

Federal Authority Advice RecordResponse due by: **July 21, 2016**

Pacific Future Energy Refinery Project – Pacific Future Energy Corporation
Agency File No.: 005565

Department/Agency:	Fisheries and Oceans Canada		
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1. (a) Indicate whether the description of potential environmental effects presented in the Project Description is sufficient in characterizing project effects to the components of the environment, as defined under section 5 of CEAA 2012, that relate to your mandate, including whether these effects may be adverse.

The project description includes a general description of project components and activities, and a general description of the fish species that may use the freshwater environment in the vicinity of the project. There is no description of aquatic resources in the vicinity of the project components and activities location in or near the marine and estuary environments. Information provided in the project description is not adequate to identify environmental effects, assess the significance of potential environmental effects (e.g. magnitude, duration, timing, intensity) or how effective mitigation measures may be at avoiding or managing potential adverse effects.

- (b) Identify any additional potential adverse environmental effects of the Project that are not described in the Project Description and their linkage to components of the environment under federal jurisdiction (as defined under section 5 of CEAA 2012).

None identified at this time.

- c) List any species at risk as defined by the *Species at Risk Act* (SARA) or species of conservation concern that have been assessed by COSEWIC that may be affected by the Project and are not identified in the Project Description. This information will inform the Agency's Section 79(1) notification obligations under SARA.

The following aquatic species at risk may occur in the vicinity of project components/activities:

- Eulachon (Central Coast population) – not listed but assessed by COSEWIC as Endangered
- Bluntnose Sixgill Shark – SARA listed, Special Concern
- Green Sturgeon – SARA listed, Special Concern
- Longspine Thornyhead Rockfish – SARA listed, Special Concern
- Rougheye Rockfish (Types I and II) – SARA listed, Special Concern
- Yelloweye Rockfish – SARA listed, Special Concern
- Tope – SARA listed, Special Concern
- Blue Whale – SARA listed, Endangered
- Fin Whale – SARA listed, Threatened
- Grey Whale – SARA listed, Special Concern
- Harbour Porpoise – SARA listed, Special Concern
- Humpback Whale – SARA listed, Threatened
- Killer Whale (Northern Resident population) – SARA listed, Threatened
- Killer Whale (Transient population) – SARA listed, Threatened
- Killer Whale (Offshore population) – SARA listed, Threatened
- Right Whale – SARA listed, Endangered
- Sea Otter – SARA listed, Special Concern
- Sei Whale – SARA listed, Endangered

- Stellar Sea Lion – SARA listed, Special Concern
- Northern Abalone – SARA listed, Endangered
- Leatherback Sea Turtle – SARA listed, Endangered

Critical habitat has been identified, and is located in the vicinity of project components/activities, for the Northern Resident and Transient populations of Killer Whale and for Northern Abalone.

2. (a) List the potential powers, duties, or functions that your department may issue to enable the Project to proceed, why they might be issued, and which project components and activities are related to the powers, duties, or functions.

Components/activities of the project may potentially require the following authorizations:

- Authorization under s.35(2) of the *Fisheries Act* for work, undertaking or activity that results in serious harm to fish, including killing of fish, permanent alteration or destruction of fish habitat.
- Authorization under s.73 of the *Species at Risk Act* for activities that result in killing, harming, capturing or taking of an individual; damaging or destroying the residence; or destruction of critical habitat of an aquatic species at risk.

The project description does not provide adequate information to determine whether these authorizations will be required or to identify which project components/activities may require authorization.

- (b) Identify the potential environmental effects, associated with that power, duty or function identified above, as described in subsection 5(2) of CEAA 2012. Please include in your response a description of the scope or extent (i.e., project activities addressed and components of the environment included) under this power, duty or function.

The project description does not provide adequate information to identify and describe these environmental effects.

- (c) Has your department or agency already exercised the above-noted power or performed a duty or function to enable the proposed Project to proceed in whole or in part? If yes, please describe.

☐ Yes ☒ No

3. (a) Under the former Act, did your department or agency determine that an EA of this Project was likely?
☐ Yes ☒ No

- (b) Has your department or agency taken an EA course of action decision under paragraph 20(1)(a) or (b) or subsection 37(1) of the former Act in relation to the Project?

☐ Yes ☒ No

If yes, please describe. This information is requested in order to determine application of section 128(1) of CEAA 2012.

4. Identify and describe the specialist or expert information or knowledge within your department that would be relevant to the conduct of the environmental assessment of the Project, should an environmental assessment be required. Provide the contact information for individual that will provide the specialist or expert advice.

Assessment of effects on fish, fish habitat and aquatic species at risk and mitigation measures to avoid or manage these effects.

<Original signed by>

Michael Engelsjord

Print Name of Project Contact

Team Leader, Ecosystem Management Branch

Title of responder

/Signature 

July 20, 2016

Date

Please respond to the above questions by July 21, 2016 via email at *Rob.Hajdu@ceaa-
acee.gc.ca*. Thank you.