

Federal Authority Advice Record (FAAR)

FAAR Response must be submitted by January 27, 2026

Flipi Gas-Fired Generation Project – TransAlta Corp

Registry File: 90120

Department/Agency	Environment and Climate Change Canada
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1. Will your department or agency exercise a **power, perform a duty or function**, or provide **financial assistance**, related to the project to enable it to be carried out in whole or in part?

As relevant,

- a) Specify the power, duty or function, or financial assistance, and the likelihood that it will be required to construct the project, based on the Initial Project Description, as either Required, Potential, Likely, Unlikely or Not Required

Species at Risk Act (SARA) permits

Based on the information found in the Initial Project Description, a SARA permit is unlikely.

Please see Annex A: SARA Permitting 101 for further details

Migratory Birds Regulations (MBR) permits

Based on the information found in the Initial Project Description, a MBR permit is unlikely.

Please see Annex B: MBR Permitting 101 for further details.

- b) Describe any associated Indigenous or public consultation, including timelines

ECCC does not expect to exercise any powers or perform a duty or function under any Act of Parliament in relation to the Project that will involve public and Indigenous consultation.

- c) Describe any associated information requirements (e.g., alternative means assessment, habitat offsetting), and specify those that may be coordinated with the impact assessment process, if an impact assessment is required¹

ECCC does not anticipate associated information requirements.

- d) Identify any associated project-specific guidance or issues of which the proponent should be aware, or information the proponent should provide.

Open Science Data Platform (OSDP)

The Open Science Data Platform (OSDP) provides information relevant to cumulative effects and development activities across Canada and is publicly available at the following website:

<https://osdp-psdo.canada.ca/dp/en>. More specifically, the platform provides a single window to access data and scientific knowledge relevant to understanding cumulative effects from existing federal, provincial, and territorial on-line databases and registries, including publications from the

¹ The Government of Canada has set a target of five years or less to complete federal impact assessments and related permitting processes for federally designated projects and a three-year target for nuclear project reviews.

federal government and its scientists. It provides an interactive geospatial mapping tool to enable mapping of multiple datasets from multiple sources. It offers various features, including keyword-based searching, interactive data visualization on maps, and educational resources covering key topics such as cumulative effects, water, air, climate, biodiversity, land, economy and industry, health, and society and culture.

OSDP information may be of value to persons preparing and reviewing projects assessments, including cumulative effects assessments. The following are some examples of ECCC information available on the OSDP.

Water – quality and quantity

- [National long-term water quality monitoring data](#)
- [Real-time hydrometric data](#)
- [Canadian Aquatic Biomonitoring Network \(CABIN\)](#)
- National Pollutant Release Inventory (NPRI)
 - [Facilities that reported releases to water](#)
- Find [additional water-related resources \(including publications, datasets and monitoring stations\)](#) from ECCC on the OSDP [here](#).

Biodiversity (e.g., birds, species at risk, wetlands)

- [Critical habitat for species at risk \(terrestrial\)](#)
- [Range map extents – Species at risk](#)
- [Canadian wetlands](#)
- [Canadian Protected and Conserved Areas Database \(CPCAD\)](#)
- [Canadian Breeding Bird Census plots](#)
- [Priority places for species at risk](#)
- Find [additional biodiversity-related resources \(including publications, datasets and monitoring stations\)](#) from ECCC on the OSDP [here](#).

Air Quality

- National Pollutant Release Inventory (NPRI), including:
 - [Facilities that reported release of criteria air contaminants](#)
- Canadian Environmental Sustainability Indicators (CESI), including
 - [Average ambient fine particulate matter concentrations](#)
 - [Peak ambient ozone concentrations](#)
 - [Ambient volatile organic compound concentrations](#)
 - [Average ambient sulphur dioxide concentrations](#)
 - [Peak ambient nitrogen dioxide concentrations](#)
- Find [additional air-related resources \(including publications, datasets and monitoring stations\)](#) from ECCC on the OSDP [here](#).

Climate, including climate change

- [Hourly and daily climate observations](#)
- [Monthly climate observation summaries](#)
- [Climate normals, averages and extremes 1981-2020](#)
- [Climate data: homogenized surface air temperature data - Canada.ca](#)
- [Canadian homogenized monthly precipitation](#)
- Find [additional climate-related resources \(including publications, datasets and monitoring stations\)](#) from ECCC on the OSDP [here](#).

Beyond ECCC's mandate, the OSDP also contains resources on topics led by departments and other levels of government (e.g., human health, economy and industry). The OSDP also provides access to regulatory registries that list government authorizations of other developments (e.g., *Fisheries Act* Registry), which can be useful in understanding the cumulative pressures on an area.

