

**Enclosure 2: Updating the Federal Permitting Plan for the Marten Falls Community Access Road Project**

Please submit the completed form by **June 23, 2025**, via email sent to [martenfalls@iaac-aeic.gc.ca](mailto:martenfalls@iaac-aeic.gc.ca)

**Department Contact Information**

<b>Submission Date</b>	July 4, 2025
<b>Department/Agency</b>	Environment and Climate Change Canada (ECCC)
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The information that Federal Authorities (Regulators) will provide in this table will be used by IAAC to update the federal Permitting Plan for the Marten Falls Community Access Road Project. This information will also provide guidance to the proponent on next steps for applicable permits, authorizations or licenses (“permits”). Once completed, the detailed permitting plan including key milestone and timelines, will be discussed and confirmed with the proponent.

The intention is to identify those permits that would be needed for the proponent to construct the project and therefore should be tracked as part of the two-year target. The information on timing will be confirmed with the proponent during the finalization of the detailed permitting plan.

Federal authorities are asked to:

1. Review the draft Impact Statement and any other documents presented by the proponent and complete Table 1:
  - Characterize the likelihood that a federal permit will be required for the Project’s construction, based on the project as currently described. If you are unsure about timing, please list the permit as potential.
  - Describe why the permit is or is not required or how the proponent can confirm if permit will be required.
  - Indicate whether information provided in the draft Impact Statement could be sufficient to inform the permitting process, or briefly describe what information is missing or issues that need to be resolved; and
  - Indicate if any federal permits are missing and update the table accordingly.

2. Please indicate any other relevant guidance on permitting or issues related to permitting, to highlight to the proponent (use point form and plain language):

See Table below

3. Please indicate if a meeting with the Proponent to discuss your federal permits is needed.

No

**Table 1: Information needed to update Federal Detailed Permitting Plan for Marten Falls Community Access Road Project**

Permit	Is permit required to construct the project?	Describe why the permit is or is not required or how the proponent can confirm if the permit is required	Describe permitting information requirements:	Identify project-specific milestones and timelines for the proponent to complete the permitting process, including those steps needed to collect information required in an application.
<p><i>Species at Risk Act, 73(1)   Species at Risk Act (SARA) Permit</i></p>	<p>Please choose from</p> <ul style="list-style-type: none"> <li>• Required</li> <li>• Likely</li> <li>• Unlikely</li> <li>• Potential</li> <li>• Not required</li> </ul> <p><b>Construction Phase</b> Likely for species at risk (SAR) bats</p> <p>Potential for caribou</p> <p>Unlikely for SAR migratory birds</p> <p><b>Operations and Maintenance Phase</b> Unlikely to be required</p>	<p>Please indicate if the permit may be required later in the project’s lifecycle (i.e. operation phase).</p> <p>For example:</p> <ul style="list-style-type: none"> <li>• Is there information the proponent needs to collect to confirm if permit is required?</li> <li>• Are there particular conditions that make a permit more likely to be required (e.g. presence of species or habitat)?</li> <li>• Are there actions the proponent can take to avoid needing a permit?</li> <li>• Is there a process to follow to determine if a permit is needed?</li> </ul> <p>Impacts to critical habitat should be avoided as this habitat is required for the survival and recovery of species at risk, but there are currently no critical habitat prohibitions in place within the project area, either on federal or non-federal land.</p> <p>If a SARA permit is required, it would be for the Construction phase; a permit is unlikely to be required for the Operation phase.</p> <p><b>In relation to terrestrial SAR that are not migratory birds</b> A SARA permit would be required if the project affects species at risk individuals or residences on federal land.</p> <p>Information required in order to determine the need for a SARA permit (where <b>bold</b> indicates information that does not appear to be in the draft Impact Statement (DIS)) includes:</p> <ul style="list-style-type: none"> <li>• <b>The length and location of the final selected route on federal land, as well as the area and location of any other components of the project on federal land.</b> The DPD indicates “A maximum of 5% of the CAR is to be located on MFFN Reserve land with approximately 47 hectares of reserve land potentially intersected for the route”. Please indicate if this is still accurate.</li> <li>• <b>The amount and location of SAR bat maternity roost habitat on federal land that would be affected by the Project.</b> Maternity roosts for SAR bats (e.g., Little Brown Myotis, Northern Myotis, Tri-coloured Bat; note that</li> </ul>	<p><i>Please indicate if the information collected for the proponent’s draft Impact Statement would be sufficient to inform the permitting process.</i></p> <p><i>If not, briefly describe what information may be needed.</i></p> <p>The information that the proponent has collected for the DIS is likely sufficient to inform a SARA permit application, if one is required, but may need to be provided with a different focus or level of detail.</p> <p>SARA permit applicants are expected to describe any changes that the activity may cause to the listed wildlife species, its critical habitat or the residences of its individuals, the possible effects of those changes and the significance of those effects. This information must also inform how the project activities meet the three pre-conditions under subsection 73(3) of SARA:</p> <ul style="list-style-type: none"> <li>• all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted;</li> <li>• all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals;</li> <li>• and if the activity will not jeopardize the survival or recovery of the species.</li> </ul> <p>Therefore, ECCC would require the following information in the permit application, should one be required for the species listed in Column 3 and 4, where <b>bold</b> indicates information that does not appear to be in the DIS:</p> <ul style="list-style-type: none"> <li>• <b>A description of the reasonable alternative means of constructing the road considered that would reduce the impact on SAR bats and/or caribou for the portions of the project on federal land</b></li> </ul>	<p><i>Indicate if there is any specific timing for data collection or any sequencing in permits or between permitting.</i></p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• SARA permit needed for work on federal land that is required before construction.</li> <li>• Data needed for application that must be collected in Spring and Fall</li> </ul> <ul style="list-style-type: none"> <li>• SARA permit may be needed before construction begins on federal land for SAR bats and caribou (see third and fourth columns for more information).</li> <li>• SARA permit may be required (but likelihood is low) before construction begins across the entire project for SAR migratory birds (see third and fourth columns for more information).</li> </ul> <p>Applications for a SARA permit must be submitted via ECCC’s <a href="#">Species at Risk Act Permit System</a>. More information on the application process can be found here: <a href="#">Guidelines for permitting under Section 73 of Species at Risk Act - Canada.ca</a>.</p> <ol style="list-style-type: none"> <li>1. Proponent collects required information including surveys to obtain baseline information for all SARA listed species that may be impacted by the proposed activity. [Completed through IA process]</li> <li>2. Proponent submits a permit application to ECCC (see section 3 of the Guidelines).</li> </ol>

