Federal Authority Advice Record (FAAR)
FAAR Response must be submitted by July 19, 2026
Brandon Dispatchable Capacity Project (Manitoba Hydro)
Registry File: 90571

Department/Agency	Environment and Climate Change Canada
Lead Contact	Marcus Edino, Senior Environmental Assessment Officer
Full Address	9250 49 Street NW, Edmonton AB T6B 1K5
Email	Marcus.Edino@ec.gc.ca
Telephone	587 338 7051
Alternate Contact	EASouthPNR@ec.gc.ca

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 (IPD), a SARA permit is unlikely, given that the Project does not overlap with any federal land.

   Please see Annex A: SARA Permitting for further details.

   ***Migratory Birds Regulations, 2022 (MBR)* permits**

   Based on the information found in the Project IPD, a MBR permit is unlikely, given the described mitigation measures for migratory birds and the low likelihood of encountering the nests of species from Schedule 1 (i.e., Pileated Woodpecker, Great Blue Heron, etc.).

   Please see Annex B: MBR Permitting 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 required

   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 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.https://osdp-psdo.canada.ca/dp/en/search?search_share=&content_category=100001&sort=issued_normalized|desc&page=0|10&search_option=exactall&published=|&isIncludeNonSpatialData=true&facets=subject_area|false|1100008|;contributor_organization|false|GC:ECCC-ECCC|&extentInfo=

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
- 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 whether your department or agency has identified any power that it will not be exercising or may not be able to exercise to allow the Project to be carried out, 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[1] and the information in your possession, including the Initial Project Description, any exchanges with the proponent or others related to the Project and known means to address the effects of the Project. For each key issue:

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 material[2] 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.

Jody Small - Regional Director, PNR

Name and title of Departmental / Agency Responder

July 17, 2026

Date

[1] Refer to the Memoranda of Understanding with IAAC.
[2] An issue is material to decision making if its analysis is anticipated to affect the conclusions on (1) whether adverse effects within federal jurisdiction or direct and incidental adverse effects (collectively adverse federal effects) are likely not significant, or of low, medium or high significance; (2) appropriate mitigation measures for significant adverse federal effects; or (3) 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

Identify comments by organization and comment number.
 	
e.g.: IAAC-01
	Specify the key issue (e.g., specific species and location).	*Identify the Project component or activity linked to the key issue.*
		
		Be specific about the nature, scale, novelty and complexity or the component or activity.
			Identify the specific biophysical effect pathway between the Project component or activity and the affected environmental or human receptor (including Indigenous Peoples).	*Describe why it's a key issue within the mandate of your department or agency, including in terms of priorities of the federal government and in terms of anticipated likelihood, severity or uncertainty of effects.*
				
				Identify if the key issue is common for Projects of this nature or in this sector, or whether it's unique to this Project due to its complexity, size or novelty; a sensitive or rare receiving environment; and/or proximity of sensitive environmental or human receptors (including Indigenous Peoples).
					Describe why the key issue is material to decision-making as either:
					
					• *an adverse effect within federal jurisdiction, or a direct or incidental adverse effect, that may be significant based on available evidence including:*
					  ○ *federal experts' knowledge and experience with past Project assessments;*
					  ○ *presence of sensitive species, habitats or human receptors (including Indigenous Peoples);*
					  ○ *novel or complex Project activities, components or technologies;*
					  ○ *high uncertainties in effects or in the effectiveness of mitigation measures;*
					  ○ *unknown or unproven mitigation; or*
					• *a factor for the justification in the public interest anticipated to be material to decision-making such as a likely positive effect contributing to sustainability, to Canada's environmental obligations or climate change commitments or in supporting governmental priorities, such as reconciliation with Indigenous Peoples.*
						Describe how the key issue could be resolved or addressed by:
						• *Any means, including powers, duties, functions, frameworks, policies or guidance that your department or agency has;*
						• *Any means, including powers, duties, functions, frameworks, policies or guidance from another jurisdiction, including the province;*
						• *Common, proven, well-understood or standard mitigation measures to mitigate the effect or effect pathway(s); or*
						• *Commitments made by the proponent (e.g., in the Initial Project Description).*
							Describe information the proponent can provide, or commitments the proponent can make, in their Response to the Summary of Issues that would provide confidence that the issue can be resolved by existing means.
							
