

Federal Authority Advice Record (FAAR)

FAAR Response must be submitted by January 28, 2026

Marshdale Natural Gas Power Generation Facility Project – Independent Energy System Operator – Nova Scotia.

Registry File: [90111](#)

Department/Agency	Indigenous Services Canada
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1. Will 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,

- Specify the power, duty or function, or financial assistance, and the likelihood that it will be required to construct the project, based on the Initial Project Description, as either Required, Potential, Likely, Unlikely or Not Required
- Describe any associated Indigenous or public consultation, including timelines
- Describe any associated information requirements (e.g., alternative means assessment, habitat offsetting), and specify those that may be coordinated with the impact assessment process, if an impact assessment is required
- Identify any associated project-specific guidance or issues of which the proponent should be aware, or information the proponent should provide
- Indicate whether your department or agency has identified any power that it will not be exercising or may not be able to exercise to allow the project to be carried out, 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 located on reserve lands.

2. **Using Table 1**, identify project- and context- specific **key issues**, based on the expertise within your mandate¹ and the information in your possession, including the Initial Project Description, any exchanges with the proponent or others related to the project and known means to address the effects of the project. For each key issue:

- Specify the key issue (e.g., specific species and location)
- Specify the project component or activity linked to the key issue
- Explain why it's a key issue based on:
 - biophysical effect pathway(s) from the specific project component or activity
 - concern unique to the project or a priority within your mandate
 - the issue being material² to decision making under the *Impact Assessment Act*
- Identify how the issue could be resolved, including through means other than an impact assessment
- Identify additional information the proponent could provide including to give confidence on how the issue can be addressed through other means.

Norah Kielland, Analyst

Name and title of Departmental /
Agency Responder

¹ Refer to the [Memoranda of Understanding with IAAC](#).

² An issue is material to decision making if its analysis is anticipated to affect the conclusions on (1) whether adverse effects within federal jurisdiction or direct and incidental adverse effects (collectively adverse federal effects) are likely not significant, or of low, medium or high significance; (2) appropriate mitigation measures for significant adverse federal effects; or (3) justification in the public interest.

January 28, 2026

Date

Preamble:

The IPD notes in Section 5.1 that engagement with Mi'kmaq communities and organizations has commenced and is ongoing. However, responses have not yet been received from several Mi'kmaq communities and organizations, including Paq'tnkek Mi'kmaw Nation, Millbrook First Nation, Sipeknekatik First Nation, the Confederacy of Mainland Mi'kmaq, and the Union of Nova Scotia Mi'kmaq.

Meaningful and comprehensive engagement with all Mi'kmaq communities and organizations is critical as it will :

- Identify and understand biophysical exposure pathways associated with project component or activity and learning more about community-specific land use, resource use, and lived experience.
- Support a more comprehensive identification and consideration of community-identified issues that may influence human health, social determinants of health, and overall community well-being.
- Strengthen the capacity of Mi'kmaq communities to engage meaningfully in the impact assessment process and participate in decisions related to their health and well-being, including better maximization of positive effects and more effective avoidance, mitigation, or management of adverse effects.

The proponent should meaningfully engage with all Mi'kmaq communities and organizations and **consider participation barriers that may be limiting engagement**, particularly for Paq'tnkek Mi'kmaw Nation and Millbrook First Nation. The effectiveness of current engagement approaches should be reassessed, as outreach through phone calls and emails alone may not be sufficient to support meaningful engagement. Where capacity constraints are identified, the proponent should consider providing appropriate resources, including financial support and adequate time, to enable First Nation communities to meaningfully engage and assess the Project's potential effects on their health and well-being.

Information gathered through the Proponent's engagement is also central to fulfilling the mandate of Indigenous Services Canada (ISC), which is to improve access to high-quality services and to enhance well-being in Indigenous communities and strengthens ISC's ability to review the assessment of potential health risks and service pressures, provide informed advices, identify gaps or uncertainties in project assessments, and recommend effective mitigation and preparedness measures that protect Indigenous health and well-being.

