



2021-07-21

Ian Martin
Team Lead, Prairie and Northern Regional Office
Impact Assessment Agency of Canada
Suite 1145, 9700 Jasper Avenue
Edmonton, Alberta T5J 4C3

Dear Ian Martin,

Re: IAAC REQUEST FOR ADDITIONAL PROJECT INFORMATION

We have received your June 30, 2021, letter requesting additional information about the Westside Irrigation Project (WIP), distinctly composed of the Rehabilitation Project and Expansion Project (together, the Projects). We understand the Impact Assessment Agency of Canada (IAAC) is responding per the *Impact Assessment Act* (IAA) to a request from the Federation of Sovereign Indigenous Nations (FSIN, their letter dated June 16, 2021), to designate the Projects under the IAA. We are writing this letter in order to provide relevant information requested to further your understanding of the Projects and the Saskatchewan Water Security Agency's (WSA) approach to developing sustainable and regulatory compliant projects.

We recognize that the Saskatchewan Government's July 2020 announcement of the Projects, and the availability of limited information at the conceptual and early planning stages, resulted in concerns having been raised by some stakeholders and we believe that to be the case with the concerns presented in the FSIN letter. WSA and the Saskatchewan Government remain committed to carrying out a fulsome and robust engagement process with all stakeholders allowing it to receive these and other concerns that can be managed, mitigated, or avoided as planning for the Projects continues.

Following the Saskatchewan Government's July 2020 announcement, the Projects are now early in the planning stage whereby conceptual engineering and environmental fieldwork began in April 2021 and is progressing. An engagement program is currently underway with the initial set of open houses planned for the end of July 2021. We have initiated discussions with the Saskatchewan Environmental Assessment and Stewardship Branch (EASB) to determine the regulatory pathway for both the Rehabilitation Project and the Expansion Project. Through this dialogue and in discussion with the Government of Saskatchewan, two technical proposals will be submitted to the EASB under provincial environmental assessment: one for the Rehabilitation Project and one for the Expansion Project. Additionally, in an effort to be proactive and

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demonstrate transparency, the Government of Saskatchewan intends to “self-declare” the Expansion Project as a “development”, as defined under Saskatchewan’s Environmental Assessment Act, and as such, the Expansion Project will proceed through the provincial environmental impact assessment (EIA) process.

Additionally, in Saskatchewan, granting of water rights licences, and irrigation certificates are the shared responsibility of the WSA and the Ministry of Agriculture, respectively. The conditions of granting are governed by the Water Security Agency Act, the Water Security Regulations, the Irrigation Act, 2019 and the Irrigation Regulations, 2020. During the operation period for the Projects, water resource management and environmental assessments will continually occur and be monitored within licensing and certification processes.

At this early stage, we have also had initial discussions with both Fisheries and Oceans Canada (DFO File number: 21-HCAA-01049) and Transport Canada (Case # 2021-604230) to review the Projects and identify potential federal permitting requirements needed to authorize the Projects. We believe the provincial-level review of both Projects, in conjunction with review and permit authorizations from relevant federal departments, combined with an extensive engagement and consultation process to be undertaken, will be sufficiently robust and appropriate for projects of this nature, and will ensure public concerns and concerns from Indigenous peoples are fully addressed.

Furthermore, as the proponent for the Projects and in accordance with the Government of Saskatchewan First Nation and Métis Consultation Policy Framework, WSA will be undertaking pre-consultation assessments to determine if consultation is required and if and where triggered, to determine an appropriate level and method of consultation. It is acknowledged that the threshold for triggering the duty to consult is low, and the need for consultation may be identified as the Projects continue through the planning, engagement, and pre-consultation phases.

In an effort to provide information specific to your questions and to facilitate your review, this letter has been structured to reflect the order of inquiries as detailed in your letter.

IAAC Information Request:

Provide available information regarding potential adverse effects:

- *to fish and fish habitat, migratory birds, and species at risk; adverse changes to the environment that would occur on federal lands and lands outside Saskatchewan or Canada; and*
- *adverse impacts, resulting from any change to the environment, on Indigenous peoples (e.g., changes to the environment impacting physical and cultural heritage, current use of lands and resources for traditional purposes, and structures, sites, or things of historical, archaeological, paleontological, or architectural significance) or changes to their health, social or economic conditions.*

WSA Response:

- *Potential adverse effects to fish and fish habitat, migratory birds, and species at risk.*

We have initiated biophysical work to understand the potential impacts to the fish habitat in Coteau Bay, Lake Diefenbaker as it may be affected by the pumphouse work and operation. This information is being gathered under advice from the WSA, Saskatchewan Environment (SENV) and Fisheries and Oceans Canada (DFO) who have all participated in meetings to discuss potential impacts and possible mitigations. Further, we have formally made a Request for Review application to DFO and have been assigned a case officer. The information from the aquatic and fisheries work will inform pumphouse, forebay, and canal design and operations to minimize the impacts on fish, fish habitat and impacts from invasive species.