							Consider whether information, studies, analyses or collaborative work with other authorities would be required to address the issue beyond existing means.

ECCC-01	Air quality due to contaminants such as nitrogen oxides (NOx),	The construction, operation, and decommissioning of the Project can result in adverse effects on air quality. Projects that	ECCC provides expertise on the fate of air emissions to help support Health Canada's assessment of potential impacts on nearby Indigenous Peoples.	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	Air Quality impacts may present an adverse effect within federal jurisdiction that may be significant due to: • the presence of sensitive human receptors,	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	ECCC recommends the following be included in the Proponent's Impact Statement to assess potential impacts to air quality, should impacts from the Project on air quality be shown to be an

	and particulate matter ($PM_{2.5}$, PM_{10} and PM).	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 $PM_{2.5}$, PM_{10} and PM. The bulk of emissions typically occurs 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 $PM_{2.5}$, PM_{10}, NOx, and other air contaminants.	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.	conditions of the Indigenous Peoples of Canada.	including Indigenous Peoples; and • the large magnitude of NOx and $PM_{2.5}$ emissions.	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. Additionally, should the annual utilization of the simple cycle combustion turbines become substantially greater than the anticipated utilization factor of up to 5% in most years, the Proponent could take advantage of the design flexibility already identified in Section 9.3.2 of the IPD Summary, including the potential for future conversion to combined cycle, to improve efficiency and reduce greenhouse gas and air pollutant emissions.	effect within federal jurisdiction and material to the Project decision: • Baseline and reference ambient air quality, including quantified emission sources for all relevant contaminants, including but not limited to: PM, 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 Manitoba Wildfire Smoke and Air Quality Map ; • 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, including for inversion events; • 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; and • 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 programs, as well as monitoring and follow-up.

ECCC-02	Greenhouse Gas (GHG) Emissions Assessment	The construction, operation, and decommissioning of the proposed Project will result in GHG emissions or impacts to carbon sinks. The maximum GHG emissions during operations is estimated by the Proponent to be 10.4 kt CO_2e/yr.	N/A	The assessment of GHG emissions (including upstream emissions) and carbon sinks 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 (*Impact Assessment Act* (IAA) paragraph 22(1)(i) Factors to Be Considered). Due to the potential for GHG emissions from Project operations, ECCC recommends the Project follow the Strategic Assessment of Climate Change (SACC) in the estimation of GHG emissions, with an emphasis on the full consideration and evaluation of GHG mitigation measures.	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. Application of the 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. This information may assist in determining if the Project will contribute to Canada's ability to meet its environmental obligations and its commitments in respect of climate change.	The 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. 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). 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.	ECCC recommends that the Project's GHG emissions and climate change impacts be assessed and mitigated consistent with guidance in the SACC due to potential GHG emissions from Project operations. The Proponent is encouraged to provide more information on the measures being considered to reduce the Project's GHG emissions on an ongoing basis. Technical guidance on the SACC can be found at: https://www.strategicassessmentclimatechange.ca/24391/widgets/98155/documents/62220
ECCC-03	Climate Change Resilience	Climate over the lifetime of the Project is likely to be different from past and current climate in the Project area. For example, Project components and activities for which climate change resilience could be important for this Project include those related to surface water management.	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). 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.	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).	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).	The 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.	ECCC recommends the Proponent reference relevant climate change publications. 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. 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

