

Federal Authority Advice Record (FAAR)

FAAR Response must be submitted by May 26, 2025

York Factory First Nation Ten Shilling Aerodrome Project – York Factory First Nation
Registry File: 89488

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.

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 (DFO) would 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 (including, for example, water crossings that may be required to access the site), 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 defined by the Initial Project Description.

- 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.

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.

c) Indicate if the power, duty or function will be required **to construct** the project. Please choose from Required, Potential, Likely, Unlikely, or Not Required as appropriate

Unlikely. It is our understanding that at this time, there will be no in-water works related to this project. Should works be proposed that may impact fish and fish habitat (including, for example, water crossings that may be required to access the site), 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*.

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

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.

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.

DFO has not had any 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 on the project 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.

DFO does not have any additional information or knowledge on the project.

6. Based on the mandate and area(s) of expertise of your department or agency, what are the key issues related to the project?

For each key issue:

- Describe the potential effect or the nature of the issue, including any relevant context e.g. how it falls under an area of federal jurisdiction as defined under the IAA;
- Provide the rationale and/or evidence for why it is a key issue;

- Provide advice on how to address 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 considered by IAAC and may be used to inform its decision on whether an impact assessment is required and, where appropriate, for next steps in the impact assessment process including to develop project-specific draft Tailored Impact Statement Guidelines.

Please use Table 1 to respond to this question.

7. Where possible, identify any additional information the proponent could include in their response to the Summary of Issues, and, if IAAC requires it, in their Detailed Project Description, that would:
- Give confidence that minor issues or effects could be addressed and managed by clear measures, existing guidelines, other regulatory processes or other existing tools;
 - Inform the decision as to whether an impact assessment is required; or
 - Aid in tailoring the Tailored Impact Statement Guidelines, if IAAC decides an impact assessment is required.
 - Clarify if a federal permit, licence or authorization may be 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.

Lisa Wren

Name of Departmental / Agency
Responder

Team Leader, Triage and Planning

Title of Responder

May 20, 2025

Date

Table 1: Key Issues to inform the impact assessment process

IAAC asks that federal authorities align expert advice with IAAC’s approach to tailoring by project, which focuses on key project issues, clearly focused on the prevention of adverse effects within federal jurisdiction. 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 decision include:

- adverse effects within federal jurisdiction and direct or incidental adverse effects that may be to some extent significant, based on federal experts’ knowledge and experience with past projects;
- potential impacts on 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;
- adverse effects within federal jurisdiction or direct or incidental adverse 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 groups or local communities.

Effects that are anticipated to be minor or which can be managed using well understood mitigation, 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 IAAC to focus assessments on issues that are important to participants and to decision-makers.

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 identify comments by organization and comment number.</i></p> <p><i>e.g.: IAAC-01</i></p>	<p><i>If the comment is related to a specific section of the Initial Project Description, please include that 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>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>relevant context on why it is 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 Indigenous Knowledge, including from past project experience, which supports inclusion as a key issue.</i> 	<p><i>Where applicable, briefly provide solutions on how 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 potential effect; including any guidance for data collection and/or analysis or existing data sources to inform the assessment;</i> • <i>Any means, including any powers, duties or functions, that your department or agency has that may mitigate, manage, or set conditions related to the issue or 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 Tailored Impact Statement Guidelines 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	<p>4.2.4 Water –Surface Water, Wetlands, and Groundwater</p> <p>4.2.5 Fish and Fish Habitat and Aquatic Environment</p>	Fish and Fish Habitat	<p>Based on the information provided, 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.</p> <p>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></p>	<p>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 or water withdrawal from local waterbodies for construction purposes.</p>	<p>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 DFO may be required.</p>
DFO-02		Aquatic Species at Risk	<p>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>.</p>	<p>No aquatic species at risk or critical habitat is identified within the project area or the vicinity.</p>	<p>Based on the information received, DFO does not anticipate that a SAR Permit will be required.</p>
DFO-03		Aquatic Invasive Species	<p>Fisheries and Oceans Canada also reviews projects for the introduction of aquatic species into regions or bodies of water frequented by fish</p>	<p>The proposed works do not occur within an Aquatic Invasive Species control zone.</p>	<p>Based on the information received, DFO understands there will be no in-water works;</p>

			where they are not indigenous, which is prohibited under section 10 of the <i>Aquatic Invasive Species Regulations</i>		therefore, the project will not likely result in the introduction of aquatic invasive species.
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Please insert additional rows as necessary.

Table 2. Clarifications or additional information the Proponent could include 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 response to Summary of Issues and, if IAAC requires it, in their Detailed Project Description that would give confidence that the issue will be addressed and managed, by clear measures, existing guidelines, regulatory processes or other existing tools, and thus be the subject of simplified information requests in the guidelines, or simply be removed. Include any uncertainty related to federal permits, licences or authorizations that may be required for the project</i></p>	<p><i>Provide recommended clarification or additional information to be included in their response to the Summary of Issues and, if IAAC requires it, in their Detailed Project Description to address the issue, concern or uncertainty, for example:</i></p> <ul style="list-style-type: none"> • <i>Clarifications to elements of the project description (e.g. components, activities, locations or alternatives);</i> • <i>Proposed project design changes that could avoid effects;</i> • <i>Evidence that could be presented to demonstrate there is no effect pathway of effect or that effects would be negligible;</i> • <i>Evidence that standard mitigations will address potential effects</i> • <i>Commitments the proponent could make to respond to the issue, including the implementation of federal operational policies or guidance documents.</i> • <i>Information needed to clarify whether a federal permit, licence or authorization may be required</i> 	<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>
N/A	N/A	N/A	N/A	N/A

Please insert additional rows as necessary.