Our biophysical consultant is conducting desktop studies on the Projects with detailed biophysical surveys on the Rehabilitation Project's canal route and field verification on the wider Expansion Project's development corridor since the exact route has not yet been determined. The goal of these studies is to understand the current condition of the existing works on the Rehabilitation Project section and identify any potential adverse effects to fish and fish habitat, migratory birds and species at risk that might be impacted by the Projects. Specifically, field surveys being completed in 2021 for the Rehabilitation Project include:

- Spring and fall migratory birds
- Amphibians
- Breeding birds
- Raptors
- Fisheries and fish habitat
- Common nighthawk
- Short eared owl
- Piping plover
- Early and late rare plant surveys
- Aerial and ground-based wetland/landcover validation

On the Expansion Project, where no final decisions have been made about the canal routing or reservoir locations, the focus is on identifying any issues that could have potential adverse effects to fish and fish habitat, migratory birds, and species at risk in order to inform canal routing and reservoir location(s) decisions. This includes validating land cover to identify areas of native habitat and other areas that could provide habitat for species at risk. Once the routing and reservoir locations are established for the Expansion Project detailed site-specific field surveys (similar to those listed above that are being completed for the Rehabilitation project) will be done to document that any potential adverse effects to fish and fish habitat, migratory birds and

species at risk have been identified and mitigations proposed. This information will be available publicly either in summary form in the Technical Proposals or in detailed form in the EIA.

Initial engineering and environmental work have identified the need to make provisions for the prevention of the spread of Prussian carp and to avoid the canals or reservoirs from draining directly into a natural waterbody to prevent the spread of this invasive species. It has also identified the need to avoid the enclosed saline Goose Lake, which is a habitat for migrating birds.

- *Potential adverse changes to the environment that would occur on federal lands and lands outside Saskatchewan or Canada.*

We are not aware of any adverse changes to the environment that would occur on federal lands or lands outside Saskatchewan or Canada, based on the Projects as currently envisioned. No federal land has been identified for the Rehabilitation Project and currently, only one block of federal land has been identified in the Expansion area.

This federal land in the Expansion Project area is a National Wildlife Reserve (NWR, 110 ha) within the Zealandia irrigation block (see Figure 1). This identification of an NWR area is an example of identifying land areas to be avoided in our canal design. Further, irrigable land will be determined by analysis of soils and land aspect to determine its ultimate suitability, not broad areas on a map. NWRs and other sensitive terrains are being identified now so that they can be avoided through siting and design.

For both the Rehabilitation Project and Expansion Project Projects we will be undertaking hydrologic modelling to determine whether there will be impacts to the flow regimes downstream of Lake Diefenbaker as this has been identified as a concern early in the Projects' development. We are aware of the concerns of the FSIN, Cumberland House First Nation, and others regarding the potential downstream impacts especially to the Saskatchewan River Delta. We will be examining the hydrologic regime to better understand impacts from the Projects. This includes examining water availability, the potential impacts from climate change, variations in flow (high water and low water years, including extremes), inter-provincial water quantity agreements (e.g., Prairie Provinces Water Board regarding apportionment and water quality), Alberta's use of water and seasonal availability, the need to maintain minimum flows in the South Saskatchewan River, and other factors as identified in the engagement and consultation processes. We will be working closely with other agencies on this. We will also be looking at runoff from agriculture and there is consideration being given to designing the Projects to separate any return water from entering the canals or reservoirs.

Any hydrological modelling for the Rehabilitation Project and Expansion Project will need to stay within the requirements of the Prairie Provinces Water Board and both the Master Agreement on Apportionment and the Water Quality Agreement among Alberta, Saskatchewan, and Manitoba.

The Master Apportionment Agreement governs the apportionment of annual water flows in watersheds in these interprovincial and international basins.

Water allocations must be managed so that Saskatchewan will meet its obligation that 50% of the estimated median annual flow of watersheds that are part of an interprovincial or international basin must be provided to the receiving jurisdiction (Manitoba, in the case of Saskatchewan). Any allocations made for the purpose of diversion and consumption of water as a resource in Saskatchewan must ensure that these downstream obligations to Manitoba are able to be met.

Pursuant to its governing legislation, the WSA is granted the authority, subject to the approval of Lieutenant Governor in Council, to cancel the right to the use of any water granted by the WSA to any person if the WSA considers it in the public interest to do so. All licenses and rights to use water will be subject to potential adjustment in the event of future water shortages to ensure that the use of Saskatchewan water is sustainable, promotes water quality and protects watershed ecology, and is able to meet international and inter-provincial obligations.

We will have to demonstrate this compliance in the submissions to the EASB in consideration of a number of variables including water supply and availability, climate change, natural variability, water quality including agricultural inputs, minimum flows for the protection of downstream users and wildlife, and other variables as identified during our studies or through our engagement and consultation processes.

- *Potential adverse impacts, resulting from any change to the environment, on Indigenous peoples (e.g., changes to the environment impacting physical and cultural heritage, current use of lands and resources for traditional purposes, and structures, sites, or things of historical, archaeological, paleontological, or architectural significance) or changes to their health, social or economic conditions.*

We are currently undertaking an initial heritage resources program in order to identify areas of potential concern for archaeological, paleontological, historical, and other cultural items or areas based on existing information and limited field reconnaissance. This is to inform the initial design and routing of the Projects and to demonstrate compliance with Saskatchewan's Heritage Property Act. We recognize that this is only a starting point for discussions with Indigenous peoples and to this end we have sent initial letters to 75 First Nation (74 Saskatchewan FN and one from Manitoba) and 87 Métis communities and organizations.

Our approach to initial engagement is to ask Indigenous communities if they are interested in participating and how they would like to be engaged. We will continue to engage in order to understand interests in the Projects and if there will be a need for more focused engagement and consultation. We have only just begun this process. For example, through the FSIN we met on June 30th, 2021, with the Saskatchewan First Nations Natural Resource Centre of Excellence and

heard their heartfelt request to be involved with the site-specific field verification of the Expansion Project components in order to avoid Project disturbance of graves or other important cultural values, including the use of ground-penetrating radar. As a result, we are making this part of our planning.