- e) Indicate if your department or agency has identified any responsibilities that it will not perform or may not be able to perform to enable the project to be completed, in whole or in part.

ECCC has not identified any powers that we will not be exercising or may not be able to exercise to allow the Project to be carried out, in whole or in part.

2. **Using Table 1**, identify project- and context- specific **key issues**, based on the expertise within your mandate and the information in your possession, including the Initial Project Description; any exchanges with the proponent, other jurisdiction or any party in relation to the project; and means to address the effects of the project:
- a) Specify the key issue (e.g., specific species and location)
 - b) Specify the project component or activity linked to the key issue
 - c) Explain why it's a key issue based on:
 - i. biophysical effect pathway(s) from the specific project component or activity
 - ii. concern unique to the project or a priority within your mandate
 - iii. the issue being material² to decision making under the Impact Assessment Act
 - d) Identify how the issue could be resolved, including through means other than an impact assessment
 - e) Identify additional information the proponent could provide including to give confidence on how the issue can be addressed through other means.

Name and title of Departmental /
Agency Responder

Date

² An issue is material to decision making if its analysis is anticipated to affect the conclusions and the advice to the federal decision-maker, notably conclusions on whether adverse federal effects are likely not significant, or of low, medium or high significance or conclusions on justification in the public interest.

Table 1: Key Issues to inform the impact assessment process

This table should outline key issues to inform the impact assessment process, including whether an impact assessment is required and, if so, the scope of the assessment and tailoring of the Tailored Impact Statement Guidelines.

Key issues are the major concerns directly related to a project component or activity, the analysis of which is anticipated to be material to decision-making under the Impact Assessment Act.

Federal authorities' advice should be guided by the identification and resolution of key issues. If an impact assessment is required, it will be focused on key issues.

Comment ID	a) Key issue	b) Project component or activity	c)(i) Biophysical effect pathway(s)	c)(ii) Concern unique to the project or a priority within your mandate	c)(iii) Material to federal decision-making	d) Means for issue resolution	e) Additional information from the proponent
ECCC-01	Air quality due to contaminants such as nitrogen oxides (NOx), and particulate matter (PM2.5, PM10 and PM).	The construction, operation and decommissioning of the Project can result in adverse effects on air quality. Projects that involve on-road vehicles and mobile off-road machines for construction, operation and decommissioning, have the potential to adversely affect air quality. Activities such as the construction and operation of facilities, and activities associated with combustion can result in the emission of air contaminants such as NOx, and PM2.5, PM10 and PM. The bulk of emissions typically occur during operations from sources such as stationary combustion. Activities that cause a physical disturbance to land, such as earth moving, land clearing, and transportation, can introduce particulate matter (e.g. dust and soot) to the surrounding region. Air contaminants could include PM2.5 and PM10 and PM, NOx, and other air contaminants.	ECCC provides expertise on the fate of air emissions to help support Health Canada's assessment of potential impacts on nearby Indigenous Peoples. These emissions can result in local or regional degradation of ambient air quality. Furthermore, emissions of air contaminants as a result of this Project may add cumulatively to the emissions from other activities, contributing to degradation of air quality in the region. When contaminants settle out of the air in the surrounding environment, their deposition may result in adverse impacts to terrestrial and aquatic ecosystems.	Air Quality – a project of this type and size has the potential to lead to a non-negligible adverse change, including to the health, social or economic conditions of the Indigenous Peoples of Canada.	Air Quality impacts may present an adverse effect within federal jurisdiction that may be significant due to: <ul style="list-style-type: none"> the presence of sensitive human receptors, including Indigenous Peoples; and the large magnitude of NOx and PM2.5 emissions. 	This key issue could be resolved or addressed by common, proven, well-understood or standard mitigation measures to mitigate the effect or effect pathways. For example, by the employment of best practices during construction including minimizing idling, keeping equipment well maintained, and by the use of construction equipment equipped with engines meeting Tier 4 emission standards.	Should impacts from the Project on air quality be shown to be an effect within federal jurisdiction and material to the Project decision, ECCC recommends the following be included in the Proponent's Impact Statement to assess potential impacts to air quality: <ul style="list-style-type: none"> Baseline and reference ambient air quality, including quantified emission sources for all relevant contaminants, including but not limited to: particulate matter, metals, NOx, Sulphur oxides (SOx), Volatile organic compounds (VOCs), any other products of fossil fuel combustion, and other relevant pollutants from mobile, stationary, and fugitive sources. Consideration of the impact of wildfires on baseline air quality data. If applicable, refer to the Alberta Wildfire Status. Comparison of ambient baseline and reference air quality with applicable provincial and federal standards. Inventory and description of project activities and equipment that have the potential to impact air quality. Quantitative prediction of air pollutants that will be generated during all project phases. Comparison of the predicted levels of air pollutants with baseline air quality data, and the strictest federal Canadian Ambient Air Quality Standards (CAAQS) or provincial air quality standards; if applicable. <p>An air quality management plan that includes a dust management plan. This should encompass sources of air pollution, common mitigation measures for air contaminants (including a detailed complaint resolution process), the performance effectiveness of air contaminant control devices, best practice</p>