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	<p>Please choose from</p> <ul style="list-style-type: none"> <li>• Required</li> <li>• Likely</li> <li>• Unlikely</li> <li>• Potential</li> <li>• Not required</li> </ul>	<p>Please indicate if the permit may be required later in the project's lifecycle (i.e. operation phase).</p> <p>For example:</p> <ul style="list-style-type: none"> <li>• Is there information the proponent needs to collect to confirm if permit is required?</li> <li>• Are there particular conditions that make a permit more likely to be required (e.g. presence of species or habitat)?</li> <li>• Are there actions the proponent can take to avoid needing a permit?</li> <li>• Is there a process to follow to determine if a permit is needed?</li> </ul> <p>Eastern Red Bat, Hoary Bat, and Silver-haired Bat are under consideration for listing under SARA as Endangered) are considered residences under SARA and are automatically protected on federal land.</p> <ul style="list-style-type: none"> <li>• <b>Timing of caribou observations on federal land and confirmation that project construction timing windows would avoid impacts to caribou individuals, as well as the type, function, location, and amount of caribou habitat on federal land impacted by the project.</b> Caribou individuals are automatically protected on federal land.</li> </ul> <p><b>In relation to migratory bird SAR</b> A SARA permit may be required in certain circumstances if project activities affect a SARA listed migratory bird residence wherever they occur.</p> <p>The proponent states that Chimney Swift, Barn Swallow and Bank Swallow were not detected in any surveys and no suitable habitat was identified within the RSA therefore it appears unlikely that a permit would be required, however they also state that climate change is expected to move the distribution of these species further north.</p> <p>Information required in order to determine the need for a SARA permit includes:</p> <ul style="list-style-type: none"> <li>• <b>Confirmation of whether residences for Chimney Swift, Bank Swallow, and Barn Swallow are located within the final project construction disturbance areas.</b></li> </ul>	<p><i>Please indicate if the information collected for the proponent's draft Impact Statement would be sufficient to inform the permitting process.</i></p> <p><i>If not, briefly describe what information may be needed.</i></p> <ul style="list-style-type: none"> <li>• A description of the reasonable alternative means of constructing the road considered <b>that would reduce the impact on SAR migratory birds for the entire project</b></li> <li>• <b>An explanation of why the identified alternative is the best solution with the conservation of the species in mind.</b></li> <li>• To clarify, reasonable alternatives could include construction methods, routes, alignments, etc., that may influence the degree to which the project impacts the species at risk that are the subject(s) of the permit.</li> <li>• A description of all mitigation measures being considered to minimize the impact of the activity on the species (and its supporting habitat).</li> <li>• Evidence to substantiate why the activity (<b>on federal land for SAR bats and/or caribou</b>, for the entire project for SAR migratory birds) would not compromise the survival or recovery of the species, <b>based on the recovery objectives stated in the recovery strategy.</b></li> </ul> <p>It is important for proponents to ensure their understanding of their obligations to be compliant with SARA is current. Please note additional authorizations may be necessary if:</p> <ul style="list-style-type: none"> <li>• SARA prohibitions come into force in the future through orders in council for individuals, residences and/or critical habitat on non-federal lands.</li> <li>• Over the course of the assessment or after the assessment if additional species are listed under SARA. Proponents are advised to monitor the SARA Registry (<a href="https://www.canada.ca/en/environment-climate-">https://www.canada.ca/en/environment-climate-</a></li> </ul>	<p><i>Indicate if there is any specific timing for data collection or any sequencing in permits or between permitting.</i></p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• SARA permit needed for work on federal land that is required before construction.</li> <li>• Data needed for application that must be collected in Spring and Fall</li> </ul> <ol style="list-style-type: none"> <li>3. ECCC reviews the application, and issues information requests as needed (see section 4 and 5 of the Guidelines).</li> <li>4. Proponent responds to IRs.</li> <li>5. Indigenous Consultations under SARA s.73(4) and (5) may be required.</li> <li>6. Minister of Environment and Climate Change Canada issues a permit or notifies proponent that permit has been refused. Note that a permit can only be issued if the preconditions under s.73(3) of SARA have been met.</li> </ol> <p>ECCC welcomes focused and collaborative conversations between SARA Permitting Officers in ECCC's <a href="#">regional offices</a> and the proponent if additional information is required.</p>

