

**Federal Authority Advice Record (FAAR)**

Baptiste Nickel Project – FPX Nickel Corp. (proponent)

Registry File: 90051

Department/Agency	Fisheries and Oceans Canada – Major Projects
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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?

Yes

- 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

Authorization under Section 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* may potentially be required for works, undertakings or activities that would result in death of fish or harmful alteration, disruption, or destruction (HADD) of fish habitat. Relevant works, undertaking and activities including the pit, waste rock areas, tailings management facility, water management infrastructure, etc. within the mine project area and transportation and utility infrastructure outside of the mine project area.

As per section 74 of the *Species at Risk Act*, activities resulting in prohibited effects on listed aquatic species at risk can be authorized under other federal legislation, including the *Fisheries Act*. As such, an authorization under paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* can also be used to authorize works, undertakings or activities likely resulting in the death of fish by means other than fishing, the harmful alteration, disruption or destruction of fish habitat, and prohibited effects on listed aquatic species at risk. Should the project be authorized, the issued *Fisheries Act* Authorization will also serve as a *Species at Risk Act* permit. The Proponent has indicated that development of a freshwater supply source for the mine has potential to impact Endangered White Sturgeon and critical habitat for this species that is located at the mouth of Middle River into Trembleur Lake.

A Schedule 2 Amendment under the *Metal and Diamond Mining Effluent Regulations* (MDMER) may potentially be required if construction of the Tailings Management Facility will result in deposition of mine waste into waters frequented by fish. ECCC is the responsible agency and may assign certain responsibilities to DFO involving the review and monitoring of any required Fish Habitat Compensation Plan (FHCP).

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

If a *Fisheries Act* Authorization under section 35, a *Species at Risk Act* permit, or MDMER Schedule 2 Amendment is required, consultation with Indigenous groups whose Aboriginal or treaty rights may be adversely affected by the project will be needed. This consultation does not have a mandated timeline.

- 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.

If a *Fisheries Act* Authorization is required, a comprehensive offsetting plan that adequately counterbalances harmful alteration, disruption and/or destruction of fish and fish habitat must be submitted as part of an application for authorization.

If the project has the potential to impact White Sturgeon or its critical habitat, a *Species at Risk Act* permit will be required. The Proponent must submit an application that meets the following conditions: (1) all reasonable alternatives have been considered and the best solution has been adopted; (2) all feasible measures have been taken to minimize the impacts on the species or critical habitat; and (3) the activity will not jeopardize the survival or recovery of the species.

If construction of the Tailings Management Facility (TMF) will result in deposition of mine waste into waters frequented by fish, a Fish Habitat Compensation Plan must be submitted with the application for the Schedule 2 Amendment. ECCC are the lead federal agency and are responsible for determining the information requirements for that application.

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

If a *Fisheries Act* Authorization is required for this project, the Proponent must submit an application that meets the requirements specified in Schedule 1 of the *Authorizations Concerning Fish and Fish Habitat Protection Regulations*.

If a *Species at Risk* Permit is required, the Proponent must provide the information as stated on the [Species at Risk Public Registry](#).

If a MDMER Schedule 2 Amendment is required for the Tailings Management Facility, the Proponent must submit a detailed assessment report and application that meets the Environment and Climate Change Canada requirements.

- 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.

N/A

2. **Using Table 1**, identify project- and context- specific **key issues**, based on the expertise within your mandate<sup>1</sup> 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<sup>2</sup> 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.

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David Carter  
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Fish and Fish Habitat Protection Program  
Fisheries and Oceans Canada

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<sup>1</sup> Refer to the [Memoranda of Understanding with IAAC](#).