							programs, as well as monitoring and follow-up.
ECCC-02	Greenhouse Gas (GHG) Emissions Assessment	<p>The construction, operation, and decommissioning of the proposed Project will result in GHG emissions.</p> <p>GHG emissions during operations are estimated by the Proponent to be 1,517,165 t CO2/yr.</p>	N/A	<p>The assessment of GHG emissions (including upstream emissions) from this Project would be relevant in considering the extent to which the effects of the designated Project contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change (<i>Impact Assessment Act</i> (IAA) paragraph.22(1)(i) Factors To Be Considered).</p> <p>Due to high GHG emissions from project operations, ECCC recommends the project follow the SACC in the estimation of GHG emissions, with a emphasis on the full consideration and evaluation of GHG mitigation measures.</p>	<p>Designated projects that require an Impact Assessment (IA) under the IAA, regardless of whether they are federally or provincially regulated, must consider the Project's GHG emissions in terms of the Projects' contribution to Canada's ability to meet its environmental obligations and its commitments in respect of climate change.</p> <p>Application of the Strategic Assessment of Climate Change (SACC), as determined by IAAC, would generate the information to determine if the Project will contribute to Canada's climate change objectives and will inform the federal Minister's IA decision for the Project.</p>	<p>The Strategic Assessment of Climate Change (SACC) was published in 2020 and works in conjunction with the IAA to provide guidance on how to consider climate change throughout federal impact assessments.</p> <p>Proponents may find the technical guidance of the SACC helpful in assessing the impacts to climate change and in ensuring consistent, predictable, efficient and transparent consideration of impacts to climate change. Information typically requested for the project description is outlined in the SACC (including section 4.1) and the draft Technical Guide (including sections 2.4, 3.3, and 4.2).</p> <p>Should IAAC determine an IA under the IAA is required for the Project, the SACC would apply, as circumstances warrant, to determine the extent to which the effects of the Project contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change.</p>	<p>Due to high GHG emissions from project operations, ECCC recommends the Project's GHG emissions and climate change impacts be assessed, and mitigation measures should be identified, using guidance consistent with the SACC.</p> <p>The Proponent is encouraged to provide more information on the measures being considered to reduce the Project's GHG emissions on an ongoing basis.</p>
ECCC-03	Climate Change Resilience	<p>Climate over the lifetime of the Project is likely to be different from past and current climate in the project area.</p> <p>For example, project components and activities for which climate change resilience could be important for this Project include those related to surface water management.</p>	<p>There is potential for climate change to affect the Project which, in turn, may have impacts on the surrounding environment (e.g. through accidents or malfunctions).</p> <p>Climate changes in the project area, such as possible changes in mean and extreme precipitation and temperature and related environmental conditions, may alter baseline conditions, with implications for climate sensitive aspects of project design and associated effects within federal jurisdiction.</p>	<p>There is potential for climate change to affect the Project which, in turn, may have impacts on the surrounding environment (e.g. through accidents or malfunctions).</p>	<p>There is potential for climate change to affect the Project which, in turn, may have impacts on the surrounding environment (e.g. through accidents or malfunctions).</p>	<p>The Strategic Assessment of Climate Change (SACC) was published in 2020 and works in conjunction with the <i>Impact Assessment Act</i> to provide guidance on how to consider climate change throughout federal impact assessments.</p>	<p>Relevant information is provided in the "Draft technical guide related to the Strategic Assessment of Climate Change: Assessing climate change resilience" published in March 2022.</p> <p>Links: "Strategic Assessment of Climate Change" https://www.strategicassessmentclimatechange.ca "Draft technical guide related to the Strategic Assessment of Climate Change: Assessing climate change resilience" https://www.strategicassessmentclimatechange.ca/28896/widgets/117114/documents/77106</p>
ECCC-04	Migratory birds, including Schedule 1 Migratory	The activities linked to the construction, operation, and decommissioning of the Project and associated	Vegetation clearing, wetland drainage, noise, vibrations, artificial lighting and disturbances from construction, operation and decommissioning activities may result	Migratory birds are within the mandate of Environment and Climate Change Canada under the <i>Migratory Birds</i>	Migratory birds are a key issue as potential impacts to migratory birds would be an adverse effect within federal jurisdiction.	Well-understood mitigation measures would typically be required to resolve the issue. Typical mitigation measures recommended by ECCC include but are not limited to:	The main sensitive period to consider is the breeding season. With respect to disturbance or harm to nesting birds, the principal risk factors are location and time of year. ECCC publishes a web site:

