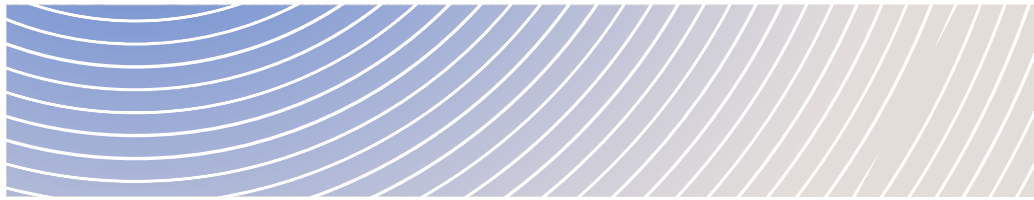




# Analysis Report



WHETHER TO DESIGNATE THE **GREAT SANDHILLS RAILWAY SWITCHING OPERATION AT NORTH WEST TERMINAL PROJECT – REVISED DESIGN** IN SASKATCHEWAN PURSUANT TO THE *IMPACT ASSESSMENT ACT*

December 14, 2020

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## Purpose

The Impact Assessment Agency of Canada (the Agency) prepared this report for consideration by the Minister of Environment and Climate Change Canada (the Minister) in deciding whether to designate the Great Sandhills Railway Switching Operation at North West Terminal Project – Revised Design (the Project) pursuant to section 9 of the *Impact Assessment Act* (IAA).

## Project

The Project, proposed by Great Sandhills Railway Ltd., is the expansion of an existing railway yard, the North West Terminal, a grain handling facility located one kilometre east of Unity, Saskatchewan which is serviced by the Canadian National Railway and the Canadian Pacific Railway.

## Context of Request

On October 21, 2020, the Minister received a request to designate the Project from Makwa Sahgaiehcan First Nation in Saskatchewan. The request expressed concerns about: impacts on Indigenous peoples and their established Aboriginal and treaty rights, impacts to culture, health and safety, impacts from increased rail traffic in the region, impacts on gender, cumulative effects, and the lack of consultation by the proponent for this Project and on past railway projects, generally.

A previous design of the Project had commenced the federal impact assessment process. The Agency terminated the process at the request of the Proponent. The Proponent provided a revised design of the Project that is not subject to the *Physical Activities Regulations* (the Regulations) and is the subject of this designation request.

As part of the Planning Phase for the Project's previous design, the Agency requested advice and input from federal authorities, Saskatchewan Ministry of the Environment, and potentially affected Indigenous groups during a public comment period (Canadian Impact Assessment Registry Reference Number 80998). In response to the designation request, the Agency requested further information from the Proponent and invited federal authorities, the Saskatchewan Ministry of the Environment, and potentially affected Indigenous groups to provide updates to their comments based on the changes to the Project's design.

The Proponent responded on November 20, 2020, with information about the Project and its view that the Project should not be designated. Advice on applicable legislative mechanisms and potential effects due to the Project were received from Environment and Climate Change Canada, Fisheries and Oceans Canada, Health Canada, Indigenous Services Canada, Transport Canada, the Canadian Transportation Agency, Women and Gender Equality Canada, the Saskatchewan Ministry of the Environment, and the Saskatchewan Ministry of Highways and Infrastructure.

The Agency also received and considered submissions from Indigenous groups including Makwa Sahgaiehcan First Nation and Mosquito, Grizzly Bear's Head, Lean Man First Nation, stakeholders (i.e. Town of Unity), and the public.

# Project Context

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## Project overview

The Project aims to resolve configuration challenges with the existing railway yard and is designed to reduce congestion on the main railway line to which this location is connected, improve efficiency in the shipment of products such as wheat, canola, and peas through the railway yard, and create a space for the mechanical inspection or repurposing of trains and rail cars (Figure 1). The expected lifetime of the Project is 100 years.




Project components and activities include:

- site preparation, including vegetation and soil removal, surface water control, groundwater management systems, and erosion protection;
- construction and operation of 8.9 hectares of new rail tracks, including two shop tracks;
- connections to existing tracks and infrastructure;
- construction and operation of a repair shop; and
- general maintenance operations and emergency services.

