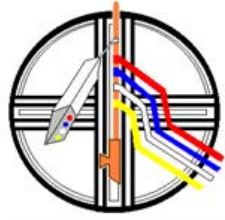




BEAVER LAKE
CREE NATION



September 19, 2025

Via Email: andrew.clarke@iaac-aeic.gc.ca

Impact Assessment Agency of Canada
Prairie and Northern Region
Canada Place
1145-9700 Jasper Avenue
Edmonton, Alberta T5J 4C3

Attention: Andy Clarke, Project Manager, Prairie and Northern Region

Dear Mr. Clarke,

Re: Designation Request for Pathways Carbon Capture and Sequestration Project

We write on behalf of our three First Nations, Beaver Lake Cree Nation #131, Frog Lake First Nations, and Whitefish (Goodfish) Lake First Nation #128, further to our correspondence of January 28, 2025 and in response to your correspondence of March 13, 2025.

As set out below, we write to: (i) re-assert our position that the pause on the designation process should be lifted, (ii) request specific information regarding IAAC's jurisdiction, deliberations and work to date, and process updates, if any, following the passage of Bill C-5. These are urgent issues for our Nations; on that basis, we request a response to this letter by August 25, 2025.

1. No Basis for Delay

First, we write to request that you re-consider your position regarding the pause in your review, given that it has now been over 6 months since the pause was first imposed.

In your letter of March 13, 2025, you referenced the correspondence of March 4, 2025, from CNRL on behalf of the Pathways Alliance (the "**Proponent**"), which asserted that a substantive response to our concerns regarding the indefinite suspension of the Request for

Designation of December 3, 2024 was not possible at this time. Your letter repeated the Proponent's position that:

... a comprehensive response to IACC's request would not be possible until technical information about the storage hub component of the Project and certain provincial regulatory processes have been finalized.

We disagree that the progress of provincial regulatory processes are a barrier to IAAC's consideration of the Designation Request.

IAAC is an independent agency that, while capable of coordinating with provincial regulatory authorities in relation to a project with concurrent provincial and federal jurisdiction, is not prevented from or relieved from the obligation of exercising its own jurisdiction with respect to a given project. IAAC's independence is an essential component of its regulatory purview over matters within federal jurisdiction, including notably, impacts to our Nations' reserve lands.

In particular, we do not agree that the issuance of a Carbon Sequestration Agreement ("**CSA**") with the Government of Alberta is a precursor to IAAC's consideration of the Designation Request. The Government of Alberta's sanctioning of the sequestration of carbon has direct impacts upon our rights and upon our reserve lands – both areas of federal jurisdiction. Delaying IAAC's consideration of the Designation Request until the CSA (and other unknown provincial regulatory processes) risks having the Project (and in particular the storage hub) defined and finalized without the opportunity for meaningful consultation and accommodation of our rights.

Adding to our concerns is the fact that Pathways continues to treat the provincial regulatory process in a piecemeal manner. This position raises the Nations' concerns of whether the overall project impacts to our rights will be considered. For example, in its letter of March 4, 2025, the Proponent appears to agree that the Pathways Project consists of the three components identified in the Nations' Designation Request – the CO₂ Transportation Network, injection wells and the sequestration hub. However, in the provincial regulatory process, the Proponent has refused to commit to a consolidated regulatory consideration of these same Project components.

This refusal necessitates an assessment of the whole Project, together, by regulatory agencies – which is one of the key considerations of the Designation Request. Further delay by IAAC increases the risk that the many and severe cumulative impacts of this project on both the environment and our Treaty rights will not be considered through any process, regulatory or otherwise.

2. Request for confirmation of jurisdiction

Second, we write to ask that your Agency confirm its jurisdiction or, if it is considering this issue, advise us accordingly so we can respond substantively.

