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May 18, 2016

Agency File No.: 005376

Mike Engelsjord
Fisheries Protection Program, Fisheries and Oceans Canada
200 - 401 Burrard Street
Vancouver, BC V6C 3S4

Dear Mr. Engelsjord:

SUBJECT: Federal Authority Advice Record for the proposed Kitimat Clean Refinery Project (the Project)

Please respond by June 2, 2016 using the attached form.

On May 16, 2016, the Canadian Environmental Assessment Agency (the Agency) accepted a project description for the Kitimat Clean Refinery Project (the Project). The Project meets the definition of a designated project under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), and the Agency is now determining whether a federal environmental assessment of the Project is required.

The determination as to whether a federal environmental assessment is required is based upon the likelihood for potential environmental effects within areas of federal jurisdiction as described in section 5 of CEAA 2012. The Agency requests that Fisheries and Oceans Canada review the attached project description and provide advice on:

- i. The Project's potential environmental effects related to your departmental mandate and expertise as per section 11 of CEAA 2012;
- ii. Whether your department has identified any environmental effects related to your departmental mandate and described in section 5 of CEAA 2012, beyond effects described in the project description; and
- iii. The potential environmental effects described in subsection 5(2) of CEAA 2012 related to the application of any power, duty, or function by your department.

The Agency requests your advice in order to inform the Agency's determination as to whether a federal environmental assessment is required for the Project. The Agency is required to determine whether an environmental assessment is required no later than July 1, 2016.

Thank you for your timely consideration of this request. To support your response to this request, please complete and return the attached Federal Authority Advice Record form. Should you require additional information, I can be contacted at Quincy.Leung@ceaa-acee.gc.ca or 604-666-8940.

Sincerely, <Original signed by>

Quincy Leung
Project Manager, Pacific and Yukon Region

Federal Authority Advice Record

Response due by: **June 2, 2016**

Kitimat Clean Refinery Project
 Agency File No.: 005376

Department/Agency:	Fisheries and Oceans Canada		
EA Contact Name:		Telephone:	
Address:		Fax:	
Email:			

1. (a) Indicate whether the description of potential environmental effects presented in the Project Description is sufficient in characterizing project effects to the components of the environment, as defined under section 5 of CEAA 2012, that relate to your mandate, including whether these effects may be adverse.

(b) Identify any *additional* potential adverse environmental effects of the Project that are not described in the Project Description and their linkage to components of the environment under federal jurisdiction (as defined under section 5 of CEAA 2012).

(c) List any species at risk as defined by *the Species at Risk Act* (SARA) or species of conservation concern that have been assessed by COSEWIC that may be affected by the Project and are not identified in the Project Description. This information will inform the Agency's Section 79(1) notification obligations under SARA.

2. (a) List the potential powers, duties, or functions that your department may issue to enable the Project to proceed, why they might be issued, and which project components and activities are related to the powers, duties, or functions.

(b) Identify the potential environmental effects, associated with that power, duty or function identified above, as described in subsection 5(2) of CEAA 2012. Please include in your response a description of the scope or extent (i.e. project activities addressed and components of the environment included) under this power, duty or function.

Act and associated power, duty or function	Project components or activities associated with the power, duty or function	Changes to the environment resulting from the project components or activities
Example: <i>Fisheries Act</i> Subsection 35(2) Serious Harm	Example: Diversion of river Compensation lake (for offsetting)	Example: River re-routed through old-growth forest Compensation lake removes peatland and old-growth forest Potential species habitat lost as a result of compensation lake (turtle, marten, otter)

(c) Has your department or agency already exercised the above-noted power or performed a duty or function to enable the proposed Project to proceed in whole or in part? If yes, please describe.

Yes No

3. (a) Under the former Act, did your department or agency determine that an EA of this Project was likely?

Yes No

If yes, provide additional details regarding the timing, reason for determination, and the proponent notification of the decision. If no, provide additional details regarding the timing, reason for determination, and the proponent notification of the decision.

(b) Has your department or agency taken an EA course of action decision under paragraph 20(1)(a) or (b) or subsection 37(1) of the former Act in relation to the Project?

Yes No

If yes, please describe. This information is requested in order to determine application of section 128(1) of CEEA 2012.

4. Identify and describe the specialist or expert information or knowledge within your department that would be relevant to the conduct of the environmental assessment of the Project, should an environmental assessment be required. Provide the contact information for the individual that will provide the specialist or expert advice.

Print Name of Project Contact

Signature

Title of responder

Date

Please respond to the above questions by **June 2, 2016** via email at Quincy.Leung@ceaa-acee.gc.ca. Thank you.