



Prairie and Northern Region
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March 9, 2020

Tisha Homer
Manager, Regulatory Facilities
TransCanada PipeLines Limited
TC Energy Corporation
450 - 1 Street S.W.
Calgary, AB T2P 5H1

Dear Tisha Homer,

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

On February 26, 2020, the Minister of Environment and Climate Change (the Minister) received a request to designate the proposed 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 (the Projects) under subsection 9(1) of the *Impact Assessment Act* (IAA). The request to designate came from Stoney Tribal Association and expressed concerns about project splitting, impacts to Aboriginal rights, and capacity funding.

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, with reasons, to the request by May 27, 2020.

The Impact Assessment Agency of Canada (the Agency) will review information about the Project; any concerns from the public and Indigenous groups that the Agency becomes aware of; expert advice from federal authorities; and information from the proponent in order to inform the Minister on whether to designate the Project. If designated, to proceed with the Project, TC Energy would be required to submit an Initial Project Description to the Agency, 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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Additional information regarding the process for designation requests can be found at: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>.

In accordance with subsection 9(3) of IAA, and to inform its advice to the Minister, the Agency is requesting that you provide information you have about the Projects, along with relevant documents. By **March 16, 2020**, please provide a description of the Projects including routing/location and latitude/longitude. By **March 29, 2020**, please provide available information regarding potential adverse effects to fish and fish habitat, migratory birds and species at risk; adverse changes to the environment that would occur on federal lands and lands outside Canada; and adverse impacts, resulting from any change to the environment, on Indigenous peoples (e.g., changes to the environment impacting physical and cultural heritage, current use of lands and resources for traditional purposes, and structures, sites or things of historical, archaeological, paleontological or architectural significance) or changes to their health, social or economic conditions.

Please also include available information regarding adverse effects (changes to the environment or to health, social or economic conditions) that are directly linked or necessarily incidental to a federal authority's exercise of a power, performance of a duty or function, or provision of financial assistance, that would enable the carrying out of the Project, in whole or in part.

In particular, the Agency requests available information regarding:

1. Information about key project activities, maps and layouts of the location of project components, land tenure, zoning, and estimated timelines for planning, construction, operation, decommissioning and abandonment.
2. A list of all regulatory approvals (federal, provincial, municipal, other) and any federal financial assistance that would be required for the Project and the associated project components or activities.
- 3a. For each regulatory approval that would be required, please provide the following information:
 - i. Name of the licence, permit, authorization or approval, the associated legislative framework, and the responsible jurisdiction.
 - ii. Whether it would involve an assessment of any of the effects outlined in the paragraphs above, and if so, a general description of the assessment that you intend to undertake. Would conditions be set and if yes, what effects would those conditions address?

- iii. Whether public and/or Indigenous consultation would be required and if yes, provide information on the approach you intend to take (if any steps have been taken, please provide a summary, including issues raised as well as your responses).

3b. Identify whether any licence, permit, authorization or approval listed above would address any of the following matters:

- i. Aboriginal rights and capacity funding
- ii. If yes, discuss, in general, the benchmarks or standards that you intend to meet (or would be expected to meet).
- iii. If the Project is anticipated to result in permanent changes or cumulative effects, how you intend to manage those impacts.

4. For all federal licences, permits, authorizations, approvals, and/or financial assistance that may be provided for the Project, describe any anticipated adverse direct or incidental effects (including changes to health, social and economic conditions) that may occur as a result.

5. What steps have you taken to consult with the public? What steps do you plan to undertake during all phases of the Project? Are you aware of any public concerns in relation to this project? If yes, provide an overview of the key issues and the way in which (in general terms) you intend to address these matters?

6. What steps have you taken to consult with Indigenous communities? What steps do you plan to undertake during all phases of the Project? Are you aware of any Indigenous community concerns in relation to this project? If yes, provide an overview of the key issues and the way in which (in general terms) you plan to address these matters?

7. Do you have any other comments in relation to environmental effects or impacts to the public or Indigenous peoples and how you intend to address and manage those?

8. Explain your views on whether the Project should be designated under IAA.

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.

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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* – will be considered public and may be released. Should you wish to provide 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 before submitting the information. Information marked as confidential may not be kept confidential unless you contact the Agency prior to sharing the information.

Please do not hesitate to 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.

Sincerely,

<original signed by>

Barbara Pullishy
Regional Director, Prairie and Northern Region