

ATTACHMENT: May 8, 2023

Federal Authority Advice Record

Response due by June 7, 2023

De Havilland Field Project, 2150038 Alberta Inc.

Agency File: 84552

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.

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.

Transport Canada may be required to exercise a power or perform a duty or function.

- 1) **To date, the proponent has followed *Canadian Aviation Regulation 307 – Aerodromes – Consultations*. At this stage, this is all the proponent is required to do. As discussed in further detail in Table 2, the aerodrome may require certification by Transport Canada if the proponent constructs a hotel or other structure within the Obstacle Limitation Surface.**
- 2) **Approval may be required under the *Canadian Navigable Waters Act (CNWA)*, should any project components 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-demands-ppn.tc.canada.ca/projectreview-outildexamenduprojet>). This tool is designed to help a proponent understand their requirements under the CNWA.**

b) 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.

Transport Canada's Civil Aviation Directorate can provide expert information or knowledge with respect to the Canadian Aviation Regulations.

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 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.

Transport Canada's Civil Aviation Directorate was aware of the project prior to IAAC's distribution of the draft IPD. To date, TC has discussed the project with the proponent and been very clear that any deviation from the Canadian Aviation Regulations will require the proponent to certify the aerodrome or change what it proposes to do.

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

Holly Poklitar

Name of Departmental / Agency
Responder

Regional Environmental Advisor

Title of Responder

June 7, 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.

			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.	
TC-02	Civil Aviation	Project may have potential to cause obstacles to air navigation during construction and operation, unless the proponent addresses all the information requested in Table 2.	There is nothing currently available in the TISG template. The proponent needs to address the missing information in the DPD.	The proponent should confirm whether any project component, including incidental activities, may have the potential to cause an obstacle to air navigation.

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>
<p>TC-03</p>	<p>Initial Project Description, Section 18 JURISDICTIONS THAT HAVE POWERS, DUTIES OR FUNCTIONS..., Table 9 (p. 44, PDF p. 50)</p> <p>One of the alternatives listed for water servicing, should no other source be available, is diversion from the Bow River.</p> <p>One of the options for wastewater servicing is constructing a new wastewater treatment facility at the Project site and discharging into the Bow River via a new force main.</p>	<p>Issue/Concern: Potential interference with navigation</p> <p>Rationale: Bow River is a navigable water. Works such as water intakes and discharges in navigable waters have potential to interfere with navigation and may require approval under the <i>Canadian Navigable Waters Act</i> (CNWA).</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>
<p>TC-04</p>	<p>Initial Project Description, Section 9.1 Construction (p. 27, PDF p. 33)</p> <p>Erection of buildings and hangars using typical industrial construction methods</p>	<p>Issue/Concern: Potential obstacle to air navigation</p> <p>Rationale: Buildings/hangars are potential obstacles to air navigation and must have lighting and/or marking to mitigate impacts to aviation safety.</p>	<p>The Detailed Project Description (DPD) should clearly describe how the project will meet Canadian Aviation Regulations Sections 301, 302, Aerodromes Standards and Recommended Practices - TP 312 5th Edition, including Standard 621 - Obstruction Marking and Lighting:</p> <p>https://tc.canada.ca/en/corporate-services/acts-regulations/list-regulations/canadian-aviation-regulations-sor-96-433/standards/standard-621-obstruction-marking-lighting-canadian-aviation-regulations-cars</p>	<p>The proponent should confirm the project will meet the requirements of the Canadian Aviation Regulations, including detailing how the lighting and marking of buildings and obstacles will be completed before flights begin.</p>

