

ATTACHMENT**Federal Authority Advice Record: Designation Request under IAA****Response due by ~~May 12, 2022~~ June 6, 2022 (extended deadline)**

Deadhorse Coulee Reservoir 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.

Transport Canada has not previously 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.

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) will not 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. Work related to man-made artificial irrigation channels are excluded from the CNWA.

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 *Canadian Navigable Waters Act (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.

No, Transport Canada has not had previous contact or involvement with the proponent or other parties in relation to the Project.

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:
- effects to fish and fish habitat;
 - adverse effects on migratory birds and species at risk and their critical habitat. Special concern species at risk that may be affected includes Great Plains Toad and Northern Leopard Frog. Threatened species at risk that may be affected includes Thick-Billed McCown's Longspur, Tiny Cryptantha, and Bull Trout. Endangered species at risk that may be affected includes Burrowing Owl, Greater Short-horned Lizard, and Lake Sturgeon (Endangered status under COSEWIC). Other species at risk that may be affected are noted in Appendix 1 of the Request for Designation;
 - changes to the environment on federal lands, including reserve lands and Canadian Forces Base Suffield;
 - changes to the environment that occur in a province or territory other than the one where the Project is taking place, including Saskatchewan;
 - changes to the environment that occur outside of Canada;
 - contribution to climate change due to greenhouse gas emissions and loss of carbon storage capacity by converting native grasslands to irrigated agricultural lands;
 - changes to the environment that could affect the Indigenous peoples of Canada; and,
 - changes occurring to the health, social, or economic conditions of the Indigenous peoples of Canada.

If yes, please specify the program or authority.

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

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.

The project site is located in Treaty 7 territory. The Kainai Nation (Blood Tribe First Nation), and the Metis Nation of Alberta Region 3 have been identified to be potentially within the vicinity of the project. Transport Canada recommends these groups be notified of the project details and

consultation is undertaken to discuss any concerns related to section 35 rights associated with the project.

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.

Holly Poklitar
Name of departmental / agency responder

Regional Environmental Advisor
Title of responder

June 6, 2022
Date