ECCC-04	Water Quality and Quantity	The activities linked to the construction, operation, and decommissioning of the Project could have adverse effects on the quality of groundwater and surface water, as well as affect the hydrological regime within nearby wetlands, watercourses and channel morphology through site recontouring, changes in land cover, stormwater and surface water management structures (i.e. ponds, ditches, and water treatment facilities).	The Project proposes construction of stormwater management infrastructure. If this infrastructure is not adequately designed to accommodate projected flow conditions, undersized water conveyance structures such as stormwater ponds, stormwater ditches and effluent channels may overflow during extreme flood events, potentially resulting in the release of contaminants to the receiving environment through runoff, erosion, infiltration into groundwater, and sedimentation processes. Water management must consider the presence of the two confirmed ephemeral drainages and the semi-permanent wetland to maintain existing drainage patterns and minimize potential effects on water quality and hydrological function. Project activities may produce airborne particulate matter, which could be a source of surface water contamination upon deposition. However, it is unlikely to be a pathway of effect leading to material effects for the Project. Project activities have the potential to affect groundwater quality through seepage or releases of contaminants. Where groundwater is hydraulically connected to surface water, these contaminants could subsequently affect surface water quality. The use and storage of water by the Project presents the potential for contaminants to enter groundwater through seepage from process water impoundments. These contaminants could then be transported to aquatic receiving environments, potentially resulting in adverse effects on water quality and, consequently, on fish and fish habitat where waters are frequented by fish. The proposed ~30-kilometre-long natural gas pipeline from Moore	Impacts to water quality and quantity affecting fish and fish habitat are within the mandate of Environment and Climate Change Canada. Transmission line and pipeline right-of-way construction may involve the indefinite clearing of vegetation within the riparian zone of any affected watercourses, which may result in residual effects to fish and fish habitat. The withdrawal of water from the Assiniboine River may result in effects to fish habitat in this river and downstream reaches.	Changes to water quality and quantity can result in adverse impacts to fish and fish habitat, which are effects within federal jurisdiction.	ECCC recommends that additional mitigation measures are considered to ensure that all waters discharged from the site do not cause negative impacts to aquatic life. The Proponent can apply standard mitigation measures for erosion and management of stormwater, such as: • selecting a design storm that provides adequate erosion protection and accommodation of extreme runoff events; • protecting easily erodible surfaces until local vegetation re-establishes; • retaining surface water runoff generated from the proposed works in stormwater ponds; • grading the ground surface so that runoff quickly drains to channels, through culverts, and into stormwater ponds, rather than pooling; • regularly inspecting the Project area, repairing and protecting surfaces that have begun to erode; and • implement appropriate stormwater management measures to prevent, detect, and minimize contaminant releases, and manage stormwater discharges in a manner consistent with applicable *Environmental Protection and Enhancement Act* (EPEA) water quality requirements to avoid or minimize adverse effects on waters frequented by fish. The Proponent should consider effects to the groundwater-surface water interaction regime. This could include an assessment of potential groundwater impacts, including hydrogeological investigations, monitoring well networks, and contingency	ECCC recommends the Proponent provides: • rationale on the selection of the design storm event (including peak discharge and runoff depth); • a stormwater management plan including designs for hydraulic structures (drainage ditches, effluent channels, stormwater ponds, etc.); • details on the proposed stormwater discharge location and pathway to ensure that discharges do not enter fish-bearing waters; • detailed erosion and sediment control measures proposed during construction and operation; • a groundwater monitoring and management plan to avoid seepage of contaminants into the groundwater system; and • a water quality management and monitoring plan for near-water and in-water Project construction activities. Should the Project be subject to an assessment under the IAA, ECCC recommends that the Impact Statement describe all potential effects, including direct and indirect effects, of Project components or activities, including changes to surface water quality and quantity at a suitable spatial and temporal scale. This should include a detailed characterization of the receiving environment, both under baseline conditions as well as project-affected conditions through each phase of the Project for all watercourses and wetlands adjacent to the project site and potentially affected by the Project. In addition, Project effects should take into consideration the hydrological impacts caused by climate change. The Impact Statement should also describe mitigation strategies and assess applicability and functionality of these strategies to the Project and propose a contingency plan to mitigate potential effects that may result from the overflow of stormwater and surface water

