

Federal Authority Advice Record Form

Eskay Creek Revitalization Project – Skeena Resources Ltd.

Response due by September 7, 2021

Please submit the form to: EskayCreek@iaac-aeic.gc.ca

Agency File: 005791 Registry Reference No.: 82839

Department/Agency	Fisheries and Oceans Canada
Lead IA Contact	Tessa Richardson
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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.

Death of fish and/or harmful alteration, disruption, or destruction (HADD) of fish habitat may be able to be avoided and mitigated through project design and planning. However, authorization under Section 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* may be required for works, undertakings or activities that would result in death of fish or harmful alteration, disruption, or destruction (HADD) of fish habitat following avoidance and mitigation. For example, potential alteration of stream flows that affect downstream fish or fish habitat.

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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?

DFO can provide specialist or expert information or knowledge on fish and fish habitat and aquatic species at risk.

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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?

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)

Yes, DFO was involved in the review of the previous Eskay Creek Mine Expansion and Tailings Projects.

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

No.

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 and Engagement.

The project has the potential to cause the following effects to Fish and Fish Habitat:

- Death of fish from construction of the project.
- Potential loss of productivity through harmful alteration, disruption and destruction of fish habitat from project construction and operation.

These effects can likely be managed through issuance of a *Fisheries Act* authorization or letter of advice. Conditions to avoid, mitigate and offset effects to fish and fish habitat would be included if an authorization is required.

<Original signed by>

Dave Carter

Name of Departmental / Agency Responder

Manager, Fish and Fish Habitat Protection
Program

Title of Responder

2021-08-27

Date