	<p>Birds: killing, harming or harassing migratory birds, including Disturbing or destroying active nests.</p>	<p>infrastructure could result in individual mortality and the destruction of nests and eggs.</p>	<p>in injury, mortality, sensory disturbance and change in habitat use.</p> <p>Attraction to lights at night or in poor visibility conditions may cause birds to collide with lit structures or their vertical support structures, resulting in injury or death.</p> <p>Accidental release of harmful substances to the onsite stormwater ponds could also have adverse effects on migratory birds that frequent the ponds.</p> <p>There is a higher risk that these effects would be more severe for migratory birds that are also species at risk and species where habitat is sensitive to disturbance (e.g., wetlands) or where there is already a high degree of cumulative effects to habitat or individuals. Destruction and/or disturbance of habitat can have increased impacts on species at risk individuals, residences and their critical habitat, which can lead to changes in prey and predator dynamics, loss of food resources, loss of breeding areas, and changes in migration or movement. In some cases, construction can create features that are attractive for species and increase their mortality risk. For example, certain migratory bird species at risk (e.g. Bank Swallow, Common Nighthawk) may nest in large piles of soil left unattended/unvegetated during the most critical period of the breeding season, making them vulnerable to construction activities.</p>	<p><i>Convention Act, 1994 (MBCA) and the Migratory Bird Regulations, 2022 (MBR).</i></p>		<ul style="list-style-type: none"> • undertaking vegetation and habitat clearing activities outside of the migratory bird nesting season (Nesting Zone B4) to prevent the destruction of migratory birds and their eggs and nests in order to be compliant with the MBCA and MBR; • management of lighting required for the construction, operation and decommissioning of the Project to minimize attraction of birds to reduce collision risk; and • deleterious substance mitigation measures. <p>MCBA permits, which as discussed in Question 1 of the FAAR are considered possible but unlikely for the Project.</p>	<p>https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html) to aid in the planning of activities in order to reduce the risk of detrimental effects to migratory birds, their nest and eggs, in accordance with the purpose of the MBCA.</p>
ECCC-05	<p>Species at risk: killing, harming or harassing species, habitat disturbance or destruction, disturbing or destroying residences.</p>	<p>The activities linked to the construction, operation, and decommissioning of the Project and associated infrastructure could adversely affect species at risk (e.g. amphibians, arthropods, birds, lichens, terrestrial mammals, mosses, reptiles, and vascular plants) listed on the <i>Species at Risk Act (SARA)</i>, and their habitat (e.g. wetlands) and critical habitat.</p>	<p>During construction, loss or disturbance of habitat for species at risk or their residences could occur. Habitat destruction may also lead to increased mortality risk. For example, drainage and filling of wetlands may kill, harm or harass Northern Leopard Frog and Western Tiger Salamander species at risk. Little Brown Myotis rely on summer and fall roosts that may be disturbed or removed during construction (i.e., tree roosts), potentially harming or killing the bats. They may also roost in anthropogenic structures, where during operations the bats can be disturbed.</p> <p>Vegetation clearing during the bird nesting season may kill, harm or harass bird species at risk. The timing of habitat destruction and disturbance is important in</p>	<p>Species at Risk and their Habitat, are within the mandate of Environment and Climate Change Canada under the SARA.</p>	<p>Regulatory authorities have obligations under s.79 of SARA to ensure that measures are taken to lessen or avoid impacts and monitor effects to listed species at risk in a manner that is consistent with existing recovery strategies or action plans.</p>	<p>Mitigation measures would typically be required to resolve the issue, which would be determined based on the specifics of both the identified species at risk and project activities. Relevant mitigation measures would vary depending on project specifics. Standard mitigation measures that may be applicable include the following examples:</p> <ul style="list-style-type: none"> • applying activity restriction guidelines; • for sensitive wildlife limiting and orienting lighting to minimize light pollution; • placement of deterrents for stormwater ponds; • giving wildlife the right of way and adjusting speed limits; and 	<p>The Proponent should identify all species at risk listed on Schedule 1 of SARA and any critical habitat that may interact with the Project and describe how they may be adversely affected by the Project. They should describe what measures will be taken to avoid or lessen the effects of each project activity and stage, and how these measures will be implemented, and effects be monitored to ensure they are avoided, minimized or whether adaptive management may be required.</p> <p>Additionally, there is always the possibility that species assessed by COSEWIC may be added to Schedule 1 of SARA with potential critical habitat identified. As best practice it is recommended to also consider species assessed by COSEWIC</p>

