction that may be caused by the project.
 - b) Identify any non-negligible adverse effects directly linked or necessarily incidental to a federal authority's exercise of a power or performance of a duty or function, or to a federal authority's provision of financial assistance to a person for the purpose of enabling the project to be carried out, in whole or in part.
 - c) Identify any adverse impact that the designated project may have on the rights of Indigenous groups.
 - d) Identify and describe means other than an impact assessment that may address the adverse effects within federal jurisdiction — and the direct or incidental adverse effects — that may be caused by the carrying out of the project, including how these effects would be addressed. Other means may include any power, duty or function exercised by your department or agency, as well as existing legislations, regulations, standards, processes, or guidelines by any jurisdiction that your department or agency has knowledge of.
 - e) Identify whether and how an impact assessment would provide added value to understand and address adverse effects within federal jurisdiction — and the direct or incidental adverse effects — that may be caused by the project, including supporting federal authorizations that may be required.

ISC notes that the proposed project is in the early phase of the impact assessment process and that engagement with Indigenous groups is ongoing. Taking into account the information available and remaining uncertainty at this time, potential effects of the project include: direct or incidental adverse effects relating to Indigenous peoples' health, social, and economic conditions; adverse effects on use of lands and resources for traditional purposes; adverse effects on physical and cultural heritage; and adverse effects on sites of importance. ISC also notes there may be potential impacts to the rights of Indigenous peoples, which may be identified through the Mi'gmaq Rights Impact Assessment (MRIA) requested by Mi'gma'we'l Tplu'taqnn Incorporated (MTI).

With regards to the construction phase of the project, adverse effects may potentially result from changes in the environment related to earthwork and changes to watercourses, which may cause potential impacts to archaeological sites and to plants/animals harvested for sustenance, cultural, social or economic purposes by the Mi'kmaq and Wolastoqiyik (Maliseet).

Depending on the effects of the diversions on the downstream receiving environment, the operation of the project may result in changes to aquatic and riparian environments with subsequent effects to Indigenous peoples and impacts on rights.

4. Based on the mandate, experience and expertise of your department or agency, and on the Initial Project Description, what are the **key issues** related to the project?

Please use Table 1 to respond to this question.

If IAAC decides an impact assessment is required, IAAC will consider the information to develop project-specific draft Tailored Impact Statement Guidelines focused on key issues, establish the scope of the impact assessment, and develop plans.

5. What additional information the proponent could provide that would give confidence that concerns or uncertainty regarding potential effects can be addressed through means other than an impact assessment, or that available means and evidence can be relied upon to simplify information requirements of the proponent, if an impact assessment is required?

Please use Table 2 to respond to this question.

These clarifications and additional information may be asked of the proponent in the Summary of Issues. The proponent's response on how it intends to address the issues may be used by IAAC to decide if an impact assessment is required and, if so, develop simplified project-specific draft Tailored Impact Statement Guidelines, and develop plans.

The proponent could provide information on and commitments to collaborative assessment processes with potentially affected Indigenous communities, along with commitment to the co-development of mitigation measures. Clear mechanisms by which the proponent will engage the potentially affected Indigenous groups, and understand and mitigate potential effects to Indigenous peoples, including impacts to rights, could be identified. In addition, the proponent could provide information on potentially affected Indigenous groups' level of comfort with the proposed approach in the absence of an impact assessment.

Danielle Jeddore

Name of Departmental / Agency
Responder

Policy Analyst

Title of Responder

February 6, 2025

Date

Table 1: Key Issues to inform the impact assessment process

This table should outline key issues to inform the impact assessment process, including whether an impact assessment is required and, if so, the scope of the assessment.

IAAC asks that federal authorities align expert advice with IAAC’s approach to scoping and tailoring to key issues based on the project-specific context, and clearly focus on the prevention and mitigation of significant adverse effects within federal jurisdiction. Measured advice from federal authorities on key issues and solutions — and on the scope and detail of any recommended information and studies — will enable IAAC to focus assessments on issues that are important to participants and to decision-makers.

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 and material to decision-making include:

- adverse effects within federal jurisdiction and direct or incidental adverse effects that may be to some extent significant, based on available evidence, including federal experts’ knowledge and experience with past project assessments;
- potential impacts on Indigenous peoples and their rights, based on Indigenous Knowledge and perspectives or experience with past project assessments;
- effects on key species or habitats (e.g. at risk, important to Indigenous communities, commercial importance, provide important ecosystem function);
- issues or adverse effects within federal jurisdiction or direct or incidental adverse effects that may result from novel project activities, components or technology;
- effects within federal jurisdiction or direct or incidental adverse effects with large uncertainties, including in the effectiveness of mitigation measures;
- adverse effects within federal jurisdiction and direct or incidental adverse effects where known and effective mitigation measures are limited or unproven;
- 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.