Through these processes we look to identify potential adverse impacts from the Projects on Indigenous peoples' rights and interests, including potential impacts to health, social, or economic conditions.

IAAC Information Request:

Please also include available information regarding adverse effects (changes to the environment or to health, social or economic conditions) that are directly linked or necessarily incidental to a federal authority's exercise of a power, performance of a duty or function, or provision of financial assistance, that would enable the carrying out of the Project, in whole or in part. In particular, for each Project Phase, the Agency requests available information regarding:

1. *Information about key project activities, maps, and layouts of the location of project components, land tenure, zoning, and estimated timelines for planning, construction, operation, decommissioning and abandonment as well as the following:*
 - i. *The construction status of Phase 1 and a description of the works required for rehabilitation.*

WSA Response:

The Rehabilitation Project is still in the planning stages and no works have been started as we recognize it requires approvals to do so. The proposed works include:

- Upgrades to the existing pumphouse in Coteau Bay using the existing pumphouse structure (see Figure 1) from a capacity of 0.7 cms to 21-28 cms for use during the irrigation season.
- Upgrades to the canal, which was initially constructed in the 1960s, to modern standards in order to improve grade and minimize water loss due to seepage. At this point it is uncertain if any of the upgrades to the canal, infrastructure, and pump station at Coteau Bay will be sized to support the potential Expansion Project (see below for a description of works required for the Expansion Project).
- Approximately three km of new canal to connect to the Conquest Reservoir
- Upgrade the partially completed Conquest Reservoir to approximately 890 ha at 1863 ft FSL.

- Provide service to the Macrorie Irrigation District and/or others as farmer demand dictates.

The Expansion Project (formerly known as Phase 2) is a greenfield project that is still in the conceptual stage with preliminary, largely desktop work being done to understand the Project's potential scale and scope. This Project has been self-declared as a Development for the purposes of the Environmental Assessment Act and will require a provincial Environmental Impact Assessment. The contemplated Expansion Project components are:

- A new pumphouse and forebay at Coteau Bay, Lake Diefenbaker with a capacity up to 120 cms;
- New main canal(s) or pipeline(s) to service the potential Expansion area irrigation development zones (see Table 2 and Figure 1). No routes have been chosen as of yet but there are likely corridors to the east and west of Goose Lake.
- Reservoirs to provide system regulation with no reservoirs currently identified except the Rehabilitation Project Conquest reservoir upgrade; and
- All supporting infrastructure and ancillary facilities, including road, rail, pipeline, and powerline crossings.

IAAC Information Request:

- ii. *Breakdown of the amounts of private and crown land within the project areas for each phase shown on the project map available on the Water Security Agency website here: <https://www.wsask.ca/Global/About%20WSA/News%20Releases/Lake%20Diefenbaker%20Irrigation%20Project%20Map.pdf>*

WSA Response:

It should be noted that the map of the Projects on the WSA website referenced above based on the original plan included in the 2006 UMA Engineering report. The UMA preliminary design plan shows the individual irrigation development zones and is largely reproduced as Figure 1 to show the potential irrigable lands. The private and crown land breakdowns of the individual irrigation development zones are shown in Tables 1 and 2 below.

Table 1 – Rehabilitation Project Irrigation Development Zone Land Use Statistics (all units in hectares)

Irrigation Development Zone	Total Area	Private Land	Total Area Provincial Crown (SK)	Occupied Provincial Crown (SK)	Unoccupied Provincial Crown (SK)	Crown Federal
Ardath-Swanson	7872	6311	1561	388	1172	0
Bounty South	7251	7122	129	129	0	0
Conquest	11610	11416	194	194	0	0
Macrorie East	20058	17124	2935	2500	434	0
Macrorie West	13638	13493	145	130	15	0
Milden Northeast	7712	7712	0	0	0	0
<i>Total</i>	<i>68141</i>	<i>63178</i>	<i>4964</i>	<i>3342</i>	<i>1622</i>	<i>0</i>

The six irrigation development zones within the Rehabilitation Project total 68,141 hectares (ha) of land. Of that total, only 7.3% (1,729 ha) consists of provincial crown land. Specifically, the development zones are as follows:

- Ardath-Swanson has 7,872 total ha, with 19.8% Crown land (14.9% unoccupied), including 1,172 ha game preserve
- Bounty South has 7,251 ha, with 1.8 % Crown land
- Conquest has 11,610 ha, with 1.7% Crown land
- Macrorie East has 20,058 ha, with 14.6% Crown land (2.2% unoccupied)
- Macrorie West has 13,638 ha, with 1.1% Crown land (0.1% unoccupied)
- Milden Northeast has 7,712 ha with 0% Crown land

Table 2 – Expansion Project Irrigation Development Zone Land Use Statistics (all units in hectares)

Irrigation Development Zone	Total Area	Private Land	Total Area Provincial Crown (SK)	Occupied Provincial Crown (SK)	Unoccupied Provincial Crown (SK)	Crown Federal
Arneley South	11651	11651	0	0	0	0
Catherwood-Kinley	9265	9200	65	65	0	0
Delisle-Asquith	30872	30872	0	0	0	0
Donavon-Delisle	9226	9226	0	0	0	0
Eagle Creek West	13632	13568	65	65	0	0
Gledhow	2502	2437	65	65	0	0
North Arelee	8977	8977	0	0	0	0

