



Fisheries and Oceans Canada Pêches et Océans Canada

Fish and Fish Habitat Protection
Fisheries and Oceans Canada
Central and Arctic Region
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Programme de Protection du poisson et de son habitat
Pêches et Océans Canada
Région du Centre et de l'Arctique
1028 rue Parsons Sud-Ouest
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April 6, 2020

Your file *Votre référence*
005721

Our file *Notre référence*
20-HCAA-00279

Chelsea Fedrau – Project Manager
Impact Assessment Agency of Canada – Suncor Base Mine Extension Project
Prairie and Northern Region
1145-9700 Jasper Avenue
Edmonton, AB. T5J 4C3

Subject: Fisheries and Oceans Canada's review of Proponent Baseline Studies Work Plan for Suncor Base Mine Extension Project (the Project), Reference Number: 005721

Dear Chelsea Fedrau,

In response to the Impact Assessment Agency of Canada (IAAC) proponent baseline studies work plan review invitation, dated March 2, 2020, Fisheries and Oceans Canada is replying to the IAAC in relation to its mandate and area of expertise on the proponent Initial Project Description.

For matters relating to our mandate and area of expertise, Fisheries and Oceans Canada has reviewed and evaluated the proposed work plan and has included comments within the attached Feedback Form.

Thank you for the opportunity to review the proponent initial project description received on the Suncor Base Mine Extension Project. If there are any questions, please contact Eddie Noton at Eddie.Noton@dfo-mpo.gc.ca.

Sincerely,

<Original signed by>

Laura Phalen
A/Senior Fish and Fish Habitat Biologist

Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada

CC:
Eddie Noton - Fisheries and Oceans Canada

ATTACHMENT:

Federal Authority Advice Record

Response due by May 1, 2020

[Base Mine Extension Project – Suncor Energy Inc.].

Agency File: 005721

Registry Number: 80521

Department/Agency	Fisheries and Oceans Canada
Lead IA Contact	Eddie Noton
Full Address	1028 Parsons Road, SW Edmonton. T6X 0J4
Email	Eddie.Noton@dfo-mpo.gc.ca
Telephone	<Personal information removed>
Alternate Departmental Contact	Laura Phalen (laura.phalen@dfo-mpo.gc.ca)

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1. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

If yes, specify the Act of Parliament and that power, duty or function.

Yes:

Based on the initial project description, a *Fisheries Act* paragraph 35(2)(b) Authorization is likely to be required because the project is likely to cause the death of fish and/or the harmful alteration, disruption, or destruction of fish habitat, which is prohibited unless authorized.

Fisheries and Oceans Canada (DFO) also reviews projects for effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*. Based on the initial project description, it is unlikely that any power will be exercised under the *Species at Risk Act*.

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2. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to the conduct of an impact assessment of the Project?

Specify as appropriate.

Yes: DFO possesses expert knowledge of fish and fish habitat, and has the expertise to determine whether it is likely that the project will result in the harmful alteration, disruption, or destruction of fish habitat, or the death of fish. DFO also has expertise to comment on the adequacy of sampling that has been conducted to describe the baseline environment and make comparisons to post-impact outcomes, and whether the avoidance, mitigation, and offsetting measures proposed by the proponent are appropriate and adequate.

3. Has your department or agency considered the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action that would allow the Project to proceed in whole or in part?

Specify as appropriate.

No

4. Has your department or agency had previous contact or involvement with the proponent or other party in relation to the Project? (for example, enquiry about methodology, guidance, or data; introduction to the project)

Provide an overview of the information or advice exchanged.

Yes

DFO met with the Proponent and their consultants on February 18, 2020, to discuss the project, baseline work to date, the proposed analysis of impacts to fish and fish habitat, and offsetting options. The intent was to solicit early feedback from DFO on offsetting objectives and expectations.

5. Does your department or agency have additional information or knowledge not specified, above?

Specify as appropriate.

DFO has ongoing regulatory oversight associated with the proponent, adjacent oil sands operations, and ongoing liaison and communications with Indigenous communities in the vicinity of the proposed project.

6. From the perspective of the mandate and area(s) of expertise of your department or agency, what are the issues that should be addressed in the impact assessment of the Project, should the Agency determine that an impact assessment is required?

For each issue discussed, provide a concise, plain-language summary that is appropriate for inclusion in the Summary of Issues.

- A. The potential for the project to cause the harmful alteration, disruption, or destruction of fish habitat, or death of fish. To determine this potential, the following information would need to be provided. This may not be an inclusive list:
- a. Accounting of the fish habitat that will be impacted (ie: harmfully altered, disrupted, or destroyed) due to mine expansion including all features of the mine site and operations.
 - b. A description of water withdrawal and/or water drawdown to waterbodies affected by the proposed mine expansion, and how this will affect the ability of fish to utilize the habitat to carry out life processes.
 - c. A description of erosion and sedimentation risk to waterbodies due to the proposed mine expansion, and how this will affect the ability of fish to utilize the habitat to carry out life processes.

- d. An assessment of any potential for death of fish due to mine expansion or operation.
 - e. An assessment of cumulative effects to fish and fish habitat as a result of the proposed mine expansion
- B. How the proponent will avoid or mitigate any of these potential impacts.
- C. How the proponent will approach the analysis of making statistically defensible comparisons between the predicted impacts and the actual impacts.
- D. How the proponent will offset for any harmful alteration, disruption, destruction or death of fish.
 - a. The monitoring program the proponent will undertake to verify offsetting success using scientifically defensible methods.

Fisheries and Oceans Canada

Name of Departmental / Agency
Responder

Eddie Noton

Title of Responder

April 6, 2020

Date