

## Federal Authority Advice Record (FAAR)

**FAAR Response must be submitted by January 09, 2026, via email to [PointRousse@iaac-aeic.gc.ca](mailto:PointRousse@iaac-aeic.gc.ca)**

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

Registry File: [90066]

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- 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 permits**

For species listed in Schedule 1 of the *Species at Risk Act* (SARA) 2022 as Extirpated, Endangered, or Threatened, a section 73 SARA permit may be required from Environment and Climate Change Canada (ECCC) for activities that affect a listed terrestrial wildlife species, any part of its critical habitat, or the residences of its individuals, where those prohibitions are in place. Such permits may only be issued: if all reasonable alternatives to the activity that would reduce the impact on species have been considered and the best solution has been adopted; all feasible measures will be undertaken to minimize the impact of the activity on the species or its critical habitat of the residences of its individuals; and if the activity will not jeopardize the survival of the species. Permits are also required by those persons conducting activities that contravene the critical habitat destruction prohibitions (subsection 58(1)).

Prohibitions are in place for individuals and residences on federal lands and water in a province, reserve or any other lands under the *Indian Act*, or lands under the authority of the Minister of the Environment, and for birds listed under the *Migratory Birds Convention Act, 1994* (MBCA) wherever they occur regardless of land tenure.

Furthermore, prohibitions may be in force on land other than federal land pursuant to other orders or regulations under SARA. It is possible that further prohibitions may come into force in the future through orders in Council for individuals, residences and critical habitat on non-federal lands. It is also possible that, over the course of the assessment or after the assessment and during the lifetime of the Project, additional species could be listed under SARA; permits may be required for project activities that affect these additional species. Proponents are advised to monitor for such developments on the SARA Registry <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>.

Examples of activities that could require a *Species at Risk Act* permit include:

- Species surveys that would affect individuals or residences;
- Site preparation (clearing, grubbing, site access, staging, blasting);
- Construction and operation of temporary and permanent works and infrastructure;
- Creation of new roads, rails or power lines;
- Infilling of wetlands or watercourses;
- Any monitoring that requires the capture/release of individuals; and
- Sensory disturbance effects (artificial lighting, noise, vibration, human activity, vehicular traffic).

For most projects, the requirement for a SARA permit will always remain a possibility due to the widespread presence of SARA-listed migratory birds protected under the *Migratory Birds Convention Act, 1994* across Canada. Permits for these species apply to activities on all types of land tenure. ECCC will require detailed information on the potential effects of the project, including locations and/or occurrences of species at risk, their use of habitat and critical habitat within the project area, and specific effects on federal and non-federal land, before ECCC can determine whether a SARA permit is required.

Note that a SARA permit for activities involving migratory birds is only possible if they do not contravene the [Migratory Birds Convention Act](#).

Links to publicly available documents:

- Guidelines for permitting under Section 73 of Species at Risk Act <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/policies-guidelines/permitting-under-section-73.html>
- Species at Risk Permitting Policy <https://species-registry.canada.ca/index-en.html#/consultations/2983>

In the event that a SARA permit is required, ECCC would evaluate and determine consultation requirements, if any. ECCC-led Indigenous consultation related to the issuance of SARA permits will be coordinated with consultation during the impact assessment where possible.

If a permit is issued, the description of the activity and how SARA's preconditions were met will be posted on the SARA Registry here: <https://species-registry.canada.ca/index-en.html#/permits>.

### **Migratory Birds Convention Act Permits**

The *Migratory Bird Regulations, 2022* (MBR 2022) protect migratory birds, their eggs and their nests, by prohibiting activities that may harm them. Unless a person has a permit or the regulations authorize it, it is prohibited to engage in the following activities:

- Capturing, killing, taking, injuring or harassing a migratory bird or attempting to do so;
- Destroying, taking or disturbing an egg; and
- Damaging, destroying, removing or disturbing a nest, nest shelter, eider duck shelter or duck nesting box, unless the following exceptions apply:
  - The nest does not contain a live migratory bird or a viable egg; and
  - The nest was not built by a species listed in Schedule 1.

Modernization of the MBCA in 2022 has additionally identified 18 species of birds whose nests are protected year-round (Schedule 1 of MBR 2022). The nests of species listed in Schedule 1 are protected at all times, unless the following conditions are met:

- Notification of the unoccupied nest has been submitted/received through the Registry for Abandoned Nests; and
- The waiting time designated in the regulations has passed, during which time the nest has not been occupied by the migratory bird.

In some situations, it may be possible to obtain a permit to move or destroy an unoccupied nest of a Schedule 1 MBR 2022 species. For more information, please visit: <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html>.

ECCC advises that there is no mechanism under the MBCA and its regulations to grant a permit for activities that are not directly aimed at migratory birds, their nests and/or eggs, but which may harm them (e.g., land clearing).

Scientific Permits issued under the *Migratory Bird Regulations* may, for scientific purposes, including banding, or for rehabilitation or educational purposes, authorize the permit holder to: capture, kill, injure, or harass an individual; destroy, remove or disturb a nest; deposit bait under specific circumstances; exchange, give, or have in their possession a migratory bird, egg or nest; and if they are authorized to capture and band a migratory bird, take birds that are killed as a result of normal banding operations or that are found dead. Scientific permits are issued to authorize activities for scientific purposes that would otherwise be prohibited by the MBCA and its associated regulations, however, there are only certain exceptional situations where these types of permits may be available. These permits do not authorize activities that may adversely affect migratory birds.

The Canadian Wildlife Service (CWS) of ECCC issues Scientific permits to authorize the capture and handling of migratory birds that become stranded at facilities that must be kept until they can be successfully released. These permits are most often associated with facilities and vessels with large amounts of artificial lighting that may attract seabirds and cause disorientation, stranding, or collisions, for which proponents are required to search and document such events at their facilities. The information gathered from capture and handling permits is being used to quantify the impact of artificial attraction (causing stranding events) on migratory birds. Stranded bird monitoring is conducted following CWS's *Procedures for handling and documenting stranded birds encountered on infrastructure offshore Atlantic Canada* (2017).