If an impact assessment is required, it will be focused on key federal issues anticipated to be material to decision-making. Potential effects that do not represent key issues, may not be within the scope of the impact assessment or may require simplified information requirements for proponents. In identifying key issues and providing advice on whether additional information or studies are required, federal authorities should consider whether potential effects can be managed using well understood mitigation measures or existing guidance, whether a mean other than an impact assessment exists to address and manage the effects and of any gaps in the existing body of evidence.

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 that could be included in the Summary of Issues
<p><i>Please identify comments by organization and comment number.</i></p> <p>e.g.: IAAC-01</p>	<p><i>If the comment is related to a specific section of the Initial Project Description, please include that reference.</i></p>	<p><i>Identify valued component(s) or factor to consider—within the mandate of your department or agency—to which the potential 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:</i></p> <ul style="list-style-type: none"> • <i>whether it is an adverse effect within federal jurisdiction, or a direct or incidental adverse effect;</i> • <i>the pathway of effects;</i> • <i>nature and complexity of the issue</i> • <i>rationale and evidence on why it is a key project-specific issue;</i> • <i>if applicable, Indigenous or public concerns or perspective;</i> • <i>if applicable, potential for differential effects among diverse population groups;</i> • <i>scientific evidence or Indigenous Knowledge, including from past project experience, which supports inclusion as a key issue.</i> 	<p><i>Where applicable, briefly provide solutions on how to address the potential issue or effects including:</i></p> <ul style="list-style-type: none"> • <i>Any mean, including powers, duties or functions that your department or agency has or any regulatory framework of a jurisdiction that may mitigate, manage, or set conditions related to the issue;</i> • <i>Standards, guidance or policies for mitigating effects or any standard and well-understood mitigation measures that would address the effect, including follow-up monitoring activities;</i> • <i>Commitments the proponent could make to respond to the issue;</i> • <i>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</i> <p><i>Where available, please refer to existing text in the Tailored Impact Statement Guidelines template.</i></p>	<p><i>Provide a concise, plain language synopsis of the key issue and any questions or directions for the proponent. that IAAC may include in the Summary of Issues.</i></p>
ISC-FNIHB-01	6.3.1 Vegetation	Species of significance to Indigenous peoples	The proponent completed a desktop review and identified various plant species (27) within 5 km of the project area. Two species were identified as Species at Risk and the remaining 25 are noted as Species of Conservation Concern. It does not appear that an Indigenous perspective has been considered to identified species of significance to Indigenous communities.	Ensure that Indigenous communities are made aware of the findings of the desktop review during engagement activities and solicit feedback as to whether there are plant species of concern to the Indigenous communities within the proposed project area. If so, consider ways to minimize the removal of said species in collaboration with Indigenous communities.	The removal of species of importance to Indigenous peoples may result in adverse impacts to Indigenous peoples who use these plants for traditional purposes.

ISC-LED-02	7.3 7.3 Indigenous/Cultural Considerations	Effects to water quality	While the project addresses water flows within one water system, it will change the temporal and spatial distribution of waters during a flood event. This may have different effects on the downstream environment than what would occur through natural flooding. The effects of the project on the downstream environment, and the use of this environment by Indigenous peoples, should be given due attention through the assessment.	Ensure both construction and operation of the project are considered when assessing potential impacts to Indigenous peoples.	Ensure both construction and operation of the project are considered when assessing potential impacts to Indigenous peoples.
ISC-LED-03	9.0 INDIGENOUS ENGAGEMENT Page 24	Indigenous engagement	The proponent indicates in section 6.3 that responses from Indigenous groups did not articulate specific information on the potential impacts to Indigenous peoples; however, the proponent also notes that the limited information provided to Indigenous groups was a factor in these responses. Ensuring the provision of sufficient information to Indigenous groups, as well as removing other barriers to participation, will be key in supporting their meaningful participation in the assessment process.	To address information barriers that are impacting engagement with Indigenous participants, the proponent should work with participants during the development of engagement plans and communications products to ensure it meets participant needs and expectations. Additionally, information related to barriers encountered by Indigenous participants during engagement should be included within the consultation record.	Barriers to engagement can have an impact on Indigenous participation. To ensure meaningful participation, it is important to understand any challenges or concerns Indigenous participants may be encountering.