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 and tailoring of the Tailored Impact Statement Guidelines.

Key issues are the major concerns directly related to a project component or activity, the analysis of which is anticipated to be material to decision-making under the *Impact Assessment Act*.

Federal authorities' advice should be guided by the identification and resolution of key issues. If an impact assessment is required, it will be focused on key issues.

Comment ID	a) Key issue	b) Project component or activity	c)(i) Biophysical effect pathway(s)	c)(ii) Concern unique to the project or a priority within your mandate	c)(iii) Material to federal decision-making	d) Means for issue resolution	e) Additional information from the proponent
<p>Identify comments by organization and comment number.</p> <p>e.g.: IAAC-01</p>	<p>Specify the key issue (e.g., specific species and location).</p>	<p>Identify the project component or activity linked to the key issue.</p> <p>Be specific about the nature, scale, novelty and complexity or the component or activity.</p>	<p>Identify the specific biophysical effect pathway between the project component or activity and the affected environmental or human receptor (including Indigenous Peoples).</p>	<p>Describe why it's a key issue within the mandate of your department or agency, including in terms of priorities of the federal government and in terms of anticipated likelihood, severity or uncertainty of effects.</p> <p>Identify if the key issue is common for projects of this nature or in this sector, or whether it's unique to this project due to its complexity, size or novelty; a sensitive or rare receiving environment; and/or proximity of sensitive environmental or human receptors (including Indigenous Peoples).</p>	<p>Describe why the key issue is material to decision-making as either:</p> <ul style="list-style-type: none"> • an adverse effect within federal jurisdiction, or a direct or incidental adverse effect, that may be significant based on available evidence including: <ul style="list-style-type: none"> ○ federal experts' knowledge and experience with past project assessments; ○ presence of sensitive species, habitats or human receptors (including Indigenous Peoples); ○ novel or complex project activities, components or technologies; ○ high uncertainties in effects or in the effectiveness of mitigation measures; ○ unknown or unproven mitigation; or • a factor for the justification in the public interest anticipated to be material to decision-making such as a likely positive effect contributing to sustainability, to Canada's environmental obligations or climate change commitments or in supporting governmental priorities, such as reconciliation with Indigenous Peoples. 	<p>Describe how the key issue could be resolved or addressed by:</p> <ul style="list-style-type: none"> • Any means, including powers, duties, functions, frameworks, policies or guidance that your department or agency has; • Any means, including powers, duties, functions, frameworks, policies or guidance from another jurisdiction, including the province; • Common, proven, well-understood or standard mitigation measures to mitigate the effect or effect pathway(s); or • Commitments made by the proponent (e.g., in the Initial Project Description). 	<p>Describe information the proponent can provide, or commitments the proponent can make, in their Response to the Summary of Issues that would provide confidence that the issue can be resolved by existing means.</p> <p>Consider whether information, studies, analyses or collaborative work with other authorities would be required to address the issue beyond existing means.</p>