Links to publicly available documents:

For more information, please visit:

[Migratory Birds Convention Act \(MBCA\) and Regulations](#);

[Fact sheet: Nest Protection under the Migratory Birds Regulations, 2022](#), and;

[Frequently asked questions: Migratory Birds Regulations, 2022](#).

**Disposal at Sea permits**, as per Part 7, Division 3 of the Canadian Environmental Protection Act, 1999 (CEPA 1999).

“Disposal” is defined in Part 7, Division 3 of the *Canadian Environmental Protection Act, 1999* (CEPA 1999) to include any disposal activity that takes place from a ship, aircraft, platform, or other structure into the marine or estuarine environment, including the storage of material on or below the seabed. More broadly, it includes the disposal of dredged material from any source.

Disposal at sea is prohibited without a permit issued by ECCC under CEPA 1999, which is valid for a maximum of a one-year period. Permits can only be issued for substances listed in Schedule 5 of CEPA 1999. Material proposed for disposal at sea must undergo a detailed waste assessment and characterization process in accordance with Schedule 6 of CEPA 1999. This includes the requirement for an

alternatives assessment to examine alternative waste management options in accordance with environmental, human health, and economic considerations. Disposal at Sea permits will only be considered for material that both meets characterization criteria and where disposal at sea is demonstrated to be the most suitable waste management option.

If Disposal at Sea permits are likely to be sought, the proponent is strongly encouraged to discuss this with ECCC as soon as possible. Plans for a detailed sediment characterization program should be reviewed by ECCC prior to implementation. The proponent is strongly encouraged to apply for the Disposal at Sea permit during the impact assessment process, providing they have all the necessary information for a complete permit application.

Upon receipt of a complete Disposal at Sea permit application, ECCC will circulate the permit application and associated information to other relevant government departments for review. ECCC has a legal duty to consult all Indigenous communities in Canada that have potential or established Aboriginal or treaty rights that overlaps with the Disposal at Sea permit request. The public is notified of a Disposal at Sea permit application through a Notice of Intent that must be published by the applicant in a locally circulated newspaper. The Notice provides contact information through which the public can seek additional information or provide comment. The permit is also posted publicly on the CEPA Registry for a 7-day period prior to coming into effect (<https://pollution-waste.canada.ca/environmental-protection-registry/permits>). Consultation on Disposal at Sea permits will be coordinated with consultation during the project environmental assessment where possible.

- 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.

See information on Indigenous or public consultation discussed in a).

- 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<sup>1</sup>

Please see additional information in links provided for permitting requirements identified in a).

- 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

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<sup>1</sup> 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.

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) o Facilities that reported releases to water \* Find additional water-related resources (including publications, datasets and monitoring stations) from ECCC on the OSDP here.

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

#### Air Quality

\* National Pollutant Release Inventory (NPRI), including: o Facilities that reported release of criteria air contaminants

\* Canadian Environmental Sustainability Indicators (CESI), including o Average ambient fine particulate matter concentrations o Peak ambient ozone concentrations o Ambient volatile organic compound concentrations o Average ambient sulphur dioxide concentrations o 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 \* Homogenized surface air temperature \* Canadian homogenized monthly precipitation \* Adjusted 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.

None identified

- **Using Table 1**, identify project- and context- specific **key issues**, based on the expertise within your mandate<sup>2</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>3</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.

Stephen Zwicker

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Name and title of Departmental /  
Agency Responder

Date

January 13, 2026

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<sup>2</sup> Refer to the [Memoranda of Understanding with IAAC](#).

<sup>3</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.

**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"> <li>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"> <li>federal experts' knowledge and experience with past project assessments;</li> <li>presence of sensitive species, habitats or human receptors (including Indigenous Peoples);</li> <li>novel or complex project activities, components or technologies;</li> <li>high uncertainties in effects or in the effectiveness of mitigation measures;</li> <li>unknown or unproven mitigation; or</li> </ul> </li> <li>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.</li> </ul>	<p>Describe how the key issue could be resolved or addressed by:</p> <ul style="list-style-type: none"> <li>Any means, including powers, duties, functions, frameworks, policies or guidance that your department or agency has;</li> <li>Any means, including powers, duties, functions, frameworks, policies or guidance from another jurisdiction, including the province;</li> <li>Common, proven, well-understood or standard mitigation measures to mitigate the effect or effect pathway(s); or</li> <li>Commitments made by the proponent (e.g., in the Initial Project Description).</li> </ul>	<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>ECCC-01</p>	<p>Migratory birds</p>	<p>The activities linked to the construction, operation, maintenance, and decommissioning of the proposed Project could have adverse effects on migratory birds.</p> <p>Further information on migratory bird species is required to fully evaluate</p>	<p>The nature of effects of the project on migratory birds will vary based on a number of factors, including: project location, duration, scale, and configuration; ancillary project activities (e.g., land clearing, operation, etc.); existing cumulative effects;</p>	<p><u>Habitat Loss and Alteration</u> (example: land clearing, site preparation, etc.) Clearing and other activities that cause habitat loss or alteration may lead to destruction, disturbance and fragmentation of habitat (foraging, nesting), habitat avoidance, sensory disturbance, and the inadvertent</p>	<p>The federal <a href="#">Migratory Birds Convention Act</a> (MBCA) and its <a href="#">regulations</a> protect migratory birds and their eggs and prohibit the disturbance, damage, destruction or removal of migratory bird nests that contain a live bird or a viable egg. Migratory birds are protected at all times; all migratory bird nests are protected when they contain a live bird or viable egg; and the nests of 18 species listed in <a href="#">Schedule 1 of the MBR 2022</a> are protected year-round. These general prohibitions apply to all lands and waters in Canada, regardless of ownership.</p>	<p>ECCC provides the following recommendations to avoid and minimize potential adverse impacts on migratory birds:</p> <p><u>Habitat Loss and Alteration caused by Vegetation Clearing</u></p> <p>Most migratory bird species construct nests in trees (sometimes in tree cavities) and shrubs, but several species nest at ground level (e.g., Common Nighthawk), in hay fields, pastures or in burrows. Some bird species may nest on cliffs or in stockpiles of overburden material from mines or the banks of quarries. Some migratory birds (including certain waterfowl species) may nest in head ponds created by beaver dams. Some migratory</p>	<p>ECCC notes that the current Initial Project Description does not include comprehensive information regarding migratory bird survey data/results that were undertaken as part of the Project. Based on the information provided to date, it is not currently possible to adequately evaluate the potential effects of the project on migratory birds.</p>

