ATTACHMENT
Federal Authority Advice Record: Designation Request under IAA
Response due by February 18, 2022
Lambert La Ronge Peat Harvest Project

Department/Agency	Environment and Climate Change Canada (ECCC)
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1. Has your department or agency considered whether it has an interest in 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 (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

   Specify as appropriate.

   ECCC has not previously considered the Project, exercised a power or performed a duty, or taken any course of action as part of the Project.

2. 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 that power, duty or function and its legislative source.

   Based on the available information, ECCC does not expect that it will be required to exercise a power or perform a duty or function related to the Project to enable it to proceed. Once the scope of the Project and of the assessment are established by the Agency, this may change as additional activities or Project components could come into scope. Information on the *Migratory Birds Convention Act* and *Species at Risk Act* are provided below. With regards to the SARA; because the Project is not located on federal lands and there are no SARA orders in place, only the SARA prohibitions pertaining to migratory birds would apply and would not apply to critical habitat unless an order is put in place.

   Migratory Birds Convention Act permits
   The Migratory Birds Convention Act 1994 protects migratory birds and their eggs and nests, wherever they occur, regardless of land tenure. The incidental take of migratory birds is a general prohibition and not a permit-able activity. In rare instances, migratory bird permits may be required for activities that affect human health and safety, and that may cause injury to the use of the land, however the potential for permitting in these areas is anticipated to be case specific and at discreet locations, and unrelated to whether the Project is able to proceed.

***Species at Risk Act* permits**

For species listed in Schedule 1 of the Species at Risk Act (SARA) as Extirpated, Endangered or Threatened, a permit may be required from ECCC (section 73 of SARA) for activities that affect a listed terrestrial wildlife species, any part of its critical habitat, or the residences of its individuals, where those prohibitions are in place. Such permits may only be issued: if all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted; all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals; and if the activity will not jeopardize the survival or recovery of the species. Permits are also required by those persons conducting activities that contravene the critical habitat destruction prohibitions (subsection 58(1)).

Prohibitions are in place for individuals and residences on federal lands in a province, reserve or any other lands under the Indian Act, or lands under the authority of the Minister of the Environment, and for birds listed under the Migratory Birds Convention Act, 1994 wherever they occur regardless of land tenure.

Furthermore, prohibitions may be in force on land other than federal land pursuant to other orders or regulations under SARA. It is possible that further prohibitions may come into force in the future through orders in Council for individuals, residences and critical habitat on non-federal lands and / or through ministerial order for critical habitat on federal lands. It is also possible that, over the course of the assessment or after the assessment, additional species could be listed under SARA; permits may be required for project activities that affect these additional species. Proponents are advised to monitor for such developments on the SARA Registry https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html.

Examples of activities that could require a Species at Risk Act permit include:

- Species surveys that would affect individuals or residences;
- Site preparation (clearing, grubbing, site access, staging, blasting);
- Construction and operation of temporary and permanent works and infrastructure;
- Creation of new roads, rail lines, or power lines;
- Infilling of wetlands or watercourses;
- Any monitoring that requires capture/release of individuals; and
- Sensory disturbance effects (artificial lighting, noise, vibration, human activity, vehicular traffic).

ECCC will require detailed information on the potential effects of the Project, including locations and/or occurrences of species at risk, their use of habitat and critical habitat within the Project area, and specific effects on federal land, before ECCC can determine whether a SARA permit is required.

Links to publicly available documents:

- Guidelines for permitting under Section 73 of Species at Risk Act
https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/policies-guidelines/permitting-under-section-73.html

- Species at Risk Permitting Policy
https://species-registry.canada.ca/index-en.html#/consultations/2983

If a permit is issued, the description of the activity and how SARA's preconditions were met will be posted on the SARA Registry here: https://species-registry.canada.ca/index-en.html#/permits

The Proponent is encouraged to collect and submit the information necessary to determine if a SARA permit is required during the impact assessment process, and to submit their application well in advance of the proposed activities to avoid delays.

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2. SACC - https://www.strategicassessmentclimatechange.ca/16736/widgets/65686/documents/40846
3. draft Technical Guide Related to the Strategic Assessment of Climate Change - https://www.strategicassessmentclimatechange.ca/24391/widgets/98155/documents/62220
4. 2019 SK2 Central Boreal Caribou Range Plan - https://publications.saskatchewan.ca/api/v1/products/101694/formats/112399/download
5. ECCC-SK s.11 Boreal Caribou Conservation Agreement - https://wildlife-species.canada.ca/species-risk-registry/document/default_e.cfm?documentID=3384

3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

   Specify as appropriate.

