



February 26, 2024

Burt Hockey  
Jackie Garvin (Hockey)  
<Email address removed>

Burt Hockey and Jackie Garvin (Hockey):

Thank you for your letter of June 8, 2023, requesting designation of the Smoky River Wind Project (the Project) under the *Impact Assessment Act*, SC 2019, c 28, s 1 (the IAA) proposed by Smoky River Wind Inc. (the Proponent). In your letter, you requested that I designate the Project under subsection 9(1) of the IAA.

A review of whether designation of the Project would have been warranted commenced prior to the Supreme Court of Canada's (SCC) issuance of its decision on the constitutionality of the IAA.

On October 26, 2023, following the SCC's issuance of its decision, the Government of Canada issued the *Statement on the Interim Administration of the IAA Pending Legislative Amendments* (Interim Statement)<sup>1</sup>. The guidance set out in the Interim Statement will be followed until amendments come into force to address the issues in the IAA that were identified by the SCC.

With respect to pending designation requests, the Interim Statement sets out that, where I am of the opinion that designation of a project under section 9 of the IAA is not warranted, I will communicate that information to proponents.

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<sup>1</sup> <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/statement-interim-administration-impact-assessment-act-pending-legislative-amendments.html>

After careful consideration of the information provided by the Proponent, advice from federal authorities, input from provincial ministries, comments from Indigenous groups, the concerns expressed in your letter, and the Analysis Report prepared by the Impact Assessment Agency of Canada (the Agency), I am of the opinion that designation of the Project under section 9 of the IAA is not warranted.

In addition to project design and standard mitigation measures proposed by the Proponent, existing legislative mechanisms applicable to the Project provide a framework to address potential adverse effects within federal jurisdiction. These mechanisms include:

- federal legislation such as the *Fisheries Act*; the *Species at Risk Act*; the *Migratory Birds Convention Act, 1994*; and the *Canadian Environmental Protection Act, 1999*; and
- provincial legislation such as the *Environmental Protection and Enhancement Act*, the *Wildlife Directive for Alberta Wind Energy Projects*, the *Water Act*, the *Public Lands Act*, and the *Historical Resources Act*.

The Agency's Analysis Report (enclosed), the request to designate, and this correspondence will be made available on the Canadian Impact Assessment Registry Internet site (Reference number 85700): <https://iaac-aeic.gc.ca/050/evaluations/proj/85700>.

Further questions can be directed to Sean Carriere, Regional Director, Prairie and Northern Region at the Agency, by email at [pnr-rpn@iaac-aeic.gc.ca](mailto:pnr-rpn@iaac-aeic.gc.ca).

I appreciate you bringing your concerns to my attention and trust that you find this information helpful.

Sincerely,

<original signed by>

The Honourable Steven Guilbeault, P.C., M.P. (il/lui/he/him)

Enclosure