		<p>potential effects of the project.</p>	<p>the type of habitat that may be disturbed; and sensitivity of species found in the project area. 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 factor (e.g., habitat supporting staging, nesting, roosting, or foraging) and population resilience.</p>	<p>disturbance and destruction of individuals, nests and eggs of migratory birds.</p> <p>Projects involving the construction of linear footprints can cause the loss, fragmentation and alteration of habitat and may result in direct adverse effects on migratory birds during breeding, migration, staging and foraging. Linear disturbances may also cause connectivity issues and/or facilitate the movement of predators into an area and increase hunting access and efficiency.</p> <p><u>Sensory Disturbance</u> Noise and vibrations from site preparation, use of heavy equipment and blasting, artificial lighting, human presence and disturbance from construction, operation, maintenance and decommissioning activities may result in injury, mortality, sensory disturbance and change in habitat use. The amount, duration, frequency, and timing of disturbance are important to understand potential effects. Sensory disturbance may make adjacent habitats unsuitable for use by migratory birds and cause avoidance effects in many species.</p> <p><u>Lighting Attraction</u> Seabirds from nearby colonies and night-flying birds may be attracted to lights, resulting in possible injury or mortality:</p>	<p>For more information, please visit: <a href="https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html">Avoiding harm to migratory birds - Canada.ca</a>.</p> <p>Section 5.1 of the MBCA describes prohibitions related to depositing substances harmful to migratory birds: "5.1 (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area. (2) No person or vessel shall deposit a substance to be deposited in any place if the substance, in combination with one or more substances, result in a substance – in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area – that is harmful to migratory birds."</p> <p>It is the responsibility of the proponent to ensure that activities are managed so as to ensure compliance with the MBCA and associated regulations.</p> <p>Further information can be found at: <a href="https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html">https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html</a> and <a href="https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds-reduce-risk-migratory-birds.html">Avoiding harm to migratory birds - Canada.ca</a>.</p>	<p>birds (e.g., Barn Swallow, Cliff Swallow, Eastern Phoebe) may build their nests on structures such as bridges, ledges or gutters. In developing mitigation measures, it is incumbent on the proponent to identify the best approach, based on the circumstances, to comply with the MBCA. The following should be considered during project planning:</p> <ul style="list-style-type: none"> <li>• Avoid scheduling high disturbance activities, such as vegetation clearing, during the regional nesting period for migratory birds. Information regarding regional nesting periods can be found at: <a href="https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds-reduce-risk-migratory-birds.html">Nesting periods - Canada.ca</a>. Some species protected under the MBCA may nest <i>outside</i> these timeframes.</li> <li>• The risk of impacting active nests or birds caring for pre-fledged chicks discovered during project activities <i>outside</i> of the regional nesting period can be minimized by measures such as the establishment of vegetated buffer zones around nests and minimization of activities in the immediate area until nesting is complete and chicks have naturally migrated from the area.</li> <li>• In developing and implementing a wildlife management plan, preventative measures to minimize the risk of impacts on migratory birds should be considered (see "Avoiding harm to migratory birds: guidelines to reduce the risk to migratory birds" at <a href="https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds-reduce-risk-migratory-birds.html">https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html</a>).</li> </ul> <p>Some ground nesting species of migratory birds, including the threatened (SARA) Common Nighthawk, and Killdeer, may be attracted to previously cleared areas for nesting in the spring and summer if there is a delay between clearing activities (e.g., clearing conducted during the fall/winter and construction scheduled in the spring and summer).</p> <p>In the event that a nest is discovered, it would be prudent for a proponent to consult ECCC and/or NL's Department of Forestry, Agriculture and Lands – Wildlife Division (NLDFLA) (depending on the species) regarding appropriate buffers and other mitigation measures, and to prepare and implement a monitoring plan to verify their efficacy.</p> <p><u>Sensory Disturbance - Noise</u> ECCC recommends the following best management practices for noise disturbance issues:</p> <ul style="list-style-type: none"> <li>• The proponent should develop mitigations for programs that introduce very loud and random noise disturbance (e.g., blasting programs) during the migratory bird breeding season for their region.</li> <li>• The proponent should, where possible, prioritize construction works in areas away from natural vegetation while working during the migratory bird</li> </ul>	<p>As a first step, ECCC recommends that information on migratory birds potentially occurring in the project area, including downstream habitats potentially affected by the project, should be obtained from the Atlantic Canada Conservation Data Centre (ACCDC <a href="http://accdc.com/index.html">http://accdc.com/index.html</a>). This information can be supplemented with field surveys by professional biologists (with expertise in conducting the types of surveys required) at the appropriate time of year. Using baseline information, including rigorous survey data, the proponent should develop mitigation measures to avoid adverse effects on migratory birds.</p> <p>It should be noted that although a species may not be confirmed in an area, it does not necessarily mean that it does not occur there, <u>especially if habitat appropriate for the species is available</u>.</p> <p>With regards to migratory birds, when providing information in an environmental assessment document, the proponent should give particular, but not exclusive, consideration to birds or habitats that meet one of the following criteria:</p> <ul style="list-style-type: none"> <li>• Species listed under the <i>Species at Risk Act</i> (SARA) and/or provincial species at risk legislation; designated, under review or identified as candidate species by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC); and/or with rarity ranks</li> </ul>