<sup>2</sup> 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

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
DFO 01	Harmful alteration, disruption or destruction (HADD) of rainbow trout habitat in Baptiste Creek watershed is likely. <i>Fisheries Act</i> authorization (FAA) and offsetting likely required.	Open pit, overburden and rock stockpile	Vegetation clearing, excavation, infilling, and water diversion may result in: changes or loss of riparian and aquatic fish habitat; changes to flows that may affect habitat, sedimentation; or deposition of deleterious substances.	The proposed works undertakings or activities may result in harmful impacts to fish and/or fish habitat.	Potential for harmful alteration, disruption or destruction of fish and fish habitat, which would require authorization under the <i>Fisheries Act</i> .	<p>Consider options to avoid, or mitigate harmful alteration, disruption or destruction of fish and fish habitat from project effects by relocating and redesigning project components, where possible.</p> <p>To improve regulatory certainty, where proposed project effects are likely to cause harmful alteration, disruption or destruction of high value fish and/or fish habitat the proponent is encouraged to pursue options to avoid such impacts.</p> <p>Where it is not possible to avoid or mitigate all project impacts a plan should be proposed to offset and counterbalance the harmful impacts to fish and fish habitat, as outlined in DFO's <i>Policy for Applying Measures to Offset Harmful Impacts to Fish and Fish Habitat</i> (March 2025).</p>	<ol style="list-style-type: none"> <li>1. Extent of fish habitat in the project component area. Apply the methodology in the <a href="#">BC Fish Stream ID Guidebook (2025)</a>.</li> <li>2. Extent of component footprint intersecting waters frequented by fish and fish food supply areas.</li> <li>3. Changes in flow from the components within fish habitat.</li> <li>4. Assessment of those changes in flow to fish and fish habitat.</li> <li>5. Conceptual plan for any required offsetting.</li> <li>7. Once the vegetation is removed, and evapotranspiration of forest within the mine footprint area is lost, there may be an overabundance of runoff from a mine site. The vegetation clearing and site disturbance required for construction of these facilities is extensive. Given the extent of the footprint, managing the runoff and sediment associated with the disturbance will require planning and considerable effort. A surface erosion model and a erosion and sediment control plan that consider the full range of precipitation and runoff events across all disturbed areas will be required to ensure adequate mitigation measures are in place to avoid sedimentation of fish habitat and to prevent adverse effects on fish from elevated total suspended solids.</li> <li>8. Conduct a fulsome literature search of reports that document the use of the Early Stuart sockeye salmon in Trembleur Lake tributaries and Middle River and its tributaries. Note that in DFO reference material Sidney Creek is also known as Felix Creek. Please query the following sources: <ol style="list-style-type: none"> <li>1. <a href="#">Fisheries and Oceans Canada Library - Federal Science Libraries Network</a></li> <li>2. <a href="#">CSAS Publications</a></li> </ol> </li> </ol>

Comment ID	b) 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
DFO 03	Impact to Early Stuart Sockeye Salmon habitat Designatable Unit (DU20) in Sidney Creek watershed is likely.	Temporary Ore and Overburden Stockpile	See DFO-01	<p>See DFO-01</p> <p>Sockeye in Paula Creek and Sidney Creek are from the Early Stuart Designatable Unit (DU20). Trembleur Lake is important rearing habitat for sockeye from DU20 and from the Late Stuart Designated Unit (DU21). The Committee on the Status of Endangered Wildlife in Canada have assessed the conservation status of both DU20 and DU21 as Endangered and have recommended that these populations be considered for legal protection under the <i>Species at Risk Act</i> (SARA) (COSEWIC 2017). DU20 and DU21 are currently under evaluation for an Endangered listing under SARA. If DU20 is SARA listed, residences (defined as sockeye salmon spawning redds of this DU) will be protected from damage or destruction (SARA sec. 33). In addition to residences, critical habitat for the DU may be identified, designated, and protected after the listing (SARA sec. 58).</p> <p>DU20 is the most at risk of all Fraser River Sockeye DUs (Doutaz et al., 2023). In 2025, Sidney Creek had the second greatest return of DU20 spawners with an estimated 55,944 fish, next only to the Driftwood River which had an estimated 62,535 returns (DFO 2025). However, given that spawning density is much higher in Sidney Creek, Sidney Creek is recognized as an important spawning stream for DU20. Paula Creek is also significant, with 10,713 returns in 2025 (DFO 2025). The Recovery Potential Assessment (Doutaz et al., 2023) includes the following statement regarding DU20:</p> <p>“As such, it is our recommendation that the only activities allowed that cause mortality are those that are in support of the survival of the DU, and all sources of anthropogenic harm should be reduced to the maximum extent possible.”</p> <p>Bull trout – Pacific Population are classified as COSEWIC Special Concern. They are known to habitat various waterbodies in the Project Area.</p>	See DFO-01	<p>See DFO-01</p> <p>In Sidney Creek, Paula Creek, Middle River and Trembleur Lake, fish and fish habitat values are high.</p> <p>Consideration should be given to eliminating or reducing impacts to DU20 and DU21.</p>	See DFO-01

