

ATTACHMENT: April 25, 2023
Federal Authority Advice Record

Response due by May 25, 2023

Aspen Power Station Project, Saskatchewan Power Corporation
Agency File: 84525

Department/Agency	Transport 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.

It is unclear whether Transport Canada will be required to exercise a power or perform a duty or function. Approval may be required under the *Canadian Navigable Waters Act (CNWA)*, should any project components associated with incidental activities, such as the 25 kV distribution power line and the 230 kV transmission power line, impact navigable waterways. If the project may impact a navigable waterway, the proponent should use the Project Review Tool on the Navigation Protection Program (NPP)'s External Submission Site (<https://npp-submissions-demandes-ppn.tc.canada.ca/projectreview-outildexamenduprojet>). This tool is designed to help a proponent understand their requirements under the CNWA.

1b. Please describe any Indigenous or public consultation that will be undertaken in relation to the exercise of that power, duty or function, including when it would take place.

If the proponent requires an approval from Transport Canada under the CNWA, the department will consider consultation activities undertaken through the impact assessment process, if one occurs. If Transport Canada determines that additional consultation is needed, the department would conduct this before a CNWA approval is issued.

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 the specialist or expert information or knowledge.

Transport Canada's Navigation Protection Program (NPP) may be able to provide specialist or expert information or knowledge with respect to the *Canadian Navigable Waters Act (CNWA)* and impacts to navigation.

In addition to potential requirements related to the CNWA, Section 18.1 of the Initial Project Description notes the following:

SaskPower may be required to submit an Aeronautical Assessment Form for Obstruction Marking and Lighting to Transport Canada.

- Transport Canada can provide expert information or knowledge with respect to the Canadian Aviation Regulations, upon request.

All pipelines (including utilities) that cross under railways must be installed, repaired, maintained, and removed in a safe manner, and must conform with the requirements stated within the Standards Respecting Pipeline Crossings Under Railways.

- Transport Canada can provide expert information or knowledge with respect to the *Railway Safety Act*, upon request.
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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?

Specify.

Transport Canada has not previously 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.

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

Provide an overview of the information or advice exchanged.

No, Transport Canada has not had previous contact or involvement with the proponent or other parties in relation to the Project.

5. Does your department or agency have additional information or knowledge not specified, above, including information on the geographic, environmental, economic or social context of the project? (e.g. location of protected or sensitive areas, previous history between local communities and proponent or similar projects, local or regional social or economic concerns)?

Specify as appropriate.

No, Transport Canada does not have any additional information or knowledge to provide.

6. What are the key issues likely to be relevant to the public interest decision, based on the mandate and area(s) of expertise of your department, and which should be addressed in an impact assessment of the Project, should the Agency determine that one is required?

For each key issue:

- Describe the effect or the nature of the issue, including any relevant context;
- Provide the rationale and/or evidence for why it is a key issue;
- Identify briefly solutions to the issue, including any information or studies that should be required in the Tailored Impact Statement Guidelines, potential mitigation measures, and/or regulatory requirements relevant to the issue;
- Provide a concise, plain-language summary of the issue for inclusion in the Summary of Issues.

The information provided will be used by the Agency to determine if and an impact assessment is required and where appropriate to develop project-specific draft Tailored Impact Statement Guidelines that focus on the key issues likely to be relevant to the public interest decision.

Please use table 1 to respond to this question

7. Where possible, identify any clarifications or additional information the Proponent could include in the Detailed Project Description or in the response to the Summary of Issues that would:
- give confidence that an issue or effect could be addressed and managed;
 - inform the decision as to whether an impact assessment is required; or
 - aid in tailoring the Impact Statement Guidelines, if an impact assessment is required.