Purdue-Arelee	26350	26350	0	0	0	0
Tessier	6870	6740	130	130	0	0
Vanscoy	10696	10696	0	0	0	0
Zealandia	14326	13672	654	0	654	130
<i>Total</i>	<i>144367</i>	<i>143390</i>	<i>978</i>	<i>324</i>	<i>654</i>	<i>130</i>

The eleven potential irrigation development zones within the Expansion Project (as identified in the 2006 UMA Report) have a total of 144,367 ha, of which 0.7% (977.69 ha) is Crown land, including 130.1 ha of a national wildlife area near Zealandia, SK. Specifically, the development zones are as follows:

- Arneley South has 11,651 total ha, with 0% Crown land
- Catherwood-Kinley has 9,265 ha, with 0.7% Crown land
- Delisle-Asquith has 30,872 ha, with 0% Crown land
- Donovan-Delisle has 9,226 ha, with 0% Crown land
- Eagle Creek West has 13,632 ha, with 0.5 % Crown land
- Gledhow has 2,502 ha, with 2.6% Crown land
- North Arelee has 8,977 ha, with 0% Crown land
- Purdue-Arelee has 26,350 ha, with 0% Crown land
- Tessier has 6,870 ha with 1.9% Crown land
- Vanscoy has 10,696 ha with 0% Crown land
- Zealandia has 14,326 ha, with 4.6 % Crown land (4.6% unoccupied), consisting of a 523 ha provincial game preserve and a 130 ha National wildlife area (0.9% Federal Crown land)

The breakdown of the of the Qu’Appelle South Water Conveyance is not included in the land breakdown as it is a conceptual plan and is not included in this Project scope.

IAAC Information Request:

- iii. The conceptual flow rate and volumes for Phase 3, including the capacity of the outfall structure at Buffalo Pound Lake.*

WSA Response:

Currently identified, and very conceptual, the Qu’Appelle South Water Conveyance will divert about 70 cms to irrigate approximately 120,000 acres (but could be up to 175,000 acres) with some potential residual flow into Buffalo Pound Lake, which in turn drains into the Qu’Appelle/Assiniboine systems. These numbers come from a conceptual study done for Western Economic Diversification (WED) entitled Prairie Prosperity: Exploring Infrastructure to Enhance Agri-food Production and Climate Change Resiliency (WED 2019) and the actual amount of water

for irrigation and the residual flow will not be known until detailed studies are done. If this project progresses beyond the aspirational stage, it will be included in the EIA as part of the discussions on hydrologic impacts and cumulative effects.

IAAC Information Request:

2. *A list of all regulatory approvals (federal, provincial, municipal, other) and any federal financial assistance that would be required for the Project and the associated project components or activities.*
3.
 - a. *For each regulatory approval that would be required, please provide the following information:*
 - i. *Name of the licence, permit, authorization or approval, the associated legislative framework, and the responsible jurisdiction.*
 - ii. *Whether it would involve an assessment of any of the effects outlined in the paragraphs above, and if so, a general description of the assessment that you intend to undertake. Would conditions be set and if yes, what effects would those conditions address?*
 - iii. *Whether public and/or Indigenous consultation would be required and if yes, provide information on the approach you intend to take (if any steps have been taken, please provide a summary, including issues raised as well as your responses).*
 - b. *Identify whether any licence, permit, authorization, or approval listed above would address any of the following matters:*
 - i. *Food security.*
 - ii. *Loss of lands with native habitats and associated wildlife.*
 - iii. *Impacts to soils, waters, and fish habitat.*
 - iv. *Loss of habitat for migratory birds.*
 - v. *Localized climactic changes due to increased irrigation.*
 - vi. *Impacts to sacred sites and other cultural and heritage-sensitive areas; and*
 - vii. *Long-term cumulative impacts of water withdrawals and agrochemical inputs.*
 - viii. *If yes, discuss, in general, the benchmarks or standards that you intend to meet (or would be expected to meet).*
 - ix. *If the Project is anticipated to result in permanent changes or cumulative effects, how you intend to manage those impacts*

WSA Response:

A table has been generated (Attachment 1) that responds to the information requests 2 and 3 with general comments below. Attachment 1 lists the federal and provincial licenses and approvals that are anticipated, although we recognize that others may be identified, especially through the submission of the Technical Proposals and their review by the Saskatchewan Environmental Assessment Review Panel. We have not yet done any work on the potential for incidental effects as that will arise from the detailed work, but more importantly, they will be identified by all stakeholders, Indigenous and non-Indigenous during the engagement process.

IAAC Information Request:

4. *For all federal licences, permits, authorizations, approvals, and/or financial assistance that may be provided for the Project, describe any anticipated adverse direct or incidental effects (including changes to health, social and economic conditions) that may occur as a result.*

WSA Response:

Currently, based on conceptual designs for the Rehabilitation Project and the Expansion Project, reviews by Transport Canada (Pre-Submission Review 2021-604230) and Fisheries and Oceans Canada (DFO File number: 21-HCAA-01049) have begun. We are currently working through the development of project designs and what they may mean for regulatory triggers (and potentially authorizations) under the *Canadian Navigable Waters Act* and the *Fisheries Act*. The Projects have the potential to interfere with navigation as well as the potential to affect fish and fish habitat during construction and operation. We will continue to meet with Transport Canada and Fisheries and Oceans Canada as we collect biophysical data, evolve the Project design, and evaluate potential effects pathways and how best to address. At this point, it is uncertain if potential project effects can be mitigated or avoided to the extent where an authorization by these federal departments is not required. Should authorizations be required there will be conditions on the Projects in order to minimize impacts and these are likely to include offsetting mechanisms such as fish habitat compensation, compensation for any fish mortality on the pumphouse screens, or conditions to express any mitigation measures (e.g., navigation signage or buoys, screen sizes, etc.).

