

Point Rouse Marine Terminal

Summary of Issues

Point Rouse Port Expansion Project

Response:

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IAAC Key Issue: Spills of Ore Concentrate – Potential Effects to Fish and Fish Habitat

Summary of Response:

The proponent recognizes the potential risk of accidental spills during ore concentrate handling, vessel loading operations, and the associated concern for fish and fish habitat. The proponent has implemented operational safeguards at the existing marine terminal and will build upon safeguards for the proposed second berth in consultation with provincial and federal regulators.

Supporting Information from Submitted Documents:

The *Initial Project Description* (IAAC Reference 90066) outlines the handling of concentrate at the marine terminal and identifies potential interactions with marine waters. While a detailed ore concentrate spill response plan is not embedded in the submission, the proponent does operate the existing marine facilities and has implemented internal controls for fuel spills. These internal controls will be updated to include controls required for the potential spill of ore concentrate. The proponent commits to continual improvement of emergency procedures, spill containment measures, and reporting protocols during construction and operation phases.

The submission also notes that project activities will comply with the Fisheries Act, specifically Section 36(3), which prohibits the deposit of deleterious substances in waters frequented by fish, and will incorporate mitigation to avoid serious harm to fish and fish habitat.

Marine Spills of Ore Concentrate (Copper) and Aggregate

Ore concentrate will be transferred from the concentrate storage building by covered conveyor to the ship loader then to marine vessels docked at the terminal. In the unlikely event that the conveyor and loading systems are damaged, concentrate may be released to the environment. The concentrate would tend to slowly settle to the seabed due to its density. Currents in the area are light therefore it is unlikely concentrate will disperse beyond the immediate spill location. The majority of the material would sink in place and remain. The concentrate is insoluble in water and therefore could be recovered by use of mechanical equipment should volumes dictate removal. Should an accident occur at the loading facility, it is not anticipated that large quantities of ore concentrate would enter the marine environment since the loading operation will be closely monitored and the system could be shut down quickly, thus minimizing any potential for spillage of large quantities.

Aggregate transfer from the aggregate processing/storing area will be loaded on a similar conveyor and ship loading system as used for concentrate. Regular maintenance and inspections of the mechanical and structural components of the systems will be carried out to mitigate potential releases of any product to the environment. The procedures will be designed to reduce, contain, and recover spilled material to ensure that adverse effects are at most short-term and localized.

Port Operations and Spill Prevention Measures

Existing port operational procedures will be updated to reflect ore concentrate handling and potential spills. The following practices are already in place for aggregate handling and will also apply to concentrate handling:

- **Loading Controls:** Ore concentrate loading will be conducted on the wharf deck by trained personnel, with strict control over timing and environmental conditions. Loading will be suspended during adverse weather or sea states to reduce spill risk.
 - **Personnel Training and Communication:** All terminal operators and staff will undergo spill response training related to concentrate handling. Existing communication protocols with vessels and authorities will be maintained.
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Regulatory Framework and Planned Actions:

- The proponent will align spill prevention with:
 - Provincial regulations under the *Environmental Protection Act*
 - Guidance from the Pollution Prevention Division of NL Environment and Climate Change.
 - The proponent will consult with:
 - Fisheries and Oceans Canada (DFO) to confirm appropriate spill containment strategies in relation to marine habitat.
 - A project-specific Response Plan will be reviewed and finalized prior to operations, incorporating:
 - Site-specific risk scenarios,
 - Spill containment and recovery procedures,
 - Communication flowcharts for internal and external responders, including local stakeholders where appropriate.
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Stakeholder and Indigenous Notification:

In the event of a significant spill, the proponent will notify affected parties, including:

- Local fish harvesters whose fishing areas may be at risk of contamination;
- Indigenous groups, in alignment with engagement commitments made in the project description;
- Municipal authorities and regional responders, as applicable.