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				<ul style="list-style-type: none"> <li>• Equipment and building strikes;</li> <li>• Disorientation and increased energy expenditure, which may lead to exhaustion and increased predation.</li> </ul> <p><u>Accidental Releases of Hazardous Substances</u> Adverse effects on migratory birds and their habitat could result from accidental release of hazardous substances (e.g., hydrocarbons). Depending on the nature of the release (e.g., toxicity, volume, exposure pathways), and the location and duration of the release, effects on wildlife could be acute, chronic, or both. Contamination of the environment through accidental spills can result in destruction or disturbance of nests and eggs, contamination of feathers, which can be detrimental to waterproofing capabilities, and change in food quantity/quality.</p>		<p>breeding season. Conducting loud construction works adjacent to natural vegetation should be completed outside the migratory bird breeding season.</p> <ul style="list-style-type: none"> <li>• The proponent should keep all construction equipment and vehicles in good working order and loud machinery should be muffled if possible.</li> </ul> <p><u>Sensory Disturbance – Lighting Attraction</u> The proponent should consider the following mitigation measures when designing the Project’s Lighting Plan:</p> <ul style="list-style-type: none"> <li>• Use the minimum amount of aviation safety, warning and obstruction lighting needed on tall structures. Warning lights should flash and completely turn off between flashes;</li> <li>• Use the fewest number of site-illuminating lights possible in the project area. Only use strobe lights at night, at the lowest intensity and the smallest number of flashes per minute allowable by Transport Canada.</li> <li>• Reduce lighting levels during inclement weather events that may force migratory birds to land, or fly at lower altitudes, to prevent birds from landing in areas that would cause collisions;</li> <li>• Avoid or restrict the time of operation of exterior decorative lights such as spotlights and floodlights whose function is to highlight features of buildings or to illuminate an entire building. These lights, especially during periods of inclement weather, can draw birds from far away. Turn off these lights during migration season when the risk to birds is highest, and during periods when birds are dispersing from their nests or colonies;</li> <li>• Shield safety lighting so that the illumination shines down. Only install safety lighting where it is needed, without compromising safety;</li> <li>• Shield street and parking lot lighting so that little escapes into the sky, and it falls where it is required. Consider using LED lighting fixtures as they are generally less prone to light trespass;</li> <li>• Limit construction activities to the day and avoid illuminating habitat adjacent to the worksite(s);</li> <li>• Develop a Bird Monitoring and Management Plan that describes what measures will take place to avoid incidental take. The Plan should include: <ul style="list-style-type: none"> <li>○ Actions that will be used to prevent incidental take of migratory birds;</li> <li>○ A mortality monitoring plan that includes corrections for searcher efficiency, carcass persistence, and searchable area.</li> </ul> </li> </ul> <p>For further guidance regarding lighting attraction, please see the <a href="#">“International Light Pollution Guidelines for Migratory Species”</a>.</p>	<p>assigned by the province and/or the Atlantic Canada Conservation Data Centre (ACCDC);</p> <ul style="list-style-type: none"> <li>• Areas of concentration of migratory birds, such as breeding areas, colonies, spring and fall staging areas, and wintering areas;</li> <li>• Breeding and nesting areas of species low in number and high in the food chain;</li> <li>• Species that are identified by priority ranking systems (e.g., Bird Conservation Region priority species).</li> </ul> <p>ECCC can provide more specific comments on this project once more complete biophysical information is provided. ECCC can provide standard (not specific to the project) mitigation measures that are broadly applicable to migratory birds in its absence.</p>
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						<p><b>Accidental Releases of Hazardous Substances</b> The proponent must ensure that all precautions are taken by the contractors to prevent fuel leaks from equipment, and that a contingency plan in case of oil spills is prepared. Furthermore, the proponent should ensure that contractors are aware that under the MBCA, “no person shall deposit or permit to be deposited oil, oil wastes or any substance harmful to migratory birds in any waters or any area frequented by migratory birds”. Biodegradable alternatives to petroleum-based chainsaw bar oil and hydraulic for heavy machinery are commonly available from major manufacturers. Such biodegradable fluids should be considered for use in place of petroleum products whenever possible, as a standard for best practices. Fueling and servicing of equipment should not take place within 30-metres of environmentally sensitive areas, including shorelines and wetlands.</p> <p>ECCC recommends incorporating a Wildlife Emergency Response Plan into emergency response contingency plans for scenarios that may impact avifauna directly (injury or mortality, e.g., polluting incident) or indirectly (collisions causing mortality, stranding due to light attraction).</p> <p>For consideration in emergency response and contingency planning related to accidents and malfunctions, ECCC has prepared <i>Guidelines for Effective Wildlife Response Plans</i> (ECCC 2022) available online at: <a href="https://www.canada.ca/en/services/environment/wildlife-plants-species/national-wildlife-emergency-framework.html">https://www.canada.ca/en/services/environment/wildlife-plants-species/national-wildlife-emergency-framework.html</a>. Plans should include:</p> <ul style="list-style-type: none"> <li>• Measures to deter migratory birds from coming into contact with the oil or polluting substance;</li> <li>• Measures undertaken if individuals of migratory birds and/or sensitive habitat become contaminated; and</li> <li>• The type, extent of monitoring, and reporting in relation to various spill events.</li> </ul> <p>The proponent is responsible for ensuring that all precautions are taken by the contractors to prevent fuel leaks from equipment, and that a contingency plan is prepared in the case of spills. Furthermore, the proponent should ensure that contractors are aware of s.5.1 MBCA prohibitions.</p>	
ECCC-02	Species at Risk, Species of Conservation Concern, and their habitat	The activities linked to the construction, operation, maintenance and decommissioning of the proposed Project could have adverse effects on terrestrial	The nature of effects of the project on species at risk (including their residences and critical habitat defined under the SARA) can vary	<b>Habitat Loss and Alteration</b> (example: land clearing, site preparation, etc.) Clearing and other activities that cause habitat loss or alteration may lead to destruction,	The purpose of the <i>Species at Risk Act</i> (SARA) is to 1) prevent wildlife species from extirpation or extinction, and 2) provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity.	ECCC provides the following recommendations to avoid and minimize potential adverse impacts on species at risk:  <b>Habitat Loss and Alteration caused by Vegetation Clearing</b> ECCC recommends that proponents establish buffer zones or setback distances to minimize potential	ECCC notes that the current Initial Project Description does not include comprehensive information regarding SAR survey data/results that were undertaken as part of the Project.. Based on the limited

