



RESPONSE TO PETITION

Prepare in English and French marking 'Original Text' or 'Translation'

PETITION NO.: **421-03388**

BY: **Ms. BENSON (SASKATOON WEST)**

DATE: **APRIL 10, 2019**

PRINT NAME OF SIGNATORY: **THE HONOURABLE CATHERINE MCKENNA**

Response by the Minister of Environment and Climate Change

SIGNATURE

Minister or Parliamentary Secretary

SUBJECT

Protection of the environment

ORIGINAL TEXT

REPLY

The Canadian Environmental Assessment Agency (CEAA), in assessing whether the Network Drainage Projects meet the definition of a designated physical activity as per the *Regulations Designating Physical Activities*, has been informed by information received from the Saskatchewan Water Security Agency and the requesting parties. To date, the information response provided by the Saskatchewan Water Security Agency on February 1, 2019, did not include specific information related to the planned diversion capacity in cubic meters per year, which is necessary to make this determination. The Agency requested this detail and information from the Saskatchewan Water Security Agency on March 18, 2019.

Upon receipt of the information from the Saskatchewan Water Security Agency, the Agency will determine whether the thresholds defined in items of the Regulations are met. If any of the projects meet the regulatory requirements, the Agency will inform the proponents that a project description is required.

If the Agency determines that any of the projects do not meet the regulatory requirements, the Agency will proceed with considering the requests for designation and will seek the views of Indigenous groups, the Province of Saskatchewan and federal authorities.

For projects not described in the *Regulations Designating Physical Activities*, the Minister of Environment and Climate Change may designate the project for the purpose of requiring a federal environmental assessment under subsection 14(2) of CEAA 2012. In considering to exercise this discretionary authority, the Minister must be of the opinion that the physical activity may cause adverse environmental effects or public concerns related to those effects may warrant the designation.

This discretionary authority can only be exercised where the carrying out of the project has not begun and, as a result, the environment has not been altered. Also, this discretionary authority cannot be exercised if a federal authority has exercised a power or performed a duty of function, conferred to it under any Act of Parliament other than CEAA 2012, that could permit the project to be completed in whole or in part (subsection 14(5) of CEAA 2012).

In considering designation requests, the primary focus of the Agency's analysis is on whether the projects may cause adverse environmental effects, as defined in section 5 of CEAA 2012, and whether public concerns related to those effects may warrant the designation. Additional considerations that may inform the Agency's analysis include the anticipated nature and extent of the effects, whether the effects can be adequately managed through other existing legislative or regulatory mechanisms, whether there are potential impacts on rights as protected by section 35 of the *Constitution Act, 1982*, and the sensitivity of the environment.