

## Federal Authority Advice Record (FAAR)

**The FAAR must be submitted to the Registry by April 10, 2024.**

Summit Lake PG LNG Project – JX LNG Canada Ltd.

Agency File : 005908

Department/Agency	Fisheries and Oceans Canada
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1. a) 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.

Unknown – The Executive Summary of the Initial Project Description (IPD) states that the Project is being designed to have no direct impacts to water or aquatic life; however, Section 11.1 states that the Project has the potential to affect fish and fish habitat and aquatic species at risk. Authorization under Section 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* may be required if the death of fish or the harmful alteration, disruption, or destruction (HADD) of fish habitat resulting from works, undertakings or activities during the construction of the Project cannot be avoided or mitigated.

b) 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.

Consultation with Indigenous groups would be undertaken following DFO receipt of a complete and adequate application for a *Fisheries Act* authorization, if required, from the proponent.

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2. Is your department or agency in possession of specialist or expert information or knowledge in one of your fields of expertise that may be relevant to the conduct of an impact assessment of the Project?

Specify the specialist or expert information or knowledge.

Yes, DFO can provide specialist or expert information of knowledge on fish and fish habitat and aquatic species at risk.

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3. Has your department or agency 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?

Please specify if applicable.

No.

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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)?

Please provide an overview of the information or advice exchanged.

An introductory e-mail was sent to DFO on November 2, 2023, offering to meet to discuss the Project. DFO responded with an offer to engage if our expertise is required.

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

Please specify if applicable.

No.

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6. From the standpoint of your department's mandate and expertise, what are the main issues concerning the project?

For each key issue, please:

- 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;
- briefly provide solutions to the issue, including information or studies that, if applicable, should be requested to the proponent in the Tailored Impact Statement Guidelines, potential mitigation measures, or regulatory requirements relevant to the issues;
- provide a concise, plain-language summary of the issue for inclusion in the Summary of Issues.

The information provided will be taken into consideration by the Agency to formulate an opinion on whether an impact assessment is required and, if applicable, will be taken into account in developing project-specific Tailored Impact Statement Guidelines in the next steps of the impact assessment process.

Please use Table 1 to answer this question.

It is unclear whether there are issues concerning the Project with respect to DFO's mandate and expertise. The Executive Summary of the IPD states that the Project is being designed to have no direct impacts to water or aquatic life; however, Section 11.1 states that the Project has the potential to affect fish and fish habitat and aquatic species at risk. DFO provides a general comment in Table 2.

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7. If applicable, specify any additional information the proponent could provide in the Detailed Project Description or in its response to the Summary of Issues that:
- would make it possible to verify whether certain minor issues could be addressed and managed by clear measures, existing guidelines, other regulatory processes or other existing tools;
  - help the Agency to provide an opinion if an impact assessment is required, or
  - would support the tailoring of the Impact Statement Guidelines if the Agency is of the opinion that an impact assessment is required.

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

Please use Table 2 to answer this question.

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Fisheries and Oceans Canada  
Name of department or agency involved

Tessa Richardson, Section Head,  
Impact Assessment Major Projects  
Speaker title

April 9, 2024  
Date

**Table 1: Key issues to inform the impact assessment process**

The Agency asks that federal authorities guide expert advice on the Agency's approach to project specific tailoring, if the Agency is in the opinion that an impact assessment is required. This approach aims to focus the assessment on the Project's key issues, with an emphasis on the prevention of adverse environmental effects in areas of federal jurisdiction. In determining key issues, federal authorities should be mindful of the Project's context (size, scope, location), Indigenous knowledge and perspectives, and public concerns.

Potential effects that are considered minor, or that can be mitigated through clear measures, existing guidance or other regulatory processes, may be subject to simplified information requests or be disregarded. Advice from federal authorities on key issues and solutions - and on the scope and detail of the studies and information requested - will enable the Agency to focus the analysis on those issues that are important for the impact assessment process.