IAAC Key Issue: Sediment Containment – Suitability of Silt Curtains in High-Energy Conditions

Summary of Response:

We acknowledge IAAC's concern that silt curtains may not perform effectively in the high-energy marine environment of Baie Verte, particularly during storm surge or tidal events. The proponent recognizes these limitations and will design a site-specific erosion and sediment control plan that includes both primary and contingency measures tailored to local conditions. Consultation with both federal and provincial regulators will guide mitigation strategies to ensure protection of fish and fish habitat.

Relevant Information from Submission:

The *Initial Project Description* (IAAC Reference 90066) states that silt curtains or other sediment containment measures will be used during marine construction activities such as infilling and berth construction. It acknowledges that environmental conditions — including wind, wave, and tide exposure — may necessitate adaptation of these methods. The proponent commits to applying best management practices, monitoring sediment dispersal, and adjusting techniques as required to protect marine habitat.

The port is in a fairly well protected area and not exposed to high tidal energy and damaging storm surge events. Local weather and sea conditions will be monitored during construction and if conditions that may damage or limit the effectiveness of silt curtains be detected then appropriate action will be taken. This action may include stopping all infilling activities or any activities that may introduce sediment into the marine environment and/or the temporary removal of the silt curtains to prevent damage to the curtains.

Additional Supporting Information from Shoreline Construction Practices:

Existing port construction procedures will be updated to reflect the use of silt curtains. Specific practices include:

- Pre-construction assessments and monitoring of weather and sea state forecasts.
- Suspension of marine construction during unfavourable or unsafe conditions, including periods of strong tidal currents or storm surge.
- Daily inspections of sediment controls during construction to assess functionality and document compliance.
- Engagement with marine contractors experienced in North Atlantic conditions.

These protocols ensure that sediment containment measures are actively managed and adapted in real time.

Regulatory Consultation and Guidance:

The proponent will consult with:

- Fisheries and Oceans Canada (DFO) through its Fish and Fish Habitat Protection Program (FFHPP) to confirm the suitability of proposed sediment containment in relation to the *Fisheries Act*.
- The Water Resources Management Division (WRMD) of NL Environment and Climate Change, which has advised that a Section 48 permit under the *Water Resources Act* is required for:
 - Shoreline infilling,
 - Causeway construction,
 - Berth infrastructure installation.

The erosion and sediment control plan will be submitted to WRMD as part of the permitting process and adapted in response to any additional regulatory requirements or construction-phase observations.

Adaptive and Contingency Measures:

In recognition of the limitations of silt curtains in dynamic coastal conditions, the proponent will:

- Schedule marine construction during seasonally calm periods to reduce turbidity and increase effectiveness of containment measures,
- Evaluate alternative containment technologies such as:
 - Turbidity curtains with weighted skirts,
 - Geotextile enclosures,
 - Rock or gravel berms for shoreline stabilization
- Implement marine turbidity monitoring during construction to detect sediment plumes in real time and adjust methods as needed,
- Develop a contingency plan that will be incorporated into the Construction Environmental Protection Plan (CEPP).

Engagement and Notification:

The proponent will proactively notify:

- Nearby marine users (e.g., inshore fishers),
- Indigenous communities, in alignment with the engagement principles outlined in the project submission.

If sediment dispersion patterns change unexpectedly or impact resource users, the proponent will activate its environmental management response, including site-specific corrective actions and communication protocols.

IAAC Key Issue: Underwater Noise – Potential Adverse Effects on Marine Mammals and Species at Risk

Summary of Response:

The proponent acknowledges IAAC’s concern regarding the potential for underwater noise generated during marine construction activities—such as causeway installation and berth development—to affect marine mammals and marine species at risk. These potential impacts are recognized in the environmental planning process, and the proponent is committed to implementing mitigation measures aligned with federal policy.

Relevant Information from Submission:

- The *Initial Project Description* (IAAC Reference 90066) identifies marine mammals as valued environmental receptors potentially affected by noise from in-water construction.
 - The *Initial Project Description* notes the potential for sensory disturbance, including underwater noise, and commits to operational and temporal mitigation strategies such as construction scheduling to avoid sensitive periods (e.g., migration, breeding).
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Potential Noise-Generating Activities Identified:

- Vibratory or impact pile driving are not required for this project,
 - Onshore blasting and shoreline infilling activities below the high-water mark,
 - Vessel operations and anchoring during marine operations.
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Planned Mitigation and Monitoring Measures:

1. Engineering Controls and Operational Timing:

- Where feasible, low-noise construction methods will be selected.
- No underwater blasting or dredging activities will be carried.
- Timing restrictions will be implemented to avoid in-water works during periods of high sensitivity for marine mammals in the Baie Verte region.