**Figure 1: Project Location**



**LEGEND**

|   |                                   |                              |
|---|-----------------------------------|------------------------------|
|  | EXISTING TRACK AND EMBANKMENT     | (144,689.573m <sup>2</sup> ) |
|  | EXISTING NON-RAIL DEVELOPED AREA  | (208,836.950m <sup>2</sup> ) |
|  | PROPOSED NEW TRACK AND EMBANKMENT | (88,771.123m <sup>2</sup> )  |

**[Source: Great Sandhills Project Submission]**

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# Analysis of Designation Request

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## Authority to designate the Project

The Regulations of the IAA identify the physical activities that constitute designated projects. Designated projects are subject to the IAA. The Regulations include railway yard expansions that would result in an increase in total area of the existing railway yard by 50 percent or more and a total area of the railway yard of 50 hectares or more. Using available information, the Agency calculated that the increase in total area of the existing railway yard may be above 50 percent, but that the total area of the existing railway yard and expansion is less than 50 hectares, and therefore, the Project is not a designated activity prescribed by the Regulations.

Under subsection 9(1) of the IAA the Minister may, by order, designate a physical activity that is not prescribed in the 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, or if public concerns related to those effects warrant the designation.

The carrying out of the Project has not substantially begun and no federal authority has exercised a power or performed a duty or function that would permit the Project to be carried out, in whole or in part.<sup>1</sup> Given this understanding of the Project, the Minister may consider designating this Project pursuant to subsection 9(1) of the IAA.

The funding agreement between Transport Canada and the Proponent requires the Proponent to meet requirements of the IAA prior to receiving funding.

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## Potential adverse effects within federal jurisdiction

The Project proposes to disturb 8.9 hectares of private land, does not cross a waterbody, and occurs adjacent to agricultural or industrial land. The Agency understands that the Project is small in scale, does not involve new technology or a new activity, and is not in wildlife area<sup>2</sup> or a migratory bird sanctuary<sup>3</sup>. The potential for adverse effects within federal jurisdiction, as defined in section 2 of the IAA, would be limited through Project design, by application of standard mitigation measures, and managed through applicable regulatory and legislative mechanisms. Annex I provides a summary table of the potential adverse effects, mitigation measures proposed by the Proponent, and anticipated legislative mechanisms if the Project proceeds.

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<sup>1</sup> The Minister must not make the designation designation if the carrying out of the physical activity has substantially begun, or a federal authority has exercised a power or performed a duty or function in relation to the project (subsection 9(7) of IAA).

<sup>2</sup> Wildlife area as defined in section 2 of the Wildlife Area Regulations.

<sup>3</sup> Migratory bird sanctuary as defined in subsection 2(1) of the Migratory Bird Sanctuary Regulations.

## Fish and Fish Habitat

The Agency considered information provided by the Proponent, Fisheries and Oceans Canada, and Environment and Climate Change Canada, and is of the view that the Project, as proposed, would not likely cause potential adverse effects to fish and fish habitat. The Agency understands that there are no waterbody crossings and that wetlands in the Project area and downstream waterbodies are unlikely to be fish-bearing. Although the Project could result in changes to surface water quality via erosion, sedimentation, particulate matter or contaminants introduced into waterbodies from site runoff and spills, the Agency understands that the potential effects would be appropriately managed through Project design, surface water controls, groundwater management, and runoff diversion. The Agency considered that all Project activities must be carried out in compliance with the *Fisheries Act*.

## Migratory Birds

The Agency considered information provided by the Proponent and Environment and Climate Change Canada, and is of the view that there is limited potential for adverse effects to migratory birds as a result of the Project. Potential for adverse effects to migratory birds could occur from direct and indirect effects such as collisions or destruction of nests and eggs, removal of habitat, sensory disturbances, potential exposure to chemicals, and potential adverse effects to wetlands, including their ecological functions. The Agency understands that the Project design will include: surface water controls, groundwater management, runoff diversion, and water quality monitoring; that there are no waterbody crossings; and that construction activities will take place outside of the nesting window to avoid disturbance to breeding birds. Potential adverse effects would be appropriately managed through project design, standard mitigation measures, and adherence to applicable legislation such as the *Migratory Birds Convention Act, 1994* and the *Species at Risk Act*.

## Federal Lands and Other Provinces

The Agency considered information provided by the Proponent, Environment and Climate Change Canada, and Indigenous Services Canada, and is of the view that the Project is unlikely to cause a change to the environment on federal lands or in another province. The Agency understands that the closest federal lands, Poundmaker Indian Reserve No. 114-4A and Sweetgrass Indian Reserve No. 113-K32, are located approximately 25 kilometres from the Project and the Project is wholly situated in Saskatchewan.

The Proponent's estimate of greenhouse gas emissions from the previous design of the Project is fifty thousand metric tons of carbon dioxide (CO<sub>2</sub>) equivalent over the life (100 years) of the Project or five hundred metric tons of CO<sub>2</sub> equivalent per annum. The Project would be subject to federal greenhouse gas emissions reporting requirements, pursuant to the *Canadian Environmental Protection Act, 1999*, if it emits 10 kilotonnes or more of greenhouse gas emissions, in carbon dioxide equivalent units per year. Saskatchewan indicated a likely net positive effect on greenhouse gas emissions from the Project as rail transportation is less carbon-intensive than trucking. Given the global nature of greenhouse gases and climate change, the Agency considers effects from their release to be transboundary in nature.