		<p>wildlife including species at risk listed on the <i>Species at Risk Act</i> (SARA), or Species of Conservation Concern (SOCC) assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) (e.g., birds, terrestrial mammals, amphibians, reptiles, arthropods, lichen, mosses, and vascular plants), and their habitat (e.g., wetlands) and critical habitat.</p> <p>Further information on SAR bird species is required to evaluate potential effects of the project.</p> <p>Based on the information provided to date in the Initial Project Description, the following SAR may be impacted by the Project: Ivory Gull (Endangered), Red Crossbill (SARA - Threatened), Barrow's Goldeneye (SARA – Special Concern), Evening Grosbeak (SARA – Special Concern), Olive-sided Flycatcher (SARA – Special Concern), Rusty Blackbird (SARA – Special Concern), Short-eared Owl (Special Concern), Little Brown Myotis (Endangered), Northern Myotis (Endangered), Hoary Bat</p>	<p>based on a number of factors, including: project location, duration, scale, and configuration; ancillary project activities (e.g., land clearing, operation, etc.); existing cumulative effects; the type of habitat that may be disturbed; and sensitivity of species found in the project area. 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 factor (e.g., habitat supporting staging, nesting, roosting, or foraging) and population resilience.</p>	<p>disturbance and fragmentation of habitat (foraging, nesting), habitat avoidance, sensory disturbance, and the inadvertent disturbance and destruction of individual migratory bird species at risk and their nests and eggs, or of individual non-migratory bird species at risk, their residences and critical habitat.</p> <p>Projects involving the construction of linear footprints can cause the loss, fragmentation and alteration of habitat and may result in direct adverse effects on species at risk during important life-stages. Linear disturbances may also cause connectivity issues and/or facilitate the movement of predators into an area and increase hunting access and efficiency.</p> <p>There is a higher risk that these effects would be more severe for migratory birds that are also SAR and species where habitat is sensitive to disturbance (e.g., wetlands) or where there is already a high degree of cumulative effects to habitat and individuals. Destruction and/or disturbance of habitat can have increased impacts on SAR individuals, residence(s), and their critical habitat, which can lead to changes in prey and predator dynamics, loss of food resources, loss of breeding areas, changes in migration or</p>	<p>The list of species protected by the SARA can be found on the <a href="#">Species at Risk Public Registry</a>. Under SARA s.79. (1), "Every person who is required by or under an Act of Parliament to ensure that an assessment of the environmental effects of a project is conducted, and every authority who makes a determination under paragraph 82(a) or (b) of the Impact Assessment Act in relation to a project, must, without delay, notify the competent minister or ministers in writing of the project if it is likely to affect a listed wildlife species or its critical habitat."</p> <p>Under section 79(2) of SARA, "The person must also identify the adverse effects of the project on listed wildlife species and its critical habitat and, if the project is carried out, must ensure that measures are taken to avoid or lessen adverse effects and to monitor them". Mitigation measures must be consistent with recovery strategies and action plans for the species. Indirect and direct effects should be considered. The proponent must manage activities to ensure compliance with the SARA and associated regulations. SARA Policy Guidelines (2016) are available at: <a href="#">Species at Risk Act: addressing considerations - Canada.ca</a></p> <p><b>Important Note:</b> ECCC also recommends that the province be contacted for technical expertise on species at risk under their jurisdiction (e.g. bats, reptiles, amphibians, land-mammals, insects, plants, lichen, and birds not protected by the MBCA, such as raptors).</p> <p><b>Notification and Identification of Effects (SARA s. 79(1)(2))</b> Subsection 79(2) of SARA establishes a requirement to avoid or lessen <b>all (direct and indirect)</b> adverse effects of a project on listed wildlife species and critical habitat, regardless of the significance of those effects. Thus, in developing mitigation measures for listed wildlife species, the approach should be systematic and rigorous. The following mitigation sequence should be followed:</p> <ol style="list-style-type: none"> <li>1. Avoidance of the adverse effect.</li> <li>2. Minimization of the adverse effect.</li> <li>3. Restitution for the adverse effect (e.g., replacement, restoration or</li> </ol>	<p>impacts from disturbance activities. A 30 m buffer is likely not sufficient to address impacts on SAR, ground-nesting species, or highly mobile chicks of certain species. Should the nests of a migratory bird species at risk or any unfledged chicks be discovered, proponents should establish an appropriate-sized buffer for the relevant species. In general, ECCC recommends the following buffers for landbird SAR during the breeding season:</p> <ul style="list-style-type: none"> <li>• Low disturbance activities (e.g., site monitoring) – 50 metres</li> <li>• Medium disturbance activities (e.g., sensory disturbance) – 150 metres</li> <li>• High disturbance activities (e.g., clearing, use of heavy equipment) – 300 metres</li> <li>• Very high disturbance activities (e.g. blasting) – 1000 metres.</li> </ul> <p>In the event that a migratory bird SAR nest is discovered during activities, it is prudent for the proponent to consult ECCC and/or NLDLAL (depending on the species), regarding appropriate buffers and other mitigation measures, and to prepare and implement a monitoring plan to verify their efficacy.</p> <p><b>Sensory Disturbance - Noise</b> ECCC recommends the following best management practices for noise disturbance issues:</p> <ul style="list-style-type: none"> <li>• The proponent should develop mitigation for programs that introduce very loud and random noise disturbance (e.g., blasting programs) during the migratory bird breeding season for their region.</li> <li>• The proponent should, where possible, prioritize construction works in areas away from natural vegetation while working during the migratory bird breeding season. Conducting loud construction works adjacent to natural vegetation should be completed outside the migratory bird breeding season.</li> <li>• The proponent should keep all construction equipment and vehicles in good working order and loud machinery should be muffled if possible.</li> </ul> <p><b>Sensory Disturbance – Lighting Attraction</b> The proponent should consider the following mitigation measures when designing the Project's Lighting Plan:</p> <ul style="list-style-type: none"> <li>• Use the minimum amount of aviation safety, warning and obstruction lighting needed on tall structures. Warning lights should flash and completely turn off between flashes;</li> <li>• Use the fewest number of site-illuminating lights possible in the project area. Only use strobe lights at night, at the lowest intensity and the smallest number of flashes per minute allowable by Transport Canada.</li> </ul>	<p>biophysical baseline information provided to date, it is not currently possible to adequately evaluate the potential effects of the SAR.</p> <p>As a first step, ECCC recommends that information on SAR and SOCC potentially occurring in the project area, including downstream habitats potentially affected by the project, should be obtained from the Atlantic Canada Conservation Data Centre (ACDC <a href="http://accdc.com/index.html">http://accdc.com/index.html</a>). This information could be supplemented with field surveys by professional biologists (with expertise in conducting the types of surveys required) at the appropriate time of year. Using baseline information, including rigorous survey data, the proponent should develop mitigation measures to avoid adverse effects to SAR and SOCC. Targeted surveys for SAR occurring in the study area are recommended.</p> <p>It should be noted that although a species may not be confirmed in an area, it does not necessarily mean that it does not occur there, especially if habitat appropriate for the species is available.</p> <p>ECCC can provide more specific comments on this project once more complete biophysical information is provided. ECCC can provide standard (not specific to the project) mitigations that are broadly applicable to SAR species in its absence.</p>