Comment ID	Relevant section of the initial project description	Valued Component or Factor to Consider	Description of key issue (context and rationale)	Advice	Plain-language summary for inclusion in Summary of Issues
<p><i>Please present comments by organization and comment number</i>  <i>e.g.: IAAC-01</i></p>	<p><i>If the comment relates to a specific section of the initial project description, please provide the reference.</i></p>	<p><i>Identify valued component(s) or factor to consider—within the mandate of your department or agency—to which the potential effect or issue applies.</i></p>	<p><i>Please 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 sequence of potential effects;</i></li> <li>• <i>the relevant context that specifies why this is 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>scientific data or traditional knowledge, including from previous projects, that justifies the inclusion of the key issue in the project assessment.</i></li> </ul>	<p><i>If applicable, please provide brief solutions/advice to address the issue or potential effect, including:</i></p> <ul style="list-style-type: none"> <li>• <i>studies or information relevant to describing and characterizing the potential effect, including any guidance for data collection or analysis or existing data sources to inform the assessment;</i></li> <li>• <i>any powers your department or agency has that may mitigate, manage or set conditions related to the issue;</i></li> <li>• <i>advice or policies to frame and mitigate the potential effect;</i></li> <li>• <i>standardized mitigation or monitoring measures that could manage potential effects, including follow-up on monitoring activities;</i></li> <li>• <i>Commitments the proponent could make to respond to the issue.</i></li> </ul>	<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, if applicable.</i></p>

*Please insert additional lines if necessary.*

Table 2. Details 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 the Issue, Concern or Uncertainty	Clarifications 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. AEIC-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 that the proponent could include in its Detailed Project Description, which could be framed and managed by clear measures, existing guidelines, regulatory processes or other existing tools, and thus be the subject of a simplified information request in the guidelines, or simply be disregarded.</p>	<p>Specify what additional information the proponent could provide in the Detailed Project Description to address the issue, concern or uncertainty, for example:</p> <ul style="list-style-type: none"> <li>• Clarifications to elements of Project Description (e.g. components, activities, locations or alternatives);</li> <li>• Proposals on Project design changes that could avoid effects;</li> <li>• Evidence that could demonstrate that the effects will be negligible;</li> <li>• Evidence that standard mitigation measures will reduce or eliminate potential effects;</li> <li>• Commitments the proponent could make to respond to the question/issue, including the implementation of federal operational policies or guidance documents.</li> </ul>	<p>For issues to be included in the Summary of Issues, provide a concise, plain-language synopsis of the issue and any questions or instructions for the proponent, if applicable.</p>
<p>DFO-001</p>	<p><b>Executive Summary</b></p> <p><i>“JX LNG is designing the Project to be environmentally best in class with no direct impacts to water or aquatic life and net-zero in terms of greenhouse gas (GHG) emissions.”</i></p> <p><b>Section 11.1</b></p> <p><i>“Fish and Fish Habitat—the Project has the potential to affect fish and fish habitat as defined by the Fisheries Act as a result of:</i></p> <ul style="list-style-type: none"> <li>• <i>the harmful alteration, disruption, and destruction of fish habitat under the Project’s</i></li> </ul>	<p>The proponent could clarify whether project effects to fish and fish habitat and aquatic species at risk can be managed with standard mitigations, or alternatively if the project is likely to result in residual effects to fish and fish habitat.</p>	<p>DFO recommends that the Project be designed and planned in a manner that avoids harmful impacts to fish and fish habitat. If impacts to fish and fish habitat remain following consideration of avoidance measures, the DPD should clearly identify these impacts, their location, and the project component associated with the impact.</p> <p>DFO would like to know whether impacts to fish and fish habitat can be managed through implementation of standard mitigation measures, or whether the project is likely to result in prohibited effects under the <i>Fisheries Act</i> and require Authorization from DFO in order to proceed.</p> <p>As such the DPD should identify the mitigation strategy to manage impacts to fish and fish habitat,</p>	

	<p><i>aquatic areas from the construction and operation of the Project.</i></p> <p><i>Aquatic Species—the Project has the potential to affect aquatic species as defined by SARA as a result of: mortality or physical injury due to physical impact due to construction activities (e.g., by machinery or covering by sediment).”</i></p>		<p>including an offsetting plan if residual effects are likely following mitigation.</p> <p>DFO recommends that the Proponent consult DFO’s <i>Projects Near Water</i> website for more information on how to plan their Project in a manner that avoids harmful impacts to fish and fish habitat, and on requirements if the project is likely to result in prohibited effects to fish and fish habitat.</p> <p><a href="https://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html">https://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html</a></p>	
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