## Indigenous Peoples of Canada

The Agency considered information provided by the Proponent, Fisheries and Oceans Canada, Environment and Climate Change Canada, Health Canada, Indigenous Services Canada, the Saskatchewan Ministry of the Environment, the Saskatchewan Ministry of Highways and Infrastructure, Indigenous groups, and the requester. The Agency is of the view that any potential adverse effects on traditional and cultural use of lands, to health, to items of significance, or social or economic conditions of Indigenous peoples of Canada caused by the Project will be limited.

The Agency understands that Indigenous peoples may harvest plants or practice other rights in the area. Concerns were raised related to effects of increased rail traffic in the region, including to the health and safety of members practicing rights, and effects of noise and disturbance on wildlife. The Agency understands that potential adverse effects to wildlife could result from the activities linked to the construction, operation, and decommissioning of a linear project, and this could subsequently result in effects to current use of lands for traditional purposes. Potential adverse effects on health could result from the Project: emissions and changes to air quality; increases in noise levels due to operations and construction activities; and the potential for contaminants to be released in the event of accidents and malfunctions. Further information on where people are located or spend time would be needed to fully assess such risks.

The Agency also considered the limited scale of the Project, that the Project does not involve a waterbody crossing, that activities would occur on privately owned lands with no right of access, and that it is not in close proximity to unoccupied crown lands or reserve lands. The Agency understands that there are provincial requirements for monitoring of water quality and air quality on the site, and that monitoring will continue during construction and operation of the Project. The Agency understands that provincial legislation such as the *Railway Act* ensures rail operations are undertaken safely to mitigate the risk of accidents associated with the railway operations and that the transport of dangerous goods must comply with Transport Canada inspections and requirements under the *Transportation of Dangerous Goods Act*. (Annex II).

The Agency understands that the Project involves minimal earth works. The Agency understands that work would stop in the case of any discovery of a historical, archaeological, paleontological, or architectural item. Therefore, the Project is not anticipated to impact historical and archaeological resources. The Agency considered that compliance is required with the provincial *Heritage Property Act*.

## Legislative and Regulatory Oversight

The Agency considered that all Project activities must be carried out in compliance with applicable federal legislation including the *Fisheries Act*, *Migratory Birds Convention Act, 1994*, *Species at Risk Act*, and *Transportation of Dangerous Goods Act* (Annex II).

The Saskatchewan Ministry of Highways and Infrastructure regulates rail operations. Authorizations, approvals, and licences, such as: Approval to Construct and Operate a Storage Facility, Aquatic Habitat Protection Permit (as needed), Railway Authorization to Construct, Railway Authorization to Open and Operating Authority Certificate will be required under Saskatchewan provincial legislation. These provide additional tools to manage and mitigate any potential adverse impacts of the Project (Annex II).



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## Potential adverse direct or incidental effects

Direct or incidental effects refer to effects that are directly linked or necessarily incidental to a federal authority's exercise of a power or performance of a duty or function that would permit the carrying out, in whole or in part, of a project, or to a federal authority's provision of financial assistance for the purpose of enabling that project to be carried out, in whole or in part.

The Agency is of the view that any adverse direct or incidental effects from the issuance of any federal permits, authorizations or from financial assistance to enable the Project, are anticipated to be adequately managed by the same measures that would limit potential effects to areas of federal jurisdiction, such as Project design, standard mitigation measures, and adherence to applicable legislation.

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## Public concerns

The Minister must consider if the public concerns related to effects within federal jurisdiction warrant the designation of the Project.

The concerns expressed by the requester and Indigenous groups include:

- impacts on Indigenous people, their rights, and culture;
- impacts to health and safety such as sensory disturbance, contamination, including to harvested resources, risk of personal injury or fines when around rail, leading to avoidance;
- impacts of increased railway traffic in the region on wildlife, noise, and air quality;
- permanence of disturbance leading to intergenerational impacts;
- impacts on gender;
- cumulative effects; and
- the lack of consultation on the Project.

The concerns expressed relate to potential adverse effects within federal jurisdiction or potential adverse direct or incidental effects, including impacts on Indigenous peoples and on rights that are recognized and affirmed by section 35 of the *Constitution Act, 1982* (section 35 rights).

Annex I provides a summary table of the concerns expressed that relate to potential adverse effects within federal jurisdiction or potential adverse direct or incidental effects, the associated mitigation measures, if any, proposed by the Proponent, and the related anticipated legislative mechanisms, as appropriate.

