



February 26, 2024

Dave Berrade
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Dave Berrade:

On June 8, 2023, I received a request to designate the Smoky River Wind Project (the Project) under subsection 9(1) of the *Impact Assessment Act*, SC 2019, c 28, s 1 (the IAA).

A review of whether designation of the Project would have been warranted commenced prior to the Supreme Court of Canada's (SCC) issuance of its decision on the constitutionality of the IAA.

On October 26, 2023, following the SCC's issuance of its decision, the Government of Canada issued the *Statement on the Interim Administration of the IAA Pending Legislative Amendments* (Interim Statement)¹. The guidance set out in the Interim Statement will be followed until amendments come into force to address the issues in the IAA that were identified by the SCC.

With respect to pending designation requests, the Interim Statement sets out that, where I am of the opinion that designation of a project under section 9 of the IAA is not warranted, I will communicate that information to proponents.

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¹ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/statement-interim-administration-impact-assessment-act-pending-legislative-amendments.html>

After careful consideration of the information provided by Smoky River Wind Inc., advice from federal authorities, input from provincial ministries, concerns expressed in the requesters' letter, comments from Indigenous groups, and the Analysis Report prepared by the Impact Assessment Agency of Canada (the Agency), I am of the opinion that designation of the Project under section 9 of the IAA is not warranted.

The Agency's Analysis Report (enclosed), the request to designate, and this correspondence will be made available on the Canadian Impact Assessment Registry Internet site (Reference number 85700): <https://iaac-aeic.gc.ca/050/evaluations/proj/85700>.

Further questions can be directed to Sean Carriere, Regional Director, Prairie and Northern Region at the Agency, by email at pnr-rpn@iaac-aeic.gc.ca.

Sincerely,

<original signed by>

The Honourable Steven Guilbeault, P.C., M.P. (il/lui/he/him)

Enclosure