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		<p>(COSEWIC-assessed Endangered), Silver-haired Bat (COSEWIC-assessed Endangered), Eastern Red Bat (COSEWIC-assessed Endangered), Mountain Holly Fern (Threatened), Boreal Felt Lichen (Special Concern).</p>		<p>movement, and increased risk of mortality. For example, certain species of migratory birds (e.g., Bank Swallow, Common Nighthawk) may nest in large piles of soil left unattended/unvegetated during the most critical period of breeding season.</p> <p><u>Sensory Disturbance</u> Noise and vibrations from site preparation, use of heavy equipment and blasting, artificial lighting, human presence and disturbance from construction, operation, maintenance and decommissioning activities may result in injury, mortality, sensory disturbance and change in habitat use. The amount, duration, frequency, and timing of disturbance are important to understand potential effects. Sensory disturbance may make adjacent habitats unsuitable for use by species at risk and cause avoidance effects in many species.</p> <p><u>Lighting Attraction</u> Species at risk, particularly the Leach's Storm-petrel (assessed as Threatened by COSEWIC) may be attracted to lights, resulting in possible injury or mortality:</p> <ul style="list-style-type: none"> <li>• Equipment and building strikes;</li> <li>• Disorientation and increased energy expenditure, which may lead to exhaustion and increased predation.</li> </ul>	<p>compensation/conservation allowances).</p>	<ul style="list-style-type: none"> <li>• Reduce lighting levels during inclement weather events that may force migratory birds to land, or fly at lower altitudes, to prevent birds from landing in areas that would cause collisions;</li> <li>• Avoid or restrict the time of operation of exterior decorative lights such as spotlights and floodlights whose function is to highlight features of buildings or to illuminate an entire building. These lights, especially during periods of inclement weather, can draw birds from far away. Turn off these lights during migration season when the risk to birds is highest, and during periods when birds are dispersing from their nests or colonies;</li> <li>• Shield safety lighting so that the illumination shines down. Only install safety lighting where it is needed, without compromising safety;</li> <li>• Shield street and parking lot lighting so that little escapes into the sky, and it falls where it is required. Consider using LED lighting fixtures as they are generally less prone to light trespass;</li> <li>• Limit construction activities to the day and avoid illuminating habitat adjacent to the worksite(s);</li> <li>• Develop a Bird Monitoring and Management Plan that describes what measures will take place to avoid incidental take. The Plan should include: <ul style="list-style-type: none"> <li>○ Actions that will be used to prevent incidental take of migratory birds;</li> <li>○ A mortality monitoring plan that includes corrections for searcher efficiency, carcass persistence, and searchable area.</li> </ul> </li> </ul> <p>For further guidance regarding lighting attraction, please see the "<a href="#">International Light Pollution Guidelines for Migratory Species</a>".</p> <p><u>Accidental Releases of Hazardous Substances</u> The proponent must ensure that all precautions are taken by the contractors to prevent fuel leaks from equipment, and that a contingency plan in case of oil spills is prepared. Furthermore, the proponent should ensure that contractors are aware that under the MBCA, "<i>no person shall deposit or permit to be deposited oil, oil wastes or any substance harmful to migratory birds in any waters or any area frequented by migratory birds</i>". Biodegradable alternatives to petroleum-based chainsaw bar oil and hydraulic for heavy machinery are commonly available from major manufacturers. Such biodegradable fluids should be considered for use in place of petroleum products whenever possible, as a standard for best practices. Fueling and servicing of equipment should not take place within 30-metres of environmentally sensitive areas, including shorelines and wetlands.</p>	
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				<p><u>Accidental Releases of Hazardous Substances</u> Adverse effects on species at risk and their habitat could result from accidental release of hazardous substances (e.g., hydrocarbons). Depending on the nature of the release (e.g., toxicity, volume, exposure pathways), and the location and duration of the release, effects on species at risk could be acute, chronic, or both. Contamination of the environment through accidental spills can result in destruction or disturbance of nests and eggs, contamination of feathers, which can be detrimental to waterproofing capabilities, and change in food quantity/quality.</p>		<p>ECCC recommends incorporating a Wildlife Emergency Response Plan into emergency response contingency plans for scenarios that may impact avifauna directly (injury or mortality, e.g., polluting incident) or indirectly (collisions causing mortality, stranding due to light attraction).</p> <p>For consideration in emergency response and contingency planning related to accidents and malfunctions, ECCC has prepared <i>Guidelines for Effective Wildlife Response Plans</i> (ECCC 2022) available online at: <a href="https://www.canada.ca/en/services/environment/wildlife-plants-species/national-wildlife-emergency-framework.html">https://www.canada.ca/en/services/environment/wildlife-plants-species/national-wildlife-emergency-framework.html</a>. Plans should include:</p> <ul style="list-style-type: none"> <li>• Measures to deter migratory birds from coming into contact with the oil or polluting substance;</li> <li>• Measures undertaken if individuals of migratory birds and/or sensitive habitat become contaminated; and</li> <li>• The type, extent of monitoring, and reporting in relation to various spill events.</li> </ul> <p>The proponent is responsible for ensuring that all precautions are taken by the contractors to prevent fuel leaks from equipment, and that a contingency plan is prepared in the case of spills. Furthermore, the proponent should ensure that contractors are aware of s.5.1 MBCA prohibitions.</p>	
ECCC-03	Wetland alteration and destruction	The activities linked to the construction, operation, maintenance, and decommissioning of the proposed project could have adverse effects on wetlands, including eelgrass beds, and their ecological functions.	Carrying out the project, particularly the activities related to construction, may alter the existing hydrological regimes essential for maintaining wetlands and thus affect the quality or availability of habitat for migratory birds, SAR, and other wildlife.	<p>The destruction and alteration of wetlands is likely to have adverse effects on migratory birds and SAR that use these areas for breeding, foraging, resting and migration.</p> <p>Wetlands provide important habitat and food sources for many species of migratory birds and SAR, the loss of which may contribute to adverse impacts to species that fall under federal jurisdiction under the <i>Migratory Birds Convention Act</i> and its associated regulations (MBR 2022) and the <i>Species at Risk Act</i> (SARA).</p> <p>Eelgrass beds contribute large amounts of nutrients to coastal and marine habitats, and eelgrass is also a very important food for migratory birds, such as migrating geese. Coastal wetlands also provide other important functions such as natural shoreline protection from wave action and erosion, as well as natural flood control. Specifically, ECCC advises that eelgrass beds that are exposed at low tide may attract many species of shorebirds, including Red Knot, due to the rich invertebrate fauna that use the beds for shelter. ECCC-CWS notes that any impacts to eelgrass beds have the potential to also impact shorebirds foraging in those areas.</p>	<p>To promote wetland conservation, which is vital to many migratory birds and species at risk, ECCC recommends the following general beneficial management practices:</p> <ul style="list-style-type: none"> <li>• Developments on wetlands should be avoided.</li> <li>• Where development does occur in the vicinity of wetlands, a minimum vegetation buffer zone of 30 metres should be maintained around existing wetland areas.</li> <li>• Hydrological function of the wetland should be maintained.</li> <li>• Runoff from development should be directed away from wetlands.</li> <li>• Implement a 30-metre buffer from the high-water mark of any water body (1:100 Flood Zone) to maintain movement corridors for migratory birds.</li> </ul> <p>The impact assessment should include information on how the proponent intends to avoid, minimize or mitigate the potential loss of wetlands. Where avoidance or minimization is not possible, the proponent may develop a Wetland Compensation Plan that outlines measures to offset the residual loss of wetland habitat and/or function as a result of the Project. More information can be found at <a href="https://www.ec.gc.ca/operational-framework-for-use-of-conservation-allowances-publications-gc-ca">Operational Framework for Use of Conservation Allowances (publications.gc.ca)</a>.</p>	<p>ECCC recommends the development of a Wetland Compensation Plan that fully describes the mitigation hierarchy, including:</p> <ul style="list-style-type: none"> <li>• Identification of wetlands potentially affected by the project,</li> <li>• A detailed description of potential effects, and the reasons why avoidance and minimization of impacts were determined to not be possible, and</li> <li>• Identification and justification of proposed offset ratios.</li> </ul> <p>As a mitigation measure to compensate for the lost wetland habitat function associated with migratory birds and species at risk or species of conservation concern, in instances where such habitat cannot be avoided, ECCC recommends</p>	