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DFO 04	Impacts to rainbow trout habitat in Baptiste Creek and DU20 fish habitat in Sidney and Paula Creeks.	Total Project Area	See DFO-01	See DFO-03.	See DFO-01	See DFO-01  Try to avoid or minimize, to the extent possible, impacts to fish and fish habitat in Baptiste, Sidney and Paula Creek watersheds.	See DFO-01
DFO 05	Impact to COSEWIC Endangered Early Stuart Sockeye Salmon (DU20) habitat in Sidney and Paula creek watersheds.	Tailings management facility (TMF)	See DFO-01	See DFO-03.  The Proponent has planned mine facilities, including a tailings management facility (TMF) within watersheds that contain sensitive sockeye salmon habitat for DU20. These habitat values are well documented in publicly available sources (e.g., COSEWIC 2017; Doutaz et al., 2023, p. 192). Based on the information provided in the Initial Project Description, DFO notes that the potential implications of a TMF being proposed in a watershed with high value fish and fish habitat will need to be adequately characterized and all efforts made to avoid impacts.	See DFO-01  ECCC will determine if a MDMER Schedule 2 amendment is required.	See DFO-01	See DFO-01  If the TMF will result in deposit of tailings in waters frequented by fish, a Conceptual Fish Habitat Compensation Plan for the MDMER Schedule 2 Amendment application will be required.
DFO 06	Potential impacts to DU20 (Early Stuart Sockeye) habitat in Trembleur Lake; and White Sturgeon and its critical habitat at Middle River.	Freshwater supply system	See DFO-01  Larvae and fry entrainment	See DFO-03  Potential impacts to Nechako White Sturgeon (SARA-listed endangered) and its designated critical habitat at mouth of Middle River into Trembleur Lake.  Fish-bearing streams in the vicinity can have a high sensitivity to diversion of water during low flow periods.	See DFO-01  This component may require a SARA permit.	Explore options for mitigating project effects including potential redesign, reconfiguration or relocation of components where feasible to limit impacts to highly sensitive fish and fish habitats. Drawing water from highly sensitive habitats should be avoided or mitigated where possible.  Proposing impacts to SARA listed species would present uncertainty for regulatory approvals, as the SARA sub-section 73(3) pre-conditions must be met before a permit can be issued.	If the project will require a SARA permit to engage in an activity affecting a listed species, any part of its critical habitat or the residences of its individuals the proponent should provide: <ul style="list-style-type: none"> <li>• Description and quantification of potential impacts to white sturgeon (e.g., death, entrainment of larvae or fry, etc.) or their critical habitat in Middle River.</li> <li>• A description of all reasonable alternatives to the activity that would reduce the impact on the species that have been considered and a explanation of why the solution adopted is the best solution.</li> <li>• A description of all the measures that will be taken to minimize the impact of the activity on the species</li> </ul>

Comment ID	d) 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
DFO 07	Impacts to fish and fish habitat from construction of linear infrastructure (e.g., roads, transmission line, diversion ditches)	Linear infrastructure.	See DFO-01  Potential creation of barriers to fish passage at stream crossings.	Mine roads and the transmission line have the potential to result in harmful alteration, disruption and/or destruction of fish and fish habitat that may require authorization and measures to offset the impacts.	See DFO-01	See DFO-1  Ensure the proposed project roads and transmission lines are designed and implemented to minimize the number of crossings and to limit impacts to fish and fish habitat. Ensure effective sediment and erosion control measures are employed.  Ensure stream crossing do not result in barriers to fish passage.	or its critical habitat or the residence of its individuals.  • A description of why the activity will not jeopardize the survival or recovery of the species.  Stream crossing inventory for the relevant transportation infrastructure, including fish stream status at each crossing as per <a href="#">Fish Stream ID Guidebook</a> (2025 BC Government).
DFO 08	Impacts to rainbow trout habitat in Baptiste Creek and Early Stuart Sockeye DU20 habitat in Sidney and Paula Creeks.	Non-contact water diversion and freshwater supply system reservoir	See DFO-01	See DFO-01  Alteration of surface water run-off to manage clean-water from mines can result in downstream adverse effects to fish and fish habitat.	See DFO-01	See DFO-01  Avoid and/or minimize project infrastructure within Sidney and Paula Creek watersheds.	See DFO-01

## References

COSEWIC. 2017. COSEWIC assessment and status report on the Sockeye Salmon *Oncorhynchus nerka*, 24 Designatable Units in the Fraser River Drainage Basin, in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xli + 179 pp. [Sockeye Salmon \*Oncorhynchus nerka\*](#).

DFO. 2025. 2025 Early Stuart Sockeye preliminary escapement report. Unpublished data report prepared by DFO Fraser and Interior Area Stock Assessment Program, November 27, 2025. 11 pages (attached to this document).

Doutaz, D., Huang, A.-M., Decker, S., Vivian, T. 2023. [Recovery Potential Assessment for Fraser River Sockeye Salmon \(\*Oncorhynchus nerka\*\), Nine Designatable Units Part 2: Biology, Habitat, Threats, Mitigations and Allowable Harm - Elements 1-11, 14, 16-18, 22](#). DFO Can. Sci. Advis. Sec. Res. Doc. 2023/003. xiii + 250 p.