

**ENCLOSURES:**

**Federal Authority Advice Record: Designation Request under the *Impact Assessment Act* Response due by August 10, 2020**

Surrey Langley SkyTrain- South Coast British Columbia Transportation Authority

Department/Agency	Fisheries and Oceans Canada (DFO)
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1. Has your department or agency considered whether it has an interest in 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 (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

Specify as appropriate.

**No.**

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2. 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 that power, duty or function and its legislative source.

**Unknown. If project works cannot avoid, through implementation of avoidance and mitigation measures, the death of fish or harmful alteration, disruption or destruction of fish habitat then these would require authorization under subsections 34.2(2)(b) or 35(2)(b) the *Fisheries Act*.**

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3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

Specify as appropriate.

**Yes. Prior to issuing a Fisheries Act Authorization, DFO has a legal duty to consult and, if appropriate, accommodate Indigenous groups if the proposed works might adversely impact Treaty and/or Aboriginal rights (established or asserted). No public consultation would be undertaken but, if an authorization is issued, a summary of information on the authorization would be posted on a registry for public information.**

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4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

Specify as appropriate.

**Yes. DFO can provide expert advice on fish, fish habitat, and aquatic species at risk.**

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5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

Provide an overview of the information or advice exchanged.

**No.**

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6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of the Impact Assessment Act? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

Specify as appropriate.

**Unknown. If project works cannot avoid, through implementation of avoidance and mitigation measures, the death of fish or harmful alteration, disruption or destruction of fish habitat then these would require authorization under subsections 34.2(2)(b) or 35(2)(b) the *Fisheries Act*. If an authorization was issued it would include conditions requiring avoidance and mitigation, offsetting, contingency, and monitoring measures.**

7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Project? In particular, the following issues have been raised by the requestor:

- Use of Linear Induction Motors requires significantly more electrical energy than its alternatives; and
- Additional greenhouse emissions compared to at-grade transit alternatives.

If yes, please specify the program or authority.

**No.**

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8. Does your department or agency have information about the interests of Indigenous groups in the vicinity of the Project; the exercise of their rights protected by section 35 of the *Constitution Act, 1982*; and/or any consultation and accommodation undertaken, underway, or anticipated to address adverse impacts to the section 35 rights of the Indigenous groups?

If yes, please specify.

**No.**

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9. If your department has guidance material that would be helpful to the proponent or the Agency, please include these as attachments or hyperlinks in your response.

**Projects Near Water website:** <https://www.dfo-mpo.gc.ca/pnw-ppp/index-eng.html>

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Name of departmental / agency responder

A/Section Head

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Title of responder

August 10, 2020

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Date