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## Potential adverse impacts on the rights of Indigenous peoples

The Agency is of the view that there is limited potential for the Project to cause potential adverse impacts on section 35 rights, including impacts on rights from potential adverse effects to areas of federal jurisdiction.

The Project is located within Treaty 6 and Western Region 1a of the Metis Nation-Saskatchewan. The Agency understands that Indigenous peoples may practice rights in the area. The Agency also understands that there are no unoccupied crown lands or reserve lands in close proximity to the Project and that Project activities would occur on privately owned lands with no right of access. Further, due to the Project design and the application of standard mitigation measures, the potential for adverse effects within federal jurisdiction and to section 35 rights are anticipated to be limited and localized, and managed through applicable regulatory and legislative mechanisms.

The applicable federal and provincial regulatory mechanisms include consideration of potential impacts on section 35 rights where authorizations or approvals are required. The Agency understands that the Saskatchewan Ministry of Highways and Infrastructure concluded that the Project does not trigger the duty to consult. Transport Canada, in the funding agreement with the Proponent, also concluded the duty to consult does not arise from the Project.

In conducting this analysis, the Agency considered potential impacts to and any comments received from:

- Makwa Sahgaiehcan First Nation;
- Little Pine First Nation;
- Metis Nation - Saskatchewan Western Region 1;
- Metis Nation - Saskatchewan Western Region 1a;
- Metis Nation - Saskatchewan Western Region 2a;
- Mosquito, Grizzly Bear's Head, Lean Man First Nation;
- Poundmaker Cree Nation;
- Red Pheasant Cree Nation;
- Sweetgrass First Nation; and
- Moosomin First Nation.

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## Regional and strategic assessments

There are no regional or strategic assessments pursuant to sections 92, 93, or 95 of IAA that are relevant to the Project.

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## Conclusion

The Agency is of the view that any potential for adverse effects, as described in subsection 9(1) of IAA, would be limited, as the Project is small in scale, does not involve new technology, is not in a wildlife area or migratory bird sanctuary. Any potential for adverse effects would be further limited through Project design and the application of standard mitigation measures, and through existing regulatory and legislative mechanisms (Annex I). Further, the Agency considered the potential for the Project to cause adverse impacts on the rights that are recognized and affirmed by section 35 of the *Constitution Act, 1982* and is satisfied that existing legislative mechanisms have included consideration of such impacts.

To inform its analysis, the Agency considered the concerns in the designation request sent to the Minister and comments received from Indigenous groups, stakeholders, and any public concerns known to the Agency. The Agency also sought and received input from the Proponent, Environment and Climate Change Canada, Fisheries and Oceans Canada, Health Canada, Indigenous Services Canada, Transport Canada, Canadian Transportation Agency, Women and Gender Equality Canada, the Saskatchewan Ministry of the Environment, and the Saskatchewan Ministry of Highways and Infrastructure.

# ANNEX I

## Annex I: Analysis Summary Table

| Adverse Effect or Public Concern in Relation to Subsection 9(1) of the <i>Impact Assessment Act</i> | Summary of Concerns Expressed, Effects and Mitigation Proposed by the Proponent, and Advice from Federal and Provincial Experts  | Relevant Legislative Mechanisms   |
|---|--|---|
| <p>A change to fish and fish habitat, as defined in subsection 2(1) of the <i>Fisheries Act</i></p> | <p>The Project does not cross any waterbodies.</p> <p><b>Proponent</b></p> <p>The Proponent indicated that the semi-permanent wetland on the Project site is presumed non-fish bearing, as there is no connectivity with fish bearing lakes and the wetland freezes solid over winter, offering no over-wintering habitat. No fish data is available on any lakes in close proximity to the Project.</p> <p>Annual groundwater and surface water monitoring is a requirement under the current operating permit for the North West Terminal.</p> <p><b>Requester, Indigenous groups and/or Public</b></p> <p>Not applicable</p> <p><b>Federal Authorities</b></p> <p>Fisheries and Oceans Canada advised that more detail regarding any waterbody crossings and the affected habitat would be required to determine the impact of the Project.</p> <p>Environment and Climate Change Canada indicated that the Project could result in changes to surface water quality via erosion, sedimentation, particulate matter, or contaminants introduced into water bodies from site runoff or spills. Appropriate mitigation measures for water and waste management are required.</p> <p><b>Provincial Authorities</b></p> <p>An Aquatic Habitat Protection Permit is designed to protect aquatic habitat, including terrestrial and aquatic vegetation, from impacts that may arise from development in, or near water. The permit is unlikely to be required as the revised track design does not cross the semi-permanent wetland on site. The Project will not impact fish-bearing waters.</p> | <p>Authorization under the <i>Fisheries Act</i> may be required if the project is likely to cause the harmful alteration, disruption or destruction to fish habitat or is likely to result in the death of fish.</p> <p>Deposit of deleterious substances into waters frequented by fish, unless authorized by regulations or other federal legislation, is prohibited under the <i>Fisheries Act</i>.</p> <p>Compliance with the <i>Species at Risk Act</i> is required.</p> <p>Compliance with an Aquatic Habitat Protection Permit is required, if applicable, and issued by Saskatchewan Water Security Agency.</p> |