			<p>understanding risk of mortality for species at risk.</p> <p>In addition, species at risk could be affected by sensory disturbances during the construction, operation, and decommissioning of the Project. Some examples of potential sources of sensory disturbance include noise from various project activities, lights, vibrations from grading and compaction, the operation of machinery, and the presence of workers. The duration, frequency, and timing of noise are important to understand potential effects. Sensory disturbance may make adjacent habitats unsuitable for use by species at risk and cause avoidance effects in many species.</p> <p>The pathway through which potential effects are conveyed will depend on the land, air, and water constituents associated with the site along with the behavioural adaptability, presence and interaction with the species' limiting factors (e.g. habitat supporting staging, nesting, roosting or foraging) and population resilience.</p>			<ul style="list-style-type: none"> applying exclusion techniques to prevent access to project infrastructure. <p>SARA permits, which as discussed in Question 1 of the FAAR are considered possible but unlikely for the Project.</p>	to implement measures to lessen or avoid impacts and to monitor them.
ECCC-06	<p>Environmental Emergencies</p> <p>Potential releases of hazardous substances during construction, operation, and decommissioning resulting in adverse effects on water quality, fish and fish habitat, and migratory birds, or changes to the environment resulting in non-negligible adverse impacts to Indigenous Peoples of Canada.</p>	<p>The Flipi Gas Fired Generation Project is a 460 MW natural gas fired combined cycle power plant. Major components and activities include:</p> <ul style="list-style-type: none"> One natural gas fired combustion turbine, one heat recovery steam generator (HRSG), and one steam turbine forming a 1x1x1 CCGT configuration. Air cooled condenser (ACC), auxiliary boiler, water treatment systems, demineralized water and service/firewater tanks, condensate collection systems, lubrication and hydraulic oil systems, glycol storage, and wastewater storage. 	<p>Accidental releases could occur during construction, operation, or decommissioning through:</p> <ul style="list-style-type: none"> spills or leaks of fuels, lubricants, hydraulic fluids, glycol, or water treatment chemicals; equipment failure leading to releases of oils, antifreeze, or other mechanical fluids; natural gas system failures involving pipeline connection points, pressure regulation skids, or combustion turbine fuel systems; structural or containment failures at chemical storage areas, wastewater tanks, or turbine auxiliary systems; releases of contaminated stormwater due to improper handling, malfunction of stormwater pond controls, or berm failure; accidents during transport of construction materials, fuels, or chemicals on access roads; and fires or explosions related to high voltage electrical equipment, transformers, or natural-gas-based combustion systems. 	<p>Key concerns specific to this project include:</p> <ul style="list-style-type: none"> risks of spills involving oils, glycol, hydrocarbon fuels, or hazardous chemicals during construction and operation; fire, catastrophic failure and explosion hazards associated with high pressure natural gas systems and high temperature combustion equipment, which may produce air contaminants or thermal impacts affecting wildlife; transformer and electrical infrastructure risks, including potential dielectric oil releases or fire; and stormwater contamination risks. 	<p>Accidents and malfunctions involving spills, equipment leaks, transformer oil releases, contaminated stormwater, or fires during any phase of the Project could cause non-negligible adverse effects to:</p> <ul style="list-style-type: none"> migratory birds; fish and fish habitat (downstream, via runoff pathways); and water quality in wetlands or ephemeral drainage features downstream of the Project. <p>The IPD identifies several components requiring robust mitigation, including:</p> <ul style="list-style-type: none"> lube oil and hydraulic oil systems; glycol and HRSG blowdown containment; natural gas fuel system integrity; hazardous waste storage and offsite disposal; 	<p>Optimized spill prevention, preparedness, and response measures and systems will be important during all activities associated with the construction and operation of the Project, given the risk of release of hazardous substances to the environment. This includes:</p> <p>Containment and storage controls:</p> <ul style="list-style-type: none"> secondary containment for fuel tanks, transformers, and chemical storage; double walled tanks or piping where feasible; spill/leak detection systems for generators, transformers, and natural gas infrastructure; and spill kits placed at high risk areas. <p>Site controls and best practices:</p> <ul style="list-style-type: none"> designated, bermed, and lined refuelling and maintenance areas located 30m away, at minimum, from waterbodies; standardized procedures for handling oils and hazardous chemicals; and 	<p>The Proponent is encouraged to commit to implementing all mitigation measures and developing all plans mentioned in the IPD, as these will help to reduce the risk of accidents and malfunctions, as well as to mitigate environmental impacts should they occur.</p> <p>As the Project is further planned and developed, the Proponent is encouraged to adopt all relevant industry best-practices regarding prevention, preparedness, response, and recovery in the context of spills resulting from accidents and malfunctions.</p>