ISC - 01	Effects on socioeconomic conditions in Indigenous communities	Section 13.4.2 notes the proposed project has the potential to create economic stimulus, primarily during the construction phase, as for potential business development related to the project.		ISC has the mandate to promote the general improvement of economic and social conditions of Indigenous Peoples, including the socio-economic conditions in on-reserve communities.	This could potentially create positive effects for First Nations communities help contribute to economic reconciliation. However, the extent to which these benefits can be realized depend on a multitude of factors, requiring planning and partnership with First Nations.	The proponent should give due considerations to intentionally supporting the realization of benefits for Indigenous communities. This could be achieved through targeted policies and plans with detail on overall project workforce and with specific information on how the project will affect nearby First Nations communities, including local job creation and hiring practices. In particular, the proponent could commit to support First Nations' opportunities to benefit from the project, including: providing culturally appropriate training, advancement opportunities and procurement strategies to support First Nations businesses	Project planning and proposal would benefit from additional details on the arrangements and measures that involve economic participation of Indigenous communities.
ISC - 02	Non-negligible adverse effects on the health and well-being of Indigenous land users who access the surrounding area of the project for traditional and/or recreational purposes due to Lack of consideration of the Mi'kmaq Ecological Knowledge Study by the proponent	All phases of the Project have the potential to generate one or more of the following stressors: <ul style="list-style-type: none"> • Air pollutant emissions; • Noise emissions; • Contaminants of potential concern (COPCs) in sediment runoff and effluent discharges; • Increased risks related to road traffic in addition to accidents and malfunctions that may occur. <p>5.2 Mi'kmaq Ecological Knowledge Study</p> <p>13.4.1 Health and Social Impacts on Indigenous Peoples</p>	Indigenous receptors, including land users who access the area for traditional and/or recreational purposes and who may be identified in the Mi'kmaq Ecological Knowledge Study, may be directly exposed to biophysical stressors associated with project activities through multiple environmental media. These exposure pathways may include: <ul style="list-style-type: none"> • inhalation of air pollutant emissions; • ingestion of contaminated drinking water and country foods; • and high annoyance due to noise, as well as an increased risk of road accidents and injuries associated with higher traffic volumes. <p>In addition, changes in access to land and resources, the perceived safety of traditional and recreational land use, and real or perceived contamination of food and sustenance resources, as well as medicinal and ceremonial plant resources may directly impact the human health, the social determinants of health and well-being of Mi'kmaq communities.</p>	ISC is responsible for supporting the health, safety, and overall well-being of Indigenous Peoples and supports the position that any assessment of potential impacts on Indigenous health, social, and economic conditions should be informed by the results of Indigenous Knowledge studies that are reviewed and validated by First Nation communities and organizations, where not conducted by them directly.	Under Sections 2(e) and 2(f) of the Impact Assessment Act, non-negligible adverse effects on the health of Indigenous peoples related to the Project falls within federal jurisdiction. The determination of significance of the potential adverse effects is directly tied to the location of Indigenous receptors and the traditional land use activities surrounding the project area. ISC supports the proponent's approach to develop a Mi'kmaq Ecological Knowledge Study and commitment to apply recommended mitigation measures. However, ISC considers it premature to conclude that the Project is not expected to impact the health, social conditions, or overall well-being of the Mi'kmaq communities of Nova Scotia before the results of the Mi'kmaq Ecological Knowledge Study are available and the potential impacts are reassessed, including consideration of all Indigenous receptors.	In this context, the proponent should: <ul style="list-style-type: none"> • wait for the results of the Mi'kmaq Ecological Knowledge Study (MEKS) before formulating conclusions on potential effects; • reassess the biophysical effect pathways between the project components and activities and the indigenous identified receptors identified through MEKS. 	
ISC - 03	Non-negligible adverse effects on the social and health conditions of Indigenous peoples due to	The construction phase.	The influx of transient workers during the construction phase of the Marshdale project, as well as Salt Springs Project, individually and	This is directly aligned with ISC's mandate to promote Indigenous health and well-being.	The proponent's conclusion that the Project is not expected to impact the health and social conditions, or overall well-being,	The proponent should meaningfully engage with impacted Mi'kmaq communities to seek their perspective on the potential health and social	The proponent should include detailed information on the potential impacts of transient workers and mitigation

