

Federal Authority Advice Record (FAAR)

FAAR Response must be submitted by January 09, 2026, via email to PointRousse@iaac-aeic.gc.ca

[Point Rouse Port Expansion Project – Point Rouse Marine Terminal Ltd.].

Registry File: [90066]

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1. (a) 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?

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

- Likely: Authorization under sections 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* may be required for proposed works, undertakings, or activities, other than fishing, that are likely to result in the “death of fish” and/or “the harmful alteration, disruption or destruction of fish habitat.
- Unlikely: In addition, DFO assesses the impacts of projects on aquatic species at risk and/or their critical habitat(s), under sections 32, 33 and subsection 58(1) of the *Species at Risk Act* (SARA) to determine whether a SARA Permit is required.

(b) Describe any associated Indigenous or public consultation, including timelines, and elaborate on any potential opportunities for consultation coordination with the impact assessment process, if an impact assessment is required.

- Should an authorization be required following submission of the application, the duty to consult and, where appropriate, accommodate Indigenous communities, whose Indigenous or treaty rights may be affected by regulatory decisions made under the *Fisheries Act* and the *Species at Risk Act*, is required under section 2.4 of the *Fisheries Act*. This may include consultation and/or accommodation on potential impacts on Canada's Indigenous peoples and/or the traditional use of territories and resources in relation to fish and fish habitat. As for public consultations, DFO does not currently provide opportunities for public participation prior to the issuance of an authorization, however information on the authorization issued will subsequently be made available to the public via the *Fisheries Act* registry. DFO will also support the Impact Assessment Agency during consultations, Indigenous and public, on matters relevant to our mandate.

2. a) 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
 - [The Authorizations Concerning Fish and Fish Habitat Protection Regulations](#) outline the information requirements of a *Fisheries Act* Authorization.
 - DFO provides information and advice pertaining to the Department's mandate throughout an Impact Assessment process. Proponents can consult with DFO regarding *Fisheries Act* requirements during the Impact Assessment process, however, DFO does not issue an Authorization (if required) until an Impact Assessment process is completed.
 - b) Identify any associated project-specific guidance or issues of which the proponent should be aware, or information the proponent should provide.
 - Links to guidance documents, identification of key issues, and details on information the proponent should provide are outlined in the tables below.
 - c) 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.
- **Using Table 1**, identify project- and context- specific **key issues**, based on the expertise within your mandate² 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 material³ 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.

Sara Lewis, Manager Regulatory Reviews
Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada

**Name and title of Departmental /
Agency Responder**

Date: January 12th, 2026

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.

² Refer to the [Memoranda of Understanding with IAAC](#).

³ 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
<p>Identify comments by organization and comment number.</p> <p>e.g.: IAAC-01</p>	<p>Specify the key issue (e.g., specific species and location).</p>	<p>Identify the project component or activity linked to the key issue.</p> <p>Be specific about the nature, scale, novelty and complexity or the component or activity.</p>	<p>Identify the specific biophysical effect pathway between the project component or activity and the affected environmental or human receptor (including Indigenous Peoples).</p>	<p>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.</p> <p>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).</p>	<p>Describe why the key issue is material to decision-making as either:</p> <ul style="list-style-type: none"> • an adverse effect within federal jurisdiction, or a direct or incidental adverse effect, that may be significant based on available evidence including: <ul style="list-style-type: none"> ○ 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. 	<p>Describe how the key issue could be resolved or addressed by:</p> <ul style="list-style-type: none"> • 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). 	<p>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.</p> <p>Consider whether information, studies, analyses or collaborative work with other authorities would be required to address the issue beyond existing means.</p>
<p>DFO-01</p>	<p>Marine fish and fish habitat baseline information is deficient and out of date.</p>	<p>Marine in-water works including drilling, piling, infilling, placement of rock material in the marine environment, and construction of the laydown area near and below the high-water mark.</p>	<p>Pathway of Effects:</p> <ul style="list-style-type: none"> • placement of materials in water • use of machinery on land/alteration of riparian vegetation • removal of materials and aquatic vegetation from water 	<p>This key issue is within DFO mandate. DFO will conduct a review of this project under the fish and fish habitat protection provisions of the <i>Fisheries Act</i> when the proponent submits a Request for Review and will determine whether a <i>Fisheries Act</i> Authorization is required. The extent of impacts to fish and fish habitat cannot be determined with</p>	<p>To enable IAAC to subsequently analyze the effects of the project on fish and fish habitat, the proponent must ensure that the baseline data being collected to characterize the existing environment are sufficient in quantity and quality and up to date to ensure adequate representation of the environment that will be impacted by the project.</p>	<p>Conduct up to date field surveying on fish and fish habitat and discuss methodology with DFO and the Province prior to conducting the surveys.</p> <p>The baseline study area should be sufficient to determine all potential effects on aquatic environments and fish communities, whether they be direct effects (e.g., infilling</p>	<p>The proponent should make a commitment to conduct baseline studies and provide up to date results for the footprint of the project.</p>

