

**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	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.

Based on the information provided, it is our understanding that there will be no in-water works related to this project. As such, it is not likely that Fisheries and Oceans Canada may be required to exercise a power or perform a duty of function to allow this project to proceed. Should works be proposed that may impact fish and fish habitat, we recommend that the proponent submit a Request for Review for DFO which outlines the specific impacts of the project on fish and fish habitat for review under the *Fisheries Act*.

DFO 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. It is unlikely that a permit will be required under the Species at Risk Act as there are currently no aquatic Species At Risk mapped for the project area as defined by this designation request.

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- 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.

It is our understanding that there will be no in-water works related to this project however, 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.

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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.

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.

As proposed, it is our understanding that there will be no in-water works related to this project. Should works be proposed that may impact fish and fish habitat, we recommend that this information be provided to DFO. For example, water crossings that may be required to access the site.

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. 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.

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

Provide an overview of the information or advice exchanged.

No. DFO has not had any previous contact or involvement with the proponent or other parties in relation to the Project.

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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

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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

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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

N/A – based on information provided, Project is unlikely to have impacts to Fish and Fish habitat, or SAR as proponent has stated the wetlands are not capable of supporting fish. No clarification or additional information required.

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Lisa Wren

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Name of Departmental / Agency  
Responder

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A/Team Leader, Triage and Planning  
Title of Responder

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12 June 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"> <li>• <i>the pathway of effects;</i></li> <li>• <i>social, economic or environmental context which are relevant to it being a key issue;</i></li> <li>• <i>key uncertainties that should be addressed in the impact assessment;</i></li> <li>• <i>Indigenous or public concerns or perspective;</i></li> <li>• <i>potential for differential effects among diverse subgroups;</i></li> <li>• <i>scientific evidence or traditional knowledge, including from past project experience, which supports inclusion as a key issue.</i></li> </ul>	<p><i>Where applicable, briefly identify solutions to address the potential issue or effects including</i></p> <ul style="list-style-type: none"> <li>• <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></li> <li>• <i>Any powers, duties or functions that your department or agency has that may mitigate, manage, or set conditions related to the effect;</i></li> <li>• <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></li> <li>• <i>Commitments the proponent could make to respond to the issue.</i></li> </ul> <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	A <i>Fisheries Act</i> 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 <i>Fisheries Act</i> paragraph 34.4(2)(b) Authorization if the project is likely to result in the death of fish. Fisheries and Oceans Canada reviews projects to ensure compliance with the <i>Fisheries Act</i> .	Proponent has stated that no fish-bearing waterbodies or watercourses were identified during field surveys.	As proposed in the Initial Project Description, the proposed project will not likely result in physical impacts to fish and fish habitat.  Should the proposed plans change or if some information has been omitted in the proposal, further review by the Program may be required.
DFO-02	Aquatic Species at Risk	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 <i>Species at Risk Act</i> .	No aquatic species or critical habitat is identified within the project area or the vicinity.	Based on the information received, DFO does not anticipate that a SAR Permit will be required.

DFO-03	Aquatic Invasive Species	Fisheries and Oceans Canada also reviews projects for the introduction of aquatic species into regions or bodies of water frequented by fish where they are not indigenous, which is prohibited under section 10 of the <i>Aquatic Invasive Species Regulations</i> .	The proposed works occur within the control zones for Prussian Carp and Goldfish.	<p>If a fish rescue is completed as part of the project, the following should be submitted as a report:</p> <ol style="list-style-type: none"> <li>1. Report any non-native species found</li> <li>2. Approximate quantity of non-native fish removed (number of fish)</li> <li>3. Size class(es) of non-native fish removed</li> </ol> <p>Pictures would enhance the ability to report all items, and is encouraged as part of the report.</p> <p>Please submit report to:  Nicole Kimmel, Aquatic Invasive Species Specialist  Fish &amp; Wildlife Policy Branch, Alberta Environment and Parks  24th Flr, Commerce Place  10155 102 St NW,  Edmonton, Alberta  T5J 4G8  <a href="mailto:aep.ais@gov.ab.ca">aep.ais@gov.ab.ca</a></p> <p>Clean, drain and dry any equipment used in the water and never move organisms or water from one body of water to another. Failure to ensure that these prohibitions are respected could lead to charges under the <i>Aquatic Invasive Species Regulations</i> and/or the <i>Fisheries Act</i>.</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><i>Please identify comments by organization and comment number.</i></p> <p>e.g.: IAAC-01</p>	<p><i>If the comment is related to a specific section of the Initial Project Description, please provide a reference.</i></p> <p><i>You may also choose to copy the relevant text here.</i></p>	<p><i>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</i></p>	<p><i>Provide recommended clarification or additional information to be included in the Detailed Project Description to address the issue, concern or uncertainty, for example</i></p> <ul style="list-style-type: none"> <li>• <i>Clarifications to project description (e.g. components, activities, locations or alternatives);</i></li> <li>• <i>Project design changes that could avoid effects;</i></li> <li>• <i>Evidence that could be presented to demonstrate there is no effect pathway or that effects will be negligible;</i></li> <li>• <i>Evidence that standard mitigations will address potential effects;</i></li> <li>• <i>Commitments the proponent could make to respond to the issue, including the implementation of federal operational policies or guidance documents.</i></li> </ul>	<p><i>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.</i></p>

*Please insert additional rows as necessary.*