	<p>the expected influx of construction workers.</p>	<p>Section 11 Socio-Economic environment</p> <p>11.1.3 Effects Assessment</p>	<p>cumulatively, could potentially result in non-negligible health and social impacts to Indigenous Peoples by:</p> <ul style="list-style-type: none"> Increasing pressure on infrastructure such as housing, health and social services, and emergency services in the region. Increasing risks related to community safety, including racialized and gender-based violence, increased exposure to illicit substances, and an increase in sexually transmitted and blood-borne illnesses. 		<p>of the Mi'kmaq communities of Nova Scotia is based primarily on the results of the noise and air quality assessments. This approach reflects a narrow interpretation of health, focused largely on direct biophysical exposure pathways, and does not adequately consider the broader definition of health and well-being, particularly from an Indigenous perspective. Indigenous health is influenced by a wider range of social determinants of health, including housing, community safety, access to services, and social cohesion, which have not been sufficiently assessed.</p> <p>The proponent further concludes that almost no increased pressure on health or social services is anticipated, based on the limited number of long-term operational positions (10 to 15). However, this conclusion is not sufficiently supported, as the assessment does not adequately account for construction-phase effects associated with an estimated influx of 100 to 125 temporary construction workers over an approximately two-year period. These workers are expected to rely on existing local accommodations, including hotels, campgrounds, and short-term rentals, as well as on existing health and emergency services in the region.</p> <p>This omission is of particular concern given that the proponent also plans to construct the Salt Springs Fast Acting Natural Gas Power Generation Facility within a similar timeframe and geographic area, involving a comparable temporary construction workforce. The potential cumulative effects of overlapping construction activities and concurrent workforce influxes on health and social conditions, and local</p>	<p>impacts from the influx of construction workers in the region and determine appropriate mitigation measures.</p> <p>Potential mitigation measures to address the health and social impacts associated with increases in population could include:</p> <ul style="list-style-type: none"> -Community engagement and communication plans to inform Indigenous communities of project activities, anticipated workforce presence, and to provide mechanisms to raise and address concerns as they arise. -Meaningful inclusion of women, girls, and gender diverse individuals in the Impact Assessment planning/consultation including through women's groups and community-based organizations. -Health and Safety protocols, including substance use policies and sexual violence prevention measures. -Consideration and analysis of these potential impacts in the Impact Statement. 	<p>measures to promote the health and well-being of Indigenous Peoples.</p>
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ISC - 04	Non-negligible effects to the health conditions of Indigenous peoples due to potential accidents, malfunctions, and unplanned events.	Project planning and risk management related to the operation of the project. Section 15 Accidents and Malfunctions	Potential accidents, malfunctions, and unplanned events as considered for this Project can, may release hazardous emissions into the air, the water and the land which can lead to the exposure of nearby Mi'kmaq communities and potentially impact their health and wellbeing. These Emergency Response Plans are critical and should be co-developed with potentially affected Mi'kmaq communities, particularly Pictou Landing First Nation, which is the closest First Nation community to the project (approximately 23 km away) and is already dealing with legacy contamination issues.	This is directly aligned with ISC's mandate to promote Indigenous health and wellbeing.	ISC acknowledges the proponent's commitment to develop a site-specific Emergency Response Plan (ERP). However, the IPD does not include a clear commitment to engage or co-develop these ERPs with Mi'kmaq communities, particularly those located in proximity to the project. While the proponent indicates in Section 15 that consultation with local emergency services will occur to strengthen coordinated response efforts and ensure an aligned approach, it remains unclear how with Mi'kmaq communities will be informed, involved, or supported in emergency preparedness. In addition, the IPD does not clearly describe communication protocols in the event of an accident or malfunction, nor does it outline public health awareness or notification measures, which are critical to protecting the health and safety of Indigenous Peoples.	Meaningful and sustained engagement with Mi'kmaq communities and representative organizations on these issue, throughout all stages of the project lifecycle, is essential to ensure that potential risks are well understood and that communities are adequately prepared to respond in the event of an incident. Again, ISC recommendations below need to be validated by Mi'kmaq communities potentially impacted by the project and or Mi'kmaq organizations : <ul style="list-style-type: none"> • The proponents should consult with Indigenous communities on the "emergency response plan", prior to the commencement of construction activities, and, as much as possible, incorporate communities' input. • The emergency response plan should include immediate notification of Indigenous communities and Indigenous traditional land and resource users in case of accidents or malfunctions impacting the environment. • In case of such incident, the proponent should ensure that Indigenous communities are immediately advised of: <ul style="list-style-type: none"> - the accident/malfunction that occurred; - the geographic extent of predicted environmental impacts; - the potential for health impacts; and; - the corrective measures being taken, and the timeline for such measures. 	The proponent should commit to co-developing Emergency Response Plans with Mi'kmaq communities, or at a minimum meaningfully engaging with them, and clearly outline communication protocols

Please insert additional rows as necessary.