			Park primary gate station to the Brandon Generating Station will cross the Assiniboine River. The construction of the proposed pipeline would involve near-water and in-water works. Such activities have the potential to affect water quality and fish and fish habitat. The Project considers a raw water intake as an alternate source of process water if water cannot be sourced from the City of Brandon's Water Reclamation Facility. This alternative would introduce in-water construction in Assiniboine River. Seemingly small interventions in the river flow can result in disproportionately large shifts in river geomorphology. In addition, water withdrawals could affect the quantity of water available in the Assiniboine River. Transmission line and pipeline right-of-way construction may involve the indefinite clearing of vegetation within the riparian zone of any affected watercourses, potentially increasing erosion and sedimentation, degrading water quality, and adversely affecting fish and fish habitat. Linear disturbances such as rights-of-way may result in adverse effects to surface water quality and quantity by altering the rate, volume, and timing of inflows into receiving water features, and the rate, volume and timing of outflows from contributing water features and surface runoff. Surface flows can be altered through site re-contouring, surface water management (e.g., dewatering), changes in land cover, removal of existing water features within the affected footprint, water demand to support construction, watercourse crossing structures (culverts, bridges, or causeways) or other means. These adverse effects may alter the hydraulic conditions downstream of the Project, which			measures in the event of contaminant migration. In addition, the Proponent should consider the drawdown effects on the wells indicated to be within 1 km of the Project site. The Proponent should also consider the effects to surface water quality from any near-water and in-water Project activities to avoid or minimize adverse effects on receiving waters and aquatic life. Many linear features are constructed using open-cut methods. In these cases, after the linear feature has been placed, the surface drainage should be restored to pre-disturbance conditions, particularly but not limited to hydraulic connections and conveyance capacity. Land cover should adopt standard mitigation measures to control erosion.	management structures during extreme flood events. The Proponent can provide a map of the proposed right-of-way alignment, including any watercourses and wetlands within this right-of-way, clearly identifying where horizontal directional drilling will be used, along with a description of impacts to water quality and quantity. The Proponent can also provide, where applicable, a map of the proposed in-water works and a description of impacts to water quality and quantity, including proposed mitigation measures to ensure that pre-disturbance surface drainage patterns will be preserved and effects to the hydrology and potential erosion to the banks of the Assiniboine River are assessed and mitigated.

			can subsequently alter the channel morphology because of erosion and changes in sediment transport patterns. Water features normally filled with water may run dry as a result of the Project or conversely, normally dry channels and depressions may become inundated with water. The quantity of water also affects the concentration of contaminants of potential concern and therefore influences the potential effects of project-related contaminant releases on water features.				
ECCC-05	Migratory birds, including Schedule 1 Migratory Birds: killing, harming or harassing migratory birds, including Disturbing or destroying active nests.	The activities linked to the construction, operation, and decommissioning of the Project and associated infrastructure could result in individual mortality and the destruction of nests and eggs.	Vegetation clearing, wetland drainage, noise, vibrations, artificial lighting and disturbances from construction, operation and decommissioning activities may result in injury, mortality, sensory disturbance and change in habitat use. 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 riparian areas such as the Assiniboine River) or where there is already a high degree of cumulative effects to habitat (e.g., native grassland) or individuals.	Migratory birds are within the mandate of Environment and Climate Change Canada under the MBCA and the MBR.	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: • undertaking vegetation and habitat clearing activities outside of the migratory bird nesting season to prevent the destruction of migratory birds and their eggs and nests; • management of lighting required for the construction, operation and decommissioning of the Project to minimize	ECCC recommends that the Proponent considers the MBCA and the MBR. 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: (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.