			Buildings must be adequately lit to ensure aviation safety. Balls must be placed on power lines around the approach paths and where needed.	
TC-05	<p>Initial Project Description, Section 9.2.2 Cell 2 and 9.2.3 Cell 3 (p. 24, PDF p. 30)</p> <p>Cell 2 and Cell 3: Commercial uses such as gas stations, convenience stores, hotels and restaurants</p>	<p>Issue/Concern: Potential obstacle to air navigation</p> <p>Rationale: A building, such as a hotel, is a potential obstacle to air navigation if located within the Obstacle Limitation Surface (OLS) of the aerodrome.</p> <p>*Obstacle limitation surface (OLS) as defined within Aerodromes Standards and Recommended Practices - TP 312 is:</p> <ul style="list-style-type: none"> • A surface that establishes the limit to which objects may project into the airspace associated with an aerodrome so that aircraft operations at the aerodrome may be conducted safely. OLS consist of the following: <ul style="list-style-type: none"> ○ Inner transitional surface. A complex surface extending lengthwise on the runway strip that extends upwards and outwards to the outer obstacle identification surface ○ Approach surface. An inclined plane preceding the threshold of a runway. ○ Take-off surface. An inclined plane beyond the end of the runway or clearway, if provided. ○ Transitional surface. A complex surface along the side of the runway strip and all or part of the side of the approach surface, that slopes upwards and outwards to a specified height. 	<p>The Detailed Project Description (DPD) should describe how the project will meet Canadian Aviation Regulations Sections 301, 302, Aerodromes Standards and Recommended Practices - TP 312 5th Edition.</p> <p>If a building, such as a hotel, is built within the Obstacle Limitation Surface*, the aerodrome will require certification by Transport Canada.</p>	<p>The proponent should confirm the project will meet the Canadian Aviation Regulations, including confirming that proposed buildings are not within the Obstacle Limitation Surface (OLS).</p> <p>If any proposed buildings are within the OLS, the proponent should include steps to pursue certification, as part of the project timeline.</p>
TC-06	<p>Initial Project Description - Section 12.2.4 Wastewater Servicing (p. 28, PDF p. 34) and Section 12.2.5 Stormwater Management (p. 29, PDF p. 35)</p> <p>The current plan is to use a wastewater treatment plant to treat wastewater. Treated effluent from the treatment plant would be temporarily stored in a treated effluent holding pond for subsequent use as irrigation water.</p>	<p>Issue/Concern: Potential obstacle to air navigation</p> <p>Rationale: Waterbodies, such as effluent holding ponds, have potential to attract birds, which pose a risk to aviation safety.</p>	<p>The Detailed Project Description should describe how the project will meet TP 1247 Aviation - Land Use in the Vicinity of Aerodromes:</p> <p>https://tc.canada.ca/en/aviation/publications/aviation-land-use-vicinity-aerodromes-tp-1247</p> <p>For additional information, refer to the following Section 3.2 as follows:</p> <p>3.2 Hazardous Land-use Acceptability</p> <p>Not all potentially hazardous activities possess the same level of potential risk and cannot be treated equally when planning land uses in the vicinity of an aerodrome. The acceptability of land use activities can be classified using specific zones created around the aerodrome property, as defined in Safety Above All - Safety Above All - A coordinated approach to airport-vicinity wildlife management.</p> <p>Primary Hazard Zones generally enclose airspace in which aircraft are at or below altitudes of 1500 feet AGL (above ground level). These are the altitudes most populated by hazardous birds, and at which collisions with birds have the potential to result in the greatest damage.</p> <p>Secondary Hazard Zones (4km beyond the Primary Hazard Zone) are buffers that account for:</p> <ul style="list-style-type: none"> ○ variables in pilot behaviour and technique; 	<p>The proponent should detail how the project will meet TP 1247 Aviation- Land Use in the Vicinity of Aerodromes.</p>

			<ul style="list-style-type: none"> ○ variations in departure and arrival paths that are influenced by environmental conditions, ATC (air traffic control) requirements, IFR versus VFR flight, etc.; and ○ unpredictability of bird behaviour, and variations in bird movements around specific land uses. <p>Special Hazard Zones, though often distant from aerodromes, may regularly attract potentially hazardous species across primary or secondary zones.</p>	
TC-07	<p>Initial Project Description, Section 12.2.6 Power Supply (p. 29, PDF p. 35)</p> <p>Proponent is proposing to use electricity from the Alberta's electricity transmission grid to supply power to the Project. Proponent is also considering the use of solar power and geothermal power at the Project site, but this would be supplemental to grid power, and not a primary source of electricity for the Project.</p>	<p>Issue/Concern: Potential obstacle to air navigation</p> <p>Rationale: If cells are reflective, glare could cause the following problems:</p> <ul style="list-style-type: none"> • Glare for pilots of aircraft approaching to, or departing from the aerodrome • Glare to ATC (Air Traffic Control) staff • Interference with electronic navigational aids • Penetration through transitional or approach/departure surfaces • Thermal plumes from the central tower of concentrated solar power installations 	<p>The Detailed Project Description should describe how project will meet TP 1247 Aviation - Land Use in the Vicinity of Aerodromes Part VIII - Solar Array Installations.</p> <p>https://tc.canada.ca/en/aviation/publications/aviation-land-use-vicinity-aerodromes-tp-1247</p>	<p>The proponent should detail how the project will meet TP 1247 Aviation - Land Use in the Vicinity of Aerodromes Part VIII - Solar Array Installations.</p>

Please insert additional rows as necessary.