   As per Question 2 above, it is unlikely that a SARA permit will be required. If a SARA permit is required for this Project, ECCC may require public and Indigenous consultation related to the issuance of a SARA permit during the impact assessment process and will determine and action accordingly.

4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

   Specify as appropriate.

   ECCC has specialist or expert information that may be relevant to the Project in the areas listed below; in each of these subject areas we have expertise related to establishing an adequate baseline, assessing potential effects to biophysical valued components, effectiveness of mitigation measures, methods for monitoring and follow-up, as well as information regarding federal policies, standards, and regulations that may be relevant to the assessment. This list may change if additional Project activities or components should come into scope.

   Air Quality: ambient air quality; sources of emissions; emissions estimation and measurement; dispersion modelling; and follow-up monitoring.

   Greenhouse gas emissions and climate change: estimations of greenhouse gas (GHG) emissions (net and upstream); carbon sinks; GHG mitigation measures and determination of Best Available Technologies/Best Environmental Practices (BAT/BEP); credible plans to achieve net-zero GHG emissions by 2050; climate change science to inform evaluation of potential changes to the environment and project resilience to effects of climate change; climate change policies; and national GHG projections.

   Water quality and quantity: surface water quality insofar as it could affect fish and fish habitat; water quality predictions and modelling; contaminant sources for surface water; wastewater, seepage and runoff effects; management of contaminated soils or sediments; erosion and sedimentation; water impoundment; seasonal variation in water quality; nutrient effects; interactions and effects of groundwater on surface water quality; hydrology (streamflow rates data and modelling, flooding and extreme events management, drainage control, water levels, water balances); geochemistry; follow-up and monitoring.

   Wildlife, species at risk, and habitat: migratory birds, their nests, eggs, and habitat; COSEWIC[1] assessed species, SARA listed species at risk, individuals, their residences, habitat and critical habitat including recovery strategies, action plans and management plans; ecological function of wetlands; ecotoxicology.

   Environmental emergencies: emergency management planning and guidance; atmospheric transport and dispersion modelling of contaminants in air; fate and behaviour, hydrologic trajectory modelling of contaminants in water.

   Climate and Meteorology: long-term climate patterns and norms.

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5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

Provide an overview of the information or advice exchanged.

Based on information readily available, ECCC-PNR has not been involved with the Proponent or other parties that would be relevant to the assessment of this Project.

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6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of IAA? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

Specify as appropriate.

Air quality

The proposed Project involves on-road vehicles and mobile off-road machines for construction, operation and decommissioning, which will lead to an increase in road traffic (e.g. hauling of material by truck), and have the potential to adversely affect air quality. More specifically, the combustion of fossil fuels can result in the emission of air contaminants such as sulfur oxides (SOx), nitrogen oxides (NOx), volatile organic compounds (VOCs), and fine particulate matter (PM2.5). Activities which cause a physical disturbance to land, such as earth moving, land clearing and transportation, can also introduce particulate matter (e.g. dust) to the surrounding region. The emission of these air pollutants can result in local or regional degradation of ambient air quality, with potential impacts on sensitive ecosystem receptors. Furthermore, emissions of air contaminants as a result of this Project may add cumulatively to the emissions from other activities, contributing to degradation of air quality in the region.

When contaminants settle out of the air in the surrounding environment, their deposition may result in adverse impacts to terrestrial and aquatic ecosystems. For example, emissions of NOx and SO2 may lead to acidification and potential exceedance of ecosystems' critical loads. Air contaminant emissions can result in contamination of nearby land and waterbodies, and may affect sensitive ecosystem receptors.

Greenhouse Gas Emissions and Climate Change

The construction, operation, and decommissioning of the proposed Project may result in greenhouse gas (GHG) emissions, or impact to carbon sinks, and may hinder or contribute to the Government of Canada's ability to meet its commitments in respect of climate change. Furthermore, the Project has the potential to be affected by future climate change, possibly resulting in impacts to the environment. Climate change may alter the likelihood or magnitude of sudden weather events such as extreme precipitation that can contribute to flooding, as well as contribute to longer-term changes such as sea level rise, permafrost thaw and changes to migration patterns. Changes related to warming are already evident in many parts of Canada, and are projected to continue in the future with further warming.