			Attraction to lights at night or poor visibility conditions may cause birds to collide with vertical structures, such as the transmission towers and collector lines, resulting in injury or death. The *Migratory Birds Convention Act, 1994* (MBCA) and associated *Migratory Birds Regulations 2022* (MBR) protect migratory birds and prohibit the disturbance or destruction of migratory bird nests when they contain a viable egg or a migratory bird (young or adult). Schedule 1 of MBR provides year-round nest protection for 18 species, with Pileated Woodpecker having the potential to occur in the project area (i.e., broadleaf habitat where the proposed transmission line route crosses). Destruction and/or disturbance of habitat can have increased impacts on migratory birds, their nests, eggs, and young, 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 or open gravelled areas left unattended/unvegetated during the most critical period of the breeding season, making them vulnerable to construction activities.			attraction of birds to reduce collision risk; • placing bird flight diverters or line markers along transmission lines to minimize collision risk; • erecting tubular structures, instead of steel lattice structures, for the transmission line towers to minimize potential for nesting on infrastructure; • timing the detonation of implosive sleeves during construction of the transmission lines, to outside sensitive periods (i.e., breeding season) and/or minimizing the frequency of the activity; • using horizontal directional drilling for the installation of pipelines under waterbodies such as wetlands (where feasible), and the Assiniboine River to avoid habitat destruction and disturbance; • avoiding disturbance to native grassland habitat, if present, along the proposed gas pipeline route, and implementing beneficial management practices for restoration if avoidance is not possible; and • applying exclusion techniques to prevent nesting access to Project infrastructure. Since the ability to detect nests in most habitats is very low, while the risk of disturbing or damaging active nests during searches is high, ECCC recommends that if nest searches are to be conducted, that the surveys be carried out by skilled and experienced observers using appropriate methodology for activities that would take place in simple habitats with a few likely nesting spots or a small community of migratory birds.	

						MCBA permits, which are discussed in Question 1 of the FAAR, are considered unlikely for the Project.	
ECCC-06	Species at risk: killing, harming or harassing species, habitat disturbance or destruction, disturbing or destroying residences.	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 *Species at Risk Act* (SARA), and their habitat (e.g. wetlands) and critical habitat.	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, small patches of native grassland may contain plant and invertebrate species at risk. In addition, drainage and filling of wetlands may kill, harm or harass Northern Leopard Frog and Western Tiger Salamander, which are both listed on Schedule 1 of SARA. Mortality risk for reptile and amphibian species at risk may also increase due to open-cut trenching of pipelines. Little Brown Myotis rely on summer and fall roosts that may be disturbed or removed during construction (e.g., tree roosts in the Broadleaf habitat where the proposed transmission route crosses), potentially harming or killing the bats. Little Brown Myotis may also roost in anthropogenic structures, where during operations the bats can be disturbed. 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 understanding risk of mortality for species at risk. 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	Species at risk and their habitat, are within the mandate of Environment and Climate Change Canada under the SARA.	Terrestrial species at risk listed under SARA may be linked to an effect within federal jurisdiction, for example related to the current use of lands and resources for traditional purposes. In addition, 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.	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: • applying activity restriction guidelines for sensitive wildlife; • limiting and orienting lighting to minimize light pollution; • conducting amphibian and reptile exclusion activities, and amphibian and reptile salvage activities, around open-cut trenches to minimize mortality risk; • using horizontal directional drilling for the installation of pipelines under waterbodies such as wetlands (where feasible) and the Assiniboine River, to avoid habitat destruction and disturbance; • avoiding disturbance to native grassland habitat, if present, along the proposed gas pipeline route, and implementing beneficial management practices for restoration if avoidance is not possible; • giving wildlife the right of way and adjusting speed limits; and • applying exclusion techniques to prevent access to Project infrastructure. SARA permits, which are discussed in Question 1 of the FAAR, are considered unlikely for the Project.	ECCC recommends that the Proponent consider SARA. 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 make sure they are avoided, minimized, or whether adaptive management may be required. Additionally, there is always the possibility that species assessed by Committee on the Status of Endangered Wildlife in Canada (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 to implement measures to lessen or avoid impacts and to monitor them.

