

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	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.

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.

Yes, if the project has the potential to result in the death of fish and/or the harmful alteration, disruption or destruction (HADD) of fish habitat which are prohibitions under paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* and must be authorized by DFO before the proponent can proceed with the work. DFO is also responsible for ensuring compliance with the prohibitions under that the *Species at Risk Act* (SARA) for aquatic species. Indigenous consultation is required related to *Fisheries Act* authorizations and may be required for SARA permits.

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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 the specialist or expert information or knowledge.

Yes, DFO administers and ensures compliance of development projects in or near water that can affect fish and fish habitat under the provisions of the *Fisheries Act* relating to the protection of fish and fish habitat and related provisions of the *Species at Risk Act*.

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.

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: an enquiry about methodology, guidance, or data; introduction to the project)

Provide an overview of the information or advice exchanged.

No.

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.

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

Department of Fisheries and Oceans
Name of Departmental / Agency
Responder

Biologist
Title of Responder

May 25, 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>
DFO-01	Fish and Fish Habitat – potential effects to fish and fish habitat at the water source related to water use during project operation.	Water use was identified in the project description as a requirement of the project during operation. Water withdrawal has the potential to impact fish and fish habitat within the water source by altering flow and entraining fish resulting changes to fish habitat and mortality. It is unclear how the proponent is considering these effects.	<p>The water source for each stage of the Project, along with the timing and amount of water consumed throughout all works, undertakings, and activities must be identified.</p> <p>The proponent must precisely determine the anticipated effects of water withdrawal on fish and fish habitat in all watercourses and bodies of water directly or indirectly affected or likely to be affected, including, but not limited to, the harmful alteration, disruption or destruction (HADD) of fish habitat and/or death of fish caused by water withdrawal through a pipeline. Further effects to fish from water withdrawal can be changes in migration, change in access to habitats, and displacement and/or stranding.</p>	<p>Water withdrawal for project operation may impact fish and fish habitat.</p> <p>Project description should include information on how the proposed water withdrawal during project operation may affect fish and fish habitat at the water source and related water bodies.</p>

			<p>The intake end of the water supply pipeline can prevent entrainment of fish due to water withdrawal by the use a fish screen.</p> <p>Information on fish screens: https://www.dfo-mpo.gc.ca/pnw-ppe/codes/screen-ecran-eng.html</p>	
DFO-02	<p>Fish and Fish Habitat – potential effects to fish and fish habitat related to the installation and operation of the natural gas pipeline that is required to supply natural gas for the operation of the proposed power plant.</p>	<p>The routing and operation of the gas supply lines may affect fish and fish habitat if they cross watercourses and/or waterbodies, potentially impacting fish and fish habitat. Based on the project description the assessment and approval of the gas pipeline appears to be separate from the power plant assessment. As the pipeline is related to project, it should also be included in project assessment.</p>	<p>Need to provide routing details for the gas supply lines.</p> <p>If present, provide a list of all watercourses (permanent and intermittent) and bodies of water (lakes and ponds) that may be crossed by the gas supply lines. If present, provide information on the connectivity of these watercourses and bodies of water.</p> <p>If fish are present in the water source, the proponent must precisely determine the anticipated effects of encroachment of pipelines on fish and fish habitat in watercourses and bodies of water directly or indirectly affected or likely to be affected.</p>	<p>Installation and operation of a new natural gas pipeline will be required for the operation of proposed power plant. Potential effects to fish and fish habitat related to the pipeline should be included as part of the project assessment.</p>

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>
DFO-01	<p>9.4.5 Water Supply Infrastructure: The overall estimate for construction water consumption is approximately 55 million L (55,000 m3) as shown in Table 9-2.</p> <p>19.6 Fish and Fish Habitat: Given the distance to Dellwood Brook from the PDA, no interactions with fish or fish habitat are expected to occur.</p> <p>Appendix A: The Zelma or Dellwood Reservoir can supply additional water that's needed through a pipeline.</p>	<p>DFO must assess any potential effects to fish and fish habitat for all works, undertakings and activities related to a project. For this project, the water supply required for operation should be included in the project assessment in terms of potential effects to fish and fish habitat at the water source and should be reflected in the project footprint.</p>	<p>Provide information about all potential effects to fish and fish habitat at the water source that will supply water to the power plant during operation.</p> <p>Information should include all proposed measures to avoid and/or mitigate potential effects to fish and fish habitat, and any potential residual effects that may exist after the application of avoidance and mitigation measures.</p>	<p>Provide information on potential effects to fish and fish habitat at the water source used to supply water during project operation and how these effects will be addressed.</p>
DFO-02	<p>9.4.6 Natural Gas Infrastructure: TransGas is in the process of determining the infrastructure requirements to provide natural gas to the Project and will be the proponent for the construction of a proposed compressor station, meter station and natural gas supply pipeline (up to the SaskPower property boundary).The natural gas infrastructure is outside the care and control of SaskPower with no ability to direct or influence the activities.</p>	<p>DFO must assess any potential effects to fish and fish habitat for all works, undertakings and activities related to a project. For this project, a natural gas supply is required for operation and involves the installation and operation of a natural gas pipeline. For this project, the gas pipeline required for operation of the power plant should be included in the project assessment in terms of potential effects to fish and fish habitat and should be reflected in the project footprint.</p>	<p>Provide information about all potential effects to fish and fish habitat from the construction and operation of the natural gas pipeline that will supply natural gas to the power plant during operation.</p> <p>Information should include all proposed measures to avoid and/or mitigate potential effects to fish and fish habitat, and any potential residual effects that may exist after the application of avoidance and mitigation measures.</p>	<p>Provide information on potential effects to fish and fish habitat related to the installation and operation of the natural gas pipeline that will be used by power plant during operation and how these effects will be addressed.</p>

Please insert additional rows as necessary.