| Adverse Effect or Public Concern in Relation to Subsection 9(1) of the <i>Impact Assessment Act</i> | Summary of Concerns Expressed, Effects and Mitigation Proposed by the Proponent, and Advice from Federal and Provincial Experts | Relevant Legislative Mechanisms |
|---|---|---------------------------------|
|---|---|---------------------------------|

A change to migratory birds, as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*

**The Proponent**

The Proponent indicated that migratory bird habitat or breeding grounds are not likely to be affected by the Project as construction is planned to occur outside of nesting windows. The Project does not cross a waterbody, including any wetlands.

**Requester, Indigenous groups and/or Public**

There are concerns that increased rail traffic from the Project could disrupt wildlife, especially in the wetlands adjacent to the Project area.

**Federal Authorities**

Environment and Climate Change Canada indicated that individual mortality and the destruction of nests and eggs or any other structure necessary for the reproduction and survival of species at risk could occur during all Project phases. Mortality in migratory birds and species at risk could also occur due to collisions with vehicles or infrastructure related to the Project. Accidental oil or chemical spills could also have adverse effects, if these substances make their way into the habitats frequented by migratory birds and species at risk.

**Provincial Authorities**

Ministry of Highways and Infrastructure indicated that it is unlikely there will be significant impacts to migratory birds or species at risk, as the proposed project is an expansion of an existing disturbed site, surrounded by cultivated agricultural land.

Compliance with the *Migratory Bird Convention Act* is required.

Compliance with the *Species at Risk Act* is required.

Compliance with an Aquatic Habitat Protection Permit is required, if applicable, and issued by Saskatchewan Water Security Agency.

A change to the environment that would occur on federal lands

**Proponent**

The Proponent indicated that the Project is not expected to result in changes to reserve lands and federal lands. The Project exists entirely on private land owned in by North West Terminal. Poundmaker Indian Reserve No.114-4A and Sweetgrass Indian Reserve No. 113-K32 are 25 kilometres from the Project. Elk Island National Park is located 342 kilometres west of the Project. Grasslands National Park is located 448 kilometres south of the Project.

| Adverse Effect or Public Concern in Relation to Subsection 9(1) of the <i>Impact Assessment Act</i>   | Summary of Concerns Expressed, Effects and Mitigation Proposed by the Proponent, and Advice from Federal and Provincial Experts  | Relevant Legislative Mechanisms  |
|---|--|--|
| <p>A change to the environment that would occur in a province other than the one in which the project is being carried out or outside Canada</p>                              | <p><b>Proponent</b></p> <p>The Proponent indicated that the Project is not expected to result in changes outside of Saskatchewan, as the Project exists entirely within Saskatchewan. The initial estimate of greenhouse gas emissions associated with the Project is approximately 50 000 metric tons of carbon dioxide equivalent over the life of the Project, based on a literature review of railway operations and the expected capacity of the North West Terminal after the Project is complete.</p> <p><b>Federal Authorities</b></p> <p>Environment and Climate Change Canada advised that the volume of greenhouse gas emissions from the Project may not align with the long-term goal of the Government of Canada to achieve net-zero emissions by 2050.</p> <p><b>Provincial Authorities</b></p> <p>Ministry of Highways and Infrastructure advised the Project is likely to have a net positive effect on greenhouse gas emissions, as rail transportation is less carbon-intensive than trucking</p> | <p>The Project would be subject to federal greenhouse gas emissions reporting requirements, pursuant to the Canadian <i>Environmental Protection Act, 1999</i>, if it emits 10 kilotonnes or more of greenhouse gas emissions, in carbon dioxide equivalent units per year.</p>  |
| <p>With respect to the Indigenous peoples of Canada, an impact - occurring in Canada and resulting from any change to the environment - on physical and cultural heritage</p> | <p>See also section on: change to the environment - on any structure, site, or thing that is of historical, archaeological, paleontological or architectural significance.</p> <p><b>The Proponent</b></p> <p>The Proponent indicated that the Project will be constructed on top of the land and minimal earthworks are expected. However, if historical, archaeological, paleontological, or architectural structures are identified during construction then work will cease until the appropriate actions are taken.</p> <p>The closest First Nation reserve lands to the Project Site are the Poundmaker Indian Reserve No. 114-4A, and Sweetgrass Indian Reserve No. 113-K32, located 25 kilometres from the Project.</p>  | <p>Compliance with the Saskatchewan <i>Heritage Property Act</i>; a Heritage Resource Impact Assessment is required, should the quarter section of land not have existing heritage information.</p> <p>Review and approval process under <i>The Railway Act</i> (Saskatchewan) is required which is intended to ensure railway infrastructure is built in accordance with appropriate standards and ongoing railway operations are done safely and in accordance with the Proponent's approved railway safety management plan.</p> |

