

ATTACHMENT: June 30, 2021
Provincial Advice Record: Designation Request under IAA
Response requested by July 20, 2021
 Lake Diefenbaker Irrigation Expansion Projects

Department/Agency	Transport Canada
Lead Contact	Holly Poklitar (contact Adam Downing July 26 th -Aug 13 th)
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Telephone	<personal information removed>
Alternate Departmental Contact	Adam Downing

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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?

Specify as appropriate.

Stantec, on behalf of the proponent, submitted a pre-submission for this project to Transport Canada's Navigation Protection Program (NPP) on April 30, 2021. The NPP offers pre-submission services, which provides support and guidance to owners of works concerning navigation considerations, legislative requirements, as well as processes and procedures under the Canadian Navigable Waters Act (CNWA).

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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?

If yes, specify that power, duty or function and its legislative source.

Transport Canada (TC) may be required to exercise a power or perform a duty or function with respect to the *Canadian Navigable Waters Act (CNWA)* based on the initial Project description provided.

The proponent is proposing intakes on Lake Diefenbaker, which may be subject to the provisions of the CNWA. Additional information would be required from the proponent in order for Transport Canada to determine which sections of the CNWA may be applicable and if an approval would be required to be issued.

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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?

Specify as appropriate.

If the proponent requires an approval from Transport Canada, under the CNWA, the department will consider consultation activities undertaken through an assessment process, if one occurs. Should the department determine that additional consultation is needed, this would occur before an approval was issued.

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?

Specify as appropriate.

Transport Canada's Navigation Protection Program (NPP) may be able to provide specialist or expert information or knowledge with respect to the CNWA and impacts to navigation.

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

Provide an overview of the information or advice exchanged.

Yes. Stantec submitted a pre-submission for this project to the Navigation Protection Program (NPP) on April 30, 2021. The assigned NPP project number is 2021-604230.

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?

Specify as appropriate.

No comment.

7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Project? In particular, the following issues have been raised by the requestor:
- a. Potential effects on Inherent and Treaty Rights in Saskatchewan
 - b. Potential impacts to sacred sites and other cultural and heritage-sensitive areas
 - c. Potential effects to food and water security including climate change impacts
 - d. Potential long-term cumulative impacts of water withdrawals and agrochemical inputs to the Saskatchewan River and the Saskatchewan River Delta that flow into Manitoba
 - e. Effects to the following:
 - i. fish and fish habitat
 - ii. migratory birds
 - iii. wildlife and wildlife habitat including federally listed species at risk
 - iv. contaminants from agricultural inputs

If yes, please specify the program or authority.

TC does not have any programs or authorities that address these concerns.

8. 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.

Holly Poklitar _____
Name of departmental / agency responder

Regional Environmental Advisor _____
Title of responder

July 20, 2021

Date _____