

ATTACHMENT: November 8, 2021

Federal Authority Advice Record

Response due by November 28, 2021

Horsefly Regional Emergency Spillway Project – Municipality of Taber

Agency File: 005811

Department/Agency	Fisheries and Oceans Canada
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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.

A Fisheries Act paragraph 35(2)(b) Authorization will be required if the project is likely to cause the harmful alteration, disruption, or destruction to fish habitat and/or a Fisheries Act paragraph 34.4(2)(b) Authorization if the project is likely to result in the death of fish.

Fisheries and Oceans Canada 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.

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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.

DFO can provide specialist or expert information or knowledge on assessment of impacts on fish and fish habitat. The Department may provide information to the proponent in order to avoid and mitigate the negative impacts of the proposed works, undertakings or activities. DFO will be able to evaluate the potential implications to our mandate as more details on the proposed project activities become available and are provided to DFO as part of the review process.

3. (a) 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.

DFO has not yet exercised a power or performed a duty or function in relation to the Project or taken any course of action (including provision of financial assistance) that would allow the Project to proceed in whole or in part.

(b) Please include a description of consultation activities that would occur with Indigenous groups if your department or agency has to exercise a power or perform a duty or function related to the Project, and how potential impacts to Indigenous groups are addressed by your department or agency.

Should DFO consider issuing a *Fisheries Act* s.34.4(2)(b) and/or 35(2)(b) authorization for the project, consultation with Indigenous groups would be undertaken.

(c) Please include a description of opportunities for public participation if your department or agency has to exercise a power, or perform a duty or function related to the Project.

DFO does not undertake public consultation for regulatory decisions of this nature.

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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.

DFO has not had any previous contact or involvement with the proponent or other party in relation to the Project.

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

Specify as appropriate.

No.

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6. From the perspective of the mandate and area(s) of expertise of your department or agency:

- I. Indicate whether the description of potential effects presented in the Initial Project Description sufficiently characterizes potential project effects — including direct and incidental effects, and effects within federal jurisdiction. Provide advice on whether these effects may be adverse and whether your regulatory instruments could be used to address these effects.

DFO's Fish and Fish Habitat Protection Program has reviewed the available project information. The proponent has not fully characterized the effect of each project component on fish and fish habitat, rather they have provided a preliminary outline of effects; DFO cannot provide comments without detailed descriptions of the design, construction methodology, and proposed mitigation. As acknowledged in the draft IPD, the proponent should engage DFO as this information becomes available. Based on the information provided to date, DFO does not have sufficient information to determine whether the Project may result in the harmful alteration, disruption or destruction of fish habitat and/or the death of fish that would require authorization under the *Fisheries Act*. The proponent should submit a Request for Review to DFO that outlines the specific impacts of the project on fish and fish habitat for review under the *Fisheries Act*.

- II. Identify any additional potential adverse effects of the Project that are not described in the Initial Project Description and their linkage to effects, effects within federal jurisdiction, and direct and incidental effects.

DFO has not identified any additional potential adverse effects within the jurisdiction of the department.

- III. Indicate any issues that should be addressed in the detailed project description that would inform a full understanding of how the Project's potential effects to areas of federal jurisdiction are effectively being mitigated and managed. Please be as specific as possible and include a description of any anticipated residual and/or potential significant adverse effects.

DFO has not identified any issues within the jurisdiction of the department that should be addressed in the detailed project description.

- IV. Indicate the issues that should be addressed in the impact assessment of the Project, should the Agency determine that an impact assessment is required.

DFO has not identified any issues within the jurisdiction of the department that should be addressed in the impact assessment of the project.

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

<Original signed by>

DFO/Rick Kiriluk

Name of Departmental / Agency Responder

Acting Team Leader Triage and Planning

Title of Responder

Nov 25 2021

Date