IAAC Information Request:

5. *What steps have you taken to consult with the public? What steps do you plan to undertake during all phases of the Project? Are you aware of any public concerns in relation to this project? If yes, provide an overview of the key issues and the way in which (in general terms) you intend to address these matters?*

WSA Response:

Similar to the Indigenous engagement there is a comprehensive program in place to inform a wide range of stakeholder groups including individuals, municipalities, rural municipalities, landowners, NGOs, federal and provincial government agencies, etc. This process started with information packages being made available and is followed up with individual calls, meetings, and open houses. Anyone can be placed on the list to receive information about the Projects – there is a website (<https://diefenbakerirrigation.ca/>) where we post all mailings and presentations and email contact (wipinfo@clifton.ca). As the public engagement process began in late April 2021 with an introductory letter and information package, and with open houses scheduled for the end of July, we are still in the early stages of obtaining stakeholder input. While we have received considerable input from Indigenous groups, we have received no submissions from non-Indigenous groups or individuals to date. While this is likely to change following the open houses, we do not have a summary of public concerns in relation to the Projects but will be including a summary (and response) of key issues in each of the technical proposals filed for the Rehabilitation Project and Expansion Project, as well as for the provincial EIA being completed for the Expansion Project.

IAAC Information Request:

6. *What steps have you taken to consult with Indigenous communities? What steps do you plan to undertake during all phases of the Project? Are you aware of any Indigenous community concerns in relation to this project? If yes, provide an overview of the key issues and the way in which (in general terms) you plan to address these matters?*

WSA Response:

We have a robust engagement plan developed and we have initiated the initial parts of that plan through the issuance of a Project introduction letter and information packages on May 28th, 2021. The plan follows the same comprehensive strategy as for non-Indigenous stakeholders but modified as necessary to accommodate discussions of Indigenous rights and interests. We have been following the initial letter up with phone calls from our Indigenous Consultation and Engagement team. Our initial task is to find out which groups are interested and if interested, how they want to be engaged. We have already heard from some of the Indigenous groups and examples of concerns include:

- The protection and use of water and any potential downstream impacts that may negatively affect their rights and interests, including, but not limited to, climate change, maintaining flows, cumulative impacts, potential impacts to the Saskatchewan River delta and return water quality.

- The potential of the Project impacts to sacred sites and other cultural and heritage-sensitive areas.
- Impacts to soils, waters, and fish habitat, loss of habitat for migratory birds.
- Localized climactic changes due to increased irrigation.

As the proponent for the Projects, WSA will follow the Government of Saskatchewan First Nation and Métis Consultation Policy Framework to determine if the Projects will have the potential to adversely impact Treaty and Aboriginal rights or traditional uses of lands and resources. This process starts with a pre-consultation assessment and if and where the duty to consult is triggered, it provides a step-by-step process to notify the impacted First Nations and Métis rights-bearing communities and determine an appropriate level and method of consultation. WSA has begun its pre-consultation assessment for the Rehabilitation project.

As the proponent for the Projects, WSA will follow the Government of Saskatchewan First Nation and Métis Consultation Policy Framework to determine if the Projects will have the potential to adversely impact Treaty and Aboriginal rights or traditional uses of lands and resources. This process starts with a pre-consultation assessment and if and where the duty to consult is triggered, it provides a step-by-step process to notify the impacted First Nations and Métis rights-bearing communities and determine an appropriate level and method of consultation. WSA has begun its pre-consultation assessment for the Rehabilitation project.

IAAC Information Request:

7. *Do you have any other comments in relation to environmental effects or impacts to the public or Indigenous peoples and how you intend to address and manage those?*

WSA Response:

Currently we do not have a full inventory of the potential project effects as work to collect data and assess these effects just got underway in the second quarter of 2021. We expect to progress our understanding of the Projects and effects in conjunction with soliciting input from the public and Indigenous peoples. We expect that the impacts from these Projects, outside of the water allocations and use issues, are no different than for a typical linear project with respect to siting and construction. Water as a valued component is highly regulated in Saskatchewan.

In Saskatchewan, granting of water rights licences and irrigation certificates are the responsibility of the WSA and the Ministry of Agriculture, respectively, and through this licensing and certification process environment effects and impacts are continually assessed.

Water allocations are wholly the responsibility of the WSA. The WSA may issue a water rights license for the right to use any water except for water already allocated or water withdrawn from

allocation by Order of the Minister. In order for a water rights licence to be granted, an application is submitted to the WSA and must include a description of the works, description of lands, a project plan that shows the proposed locations and types of works, the source of supply (if using surface water) and the volume of water required. The WSA reviews each application and assesses water availability at the point of diversion for the purpose of determining the suitability of the source to provide adequate water under a range of climactic conditions without negatively impacting existing water users, the watershed, or future water management.

Irrigation certificates are the responsibility of the Ministry of Agriculture, subject to the approval processes of the WSA and existing apportionment agreements as outlined above. Irrigation certificates in Saskatchewan are governed the *Irrigation Act, 2019* and the *Irrigation Regulations, 2020*. This Act and Regulations set out the procedural requirements from formation of an Irrigation District to provision of water services by that district and the agreements required by each water service user. Through this, Irrigation Districts are mandated to cooperate with other districts, the Ministry of Agriculture, and the Irrigation Crop Diversification Corporation to promote sustainable irrigation.

