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July 7, 2021

Chief Darcy Bear
Whitecap Dakota First Nation
182 Chief Whitecap Trail
Whitecap, SK S7K 2L2

c/o: <email address removed>

Dear Chief Bear:

Subject: Designation Request for the Proposed Lake Diefenbaker Irrigation Expansion Projects under the *Impact Assessment Act*

On June 18, 2021, the Minister of Environment and Climate Change (the Minister) received the enclosed request to designate the proposed Lake Diefenbaker Irrigation Expansion Projects (the Project) under subsection 9(1) of the *Impact Assessment Act* (IAA). The Impact Assessment Agency of Canada (the Agency) understands the Project is located within your Treaty area.

The Proposed Project

Saskatchewan's Water Security Agency is proposing the construction and operation of three irrigation projects resulting in upwards of 202,343 hectares (500,000 acres) of irrigable land.

Phase 1 would take place to the northwest of Lake Diefenbaker to complete construction of the Westside irrigation canal system that discontinued in 1973 and is expected to provide 32,375 hectares (80,000 acres) of irrigable land. Phase 2 would expand the Westside irrigation canal and provide water to the edges of farmers' fields near the towns of Zealandia to the west and Asquith to the north with the expectation of adding 105,218 hectares (260,000 acres) of irrigable land. Combined, Phases 1 and 2 would include nearly 400 km of canals plus pipelines and three balancing reservoirs.

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Phase 3 is the development of the Qu'Appelle South Irrigation system to the south of Lake Diefenbaker. Phase 3 would provide water for multiple uses including irrigation for up to 48,562 hectares (120,000 acres) and would include approximately 100 km of canals, a balancing reservoir, and an outfall structure into Buffalo Pound Lake.

Enclosed with this letter is a map of the Project. Additional publically available information can be accessed on the proponent's website for the Project at the following link: <https://www.wsask.ca/About-WSA/Lake-Diefenbaker-Irrigation-Project>.

Designation Request

Based on the information available to the Agency, Phases 1 and 2 as proposed do not appear to be described in the *Physical Activities Regulations*. As such, and unless limitations of the authority are found to have been met, the physical activity of both Phases 1 and 2 would be considered for designation at this time.

Phase 3 is in its conceptual phase. Based on preliminary information available to the Agency, it is likely a designated Project as described in the *Physical Activities Regulations*. The Agency will review further information as it is available. Should Phase 3 be formally proposed and subject to the IAA, the Agency will be in contact with your Nation to be engaged in the assessment at that time.

At this time, since the Phase 3 project is likely already a designated project, it is not under further consideration as part of the Agency's analysis of this request, which will focus on Phases 1 and 2.

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 September 16, 2021.**

The Agency will review information about the Project; any concerns expressed by your community, from the public and other Indigenous groups; 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 Saskatchewan 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 designating a project under the IAA can be found at the following link: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>.

Seeking your views

To support the analysis of the Phase 1 and Phase 2 projects, the Agency is requesting that you provide responses to the following questions:

1. Please describe whether and how the potential adverse effects of the Project could result in changes to your community's:
 - (a) physical and cultural heritage (e.g. ceremonial sites, burial sites, cultural landscapes)
 - (b) current use of lands and resources for traditional purposes (e.g. hunting, fishing, trapping)
 - (c) structures, sites or things of historical, archaeological, paleontological or architectural significance (e.g. artifacts, important historic buildings or symbols)
2. Please describe whether and how the Project may result in changes to your community's health, social or economic conditions (e.g. employment opportunities, access to goods and services, economic development, access to health-care services).
3. Please describe whether and how the Project may impact your community's rights as protected under section 35 of the *Constitution Act, 1982*.

Given the 90-day legislated timeline in which the Minister is required to provide a response, your response is requested by **Friday July 27, 2021**. The Agency will receive new information at any time throughout this process and will consider and incorporate input to the extent possible, when it is received. Please send your responses to Greg Bosse at greg.bosse@canada.ca or to the Prairie and Northern Regional Office at iaac.pnr-rpn.aeic@canada.ca.

Provincial review

The Project may also be subject to review by the Government of Saskatchewan. For information on the provincial process, please contact Brianne England, Manager of Applications, Environmental Protection Division, Ministry of Environment at 306-787-6190 or brianne.england@gov.sk.ca.

Next Steps

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/?culture=en-CA>) where information regarding this project will be posted publically.

The Minister's determination, with reasons, on whether the Project is to be designated will be posted to the Canadian Impact Assessment Registry Internet site. Should the Project be designated, the Agency will contact you to discuss further steps under IAA.

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 will not be accepted without prior contact made with the Agency.

Further questions regarding this request, including in regards to the timeline for providing responses, can be directed to Greg Bosse, Project Manager, by telephone at 587-334-2941 or email greg.bosse@canada.ca.

Sincerely,

<Original signed by>

Ian Martin, Team Lead, Prairie and Northern Regional Office

Enclosures:

- 1) Designation Request – Federation of Sovereign Indigenous Nations
- 2) Map of the Project – Water Security Agency