These clarifications and additional information will be included as specific questions in the Summary of Issues provided to the proponent

Please use table 2 to respond to this question

Jackie Barker

Name of Departmental / Agency
Responder

Regional Environmental Advisor

Title of Responder

May 16, 2023

Date

Table 1: Key Issues to inform decision-making

The Agency asks that federal authorities align expert advice with the Agency’s approach to tailoring, which focuses on key issues or effects that are likely to be relevant to the public interest decision. In identifying key issues, federal authorities should be mindful of the Project’s context (size, scope, location), Indigenous knowledge and perspectives, and public concerns. Key issues that may be relevant to the public interest decision include:

- effects that may be significant, based on federal experts’ knowledge and experience with past projects;
- effects that may impact Indigenous peoples and their rights, based on Indigenous knowledge and perspectives or experience with past projects;
- effects on key species or habitats (e.g. at risk, important to Indigenous communities, commercial importance, provide important ecosystem function);
- issues or effects that may result from novel project activities, components or technology;
- effects with large uncertainties, including in the effectiveness of mitigation measures;
- transboundary effects where mitigation measures are limited;
- positive effects, including where project may support other governmental priorities, including reconciliation with Indigenous peoples; and
- key concerns raised by Indigenous or local communities.

Effects that are anticipated to be minor or which can be managed using well understood mitigation measures, existing guidance, and/or other regulatory processes may have simplified information requirements or may be removed entirely. Measured advice from federal authorities on key issues and solutions —and on the scope and detail of any required information and studies — will enable the Agency to focus assessments on issues that are important to participants and to decision-makers.

Comment ID	Valued Component or Factor to Consider	Description of Key Issue (Context and Rationale)	Solutions	Plain language summary for inclusion in Summary of Issues
<p><i>Please identify comments by organization and comment number.</i></p> <p><i>e.g.: IAAC-01</i></p>	<p><i>Identify valued component(s) or factor to consider—within the mandate of your department or agency—to which the effect or issue applies.</i></p>	<p><i>Provide a brief description of the issue and rationale for being a key issue.</i></p> <p><i>Include, where relevant,:</i></p> <ul style="list-style-type: none"> • <i>the pathway of effects;</i> • <i>social, economic or environmental context which are relevant to it being a key issue;</i> • <i>key uncertainties that should be addressed in the impact assessment;</i> • <i>Indigenous or public concerns or perspective;</i> • <i>potential for differential effects among diverse subgroups;</i> • <i>scientific evidence or traditional knowledge, including from past project experience, which supports inclusion as a key issue.</i> 	<p><i>Where applicable, briefly identify solutions to address the potential issue or effects including</i></p> <ul style="list-style-type: none"> • <i>Information or studies required to describe and characterize the effect, should an impact assessment be required; including any guidance for data collection and/or analysis or existing data sources to inform the assessment;</i> • <i>Any powers, duties or functions that your department or agency has that may mitigate, manage, or set conditions related to the effect;</i> • <i>Guidance or policies for mitigating effects or any standard and well-understood mitigation measures that would address the effect, including follow-up monitoring activities; and/or</i> • <i>Commitments the proponent could make to respond to the issue.</i> <p><i>Where available, please refer to existing text in the TISG template.</i></p>	<p><i>For issues to be included in the Summary of Issues, provide a concise, plain language synopsis of the key issue and any questions or directions for the proponent.</i></p>
TC-01	Navigation	It is unclear whether any project components, including incidental activities, may occur in, on, under, over, through or across navigable waterways. If so, there is potential for interference with navigation during construction and operation.	<p>Per Section 10.2.4 of the Tailored Impact Statement Guidelines, the Impact Statement must:</p> <ul style="list-style-type: none"> • describe navigable waterways that could be impacted by the project; • describe ancillary project components that will be constructed in, on, under, over, through or across navigable waterways to support the project; • describe potentially affected waterway users and describe consultation with waterway users and Indigenous groups regarding navigational use, issues raised and how issues were addressed; and • describe project effects to navigation and navigation safety. 	The proponent should confirm whether any project component, including incidental activities, may impact a navigable waterway. If so, Transport Canada will need further information on potential effects on navigation on all navigable waterways during all project phases, including proposed mitigation measures.