In its correspondence of March 4, 2025, the Proponent stated its view that *“that the project is wholly within provincial jurisdiction and should remain that way.”*

This position raises concerns that the Proponent denies the Project will have impacts to the areas of federal jurisdiction identified in the designation request. Of particular concern is the Proponent’s refusal to recognize that the Project will have impacts to our reserve lands, including but not limited to the subsurface of our reserves.

We ask that IAAC confirm our understanding that:

- a) IAAC does, in fact, have jurisdiction over the areas of impact identified by the Nations in the Designation Request, being:
 - i. changes to the environment that would occur on Federal lands, and in particular under the Reserve Lands of each of the Nations;
 - ii. changes to the environment within Canada, in particular on and under the Nations’ respective traditional territories ... resulting in adverse impacts to the Indigenous peoples of Canada in respect of physical and cultural heritage, the current use of lands and resources for traditional purposes, and structures, sites or things that are of historic, archaeological, paleontological or architectural significance;
 - iii. changes occurring in Canada to the health, social or economic conditions of the Indigenous peoples of Canada; and
 - iv. changes caused by pollution to interprovincial waters, and in particular the Beaver River, North Saskatchewan River, and the Athabasca watershed.
- b) IAAC agrees that, if there are potential non-negligible impacts to those areas of federal jurisdiction, the project must receive federal authorization to proceed.

3. Request for Responses regarding Designation Request

Third, we request that IAAC provide the Nations with the following information in furtherance of the regulatory process:

- a) A copy of all Information Requests provided to the Proponent, which generated the request for delay in the IAAC timeline;
- b) A tracking table of all Information Requests of the Proponent, with copies of all correspondence between the parties regarding the proposed and estimated timing for the Proponent’s responses; and,

- c) Copies of all responses to IAAC's Information Requests provided by the Proponent to date.

We are dissatisfied with the lack of communication from the Proponent and IAAC about the Proponent's responses to IAAC's Information Requests, especially given the passage of over six months with no movement, and make our request on that basis.

4. Impacts of Bill C-5: *An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act*

Finally, we write to seek clarification on your processes following the passage of *An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act*. Our Nations (along with many First Nations across Canada) have concerns regarding the potential impacts of this legislation on IAAC's consideration of major projects.

As the Designation Request was made well before the enactment of this new law, the Nations expect that IAAC's regulatory process remain unchanged and will not be impacted by this legislation. If that expectation is inaccurate, we ask that you clarify any change to IAAC's role pursuant to this legislation, whether existing or in the future.

In addition, if other federal agencies or departments will in any way provide input into IAAC's consideration of the Designation Request, we ask that IAAC provide copies to these agencies of: (a) the Nations' correspondence, (b) the Designation Request itself, and (c) the responses from IAAC and the Proponent.

Yours truly,

BEAVER LAKE CREE NATION #131

Per: _____

Darlene Paradis, Director of Intergovernmental Affairs and Relations

WHITEFISH (GOODFISH) LAKE FIRST NATION #128

<Original signed by>

Per: _____

Darryl Steinhauer, Consultation Coordinator

FROG LAKE FIRST NATIONS #121 & #122

<Original signed by>

Per: _____

Chief Greg Desjarlais

- cc: Karin Zariffa, Pathways Alliance (karim.zariffa@pathwaysalliance.ca)
Todd Reain, Pathways Alliance (todd.reain@pathwaysalliance.ca)
Darryl Steinhauer, (darryl.steinhauer@gmail.com)
Darlene Paradis, consultation@blcn.ca
Melvin Abraham, melvinabraham@froglake.ca
Chief Greg Desjarlais, gregdesjarlais@froglake.ca

- c) Copies of all responses to IAAC's Information Requests provided by the Proponent to date.

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BEAVER LAKE CREE NATION #131

<Original signed by>

Per: _____

Okimaw Gary Lameman

WHITEFISH (GOODFISH) LAKE FIRST NATION #128

Per: _____

Darryl Steinhauer, Consultation Coordinator

FROG LAKE FIRST NATIONS #121 & #122

Per: _____

Chief Greg Desjarlais

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