The Strategic Assessment of Climate Change (SACC)[2] (published in 2020) provides guidance related to climate change throughout the impact assessment process. The SACC outlines information that the Proponent should provide during the impact assessment process on GHG emissions, impact of the Project on carbon sinks, impact of the Project on federal emissions reduction efforts and on global GHG emissions, GHG mitigation measures and climate change resilience; the circumstances in which an upstream GHG assessment would be required; and the circumstances in which a credible plan to achieve net-zero emissions by 2050 will be required.

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More details are provided in the draft *Technical Guide Related to the Strategic Assessment of Climate Change: Guidance on quantification of net GHG emissions, impact on carbon sinks, mitigation measures, net-zero plan and upstream GHG assessment*[3] published in August 2021.

Climate Change Resilience

Given projected changes in future climate for the Project area, climate change considerations are relevant to the Project review. There is potential for climate change to effect the Project, which in turn, may have impacts on the surrounding environment (e.g. through accidents or malfunctions). Climate changes in the Project area, such as possible changes in mean and extreme precipitation and temperature and related environmental conditions, may alter baseline conditions, with implications for climate sensitive aspects of Project design and associated effects on the environment, including the hydrological regime.

Water Quality and Quantity

The activities linked to the construction, operation, and decommissioning of the Project can have adverse effects on the quality of groundwater and surface water, as well as on the hydrological regimes of watercourses and water bodies.

The Project includes construction of a drainage network, which will include sedimentation ponds, a main collector ditch, and secondary ditches. Water drained from peat is proposed to be collected in sedimentation ponds via the drainage ditches and discharged to natural watercourses. These activities could result in erosion and sedimentation, increases in suspended solids, changes in pH, and mobilization of other contaminants to surrounding waters, resulting in adverse effects on water quality. The deposition of airborne particulate matter generated by the Project could also be a source of surface water contamination.

Surface water quantities could be changed by alteration of surface flows, potentially affecting water quality. Constructing watercourse crossings, constructing and maintaining access roads, excavating or reworking of soils, sediments or rocks, and harvesting of peat may result in the deposit or mobilization of contaminants to watercourses and water bodies and result in adverse effects on water quality. Disturbances to the natural flow of surface water such as water impoundment, installation of drainage ditches, diversion, crossing of watercourses, or removal of peat could have effects on the quantity, availability and hydrological regimes of watercourses and waterbodies. The extent and significance of this impact depends on the extent of active disturbance and success of progressive reclamation. Removal of peatlands may also reduce the natural treatment and filtering capacity of the area, potentially resulting in poorer water quality downstream.

Disturbing soils, rock, streambanks and wetlands during Project activities may cause erosion and result in deposition of soils and sediments to waterbodies. Soils and sediments can also enter waterbodies through streambed disturbance. These suspended solids can have adverse effects on water quality.

Contaminants may be introduced into waterbodies through wastewater discharge, groundwater resurgence, or spills resulting in adverse effects on water quality.

Wildlife, species at risk, and habitat

The activities linked to the construction, operation, and decommissioning of the Project could have negative effects on terrestrial wildlife, including migratory birds and species at risk (amphibians, arthropods, birds, lichens, terrestrial mammals, mosses, reptiles, and vascular plants) listed on the Species at Risk Act (SARA), and their habitat (e.g. wetlands) and critical habitat.

More specifically, the Project is likely to affect critical habitat for the federal SK2 boreal caribou range as identified in the Federal Recovery Strategy for Woodland Caribou Boreal population. The SK2

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range is identified as 55% undisturbed which is below the minimum 65% undisturbed management threshold, although only 20% of that disturbance was identified as anthropogenic based on 2015 data; the disturbance is likely greater now. ECCC assessed the range to be "as likely as not" self-sustaining in the Federal Recovery Strategy. The rate of population decline in recent years (2017-2019) is around 30% per year (based on SK's 2021 Population Trend Analysis).

The province's 2019 SK2 Central Boreal Caribou Range Plan[4] includes management goals of "reducing the amount of human-caused disturbance below current levels," and maintaining >80% high potential habitat across the range. This Project would conflict with those management goals, and would likely make it challenging for the province to meet their commitments under the ECCC-SK s.11 Boreal Caribou Conservation Agreement[5].