IAAC Information Request:

8. Explain your views on whether the Project should be designated under IAA.

WSA Response:

As IAAC has correctly identified, these Projects as proposed do not trigger the *Designated Physical Activities Regulations* and we believe that the provincial environmental assessment process provides the rigour necessary to assess the Projects and their potential effects. We are acutely aware of the scrutiny these Projects are under and at this early stage, we are endeavouring to proactively engage with Indigenous groups and stakeholders to identify and address issues. We have identified and engaged Fisheries and Oceans Canada and Transport Canada early in the design process as we understand that they have a vital role to play in the Projects being protective of the environment and public health and safety. In addition, and as with any project in Canada, we are aware of the requirements of other federal acts and regulations especially the *Migratory Birds Convention Act* and the *Species at Risk Act*, to name two. For the most part, the province has aligned requirements of provincial law with many of the federal Acts and regulations to ensure that provincially approved projects do not conflict with the federal requirements.

Additionally, we do not believe that there will be any inter-provincial or international transborder impacts given the Westside Irrigation Project's need to stay within the requirements of the Prairie Provinces Water Board and both the Master Agreement on Apportionment and the Water Quality Agreement. We will have to demonstrate this compliance in the submissions to the EASB in consideration a number of variables including water supply and availability, climate change, natural variability, water quality including agricultural inputs, minimum flows for the protection of

downstream users and wildlife, and other variables as identified during our studies or through our engagement and consultation processes.

Our Projects will be informed by Indigenous groups through our robust engagement and consultation process if potential impacts to rights and interests are identified through those processes. While accommodation is possible, there is also a broader understanding of the need to work with Indigenous peoples in the spirit of reconciliation, and to this end, the Saskatchewan Government has an economic group and procurement policies that will focus on the potential for jobs and other economic opportunities for both Indigenous and non-Indigenous businesses. Saskatchewan has many First Nation and Métis groups that have businesses and partnerships that could benefit from these Projects. More importantly, we have heard their initial concerns and will continue engaging to keep hearing those concerns. We will do our utmost to address them as we continue to gather the information to do so and address new matters as they arise. The provincial environmental assessment process can appropriately and fully assess projects of this magnitude as it has demonstrated this in the past on large Saskatchewan mining and infrastructure projects. Public concern will be sufficiently addressed through existing project approval and permitting processes, and as set out above provincial legislation sufficiently collaborates with federal legislation with regard to the Projects' elements that fall within federal jurisdiction.

In addition to Saskatchewan's environmental assessment laws, the Saskatchewan Environmental Code (regulations arising from the *Environmental Management and Protection Act, 2010*) and other provincial environmental protection laws were aligned to be compatible with federal regulations. Throughout operation of the Projects, provincial licensing and certification processes ensure sustainable water governance and water quality through continually changing climactic conditions to ensure no adverse impact to water users, the watershed, or future water management.

We trust that this response meets your needs recognizing that these Projects are early in the planning stage and the initiation of fieldwork. If you have any further questions, I can be reached at clinton.molde@wsask.ca or 1.306.861.5162.

Yours truly,
<Original signed by>

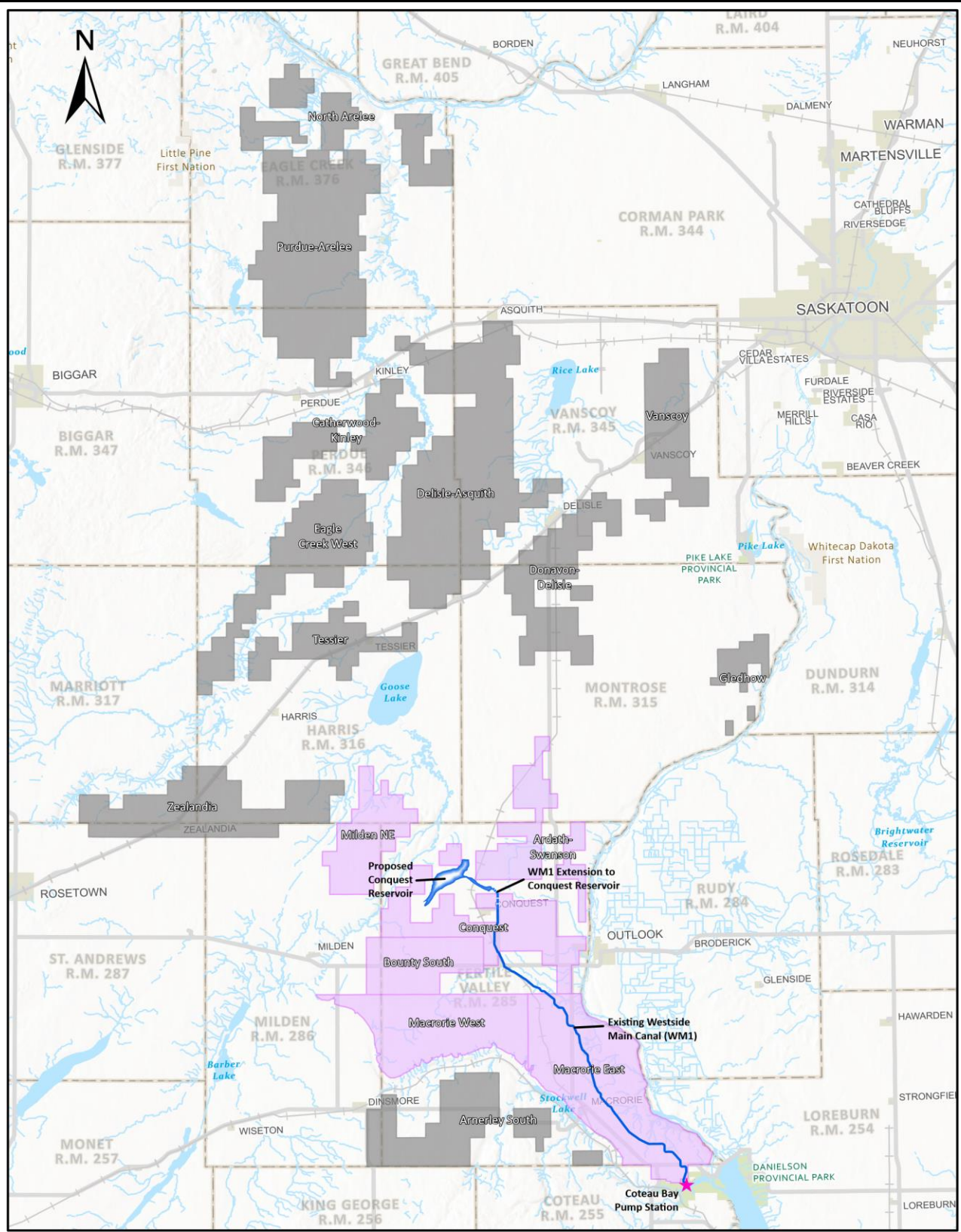
Clinton Molde
Executive Director, Irrigation Development
Saskatchewan Water Security Agency