| Adverse Effect or Public Concern in Relation to Subsection 9(1) of the <i>Impact Assessment Act</i>   | Summary of Concerns Expressed, Effects and Mitigation Proposed by the Proponent, and Advice from Federal and Provincial Experts  | Relevant Legislative Mechanisms   |
|---|--|---|
|   | <p><b>Indigenous groups, including Requester, and/or Public</b><br/> Indigenous groups indicated that railways pose an inherent risk to members who may travel alongside or across uncontrolled areas of the railway line while exercising their section 35 rights or accessing important cultural and sacred sites. Risk of personal injury, potential fines, and harassment occur around railway lines, leading to avoidance behaviours that then would alienate sections of culturally important lands.</p> <p><b>Federal Authorities</b><br/> At the time of this analysis, information indicating overlap of the Project with preferred Indigenous use areas and sites of cultural importance was not available to the Agency. The Agency is of the view that the Project has limited potential to impact physical and cultural heritage as the project is located on private land within an agricultural setting.</p> <p><b>Provincial Authorities</b><br/> Ministry of Highways and Infrastructure advised it has implemented ongoing inspection, audit and monitoring programs to ensure rail operations are done safely to mitigate the risk of accidents associated with the railway operations. Furthermore, all provincially regulated railway operations that handle and transport dangerous goods must comply with Transport Canada inspections and requirements under federal <i>Transportation of Dangerous Goods Act</i>.</p> |   |
| <p>With respect to the Indigenous peoples of Canada, an impact - occurring in Canada and resulting from any change to the environment - on current use of lands and resources for</p> | <p><b>Proponent</b><br/> The Proponent has indicated that current use of lands and resources for traditional purposes are unknown as it is private land that has almost entirely been converted to agricultural or industrial land.</p> <p><b>Indigenous groups, including Requester, and/or Public</b><br/> Indigenous groups indicated current use and the exercise of rights take place in the vicinity of the Project. There are concerns that that increased rail traffic could disrupt wildlife via noise disturbance, impact migration routes, and cause contamination, leading to impacts on the quality and quantity of harvested resources.</p>  | <p>Compliance with the <i>Migratory Bird Convention Act</i> is required.</p> <p>Compliance with the <i>Species at Risk Act</i> is required.</p> <p>Compliance with an Aquatic Habitat Protection Permit is required if applicable and issued by Saskatchewan Water Security Agency.</p> |



| Adverse Effect or Public Concern in Relation to Subsection 9(1) of the <i>Impact Assessment Act</i>  | Summary of Concerns Expressed, Effects and Mitigation Proposed by the Proponent, and Advice from Federal and Provincial Experts   | Relevant Legislative Mechanisms   |
|--|---|---|
| traditional purposes   | <p><b>Federal Authorities</b></p> <p>At the time of this analysis, information indicating overlap of the Project with current use of lands and resources for traditional purposes was not available to the Agency. The Agency is of the view that the Project has limited potential to impact physical and cultural heritage as the project is located on private land within an agricultural setting.</p> <p><b>Provincial Authorities</b></p> <p>Ministry of Highways and Infrastructure advised that it is unlikely that there will be negative impacts to Indigenous peoples as the project is sited on private land, with no unoccupied crown land or reserve land in the vicinity of the Project. There is no right of access to the site for the exercise of Treaty and Aboriginal rights or traditional land uses.</p>  | <p>Review and approval process under <i>The Railway Act</i> (Saskatchewan) is required to ensure railway infrastructure is built in accordance with appropriate standards and ongoing railway operations are done safely and in accordance with the Proponent's approved railway safety management plan.</p>  |
| With respect to the Indigenous peoples of Canada, an impact - occurring in Canada and resulting from any change to the environment - on any structure, site, or thing that is of historical, archaeological, paleontological or architectural significance | <p>See also section on: change to the environment - on physical and cultural heritage.</p> <p><b>The Proponent</b></p> <p>The Proponent indicated that the Project will be constructed on top of the land and minimal earthworks are expected. However, if historical, archaeological, paleontological, or architectural structures are identified during construction then work will cease until the appropriate actions are taken.</p> <p><b>Indigenous groups, including Requester, and/or Public</b></p> <p>Indigenous groups indicated that railways pose an inherent risk to members who may travel alongside or across uncontrolled areas of the railway line while exercising their section 35 rights or accessing important cultural and sacred sites. Risk of personal injury, potential fines, and harassment occur around railway lines, leading to avoidance behaviours that then would alienate sections of culturally important lands.</p> <p><b>Federal Authorities</b></p> <p>At the time of this analysis, information indicating overlap of the Project with any structure, site, or thing that is of historical, archaeological, paleontological or architectural</p> | <p>Compliance with the Saskatchewan <i>Heritage Property Act</i>, if a Heritage Resource Impact Assessment is required, should the quarter section not have existing heritage information.</p> <p>Review and approval process under <i>The Railway Act</i> (Saskatchewan) is required to ensure railway infrastructure is built in accordance with appropriate standards and ongoing railway operations are done safely and in accordance with the Proponent's approved railway safety management plan.</p> |