					The Federal Sustainable Development Strategy Act enables the Federal Sustainable Development Strategy 2022-2026 that identifies the Government of Canada's commitment to the protection of biodiversity and reducing the degradation of natural habitats, including wetlands.	ECCC advocates the goal of no net loss of biodiversity for all development projects that have the potential to adversely affect biodiversity under their mandate. The disturbance or loss of wetlands may have adverse effects on migratory birds and species at risk that use these areas for breeding, foraging, resting and migration.  ECCC requests the opportunity to review any wetland assessments and monitoring plans, once prepared.	the use of conservation allowances as the last step in the mitigation hierarchy of avoidance, minimization, on-site restoration and offsetting.
ECCC-04	Effects to fish and fish habitat	<p>Components of the Project include:</p> <ul style="list-style-type: none"> <li>• Construction and operation of product storage and laydown areas.</li> <li>• An ~1.4 km access road to connect the new berth area to the existing access road.</li> <li>• Marine facilities including shoreline infilling and armourstone protection, a rock filled causeway, a dock structure, and barge structure.</li> </ul> <p>The Project will involve use of hydrocarbons and hazardous substances in close proximity to water, which could result in impacts to fish and fish habitat in the event of a spill:</p> <ul style="list-style-type: none"> <li>• Construction of the Project will use diesel powered equipment, likely also using hazardous substances such as hydraulic oil.</li> <li>• Operation of the Project will involve use of diesel-powered marine terminal equipment for loading and transporting materials to</li> </ul>	The Project involves works taking place in close proximity to water. Spills of hazardous substances during construction and operation of the Project could directly enter the water or run off to the water from the land. Such spills could result in non-negligible adverse impacts to components of the environment under federal jurisdiction including fish and fish habitat, aquatic species at risk, and migratory birds.	<p>Effects to fish and fish habitat are within the mandate of ECCC as the administrators of section 36(3) of the <i>Fisheries Act</i>. The deposit in water of a substance deleterious to migratory birds is also prohibited under the <i>Migratory Birds Convention Act, 1994</i>.</p> <p>The key issue identified for this project (i.e., effects to fish and fish habitat due to spills of hazardous substances) would be common for projects of this nature, given the operation of diesel-powered construction and marine terminal equipment in close proximity to the water. A spill of hazardous substances could rapidly enter the water, resulting in non-negligible impacts to fish and fish habitat.</p> <p>ECCC has environmental emergency management planning expertise and guidance related to potential accidents and malfunctions involving unplanned or uncontrolled releases or spills of hazardous substances into the environment, including scenarios where such releases could result in non-negligible adverse</p>	The association of this Project with water and potential spills of hazardous substances involved in the construction or operation of the Project could result in non-negligible adverse effects to fish and fish habitat.	<p>The implementation of effective mitigation measures and plans will help to minimize the potential for impacts to fish and fish habitat resulting from accidents and malfunctions associated with the project.</p> <p>Mitigation measures and plans will be important during both the construction and operation of the project, given that activities during these phases could result in release of hazardous substances to the environment in the event of an accident or malfunction. Mitigation measures and plans that would help to reduce the likelihood of impacts to fish and fish habitat from the project include:</p> <ul style="list-style-type: none"> <li>• Secondary containment for storage tanks containing hazardous substances to prevent their release completely or minimize the amount that enters the environment in the event of an accident or malfunction.</li> <li>• Appropriately stocked spill kits and spill response equipment on site and available at all locations where spills could occur, enabling rapid containment and clean-up of any hazardous substance that enters the environment.</li> <li>• Comprehensive plans, including a spill contingency plan, emergency response plan, and waste management plan, which will outline procedures and practices to reduce the risk of accidents and malfunctions, and equip responders with the knowledge and information necessary to rapidly and effectively respond in the event that they occur.</li> </ul> <p>The proponent has indicated that plans and procedures are already in place to mitigate spills at the current port facility. These plans and procedures should be reviewed and updated where necessary to account for construction and operation of the new facilities.</p> <p>Part 8 of the <i>Canadian Environmental Protection Act, 1999</i> on environmental emergencies (sections 193 to 205) addresses the prevention of, preparedness for, response to, and recovery from environmental emergencies caused by uncontrolled, unplanned, or accidental releases. It also addresses the reduction of any foreseeable likelihood of releases of toxic or other hazardous substances listed in Schedule 1 of the <i>Environmental Emergency Regulations, 2019</i>. This Act may apply if</p>	<p>Assessing the risk of accidents and malfunctions and the effectiveness of the proposed mitigation measures and plans is an important component of understanding the overall potential adverse effects of the Project on areas under federal jurisdiction.</p> <p>The Proponent could commit to the following items, which would demonstrate 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:</p> <ul style="list-style-type: none"> <li>• Conducting a risk assessment of plausible accident and malfunction scenarios: <ol style="list-style-type: none"> <li>1) that could result from the activities proposed in the Project; and,</li> <li>2) that could result from the impact of natural hazards or environmental conditions at the proposed Project site.</li> </ol> </li> <li>• Adopting all relevant industry best-practices regarding prevention, preparedness, response, and recovery in the context of spills resulting from accidents and malfunctions.</li> </ul>