Enclosure

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cc: Rick Burton, Acting Deputy Minister, Ministry of Highways
Shawn Jaques, Interim President and CEO, Water Security Agency
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Figure 1 – Overview of Westside Irrigation Rehabilitation and Expansion Project



WESTSIDE IRRIGATION PROJECT

OVERVIEW POTENTIAL IRRIGATION ZONES

Scale: 1:600,000 Carto: T. Zimmer

Fig No: 1 of 1 Date: 2021-JUN-09

- Potential Irrigation Development Zones
- Westside Rehabilitation Project

Potential Irrigation Development Zones
 Future Westside Expansion

Attachment 1

Name of License/Permit/Authorization/Approval	Associated Legislative Framework	Responsible Jurisdiction	Legislation addresses topics identified in 3b and other comments
FEDERAL			
Pipeline crossing approval	Canadian Energy Regulator Act, 2019	Canada Energy Regulator	Potential construction over interprovincial pipelines.
Rail crossing approval	Canada Transportation Act, 1996	Canadian Transportation Agency	Potential construction over or near rail lines.
DFO Authorization – Currently under a Request for Review Habitat Alteration and Destruction Harm to fish Temporary works for construction	Fisheries Act, 2019 (federal)	Fisheries and Oceans Canada (DFO)	<ul style="list-style-type: none"> Impacts to soils, waters, and fish habitat
Obstructions and works in navigable waters. The Saskatchewan River system, including Lake Diefenbaker and the North and South Saskatchewan Rivers, is a scheduled waterbody. Currently Under Pre-Submission Review 2021-604230	Canada Navigable Waters Act, 2019	Transport Canada	<ul style="list-style-type: none"> Impacts to soils, waters, and fish habitat
Species at risk permit Prohibitions on interfering with migratory birds and nesting habitat	Migratory Birds Act, 1994	Environment and Climate Change Canada	<ul style="list-style-type: none"> Loss of habitat for migratory birds
Species at risk permits for federal lands (DFO, CWS) Identification of species (SK is aligned with this) Prohibitions against harm	Species at Risk Act, 2002	Environment and Climate Change Canada or Fisheries and Oceans Canada or provincial government agencies	<ul style="list-style-type: none"> Loss of lands with native habitats and associated wildlife Impacts to soils, waters, and fish habitat Loss of habitat for migratory birds
Prevention of the introduction and spread of invasive species	The Aquatic Invasive Species Regulations	Fisheries and Oceans Canada (DFO)	<ul style="list-style-type: none"> Impacts to soils, waters, and fish habitat
PROVINCIAL			
Environmental Impact Assessment Approval	Environmental Assessment Act, 2010 and guidance documents on: <ul style="list-style-type: none"> Stakeholder Engagement The EIA Process Technical Proposals Terms of Reference (Project-specific guidelines) 	Saskatchewan Ministry of Environment – Environmental Assessment and Stewardship Branch Supported by the Saskatchewan Environmental Assessment Review Panel (SEARP)	Items discussed below will be discussed in the Technical Proposals for the Project and addressed in the Expansion EIA. <ul style="list-style-type: none"> Food security Loss of lands with native habitats and associated wildlife Impacts to soils, waters, and fish habitat Loss of habitat for migratory birds Localized climactic changes due to increased irrigation Impacts to sacred sites and other cultural and heritage-sensitive areas Long-term cumulative impacts of water withdrawals and agrochemical inputs
Duty to Consult	Saskatchewan Consultation Policy Framework, 2010 and guidance	Government of Saskatchewan	Duty to Consult triggers and level of effort
Master Agreement on Apportionment	Master Agreement on Apportionment	Prairie Provinces Water Board	As administered by WSA will provide some parameters to hydrological modelling and limits.
Water Quality Agreement	Water Quality Agreement: Schedule E	Prairie Provinces Water Board	ibid
Ecological Reserves	The Ecological Reserves Act	Saskatchewan Ministry of Environment – Lands Unit	Will inform location of works.
Species Detection Permits from the Ministry of Environment	The Wildlife Act, 1998	Saskatchewan Ministry of Environment - Fish, Wildlife and Lands Branch	A range of permits for conducting wildlife studies and general guidance on EIA requirements regarding wildlife. Information also from SK