			potential effects. Sensory disturbance may make adjacent habitats unsuitable for use by species at risk and cause avoidance effects in many species. 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.				
ECCC-07	Environmental Emergencies: accidents and malfunctions Potential releases of hazardous substances during construction, operation, maintenance, and decommissioning resulting in adverse effects on water quality, fish and fish habitat, migratory birds, species at risk, and Indigenous use of lands and resources.	The Project consists of the construction and operation of a new dispatchable natural gas-fired generation facility at Manitoba Hydro's Brandon Generating Station site, comprising: • three simple-cycle combustion turbine (SCCT) generating units with associated auxiliary systems; • a new approximately 30 km natural gas pipeline connecting the facility to existing regional natural gas infrastructure; • new transformer and electrical interconnection infrastructure, including two 230 kv transmission line connections; • water treatment, storage, wastewater handling and cooling systems; • fuel storage and handling systems, including diesel used during	Accidental releases could occur during construction, operation, maintenance, or decommissioning through: • spills or leaks of fuels, lubricants, hydraulic fluids, transformer oil, glycol solutions, ammonia, water treatment chemicals, or contaminated wastewater; • equipment failure involving turbines, generators, transformers, pumps, storage tanks or process piping; • failures of the natural gas pipeline, including leakage, rupture or associated infrastructure failures; • structural failure of storage tanks, containment systems or chemical handling facilities; • releases associated with transportation accidents involving hazardous materials or construction equipment; • fire, explosion, or catastrophic failure, involving natural gas handling systems, turbines, transformers, or electrical infrastructure;	Key concerns specific to this Project include: • risks of accidental releases involving natural gas, diesel fuel, transformer oils, lubricating oils, glycol, and water treatment chemicals; • fires, explosions, or catastrophic failures, associated with combustion turbines, natural gas infrastructure, and electrical equipment; • natural gas pipeline related risks, including third-party damage, material failure, corrosion, or operational malfunctions; • releases associated with transformer failures, including large-volume mineral oil spills and fire-related contaminants; • failure of flood protection, stormwater	Accidents and malfunctions involving hazardous substance releases, pipeline failures, transformer failures, fires, explosions, or chemical storage systems, could result in non-negligible adverse effects to: • fish and fish habitat; • migratory birds; and • water quality changes associated with accidental releases. The IPD identifies several Project components requiring robust accident prevention and mitigation measures, including: • natural gas pipeline infrastructure; • combustion turbine fuel and lubrication systems; • transformer and electrical infrastructure; • water treatment and wastewater management systems; • chemical storage and handling facilities; and • stormwater, drainage and flood protection infrastructure. Further information may be required to assess the potential effects associated with the following:	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: • Containment and storage controls: ○ 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 (fuel handling zones, turbine buildings, pipeline construction zones, transformer yards). • Site controls and best practices: ○ designated, bermed, and lined refuelling and maintenance areas located 30m	ECCC recommends the Proponent consider committing to the following items, which would provide confidence that potential accident and malfunction scenarios associated with the Project have been adequately considered and prepared for, and that the risks of adverse impacts to components of the environment under federal jurisdiction are minimized: • conducting a risk assessment of plausible accident and malfunction scenarios that could result from the activities proposed in the Project and from the impact of natural hazards or environmental conditions at the proposed project site; and • adopting all relevant industry best-practices regarding prevention, mitigation, preparedness, response, and recovery in the context of spills resulting from accidents and malfunctions.