Based on information in the SK2 Central Range Plan, all of the proposed Project cluster sites overlap with areas of current caribou use and most sites, if not all, overlap with important caribou habitat (based on habitat potential and type of seasonal use by caribou). The Project sites have direct overlap with good biophysical habitat for caribou (i.e., areas with high potential to provide forage, refuge, and calving habitat, good habitat suitability for caribou) and at least a portion of the cluster sites will occur in undisturbed areas, currently outside the 500 m buffer of other footprints. Some of the sites appear to have considerable overlap with 'late-winter, calving and post-calving' caribou habitat.

Cluster site 3 is within important Tier 2 caribou habitat that has management objectives for habitat restoration. Cluster site 4 is in Tier 3 habitat that is important for maintaining connectivity, however, it is also located adjacent high quality Tier 1 caribou habitat that is important for habitat retention (preferred deferral or avoidance areas for industrial developments or other land uses). Habitat restoration in peatland areas will be challenging, if not impossible. Cluster sites 10 and 11 appear in the provincial 2019 SK2 Central Boreal Caribou Range Plan[4] to be located in habitat management areas where the objective is to maintain connectivity – although these areas also contain high potential habitat.

Without appropriate mitigation for caribou (including but not limited to alternative project siting, offsetting or other measures), the Project would not be consistent with the Federal Recovery Strategy, the Saskatchewan Range Plan or the ECCC-Saskatchewan Section 11 agreement, and would contribute to the cumulative loss of critical habitat in the SK2 caribou range and fall further away from the minimum 65% undisturbed habitat threshold which has been defined as necessary for the survival and recovery of the species.

The nature of effects to wildlife and habitat (including residences and critical habitat defined under the Species at Risk Act) can vary based on a number of factors, including: project location, duration, scale, and configuration; ancillary project activities (land clearing, dredging, flaring, marine shipping); existing cumulative effects; the type of habitat that may be disturbed; and sensitivity of species found in the Project area. The pathway through which potential effects are conveyed will depend on the land, air, and water constituents associated with the site along with the behavioural adaptability, presence and interaction with the species limiting factor (e.g., habitat supporting staging, nesting, roosting or foraging) and population resilience.

Migratory birds and species at risk and their habitat

Individual mortality and the destruction of nests and eggs or any other structure necessary for the reproduction and survival of species at risk could occur during all Project phases, particularly during site preparation, operation and Project decommissioning. Mortality in migratory birds and species at risk could also occur because of collisions with vehicles or infrastructure related to the Project. Accidental oil or chemical spills could also have adverse effects if these substances make their way into the habitats frequented by migratory birds and species at risk. There is a higher risk that these effects would be more severe for migratory birds that are also species at risk and species where habitat is sensitive to disturbance (e.g., wetlands) or where there is already a high degree of cumulative effects to habitat or individuals.

Migratory birds and species at risk could be affected by sensory disturbances during the construction, operation, and decommissioning of the Project. Some examples of potential sources of sensory

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disturbance include noise from various project activities, lights, vibrations from excavation work and the operation of machinery, as well as the presence of workers. The amount, duration, frequency, and timing of noise are important to understand potential effects. Sensory disturbance may make adjacent habitats unsuitable for use by wildlife and cause avoidance effects in many species.

The Project can cause the loss, fragmentation and alteration of habitat, and can negatively impact the reproduction, migration and wintering of affected species. There is the potential for removal of habitat important for nesting, foraging, staging, and overwintering migratory birds. The P**roject's** disturbances may also have other negative effects on wildlife, particularly by facilitating the movement of predators in the area, thereby increasing predator abundance, distribution and hunting efficiency or creating connectivity issues within the habitat. The construction of the Project may also promote access to the region and increased hunting pressure, which may affect wildlife. Where a project requires new road infrastructure or an increase in capacity to existing road networks, the increase in road traffic volumes are likely to result in an increase in wildlife injury, mortality, and the introduction of invasive species and hunters/poachers.

Wetlands

The activities linked to the construction, operation, and decommissioning of a linear disturbance could have negative effects on wetlands and their ecological functions that are important to migratory birds and boreal caribou. Carrying out the Project, particularly the activities related to construction, is likely to alter the existing hydrological regimes essential for maintaining wetlands and thus affect the quality or availability of habitat for migratory birds and other wildlife. The destruction and modification of wetlands is likely to cause negative effects on or harm migratory birds and species at risk that use these areas for breeding and migration, as well as for foraging or resting areas. Destruction of bogs and fens will reduce habitat for caribou. The Project may be likely to create introduction and dispersal pathways for invasive species. The spread of invasive species may pose a threat to wetlands.