		<ul style="list-style-type: none"> • Electrical transmission interconnection to an adjacent AltaLink line. • Natural gas delivered by a third -party pipeline tied into an existing 22-inch line approximately 1.6 km south of the project area. • Construction related equipment use, including heavy equipment operations, fuel handling, and hazardous materials management. • A stormwater management pond to collect and settle runoff prior to controlled discharge. • Aboveground industrial wastewater storage with offsite disposal. <p>Given these activities, hazardous substances likely to be present include diesel, gasoline, hydraulic fluids, lubricants, used oil, glycol, wastewater, boiler water treatment chemicals, and natural gas.</p> <p>The Project includes high temperature and high pressure systems, chemical storage, and electrical equipment, making accidental releases plausible.</p>	<p>Potential pathways for non-negligible effects to federal jurisdiction components (migratory birds, aquatic species, fish habitat) include:</p> <ul style="list-style-type: none"> • contamination of surface water via runoff into the two seasonal marsh wetlands located outside the project area; • accidents and malfunctions resulting in the release of hazardous substances to the land, air, or water could result in non-negligible adverse effects to air quality, water quality, migratory birds, or changes to the environment resulting in non-negligible adverse impacts to Indigenous Peoples of Canada • movement of pollutants into downstream drainage features that ultimately flow toward the Medicine River watershed; and • localized water quality deterioration from contaminated stormwater during high flow or extreme precipitation events. 	<p>ECCC provides environmental emergency management planning advice and guidance related to potential accidents and malfunctions involving unplanned or uncontrolled releases or spills of hazardous substances into the environment, including scenarios where such releases could result in non-negligible adverse environmental effects within ECCC's mandate.</p> <p>These effects include impacts to air quality, water quality, species at risk, fish and fish habitat, migratory birds, or changes to the environment resulting in non-negligible adverse impacts to Indigenous Peoples of Canada.</p> <p>Additionally, ECCC coordinates expert review of atmospheric transport and dispersion modelling of airborne contaminants, fate and behaviour of contaminants, and hydrologic trajectory modelling of contaminants in water.</p>	<ul style="list-style-type: none"> • stormwater pond performance and drainage controls; and • transformer and high voltage electrical infrastructure. 	<ul style="list-style-type: none"> • preventive maintenance programs for turbines, transformers, pipelines, stormwater systems, and cooling systems prone to catastrophic failure. <p>Plans and programs:</p> <ul style="list-style-type: none"> • comprehensive Spill Contingency Plan, Emergency Response Plan, and Waste Management Plan addressing natural gas systems, oils, chemicals, and wastewater; and • clear roles, notification procedures, and training requirements for response personnel. <p>Monitoring and adaptive management:</p> <ul style="list-style-type: none"> • regular inspection of natural gas systems, electrical infrastructure, stormwater pond, and chemical storage areas; and • adaptive management triggers for contamination, erosion, or equipment failure. <p>The Proponent has outlined within their Initial Project Description (IPD) a suite of mitigation measures and plans that would reduce the risk of accidents and malfunctions and mitigate the impacts should accidents and malfunctions occur. These include:</p> <ul style="list-style-type: none"> • using secondary containment for hazardous substances to prevent their release to the environment in the event of a leak; • carrying out inspections of fuel storage tanks; • keeping appropriately stocked spill kits and spill response equipment on site and available at all locations where spills could occur, enabling rapid containment and clean-up of any hazardous substance that enters the environment; • refuelling equipment more than 100 m from any wetland; • carrying out maintenance on equipment to repair drips or small leaks; • disposing of hazardous waste in a safe manner; and • developing an Emergency Response Plan, which will outline procedures and practices to reduce the risk of accidents and 	
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						<p>malfunctions and equip responders with the knowledge and information necessary to rapidly and effectively respond if they occur.</p> <p>While the Proponent's proposed measures may be sufficient, the response plans, mitigation strategies, project components, and systems are described only in general terms. Considering the potential for a severe accident or malfunction, a federal review would provide an opportunity for a more comprehensive review of these plans, thereby enhancing the protection of federal valued components and better safeguarding the environment.</p> <p>Part 8 of the <i>Canadian Environmental Protection Act, 1999</i> on environmental emergencies (sections 193 to 205) addresses the prevention of, preparedness for, response to, and recovery from environmental emergencies caused by uncontrolled, unplanned, or accidental releases. It also addresses the reduction of any foreseeable likelihood of releases of toxic or other hazardous substances listed in Schedule 1 of the <i>Environmental Emergency Regulations, 2019</i>. This act may apply if Schedule 1 substances onsite meet or exceed the threshold to be regulated under the <i>Canadian Environmental Protection Act, 1999</i>. Technical Guidelines for the <i>Environmental Emergency Regulations, 2019</i> may be found at: https://www.canada.ca/en/environment-climate-change/services/environmental-emergencies-program/regulations/technical-guidelines.html</p>	
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Annex A

Project planning: Applying for a *Species at Risk Act* (SARA) permit administered by Environment and Climate Change Canada (ECCC)

Context

This Project Planning document provides an overview of [Species at Risk Act \(SARA\) permitting process administered by Environment and Climate Change Canada \(ECCC\)](#) and outlines the key requirements for the permit application, as well as some tips to support applicants in providing a timely and complete permit application.