		vessels. Vessels using port facilities will also carry substantial quantities of hydrocarbons (marine gas oil) and hazardous substances which could spill in the event of an accident or malfunction.		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 behaviour of contaminants, and hydrologic trajectory modelling of contaminants in water		Schedule 1 substances onsite meet or exceed the threshold to be regulated under the <i>Canadian Environmental Protection Act, 1999</i> . Technical Guidelines for the <i>Environmental Emergency Regulations, 2019</i> may be found at: <a href="https://www.canada.ca/en/environment-climate-change/services/environmental-emergencies-program/regulations/technical-guidelines.html">https://www.canada.ca/en/environment-climate-change/services/environmental-emergencies-program/regulations/technical-guidelines.html</a>	
ECCC-05	Greenhouse Gas Emissions Assessment	GHG – Impact on Carbon Sinks	N/A	Although unlikely to be a key issue material to the decision-making for this project and not an effect within federal jurisdiction, the assessment of GHG emissions and carbon sinks from this project would be relevant in considering the extent to which the effects of the designated project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change (IAA s.22(i) factor to be considered).	Whether a project is federally or provincially regulated, the IAA requires consideration of the project's GHG emissions, in terms of the projects' contribution to Canada's climate change objectives, to inform the federal Minister's decision-making. Application of SACC would generate the information to support this analysis and may be useful to the Minister's decision making for the project. ECCC recognizes that the Proponent has provided GHG quantification information, including construction, operation and decommissioning emissions, as well as emission sources and factors used. 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 Strategic Assessment of Climate Change (SACC) was published in 2020 and works in conjunction with the Impact Assessment Act 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). While the proponent provided sufficient information for other GHG-related topics, for section 23.2 (Carbon Sinks), additional details would assist in understanding the potential impacts on carbon sinks. ECCC recommends that the proponent follow section 4.1.2 of the SACC, which includes providing a description of the activities that would result in an impact on carbon sinks, and the land areas expected to be impacted by the project, by ecosystem type.	-ECCC recommends that the proponent follow section 4.1.2 of the SACC.

Please insert additional rows as necessary.