Environmental Emergencies

The proposed harvesting Project includes construction of roads, including internal bog roads, a drainage network including sedimentation ponds, site clearing, mulching, and grading and peat harvesting (pulled by tractors), ancillary infrastructure, and maintenance and reclamation activities. An aboveground storage tank for fuel storage will be on site. As such, there is potential for adverse environmental effects from accidents and malfunctions, such as spills from fuelling activities or leaking equipment, failure of sedimentation ponds, and stockpiling peat (heating).

Optimized spill prevention, preparedness and response measures and systems will be important given the risk of spills of hazardous substances to the environment, especially to nearby waterways and environmentally sensitive areas.

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7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Project? In particular, the following issues have been raised by the requestor:
    - effects to fish and fish habitats due to reduction in the volume of water, reduction in water filtration capacity of the watershed, and change in natural stream flow;
    - adverse effects on migratory birds and species at risk and their critical habitats (including the following threatened species at risk: Northern Leopard Frog, Common Nighthawk, Rusty Blackbird, and the boreal population of Woodland Caribou);
    - contribution to climate change due to greenhouse gas emissions and loss of carbon sequestration capacity;
    - adverse impacts on the rights of Indigenous peoples; and,
    - lack of consultation by the Crown.

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If yes, please specify the program or authority.

Please see answers to Question 6.

- ☐ *Fisheries Act:* Environment and Climate Change Canada administers Section 36(3) of the *Fisheries Act*, which prohibits the deposit of deleterious substances into waters frequented by fish, unless the deposit is authorized by regulations. The owner/operator will be required to ensure there are no deposits of deleterious substances that would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish.

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8. Does your department or agency have information about the interests of Indigenous groups in the vicinity of the Project; the exercise of their rights protected by section 35 of the *Constitution Act, 1982*; and/or any consultation and accommodation undertaken, underway, or anticipated to address adverse impacts to the section 35 rights of the Indigenous groups?

   If yes, please specify.

   No, ECCC does not have information about the interests of Indigenous groups in the vicinity of the Project as they relate to the Project.

9. If your department has guidance material that would be helpful to the proponent or the Agency, please include these as attachments or hyperlinks in your response.

   ECCC Suggested hyperlinks

   Species at risk public registry - Canada.ca
   https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html

   Recovery Strategy for the Woodland Caribou (Rangifer tarandus caribou), Boreal Population, in Canada
   https://wildlife-species.canada.ca/species-risk-registry/virtual_sara/files/plans/Rs-CaribouBorealeAmdMod-v01-2020Dec-Eng .pdf

   Range Plan for Woodland Caribou in Saskatchewan - SK2 Central Administration Unit and Appendices https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/wildlife-and-conservation/wildlife-species-at-risk/woodland-caribou

   SK2 Central Population Trend Analysis for Boreal Caribou
   https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/wildlife-and-conservation/wildlife-species-at-risk/woodland-caribou

   ECCC's Guidelines to Reduce Risk to Migratory Birds
   https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html

   Federal Sustainable Development Strategy
   https://www.fsds-sfdd.ca

   Strategic Assessment of Climate Change
   https://www.strategicassessmentclimatechange.ca/

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Attachment 1

Table 1: Preliminary list of Species at Risk with potential to interact with the Project based on the location of identified critical habitat, recorded species occurrences, and/or spatial overlap with described species ranges. Subject to review as further project information becomes available.

SPECIES AT RISK	Federal Legislation	POTENTIAL PROJECT IMPACT
Woodland caribou* Threatened	-	Moderate
Little brown myotis* Endangered	-	Low
Northern myotis* Endangered	-	Low
Wolverine* Special Concern	-	Low
Yellow Rail Special Concern	MBCA	Low
Common nighthawk Threatened	MBCA	Low
Horned Grebe Special Concern	MBCA	Low
Canada Warbler Threatened	MBCA	Low
Evening grosbeak Special Concern	MBCA	Low
Olive-sided flycatcher Threatened	MBCA	Low
Rusty Blackbird* Special Concern	MBCA	Low
Short-eared Owl* Special Concern	-	Low
Northern Leopard Frog* Special Concern	-	Low
Yellow-banded bumble bee* Special Concern	-	Low
Transverse Lady Beetle* Special Concern	-	Low

* These species fall under the management authority of the provinces.

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