Section 73 of SARA allows a competent minister, under certain conditions, to issue a permit for an activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals. The Minister of Environment and Climate Change is the competent minister with respect to individuals of all species other than aquatic species (as defined under the Fisheries Act) and individuals found on lands administered by the Parks Canada Agency.

Do You Need a SARA Permit?

Permits are required by any person engaging in an activity affecting a species listed on Schedule 1 of SARA as Extirpated, Endangered, or Threatened (hereafter, listed species), that would contravene any SARA prohibitions.

Where multiple individuals will engage in activities requiring a permit, on behalf of an entity (e.g., the employees or contractors of a company), the entity may apply for a permit that will cover all the individuals.

Species at Risk Act Prohibitions

General Prohibitions

Under s. 32 and s.33 of SARA, it is prohibited to:

- Kill, harm, harass, capture or take an individual of listed species,
- Possess, collect, buy, sell or trade an individual of a listed species, or
- Damage or destroy the residence of one or more individuals³ of a listed species.

These general prohibitions automatically apply for terrestrial species upon listing under SARA, except on lands in the provinces that are not [federal lands](#) or lands in the territories that are not lands under the authority of the Minister or Parks Canada. For Migratory Birds (identified under the *Migratory Birds Convention Act* [MBCA]), these prohibitions apply everywhere in Canada⁴.

Additional SARA Prohibitions:

Critical Habitat⁵, identified in recovery strategies or action plan, can be protected through a range of mechanisms. Where a critical habitat prohibition applies, SARA makes it an offence to destroy any part of the critical habitat of a species listed under SARA. For information about specific critical habitat protection on federal and non-federal lands in the province and territories, please visit: [Your responsibilities under the Species at Risk Act](#).

Additional specific prohibitions may be in force as a result of an Emergency or Protection Order issued under s.34, 61, or 80 of SARA, and regulations made under s. 53, 59, or 71 of SARA – such orders and regulations are published on the [SARA public registry](#).

SARA Permit Eligibility

If your project requires undertaking an activity that is likely to affect a listed species in a manner that is prohibited under SARA, you may need a SARA permit to proceed. Certain conditions must be met in order for a SARA permit to be issued, notably:

- All reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution, with the conservation of the species in mind, has been adopted;
- All feasible measures will be taken to minimize the unavoidable impacts of the activity on the species, its critical habitat or the residences of its individuals; and
- The residual impacts of the activity, after avoidance and mitigation is applied, must not jeopardize the survival or recovery of the species.

Applying for a SARA Permit

Complete applications for a SARA permit can be submitted via ECCC's [Species at Risk Act E-Permitting System](#). A complete and adequate application contains all of the documentation and information set out in the:

- [Guidelines for permitting under Section 73 of Species at Risk Act](#) and
- [Permits Authorizing an Activity Affecting Listed Wildlife Species Regulations](#).

Sufficient detail must be included in the application for the Minister to decide whether or not to issue a SARA permit. The tips will help you submit a complete application, reducing the likelihood of delays.

Applicants are encouraged to proactively engage with the [species at risk permit regional offices](#) with expertise in the SARA regulatory process for additional advice on preparing a complete and adequate application for review.

Time Limits for Processing SARA Permits

The time limit for ECCC to process an application is established in the [Permits Authorizing an Activity Affecting Listed Wildlife Species Regulations](#) (the Regulations).

ECCC has 90 days to either issue or refuse to issue a SARA permit. This timeline starts on the date ECCC sends the applicant a written notice indicating that the application was received. This time limit will be suspended if additional information is needed to assess the proposed activity. The time limit is suspended on the day when ECCC sends the information request to the applicant and resumes once ECCC receives all the missing information.

The Regulations also list the circumstances under which the 90-day time limit does not apply, including when the following is required:

- Indigenous consultation
- A decision under another act of parliament, such as the *Impact Assessment Act*

³ Under SARA, a residence is a dwelling-place, such as a den, nest or other similar area or place, that is occupied or habitually occupied by one or more individuals during all or part of their life cycles.

⁴ NOTE: Migratory Birds (both SARA-listed species, and non-SARA listed species), their nests, and eggs are protected under the MBCA and its Regulations.