			<ul style="list-style-type: none"> detonation of explosives in or near water introduction of underwater noise <p>All pathway of effects listed above can potentially remove or alter marine fish and fish habitat and has the potential to cause the death of fish.</p>	<p>the level of information that is provided in the Initial Project Description (IPD).</p> <p>This key issue is common for projects of this nature. Sensitive or rare receiving environment cannot be assessed at this time due to lack of recent data. DFO would require up to date marine survey results.</p>		<p>resulting in the loss of fish or fish habitat) or indirect effects resulting in the alteration of fish habitat. This in turn should inform the identification of mitigation measures to avoid or minimize negative effects.</p>	
DFO-02	<p>Mitigation measures</p> <p>Note: The proponent has noted that a floating marine silt curtain would be placed “as necessary” to lessen the dispersion of suspended solids beyond the immediate area. A silt curtain will be required as a mitigation measure for all in-water works undertakings and activities in the marine environment.</p>	<p>Drilling, piling, infilling and placement of rock material in the marine environment and construction of the laydown area near the high-water mark.</p>	<p>Pathway of Effects:</p> <ul style="list-style-type: none"> placement of materials in water use of machinery on land/alteration of riparian vegetation removal of materials and aquatic vegetation from water detonation of explosives in or near water introduction of underwater noise <p>All pathway of effects listed above can potentially remove or alter marine fish and fish habitat and has the potential to cause the death of fish.</p>	<p>This key issue is within DFO mandate. DFO seeks to conserve and protect fish and fish habitat through application of the <i>Fisheries Act</i> and the <i>Species at Risk Act</i>. A key fish and fish habitat provision of the <i>Fisheries Act</i> is subsection 34.4(2), which prohibits the carrying on of any work, undertaking or activity, other than fishing, that results in the death of fish, without an authorization from the Minister. Another key fish and fish habitat provision of the <i>Fisheries Act</i> is subsection 35(1), which prohibits the carrying on of any work, undertaking or activity that results in harmful alteration, disruption or destruction of fish habitat, without an authorization from the Minister.</p> <p>This key issue is common for projects of this nature.</p>	<p>Decision-makers should take into consideration the loss of marine habitat associated with this activity. Every effort should be taken through design of the project and implementation of mitigation measures to avoid or minimize impacts to fish, fish habitat, and fisheries for the construction, operation and decommissioning of the proposed marine port.</p>	<p>The proponent should implement mitigation measures prior to carrying out any of the proposed works, undertakings and activities in or near water.</p>	<p>The proponent should make a commitment to implement mitigation measures suitable to each project component and activity. For example, a commitment to install a silt curtain prior to any in-water works.</p>

Please insert additional rows as necessary.

Table 2: Specific Comments on the Initial Project Description

Comment ID	IPD Section and Page No.	Description of Issue, Concern or Uncertainty	Additional Information
DFO-03	Section 3.4.1 Project Components - Port Access Road, pp.19-23	<p>If advanced engineering design results in a change to the footprint/route of the access road and requires a watercourse crossing, the proponent should make a commitment to consult with DFO regarding the project change and propose an approach to characterizing the effects on the watercourse crossings and implementing mitigations to minimize those effects.</p> <p>Are the armourstone protection and rock-filled causeway shoreline protection components included in the 3.4 ha area of shoreline infilling? Area calculations should account for the full extent of the submerged foundation, specifically including the toe of any shoreline stabilization or causeway structures.</p>	<p>Include waterbodies and watercourses in Figure 3.2 - Project Components. This should clearly map out the location of waterbodies or watercourses within or near the footprints of all project components, including areas of direct and indirect impacts.</p> <p>The proponent is advised to calculate the footprint for in-water placement of materials and consult with DFO for review.</p>
DFO-04	Section 2.5 Regional Assessments, p.11	<p>The purpose of regional assessments extends beyond the identification and interaction of cumulative effects. The purpose of a regional assessment is to provide a broad, strategic look at environmental, social, economic, and health conditions in a specific area to manage cumulative effects from multiple projects, offer regional context for future assessments, support planning, and engage Indigenous peoples early, improving efficiency and effectiveness for future project decisions. Additionally, regional assessments are not project specific.</p>	N/A

DFO-05	Section 3.5.2 Project Components – Excavation, Blasting and Earthworks, p.25	DFO advises that the Proponent implement erosion and sediment control measures prior to any on site works undertakings and activities.	<p>Refer to Best Management Practices for the Protection of Freshwater Fish Habitat in NL. See Table 3.2 regarding appropriate buffer zones for activities near watercourses.</p> <p>Other best practices and guidelines:</p> <ul style="list-style-type: none"> • Guidelines for the Use of Explosives in or Near Canadian Fisheries Waters • Standards and Codes of Practice • Guidelines for Watercourse Crossings for New Brunswick and Prince Edward Island • Standard Methods Guide for Freshwater Fish and Fish Habitat Surveys in Newfoundland and Labrador: Rivers and Streams • Aquatic Invasive Species
DFO-06	Section 3.5.5 Dock Infrastructure, p.26	<p>“...concrete foundations for the steel mooring bollards will be poured directly onto the bedrock surface.” DFO requests clarification and advises the proponent to provide a figure showing locations of mooring bollards. It’s not clear whether concrete pouring for mooring bollards will occur below or above the high-water mark.</p> <p>“A floating silt fence will be installed to lessen the dispersion of suspended solids beyond the immediate area, <u>if necessary</u>.” A floating silt curtain will be required prior to any in-water works.</p>	<p>Provide a figure showing approximate locations of dock structures including mooring bollards.</p> <p>The proponent should make a commitment to install a silt curtain prior to any in-water works and inspect and maintain regularly during in-water works undertakings and activities. Considering the location and tidal energy at the site of the proposed port, the proponent should include options for size and type of silt curtains and the manner with which they’re installed.</p> <p>In areas of high tidal energy and damaging storm surge conditions, silt curtains may not be suitable as they can be quickly damaged and lose their ability to contain sediment. DFO advises the proponent to assess the area for suitability of sediment containment equipment and better understand the potential risks of damage to silt curtains and loss of sediment containment.</p>
DFO-07	4.7.2.2 Marine Fish and Fish Habitat, p.47	There is no up to date information on the presence of eelgrass in the project area. Field survey methodologies should be reviewed by DFO to ensure the timing and scope of the surveys are sufficient to support assessments. Further marine surveying will be required by DFO for review under the <i>Fisheries Act</i> .	N/A