Name of License/Permit/Authorization/Approval	Associated Legislative Framework	Responsible Jurisdiction	Legislation addresses topics identified in 3b and other comments
			<p>Conservation Data Centre. Supplemented by the ecological staff at WSA.</p> <ul style="list-style-type: none"> Loss of lands with native habitats and associated wildlife Impacts to soils, waters, and fish habitat Loss of habitat for migratory birds
License to fish	Fisheries Act, 1994 (Saskatchewan)	Saskatchewan Ministry of Environment - Parks, Culture, Heritage and Sport	Additional guidance on invasive species and fisheries in Saskatchewan. Permits for collection and study.
Heritage Clearance from the Heritage Conservation Branch	Heritage Property Act	Saskatchewan Ministry of Environment - Parks, Culture, Heritage and Sport	<ul style="list-style-type: none"> Impacts to sacred sites and other cultural and heritage-sensitive areas. Historical features Heritage Resources Plan including a Chance Find Protocol
Crown Land Transfer	Conservation Easements Act	Saskatchewan Ministry of Environment Lands Unit	n/a
Crown Land Transfer	Provincial Lands Act (administered by the Ministry of Agriculture, Lands Branch) The Parks Act	Saskatchewan Ministry of Environment Lands Unit	Governance of Occupied and unoccupied Crown Lands
Crown Land Transfer	The Wildlife Habitat Protection Act, 1998	Saskatchewan Ministry of Environment Lands Unit	n/a
Permit for Operation of a waterworks (WSA) Permit for Construction, alteration or extension of a water distribution works (WSA)	The Environmental Management and Protection Act, 2010	Water Security Agency	n/a
Agricultural Water Management Strategy requirements	Water Security Agency Act	Water Security Agency	n/a
Aquatic Habitat Protection Permit	Water Security Agency Act	Water Security Agency	<p>WSA supervises and regulates all things water in Saskatchewan and also work that may impact the bed, bank and boundary areas of all waterbodies in order to protect water quality, fish and fish habitat. This includes allocations, dams and other control structures and the operation of facilities.</p> <ul style="list-style-type: none"> Impacts to soils, waters, and fish habitat
Permission to conduct groundwater investigations	Water Security Agency Act	Water Security Agency	ibid
Permission to construct and operate diversion works	Water Security Agency Act	Water Security Agency	ibid
Permits for the chemical control of aquatic nuisances in and/or near surface water	Water Security Agency Act	Water Security Agency	ibid
Reservoir Development Permit	Water Security Agency Act	Water Security Agency	ibid
Water rights allocations and licenses	Water Security Agency Act	Water Security Agency	ibid
Compliance	The Weed Control Act and Regulations	Saskatchewan Ministry of Agriculture	
Irrigation approval	Irrigation Act, 2019	Saskatchewan Ministry of Agriculture	Requirement for individual irrigation development zones.
Roadside development permit	Highways and Transportation Act, 1997	Saskatchewan Ministry of Highways Saskatchewan Ministry of Highways and Infrastructure	Requirement for construction, development, or any other work within 90 m of a provincial highway Requirement for construction within 90 m of a provincial highway.
Approach Permit	Highways and Transportation Act, 1997	Saskatchewan Ministry of Highways	Required for the addition, modification, or removal of any approach to a roadway under the jurisdiction of the Ministry of Highways.

Name of License/Permit/Authorization/Approval	Associated Legislative Framework	Responsible Jurisdiction	Legislation addresses topics identified in 3b and other comments
Electrical Transmission/Distribution Crossings, New Service Extensions and Relocation approvals	The Power Corporation Act, 1979	SaskPower	<p>Potential construction over/under existing distribution and transmission lines, new service extensions that may impact:</p> <ul style="list-style-type: none"> • Loss of lands with native habitats and associated wildlife. • Impacts to soils, waters, and fish habitat. • Loss of habitat for migratory birds. • Impacts to sacred sites and other cultural and heritage-sensitive areas;
Natural Gas Transmission/Distribution Crossings, New Service Extensions and Relocation approvals	The SaskEnergy Act, 1992	SaskEnergy/TransGas	<p>Potential construction over/under existing distribution and transmission lines, new service extensions that may impact:</p> <ul style="list-style-type: none"> • Loss of lands with native habitats and associated wildlife. • Impacts to soils, waters, and fish habitat. • Loss of habitat for migratory birds. • Impacts to sacred sites and other cultural and heritage-sensitive areas;
Data and Telecommunications Crossings, New Service Extensions and Relocation approvals	The Saskatchewan Telecommunications Act, 1979	SaskTel	<p>Potential construction over/under existing distribution and transmission lines, new service extensions that may impact:</p> <ul style="list-style-type: none"> • Loss of lands with native habitats and associated wildlife. • Impacts to soils, waters, and fish habitat. • Loss of habitat for migratory birds. • Impacts to sacred sites and other cultural and heritage-sensitive areas;