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November 13, 2020¹

Chief Ronald Mitsuing
Makwa Sahgaiehcan First Nation

Sent care of Andrew Spence
CFO, Makwa Sahgaiehcan First Nation
email: andrewjohnspence@gmail.ca

RE: Designation Request pursuant to the *Impact Assessment Act* for the Great Sandhills Railway Switching Operation at North West Terminal Project

Dear Chief Mitsuing,

Thank you for your letter provided October 21, 2020, concerning a railway yard expansion at North West Terminal approximately one kilometre east of the town of Unity, Saskatchewan, proposed by Great Sandhills Railway Ltd (the proponent). You have requested that the Minister of Environment and Climate Change (the Minister) designate the Project under subsection 9(1) of the *Impact Assessment Act* (IAA).

The Project

On November 6, 2020, the Impact Assessment Agency of Canada (the Agency) terminated the impact assessment process for the Great Sandhills Railway Switching Operation at North West Terminal Project at the request of the proponent. On October 9th, 2020, the proponent revised the track design of the proposed railway yard expansion of the existing North West Terminal, a grain handling facility located one kilometre east of Unity, Saskatchewan. The Agency understands from our phone call to Gillian Smith of MNP Consulting on November 3, 2020 that Makwa Sahgaiehcan First Nation intends for the designation request to apply regardless of the modifications that might be made by the proponent. The project is hereafter referred to as Great Sandhills Railway Switching Operation at North West Terminal Project – Revised Design (the Project) (enclosure 1) and is the subject of this request to apply subsection 9(1) of IAA.

¹ This letter replaces the correspondence dated November 12, 2020, to more accurately reflect the communication of November 3, 2020.



Designation Request

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, including funding), 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 January 19, 2020.

The Agency will review information about the Project; any concerns expressed (that the Agency is aware of) from the public and Indigenous groups; 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 Great Sandhills Railway Ltd. 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 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>.

In the coming days, a Registry page for the Project will be available on the Canadian Impact Assessment Registry Internet site and include the incoming request to designate the Project.

Opportunity for Comment

The Agency will consider comments previously provided during the public comment period from September 21 to October 21, 2020 on the now-terminated Great Sandhills Railway Switching Operation at North West Terminal Project as a part of its analysis for the designation request, as applicable to the revised design of the Project.

If your community would like to provide any amendments to previous comments based on the revised design, or additional information or concerns regarding the Project, including potential adverse impacts to the exercise of your Aboriginal or Treaty rights as protected under section 35 of the *Constitution Act, 1982*, please contact Shelly Boss, Project Manager, at Shelly.Boss@canada.ca, by November 20, 2020.

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.

If you have any questions, I can be reached at (587) 357-6484 or by e-mail at Shelly.Boss@canada.ca.

Sincerely,

<Original signed by>

Shelly Boss
Project Manager, Prairie and Northern Region

Cc: Gillian Smith, MNP Consulting, email: Gillian.Smith@mnp.ca

Enclosure 1 – Project Map