⁵ Critical habitat is the habitat that is necessary for the survival or recovery of a listed wildlife species and that is identified as the species' critical habitat in the recovery strategy or action plan for the species.

Tips for a Successful Application

Tip 1: Plan Activities with Species at Risk in Mind

Common mistake

- Not considering impacts to species at risk during project planning.

Best practices

1. Determine whether any species at risk and/or critical habitat is found in the area of the proposed activity through resources such as: Critical Habitat for Species at Risk National Dataset
 - a. Provincial conservation data centers
 - b. Other publicly available data sets
 - c. Consultation with a qualified professional
 - d. Discussions with ECCC
2. Consult the recovery strategy or action plan of the species in question if available.
 - a. These documents will help identify the most sensitive life cycles of the species affected, as well as how to avoid negatively affecting the recovery objectives of the species or jeopardize the recovery or survival of the species (see Permit Eligibility above).
 - b. You will find important information in these documents to better understand the species and their needs, the threats to their survival or recovery, their critical habitat (including examples of activities that are likely to result in its destruction).
 - c. These documents are available on the [Species at risk public registry](#). For listed species at risk that do not yet have a published recovery strategy or action plan, you can also consult the species' [Committee on the Status of Endangered Wildlife in Canada \(COSEWIC\) assessment](#) and other best available information.
3. Verify if best management practices, residence descriptions and other species documents are available for the species.
4. Integrate considerations related to species at risk into project planning from the start, including the implementation of the mitigation hierarchy (e.g., avoid, minimize, restore, offset) in project planning.

Benefit to applicant

- Demonstrating avoidance and minimization of impacts to species at risk is necessary to meet the mandatory preconditions, particularly that a species' survival or recovery is not jeopardized.

Tip 2: Ensure sufficient detail in permit application

Common mistake

- The permit application contains an insufficient level of information on the potential effects of your activity on species at risk, the residence of its individuals, or their critical habitat.
- The permit application does not consider impacts to individuals and residences outside of areas that have been identified as Critical Habitat.

Best practices

Use the [Guidelines for permitting under Section 73 of Species at Risk Act](#) to build your application, ensuring the details you provide:

- Reflect the scale and complexity of your project and its activities, as well as timing and schedule of activities.
- Explain the measures taken to avoid, mitigate and offset impacts to species at risk and their habitat.
- Demonstrate how you meet the purpose of SARA and the permitting preconditions in s.73.

Benefit to applicant

- This will reduce the likelihood of delays created by information requests as ECCC reviews your application for completeness and adequacy.

Tip 3: Engage Indigenous Peoples early

Common mistakes

- The permit application does not account for Indigenous concerns.
- Indigenous communities are engaged only after the project design is completed.

Best practices

- Begin communication with Indigenous Peoples early during the project design phase (including offsetting measures). Engage and work with Indigenous Peoples to identify and address concerns throughout the development of project plans.

Benefit to applicant

A project that has the consent (or non-opposition) of Indigenous groups would reduce the time it takes for:

- ECCC to consult with Indigenous Peoples whose Aboriginal and treaty rights may potentially be adversely affected by your project.
- ECCC and the applicant to ensure accommodations are made where necessary.

Contact Information

For further details or assistance, reach out to the [species at risk permit regional offices](#).

Disclaimer

This document is not intended to be a substitute for the SARA or its regulations. In the event of an inconsistency between this document and the SARA or its regulations, the SARA and associated regulations would prevail. For the most up-to-date versions of the SARA, please consult the [Department of Justice website](#).

Annex B

Please note that the MBR Permitting 101 is currently in progress and not yet available.

The *Migratory Birds Convention Act* (MBCA) and its regulations (revised July 2022) protect migratory birds and their eggs and prohibit the disturbance, damage, destruction or removal of migratory bird nests that contain a live bird or a viable egg. Migratory birds are protected at all times; all migratory bird nests are protected when they contain a live bird or viable egg; and the nests of 18 species listed in Schedule 1 of the Migratory Birds Regulations (MBR) 2022 are protected year-round. These general prohibitions apply to all lands and waters in Canada, regardless of ownership. The MBCA also prohibits the deposit of substances that are harmful to migratory birds in waters, or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.

Proponents are reminded to develop beneficial management practices, guiding principles, and measures to reduce risk to contravening the MBCA. For more information, please visit: [Avoiding harm to migratory birds - Canada.ca](#). ECCC notes that there is no mechanism available to provide a permit for activities that do not directly target but may harm protected migratory birds, their nests, and/or eggs (e.g., vegetation clearing) under the MBCA and its regulations.

Damage or Danger permits are available in certain limited situations and applications are evaluated on a case-by-case basis.