2. Sound Attenuation Techniques:

- Use of ramp-up (soft-start) procedures, and exclusion zones around the activity area will be implemented based on risk assessments.
- An internal Marine Mammal Observer (MMO) program or equivalent visual monitoring protocol will be employed during in-water works, particularly if required under a Fisheries Act Authorization. This program will include:
 - MMO uses binoculars or theodolites to scan exclusion zones from land, vessel, or platform.
 - Defined radius (e.g., 500 m) where if marine mammals enter, work is delayed or stopped.
 - Gradual increase in activity intensity to give animals time to vacate the area.
 - Activities are paused if animals are detected within the exclusion zone.
 - Logs of sightings, weather, species ID, and any mitigation actions taken.
 - Confirms operations follow DFO-authorized mitigation procedures.
- **Visual monitoring**
- **Exclusion/safety zones**
- **Ramp-up / soft-start procedures**
- **Shut-down protocols**
- **Daily reporting**
- **Compliance verification**

3. Federal Guidance:

- The project will follow the Statement of Canadian Practice with Respect to the Mitigation of Seismic Sound in the Marine Environment (SOCP) where applicable.
- The proponent will also reference DFO's Pathways of Effects and applicable Species at Risk recovery strategies for sound-related stressors.

Engagement with Federal Regulators and Species at Risk Consideration:

- The proponent will consult:
 - DFO's Species at Risk Management and Fish and Fish Habitat Protection Program (FFHPP) to:
 - Identify marine species at risk (e.g., whales, seals) potentially present in or migrating through the area,

- Confirm whether a Fisheries Act Authorization or Species at Risk Act (SARA) permit is required,
 - Seek advice on underwater noise thresholds and determine if acoustic modeling or sound exposure assessments are needed.
- Coordination will also occur with the provincial Wildlife Division (NL ECC) to ensure compliance with the NL Endangered Species Act, particularly if species with dual provincial and federal listings are identified.
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Follow-Up and Documentation:

- If marine mammals or species at risk are observed during construction, the proponent will follow DFO observation and reporting protocols.
- All mitigation and response procedures will be incorporated into the Construction Environmental Protection Plan (CEPP).
- Copies of any Fisheries Act authorizations, SARA permits, or advice letters from regulators will be appended to the CEPP and retained on-site for reference during operations.

IAAC Key Issue: Migratory Birds – Habitat Loss, Sensory Disturbance, and Compliance with the Migratory Birds Convention Act, 1994

Summary of Response:

The proponent acknowledges IAAC's concerns regarding potential adverse effects to migratory birds arising from habitat alteration, construction-related noise, and artificial lighting. The project design and construction approach have integrated key mitigations to minimize sensory disturbance and habitat disruption. The proponent is committed to complying with the Migratory Birds Convention Act, 1994 (MBCA) and applying relevant Environment and Climate Change Canada – Canadian Wildlife Service (ECCC-CWS) guidelines.

While construction activities will occur intermittently at different locations (e.g., marine terminal, upland storage site) during the construction period, operational activities will be continuous in subsequent years. Therefore, interactions between birds and above ground infrastructure, for example, could occur at any time during the life of the Project, although such events are expected to be rare. The area to be occupied by infrastructure will be minor in relation to the area of available habitat in the project area and the greater Baie Verte area as a whole. It is anticipated that marine birds will land on, rather than collide with, above ground infrastructure, as they are well adapted and habituated to the presence of anthropogenic activities and structures.

