

ATTACHMENT: Federal Authority Advice Record: Designation Request under IAA
Response due by March 30, 2020
 NGTL and Foothills West Path Delivery 2022/2023 Projects

Department/Agency	Parks Canada Agency
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Alternate Departmental Contact	

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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?

The Parks Canada Agency has not exercised any power, performed a duty or function, or taken any action that would enable the Project to proceed to-date.

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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?

Yes. It is anticipated that the preferred route for the proposed Western Alberta System Mainline (WASML) Loop No. 2 Longview Section (Option A) segment of pipeline, 30km south of High River (West Path Delivery 2023 Project) is adjacent to an existing ROW through the Bar-U National Historic Site for a portion of that pipeline segment. The Bar-U National Historic Site comprises federal lands under the administration of the Parks Canada Agency, managed by the Waterton Lakes National Park (WLNP) Field Unit. Pursuant to the Real Property and Federal Immovables Act, land tenure agreements would be required for a new pipeline right-of-way through the National Historic Site. No agreements have been made to-date for the new pipeline. As the federal authority responsible for the site, the Parks Canada Agency would also be required to determine the project is not likely to cause significant adverse environmental impacts pursuant to Section 82 of the Impact Assessment Act prior to the carrying out of the project at the Bar-U National Historic Site.

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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?

As a project on federal lands, the portion of the pipeline through the site would be subject to the public and Indigenous consultation requirements of the Impact Assessment Act and local policies.

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?

Yes, potential environmental and cultural impacts on federal lands at the Bar-U National Historic Site.

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

Yes, the proponent maintains existing right-of-ways on the site and has contacted the Parks Canada Agency about the potential to use a new right-of-way on federal lands.

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 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?

The project has the potential to result in a change to the environment on federal lands (2bi) and could impact, with respect to Indigenous peoples of Canada, artefacts of historical and archaeological significance (2ciii). Primary concerns relate to the management of invasive species along the pipeline right-of-way and a high likelihood of encountering sites and artefacts of historical and archaeological significance.

As a National Historic Site under the administration of the Parks Canada Agency, a land tenure agreement and impact assessment would be required prior to development for the pipeline segment across the site. The impact assessment would include required mitigations in relation to those effects, which would also become conditions within the land tenure agreement.

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: project splitting, impacts to Aboriginal rights, capacity funding

If the project is not designated, Parks Canada will require an impact assessment to ensure obligations under Section 82 of the IAA are met. This assessment would only be for the portion of the pipeline on federal lands under the administration of Parks Canada and could be perceived as further project splitting.

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?

No. The WLNP Field Unit is in the early stages of developing an Indigenous Advisory Council with Indigenous Groups in the vicinity of WLNP and Bar-U NHS. No consultation has occurred at this time.

9. Taking into account your mandate, does your department or agency have a view as to whether the Project should be designated under the *Impact Assessment Act*?

No opinion.

10. 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.

Heather Cherry

Name of departmental / agency responder

Impact Assessment Scientist, Natural Resources
Management Branch, Parks Canada Agency

Title of responder

April 8, 2020

Date