

ATTACHMENT August 17, 2022

**Federal Authority Advice Record: Designation Request under IAA**

**Response due by September 7, 2022**

Patterson Lake South Mine 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) may be required to exercise a power or perform a duty or function based on the initial Project description provided, as follows:**

- **Approval may be required under the Canadian Navigable Waters Act (CNWA), should any infrastructure impact the navigability of waterways including dewatering and depositing of materials (e.g., mine tailings) under s. 21, 22, and 23 of the CNWA which may require an Order in Council under 24. The project refers to the potential for a water intake structure, a treated water discharge point and the docks for the underground mining option. There may not be an approval needed as it's not a scheduled waterway or a major work, but public resolution and Minor Works Order may still be an option.**
- **To construct a new aerodrome at the mine site, the proponent will have to provide for consultation in accordance with Canadian Aviation Regulation (CAR) 307.**
  - **CAR 307 identifies the requirement to consult to include anyone seeking to undertake a prescribed aerodrome work at a certified or non-certified aerodrome, whether it is the**

creation of a new aerodrome or, at an existing aerodrome, lengthening an existing runway or making a new one. The Regulation also provides minimum expectations for how the consultation should be conducted, including timelines, who to notify and under what circumstances.

- The intent of the Regulation is to compel consultation in advance of an aerodrome work that will result in sustained and regular impact on interested parties as identified in the Regulation.
- Proponents are encouraged to share their plans with the local land use authority before the consultation period. The local land use authority may have information about other nearby projects or developments that could impact on the proponent's plans.
- CAR 307 outlines the process and instructions that a proponent would follow to conduct consultations prior to any aerodrome work: <https://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/FullText.html#s-307.01>
- Finally, should the proponent seek to conduct scheduled passenger service to and from the aerodrome, they will be required to certify. Certification requirements are outlined in CAR 302.01: <https://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/FullText.html#s-302.01>

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.**

**Transport Canada's Civil Aviation officials may be able to provide specialist or expert information or knowledge with respect to certification of aerodromes.**

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.**

**However, Transport Canada is participating in the Public Comment Period on NexGen's Draft Environmental Impact Statement for the Rook I project which will be assessed under CEEA 2012. The Federal Designation Request compares Patterson Lake to Rook I multiple times.**

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. The Project:

- is located in an environmentally sensitive area including within the territory of the Boreal Shield Woodland Caribou;
- is anticipated to adversely impact areas within federal jurisdiction, including Indigenous peoples and lands, species at risk, fish and fish habitats;
- is anticipated to significantly and adversely impact the ability for Métis people to exercise their rights and may compromise the integrity of their Land Claim;
- presents a risk to the human and socio-economic health of Métis and other Indigenous peoples, both in and around the Project location, and through the transportation corridor which passes through a number of majority-Métis communities;
- will contribute to the cumulative impacts of other developments in an around Patterson Lake, an area of cultural significance to Metis Nation of Saskatchewan; and
- will create adverse impacts that will not be adequately or fully addressed through the provincial environmental assessment process.

If yes, please specify the program or authority.

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

**No comment.**

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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.

Holly Poklitar  
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 Name of departmental / agency responder

Regional Environmental Advisor  
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 Title of responder

September 7, 2022  
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 Date