Project-related vessel strikes could lead to the direct mortality or injury of marine birds. Also, increased levels of noise may cause some marine birds to exhibit localized and temporary avoidance behaviour in the area of the vessels. Increased vessel traffic in the area increases the potential for vessel collisions with marine birds, although such events are expected to be rare. It is anticipated that marine birds will land on, rather than collide with, Project-related vessels, as they are well adapted to the presence of moving vessels and structures and are known to land on boats and buoys. The likelihood of vessel collisions with marine birds will be reduced by implementation of mitigation measures including maintaining low navigational speeds.

Terrestrial habitat within the Project area consists mostly of coniferous tree cover (spruce & fir) with re-growth of alder, birch and willow. A small amount of cut timber will be stockpiled next to roads and slash stockpiled in windrows, potentially providing an enhancement to habitat (e.g., protection from predators) for some bird species (e.g., ruffed grouse). Stripping activities in the Project footprint and any temporary work areas (e.g., staging, laydown and storage areas for construction related equipment and materials) will be reduced to the extent possible and will be restricted to areas absolutely necessary to carry out the Project.

Portions of the Project area must, for worker safety, be well-lit with high intensity lighting at night, and although the lighting will be directed as narrowly as possible by shielding, these lights may have disorienting effects on migrating birds (and Leach's storm-petrels) particularly on foggy and overcast nights, causing potentially fatal collisions. High intensity lights, including shielded downward-directed floodlights, will be turned off at night outside of working hours, if possible, especially during the spring and fall migration period.

Relevant Information from Submission:

- The *Initial Project Description* (IAAC Reference 90066) identifies bird species observed in the project area and characterizes potential habitat, noting it is largely limited to disturbed coastal margins and vegetated upland edges near existing infrastructure.
- The *Initial Project Description* outlines mitigation strategies to minimize impacts to avifauna, including the avoidance of clearing activities during the nesting season and management of construction lighting and noise.

Mitigation Measures to Address Habitat and Sensory Disturbance:

1. Habitat Loss and Fragmentation:

- The project footprint is within an area already disturbed by prior development (e.g., road corridors, cleared shoreline) therefore minimal habitat displacement is expected.
- Vegetation clearing will be scheduled outside the core nesting period (typically May 1 to August 15), unless pre-clearing nest surveys are conducted by a qualified biologist.

- Any required tree or shrub removal will be performed in accordance with provincial and federal guidance to prevent incidental take.

2. Sensory Disturbance – Noise and Lighting:

- Construction activities will occur primarily during daylight hours to reduce potential disruption to nocturnal species.
- Lighting design will follow ECCC-CWS guidance:
 - Use of downward-shielded, motion-activated fixtures where feasible,
 - Selection of low-UV, warm-colour bulbs to minimize attraction and disorientation of migrating birds.
- Equipment and vehicles will be maintained to reduce unnecessary noise, with mufflers and idle-reduction practices in place.

Compliance with the Migratory Birds Convention Act, 1994:

- The project will adhere to the avoidance approach outlined in ECCC-CWS's *Guidelines to Reduce Risk to Migratory Birds*, which emphasizes:
 - Avoiding disturbance during critical life stages, particularly nesting;
 - Implementing site-specific mitigation to minimize risk of incidental take.
- If risks of incidental take cannot be fully mitigated through scheduling or field surveys, the proponent will engage ECCC-CWS Atlantic Region to:
 - Review risk assessments,
 - Confirm adaptive mitigation timelines,
 - Or discuss potential operational adjustments.

Reference Materials and Best Practices Applied:

The proponent shall review and apply:

- *General Nesting Periods of Migratory Birds in Canada* (ECCC),
- *Avoidance Guidelines for Incidental Take*,
- *Guidance on Managing Light Pollution for Wildlife*, and
- Stranded bird protocols.

These documents will be used to guide any necessary monitoring and incident response during project construction or early operations.

Coordination and Monitoring:

- Migratory bird monitoring may be integrated into broader environmental inspection during site works.
- If colonial nesting species or Species at Risk are encountered, sightings will be logged and reported to ECCC-CWS, and work may be modified to reduce disturbance.
- Post-construction site lighting will be reviewed periodically to confirm it continues to minimize attraction and reduce seabird strandings.

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