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July 6, 2021

ELECTRONIC MAIL

Vice Chief Heather Bear
Federation of Sovereign Indigenous Nations

c/o: <email address removed>

Dear Vice Chief Bear,

Thank you for your letter dated June 18, 2021, concerning the Lake Diefenbaker Irrigation Expansion Projects (the Project) proposed by Saskatchewan's Water Security Agency. You have requested that the Minister of Environment and Climate Change (the Minister) designate the Project under the *Impact Assessment Act* (IAA). I also note the concerns regarding the Project that you and others shared with me at the *Impact Assessment Act* training that we delivered in March 2021 with the File Hills Qu'appelle Tribal Council and Saskatchewan Centre of Excellence.

First and foremost, I am deeply saddened to learn of the unmarked graves found recently on the grounds of the Marieval (Cowessess) Residential School and others across the country. I stand with Indigenous communities across Canada in their outrage and mourning. I hope that you and all of the Federation of Sovereign Indigenous Nations are keeping as safe and as well as possible.

In light of the timing of these sad events, please let me know if you would like to discuss any delay in the Agency and the Minister considering this request. We are proceeding to inform a Ministerial decision by September 16, but are more than willing to discuss options for a delay, if desired.

Further to your request, under subsection 9(1) of IAA the Minister may, by order, designate a physical activity that is not prescribed in the *Physical Activities Regulations*. The Minister may do this, if, in the Minister's opinion, the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (resulting from federal decisions), or public concerns related to

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those effects warrant the designation. In accordance with subsection 9(4) of IAA, it is expected that the Minister will respond to your request with reasons for their decision by September 16, 2021.

The Impact Assessment Agency of Canada (the Agency) will review information about the Project; any concerns expressed from the public and Indigenous groups of which the Agency is aware; and expert advice from federal authorities and input from provincial ministries in order to inform the Minister on whether the Project should be designated. If designated, to proceed with the Project the Water Security Agency would be required to submit an Initial Project Description, thereby commencing the planning phase of IAA. In that case, the planning phase would include the Agency determining whether a federal impact assessment is required.

Additional information regarding the process for designation requests can be found at the following link: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>.

Based on the information currently available to the Agency, Phase 3 appears to already be a designated physical activity and, as such, is subject to the IAA. Phases 1 and 2 are not on the *Physical Activities Regulations*, so they are not designated physical activities and the Agency will be assessing the potential impacts of these phases as the subject of this designation request.

In the coming days, a Registry page for the Project will be available on the Canadian Impact Assessment Registry Internet site <https://iaac-aeic.gc.ca/050/evaluations/>. If you wish to provide further information to the Agency regarding this file please submit the information via email to the Agency's Prairie and Northern Regional Office at iaac.pnr-rpn.aeic@canada.ca or directly to Greg Bosse at greg.bosse@canada.ca.

Thank you for the information already provided to the Agency. If you would like to discuss this information further or provide additional information or concerns please contact Project Manager Greg Bosse by telephone or email (587-334-2941 or Greg.Bosse@canada.ca) or myself at the contact information below.

Important Note: All records produced, collected or received in relation to the designation request process – unless prohibited under the Access to Information Act or Privacy Act – are considered public and may be released. If you have provided any comments or documents that contain confidential or sensitive information that you believe should be protected from release to the public, please contact the Agency as soon as possible. The Agency does not accept information marked as confidential without prior contact.

Further questions regarding the Project and this analysis can be directed to Greg Bosse at by phone at 587-334-2941 or email at Greg.Bosse@canada.ca.

Sincerely,

<Original signed by>

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Impact Assessment Agency of Canada
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587-334-4093

cc. Cheryl Benjamin, Impact Assessment Agency of Canada
Chief Bobby Cameron, Federation of Sovereign Indigenous Nations
Vice Chief Morley Watson, Federation of Sovereign Indigenous Nations
Vice Chief David Pratt, Federation of Sovereign Indigenous Nations
Vice Chief Edward Larat, Federation of Sovereign Indigenous Nations
Jayme Benson, Federation of Sovereign Indigenous Nations
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Excellence