			<p>Note: If, prior to the completion of the Impact Statement, the proponent uses Transport Canada's self-assessment tool (see Q. 1 above), and determines that no navigable waterways will be impacted by the project, Transport Canada does not require the information as outlined in Section 10.2.4 of the TISGs.</p>	
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Please insert additional rows as necessary.

Table 2. Clarifications or additional information the Proponent could include in the Detailed Project Description or in the response to Summary of Issues

Comment ID	Relevant section of the Initial Project Description	Description of Issue, Concern or Uncertainty	Clarification or additional information	Plain language summary for inclusion in Summary of Issues
<p>Please identify comments by organization and comment number.</p> <p>e.g.: IAAC-01</p>	<p>If the comment is related to a specific section of the Initial Project Description, please provide a reference.</p> <p>You may also choose to copy the relevant text here.</p>	<p>Provide a description of the issue, concern or uncertainty the proponent could address in their detailed project description that would give confidence that the issue will be addressed and managed, or which could aid in tailoring the Guidelines</p>	<p>Provide recommended clarification or additional information to be included in the Detailed Project Description to address the issue, concern or uncertainty, for example</p> <ul style="list-style-type: none"> • Clarifications to project description (e.g. components, activities, locations or alternatives); • Project design changes that could avoid effects; • Evidence that could be presented to demonstrate there is no effect pathway or that effects will be negligible; • Evidence that standard mitigations will address potential effects; • Commitments the proponent could make to respond to the issue, including the implementation of federal operational policies or guidance documents. 	<p>For issues to be included in the Summary of Issues, provide a concise, plain language synopsis of the issue and of the question or direction for the proponent.</p>
TC-02	Navigation	<p>It is unclear whether any project components, including incidental activities, may occur in, on, under, over, through or across navigable waterways. If so, there is potential for interference with navigation during construction and operation.</p> <p>The Initial Project Description (IPD) indicates there may be incidental activities such as power lines, road improvements, water supply pipeline, and natural gas lines but does not provide any details regarding potential watercourse crossings associated with those components nor does the IPD specify any required <i>Canadian Navigable Waters Act</i> (CNWA) approvals in Table 18-1. The IPD also does not describe potential effects and mitigation measures related to navigation.</p> <p>TC understands that the level of detail provided in the IPD is reflective of the relatively early stage in the planning process. However, given the extremely limited description, it is difficult to provide any specific comments on the assessment of potential effects to navigation or the adequacy of mitigation.</p>	<p>The Detailed Project Description (DPD) should include information about the historic, current, and potential future navigational use of all navigable waterways potentially affected by the project, such as by watercourse crossings. If a waterway(s) where a project component(s), including incidental activity(ies), may occur in, on, under, over, through or across is not navigable, the DPD should state so.</p> <p>To identify if the project may impact a navigable waterway, the proponent should use the Project Review Tool on the Navigation Protection Program (NPP)'s External Submission Site (https://npp-submissions-demandes-ppn.tc.canada.ca/projectreview-outildexamenduprojet). As discussed above, the results of this review should be reported in the DPD.</p> <p>Should the proponent determine they may have obligations under the CNWA, the proponent is encouraged to reach out to the regional NPP office to discuss how design changes may minimize impacts to navigation. As an example, project components and incidental activities may be able to be designed to meet the relevant requirements of the Minor Works Order under the <i>Canadian Navigable Waters Act</i> (CNWA) (https://laws.justice.gc.ca/eng/regulations/SOR-2021-170/index.html). As described in the Minor Works Order, minor works “are likely to slightly interfere with navigation.”</p>	<p>The proponent should confirm whether any project component, including incidental activities, may impact a navigable waterway. If so, Transport Canada will need further information on potential effects on navigation on all navigable waterways during all project phases, including proposed mitigation measures.</p>

Please insert additional rows as necessary.