		construction and for backup or emergency purposes; • flood protection and drainage infrastructure; and • construction activities involving heavy equipment operation, fuelling, maintenance and transportation of hazardous materials. Given these activities, hazardous substances likely to be present include natural gas, diesel fuel, gasoline, lubricating oils, hydraulic fluids, transformer oils, glycol solutions, water treatment chemicals, solvents, paints, contaminated wastewater, and various hazardous products associated with turbine operation, power transmission systems and facility maintenance. The presence of high-pressure natural gas systems, oil-filled electrical equipment, chemical storage areas, cooling systems, and water management infrastructure, creates the potential for accidents and malfunctions involving hazardous substances that could result in non-negligible adverse environmental effects within federal jurisdiction.	• failure of stormwater, drainage, or flood protection systems, resulting in offsite migration of contaminants; and • flood events compromising containment systems, chemical storage areas, or hazardous material management infrastructure. Potential pathways for non-negligible effects to federal jurisdiction components include: • contamination of surface water, wetlands, or drainage systems, from accidental spills or releases; • soil and groundwater contamination with subsequent discharge to aquatic ecosystems; and • airborne transport of combustion by-products and hazardous substances generated during fires or explosions, or thermal impacts affecting migratory birds and species at risk.	management, or drainage systems, resulting in the mobilization of contaminants to nearby watercourses; and • increased risk of accidents, associated with extreme weather events, flooding, and changing climatic conditions. A federal review is recommended to ensure that the proposed mitigation measures are sufficient to address these potential adverse effects. 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-negligeable adverse environmental effects within ECCC's mandate. 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. Additionally, ECCC coordinates expert review of atmospheric transport and dispersion modelling of airborne contaminants, fate and behavior of contaminants, and	• spill prevention and secondary containment systems; • environmental emergency preparedness and response capacity; • hazardous materials storage and handling procedures; • inspection, maintenance and integrity management programs; and • flood resilience and climate adaptation measures.	away, at minimum, from waterbodies; ○ standardized procedures for handling oils and hazardous chemicals; ○ preventive maintenance programs for turbines, transformers, pipelines, stormwater pond and cooling systems; and ○ designed and maintained hazardous substance storage, containment and emergency response infrastructure to remain effective during extreme precipitation and flood events. • Plans and programs: ○ comprehensive Spill Contingency Plan, Emergency Response Plan, and Waste Management Plan, covering fuel, natural gas systems, oils, chemicals, and wastewater; and ○ clear roles, communication procedures, and training requirements. • Monitoring and adaptive management: ○ regular Inspection of pipeline ROWs, transmission structures, stormwater pond, and chemical storage infrastructure; and ○ adaptive management triggers for early signs of contamination, erosion, or equipment failure. Although the Proponent has proposed certain measures in the IPD that may be adequate, the response plans, mitigation strategies, Project components,	

				hydrologic trajectory modelling of contaminants in water.		and systems are currently outlined only in broad terms. Part 8 of the Canadian Environmental Protection Act, 1999 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 Environmental Emergency Regulations, 2019*. The Act may apply if Schedule 1 substances onsite meet or exceed the threshold to be regulated under the *Canadian Environmental Protection Act, 1999*. Technical Guidelines for the *Environmental Emergency Regulations, 2019* may be found at: https://www.canada.ca/en/environment-climate-change/services/environmental-emergencies-program/regulations/technical-guidelines.html	

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 individuals[3] 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 Canada[4].

Additional SARA Prohibitions:

Critical Habitat[5], 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

Tips for a Successful Application

---

[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.

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 ECCC is working on guidance for MBR Permitting, however, MBR permit application forms and contact information for CWS regional offices are available here: Migratory bird permit application forms - Canada.ca.

Environment and Climate Change Canada's (ECCC) mandate includes the protection of migratory birds and their habitat. Regulations pursuant to the *Migratory Birds Convention Act* (MBCA) provide for the conservation of migratory birds and the protection of their nests and eggs. Section 5 of the *Migratory Birds Regulations, 2022* prohibit, except under the authority of a permit: the capture, killing, take, injury or harassment of migratory birds; and the disturbance or destruction of nests that contain a live bird or viable egg. Possession of a migratory bird, nest or egg without lawful excuse is also prohibited. Section 5.1 of the Act prohibits the deposition of substances harmful to migratory birds in waters or areas frequented by migratory birds or in a place from which the substance may enter such waters or such an area. The MBCA applies anywhere in Canada. The modernization of the Migratory Birds Convention Act Regulations that came into effect July 30, 2022, has placed a 24-month year-round nest protection restriction on the nests (occupied or not) of the following species: Great Egret, Great Blue Heron, Cattle Egret, Green Heron, Snowy Egret and Black-crowned Night Heron. Pileated Woodpecker nest cavities (excluding roost cavities) occupied or not are protected for 36 months. Nests of these species can be removed without a permit if the following conditions are met:

- (i) the person who damages, destroys, removes or disturbs that nest provided a written notice to the Minister a number of months beforehand that corresponds to the number of months set out in column 3 of the relevant Table to that Schedule for the species, and
- (ii) the nest has not been used by any migratory bird species since the notice was received by the Minister.

ECCC can provide technical information and key breeding dates as guidelines to help Proponents determine the periods when the risk of destroying a migratory bird nest or egg or otherwise contravening the MBCA and regulations is particularly high.