



Prairie and Northern Region  
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Pièce 1145, 9700 rue Jasper  
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March 9, 2020

Dean Cherkas  
Director of Consultation  
Stoney Tribal Administration  
PO Box 40  
Morley, Alberta T0L 1N0

Dear Dean Cherkas;

**Re:    Designation Request for the NGTL West Path Delivery 2022, Foothills Zone 8 West Path Delivery 2022, NGTL West Path Delivery 2023, and Foothills Zone 8 West Path Delivery 2023 Projects**

Thank you for your letter dated February 26, 2020, addressed to the Honourable Jonathan Wilkinson, Minister of Environment and Climate Change (the Minister), concerning the NGTL West Path Delivery 2022, Foothills Zone 8 West Path Delivery 2022, NGTL West Path Delivery 2023, and Foothills Zone 8 West Path Delivery 2023 (the Projects). You have requested that the Minister designate the Projects under the *Impact Assessment Act* (IAA).

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 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 May 27, 2020.

The Impact Assessment Agency of Canada (the Agency) will review information about the Projects; any concerns from the public and Indigenous groups that the Agency becomes aware of; and expert advice from federal authorities in order to inform the Minister on whether the Project should be designated. If designated, to proceed with the Project the proponent(s) 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.

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Project information on NGTL West Path Delivery 2022 and Foothills Zone 8 West Path Delivery 2022 is enclosed and available at <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3910209>; <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3909862>. To inform the Agency's analysis on whether the Projects should be designated, the Agency invites Stoney Tribal Administration to provide any additional information on the following matters:

1. To your knowledge, is the project near or in an environmentally or otherwise sensitive location? If so, please explain.
2. To your knowledge, does the project involve new technology or a new type of activity? If so, please explain.
3. To your knowledge, does the project have the potential to cause adverse effects that are of concern to you and fall within federal jurisdiction? If yes, please explain. Effects that fall within federal jurisdiction include:
  - effects on fish and fish habitat;
  - effects on aquatic species, as defined in subsection 2(1) of the *Species at Risk Act*;
  - effects on migratory birds;
  - changes to the environment on federal lands;
  - changes to the environment that occur in a province or territory other than the one where the project is taking place;
  - changes to the environment that occur outside of Canada;
  - changes to the environment that could affect the Indigenous peoples of Canada;
  - any change occurring to the health, social or economic conditions of the Indigenous peoples of Canada; and
  - changes to components of the environment, health, social or economic matters set out in Schedule 3 of the Act.
4. To your knowledge, does the project have the potential to cause adverse impacts on the section 35 rights of the Indigenous peoples of Canada? If so, please explain.

The Agency requests that Stoney Tribal Administration provide any additional information by **March 29, 2020**. In the coming days, a Registry page for the Project will be available on the Canadian Impact Assessment Registry internet site. You may submit any additional information, including uploading a letter, using the "submit a comment" feature or via email.

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>.

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**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. Information marked as confidential may not be kept confidential unless you contact the Agency prior to sharing the information.

Please contact Andrea Raska with any further questions regarding the Agency's designation request process. She can be reached at 604-360-1731 or [andrea.raska@canada.ca](mailto:andrea.raska@canada.ca). The Agency will contact you regarding a meeting the week of March 16, 2020 to discuss your request and potential impacts.

Sincerely,

<original signed by>

Barbara Pullishy  
Regional Director, Prairie and Northern Region

Enclosures:

- 1) NGTL West Path Delivery 2022 Project Notification
- 2) Foothills Zone 8 West Path Delivery 2022 Project Notification