| Adverse Effect or Public Concern in Relation to Subsection 9(1) of the <i>Impact Assessment Act</i>             | Summary of Concerns Expressed, Effects and Mitigation Proposed by the Proponent, and Advice from Federal and Provincial Experts   | Relevant Legislative Mechanisms  |
|---|---|--|
|   | <p>significance was not available to the Agency. The Agency understands that there is a process for reviewing developments for heritage concerns that is covered under the <i>The Heritage Property Act</i>.</p> <p><b>Provincial Authorities</b></p> <p>Ministry of Highways and Infrastructure advised that it is unlikely that there will be negative impacts to Indigenous peoples as the project is sited on private land, with no unoccupied crown land or reserve land in the vicinity of the Project. There is no right of access to the site for the exercise of Treaty and Aboriginal rights or traditional land uses.</p>  |  |
| Any change occurring in Canada to the health, social or economic conditions of the Indigenous peoples of Canada | <p><b>Proponent</b></p> <p>The Proponent indicated that due to the Project's distance from Indigenous communities, the impact to social, economic and health conditions of Indigenous peoples is considered to be low.</p> <p><b>Indigenous groups, including Requester, and/or Public</b></p> <p>Indigenous groups indicated that the permanent nature of the Project may lead to intergenerational impacts due to its 100-year lifespan.</p> <p><b>Federal Authorities</b></p> <p>Indigenous Services Canada advised that it is unlikely that there will be any health impacts to Indigenous peoples given the distance to reserve communities.</p> <p>Health Canada advised that the Project could result in effects on health due to: emissions changing air quality; increases in noise levels due to various activities related to operations and construction; and the potential for contaminants to be released in the event of accidents and malfunctions, but that further information on the location of potential human receptors would be needed to fully assess such risks.</p> <p>Women and Gender Equality Canada advised that the infrastructure sector has different impacts upon women, men and diverse persons and people from a range of groups and communities in a variety of ways. This can</p> | <p>Review and approval process under <i>The Railway Act</i> (Saskatchewan) is required to ensure railway infrastructure is built in accordance with appropriate standards and ongoing railway operations are done safely and in accordance with the Proponent's approved railway safety management plan.</p> <p>Ministry of Highways and Infrastructure carries out ongoing inspection, audit and monitoring programs to ensure rail operations are done safely to mitigate the risk of accidents associated with the railway operations. All provincially regulated railway operations that handle and transport dangerous goods must comply with Transport Canada inspections and requirements under federal <i>Transportation of Dangerous Goods Act</i>.</p> |

| Adverse Effect or Public Concern in Relation to Subsection 9(1) of the <i>Impact Assessment Act</i> | Summary of Concerns Expressed, Effects and Mitigation Proposed by the Proponent, and Advice from Federal and Provincial Experts  | Relevant Legislative Mechanisms  |
|---|--|--|
|   | <p>range from employment opportunities, access to revenues, compensation or benefits and expanded investment in the local community; to decision making roles for new innovation and technologies; to access to services and programs that account for the perspective, knowledge and experiences of individuals and communities. It is important to try to understand these impacts and to determine whether mitigation is needed.</p> <p><b>Provincial Authorities</b></p> <p>Ministry of Highways and Infrastructure advised the Project is likely to create positive social and economic impacts for the region and will also help improve performance and fluidity of the overall commodity supply chain, supporting national interests. This Project has the potential to make rail transportation in the region more competitive and efficient. As a result, it will encourage increased rail utilization and facilitate a modal shift from truck to rail freight transportation.</p> |  |
| Adverse direct or incidental effects  | No adverse direct or incidental effects are anticipated.   | All aspects of Transport Canada contribution agreement for this Project under the National Trade Corridors Fund, must be adhered to. |

