

**ATTACHMENT****Federal Authority Advice Record: Designation Request under IAA****Response due by March 4, 2022**

Lambert La Ronge Peat Harvest Project

Department/Agency	Transport Canada
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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.

**No, Transport Canada has not 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 that would allow the Project to proceed in whole or in part.**

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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.

**Based upon a review of the project proposal submitted by the proponent under Saskatchewan's *Environmental Assessment Act*, the only regulatory approval required from Transport Canada for the project would be an approval under the *Canadian Navigable Waters Act (CNWA)*. However, there is not enough information in the project proposal, such as the navigability of waterways in the project area and types of works needed for the project, for Transport Canada to determine whether a CNWA approval is required.**

**Waterways that are not navigable are not regulated by the CNWA. As such, any works in, on, over, under, through or across these waterways do not require a CNWA approval.**

**If one or more of the waterways in the project area is navigable, Transport Canada has determined that none of them are on the CNWA list of scheduled waterways. The only work in, on, over, under, through or across non-scheduled navigable waterways that definitively requires an approval under the CNWA is a work listed in the Major Works Order when it may interfere with navigation. An example of a major work is a new bridge with piers.**

If one or more of the waterways in the project area are navigable, then works that meet all the applicable requirements of the Minor Works Order do not require approval under the CNWA. Works listed in the Minor Works Order are considered likely to only slightly interfere with navigation. An example of a work listed in the Minor Works Order that may be required for the project is a shorter clear span bridge(s) (i.e., watercourse crossing).

The proponent has two options if the project requires a work in, on, over, under, through or across a navigable non-scheduled waterway that is not a major work or does not meet the requirements of the Minor Works Order:

**Option 1 - Voluntarily apply to Transport Canada for an approval under the CNWA; or**

**Option 2 - Proceed under the CNWA's public resolution process which involves depositing information in the online registry through a Notification of Work and publishing a notice of a 30-day public comment period. The proponent and the commenter have 45 days to resolve any navigation-related concerns. If the concerns are resolved, the proponent may proceed with the work.**

**Where the resolution process is unsuccessful, or with a voluntary application for approval from the owner, Transport Canada will review the work for approval.**

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.

**Following from #2 above, works that meet the requirements of the Minor Works Order do not require approval from Transport Canada and in turn do not require public and/or Indigenous consultation by Transport Canada. Notices of minor works are required to be published on the Common Project Search site (<https://common-project-search.canada.ca/>.) However, the publication is informative only, and the public cannot comment on such projects.**

**If the work is not a minor or major work and the proponent chooses Option #1 to voluntarily apply for approval under the CNWA, then public and Indigenous consultation would be required. This would commence after Transport Canada received the application for approval.**

**If the work is not a minor or major work and the proponent chooses Option #2 of going through the public resolution process, then Transport Canada is not required to undertake public and/or Indigenous consultation. If the public resolution process is unsuccessful, consultation may be required as part of the CNWA approval process.**

**Public notice and Indigenous consultation are required for an application for approval of a major work.**

**Note that if the project is designated under the IAA by the Minister of the Environment and Transport Canada is a federal authority, then the Department would participate in the "whole of government" Indigenous consultation led by the IAAC. Transport Canada would use the results of the "whole of government" consultation to fulfil its own consultation responsibilities associated with the later review of an application for a CNWA approval.**

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.

**Following from our answer in #2 above, there is not enough information in the project proposal for Transport Canada to be able to answer this question currently.**

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.

**To date, Transport Canada has had no contact or involvement with the proponent or other parties in relation to the project.**

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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.

**As discussed in Question #2 above, the proponent has not provided enough information to determine the project's adverse impacts to navigation, if any. If the project did cause adverse effects to navigation and required approval under the CNWA, these effects *might* be managed by conditions listed in the approval. However, this is dependent upon matters such as the design and location of the possible works. Without additional information, Transport Canada cannot say definitively whether approval conditions could mitigate adverse impacts to navigation.**

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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:
- effects to fish and fish habitats due to reduction in the volume of water, reduction in water filtration capacity of the watershed, and change in natural stream flow;
  - adverse effects on migratory birds and species at risk and their critical habitats (including the following threatened species at risk: Northern Leopard Frog, Common Nighthawk, Rusty Blackbird, and the boreal population of Woodland Caribou);
  - contribution to climate change due to greenhouse gas emissions and loss of carbon sequestration capacity;
  - adverse impacts on the rights of Indigenous peoples; and,
  - lack of consultation by the Crown.

If yes, please specify the program or authority.

**TC does not have programs or additional authority that are relevant to the requestor's concerns.**

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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?

If yes, please specify.

**Transport Canada's Indigenous Relations Unit typically scopes their consultation activities to communities that are within a 50km radius of a project site / location. Transport Canada's records show the Department conducted Indigenous consultations for one project within this radius that may be relevant:**

- 2009 - La Ronge Water Treatment Plant Intake Replacement, Lac La Ronge

**Transport Canada has no other information to provide in response to Q. #8.**

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9. 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.
- Transport Canada's Navigation Protection Program Project Review Tool: <https://npp-submissions-demandes-ppn.tc.canada.ca/projectreview-outildexamenduprojet>
  - Apply to Transport Canada's Navigation Protection Program: <https://tc.canada.ca/en/programs/navigation-protection-program/apply-npp>
  - Transport Canada's Navigation Protection Program External Submission Site: <https://npp-submissions-demandes-ppn.tc.canada.ca/auth/login-connexion?ret=/&GoCTemplateCulture=en-CA>
  - Government of Canada Common Project Search site: <https://common-project-search.canada.ca/>

- A Transport Canada Navigation Protection Program – Prairie and Northern Region Fact Sheet is attached.

Scott Kidd  
Name of departmental / agency responder

Regional Environmental Advisor  
Title of responder

March 4, 2022  
Date