# ANNEX II

## Annex II: Potential Federal and Provincial Authorizations Relevant to the Project

| Authorization  | Description  |
|--|--|
| Approval to Construct and Operate a Storage Facility | <p>The Saskatchewan Ministry of Environment must approve the construction, alteration or expansion of a facility to handle hazardous substances or waste dangerous goods. All hazardous substance storage facilities require operating approvals.</p> <p>The permit will be required for hazardous substance storage meeting the storage thresholds in The Hazardous Substances and Waste Dangerous Goods Regulations pursuant to The <i>Environmental Management and Protection Act</i>, 2010.</p>  |
| <i>The Environmental Assessment Act</i>              | To date, an application has not been submitted to the Saskatchewan Ministry of Environment for review under <i>The Environmental Assessment Act</i> . If the Proponent submits an application, a Ministerial Determination would be issued as to whether a provincial environmental impact assessment is required.   |
| Aquatic Habitat Protection Permit                    | An Aquatic Habitat Protection Permit issued by Saskatchewan Water Security Agency may be required if the Project involves work in, or near, water.   |
| <i>The Railway Act</i>                               | The Saskatchewan Ministry of Highways and Infrastructure conducts a review and approval process under <i>The Railway Act</i> to ensure railway infrastructure is built in accordance with appropriate standards and ongoing railway operations are done safely and in accordance with the Proponent's approved railway safety management plan.   |
| Railway Authorization to Construct                   | The Saskatchewan Ministry of Highways and Infrastructure reviews and considers the proposed location, purpose, and preliminary design (including track layout) of the Project and risks from any new commodities handled on the railway operations to determine the general compatibility with adjacent property and to identify potential proximity issues (safety concerns or complaints that could arise from rail operation).  |
| Railway Authorization to Open                        | The Saskatchewan Ministry of Highways and Infrastructure assesses the track infrastructure to ensure construction is completed in accordance with acceptable track standards and ensure the track is safe and adequate for the proposed railway operations.  |
| Operating Authority Certificate                      | The Saskatchewan Ministry of Highways and Infrastructure evaluates the proposed safety management plan to ensure the railway operator has identified the applicable rules to govern railcar movement and handling on site, establish training, monitoring, and evaluation of employees and safety operations, and identifies accountability within the organization for ensuring ongoing safe operations. The safety management plan establishes the process and procedures for dealing with accidents, incidents, and emergency response. |
| <i>Heritage Property Act</i>                         | The <i>Heritage Property Act</i> provides for the preservation, interpretation and development of certain aspects of heritage property in Saskatchewan. A  |

| Authorization  | Description   |
|--|---|
|  | Heritage Resource Impact Assessment is required; if a quarter section does not have existing heritage information.  |
| Canadian Transportation Agency approval under section 98 of the <i>Canada Transportation Act</i> | The Canadian Transportation Agency advised that as the railway spurs/loops are privately owned and not part of a federally regulated railway network, the Project does not require approval under section 98 of the <i>Canada Transportation Act</i> .  |
| <i>Canadian Navigable Waters Act</i> approval  | Under the <i>Canadian Navigable Waters Act</i> , owners of works who propose to construct, place, alter, rebuild, remove or decommission works that are in, on, under, through or across any navigable water may be required to apply to Transport Canada, for scheduled waterways, or go through the public resolution process, for unscheduled waters. The Minister of Transport has the authority to issue terms and conditions with an approval.  |
| <i>Fisheries Act</i> Authorization   | <p>A <i>Fisheries Act</i> paragraph 35(2)(b) Authorization will be required if the project is likely to cause the harmful alteration, disruption, or destruction to fish habitat and/or a <i>Fisheries Act</i> paragraph 34.4(2)(b) Authorization if the project is likely to result in the death of fish. The Proponent should submit a Request for Review to Fisheries and Oceans Canada outlining the specific impacts of the project on fish and fish habitat for review under the <i>Fisheries Act</i>.</p> <p>Fisheries and Oceans Canada also reviews projects for effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33, and subsection 58(1) of the <i>Species at Risk Act</i>.</p> |
| <i>Species at Risk Act</i> Authorization   | For non-aquatic species listed in Schedule 1 of the <i>Species at Risk Act</i> (SARA) as Extirpated, Endangered or Threatened, a permit may be required from Environment and Climate Change Canada for activities that affect a listed terrestrial wildlife species, any part of its critical habitat, or the residences of its individuals, where those prohibitions are in place.   |