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	Please choose from <ul style="list-style-type: none"> <li>• Required</li> <li>• Likely</li> <li>• Unlikely</li> <li>• Potential</li> <li>• Not required</li> </ul>	Please indicate if the permit may be required later in the project's lifecycle (i.e. operation phase).  For example: <ul style="list-style-type: none"> <li>• Is there information the proponent needs to collect to confirm if permit is required?</li> <li>• Are there particular conditions that make a permit more likely to be required (e.g. presence of species or habitat)?</li> <li>• Are there actions the proponent can take to avoid needing a permit?</li> <li>• Is there a process to follow to determine if a permit is needed?</li> </ul>	Please indicate if the information collected for the proponent's draft Impact Statement would be sufficient to inform the permitting process.  If not, briefly describe what information may be needed.	Indicate if there is any specific timing for data collection or any sequencing in permits or between permitting.  Examples: <ul style="list-style-type: none"> <li>• SARA permit needed for work on federal land that is required before construction.</li> <li>• Data needed for application that must be collected in Spring and Fall</li> </ul>
			<a href="https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/residence-descriptions/bank-swallow.html">change/services/species-risk-public-registry/residence-descriptions/bank-swallow.html</a>	
<i>The Migratory Birds Convention Act (MBCA) and its regulations</i>	Unlikely	<p>The <i>Migratory Birds Convention Act</i> (MBCA) and its regulations protect migratory birds and their eggs, and prohibit the disturbance, damage, destruction or removal of migratory bird nests that contain a live bird or 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 (including Pileated Woodpecker and Great Blue Heron) listed in Schedule 1 of the Migratory Bird Regulations (2022) are protected all year round. These general prohibitions apply to all lands and waters in Canada, regardless of ownership. The MBCA also prohibits the release of substances harmful to migratory birds into waters or an area frequented by migratory birds, or at a place from which the substance could enter such waters or area.</p> <p>Proponents are reminded to develop beneficial management practices (<a href="https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/beneficial-management-practices.html">https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/beneficial-management-practices.html</a>), guiding principles, and measures to reduce risk to contravening the MBCA. For more information, please visit: Avoiding harm to migratory birds - Canada.ca (<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>)</p> <p>ECCC notes that there is no mechanism available to provide a permit for activities that do not directly target but</p>	<p>The Impact Statement does not contain sufficient information to determine whether or not a Damage or Danger permit is required for the Project at this time.</p> <p>The potential for a damage and danger permit may become clearer in future phases of the Project, however, there are only certain limited situations where these types of permits may be available, and applications are evaluated on a case-by-case basis.</p> <p>Types of information required for ECCC to provide advice related to the applicability of Damage and Danger permits:</p> <ul style="list-style-type: none"> <li>• A clear understanding of the situation and activities for which a permit is being requested.</li> <li>• Timing of the activity being requested.</li> <li>• Identification of the species affected including the number of individuals affected.</li> <li>• Additional information may be required during the permit application process depending on the type of permit being requested.</li> </ul> <p>Further information about the different types of damage or danger permits available including applications and report forms can be found at the following link: <a href="https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/damage-danger.html">https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/damage-danger.html</a> pro</p>	

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		<p>may harm protected migratory birds, their nests, and/or eggs (e.g., vegetation clearing) under the MBCA and its regulations.</p> <p>Damage or Danger Permit under the Migratory Bird Regulations, 2022 (MBR)) authorizes permit holders to scare migratory birds, destroy eggs or nests, relocate birds or their nests, or kill birds in instances where the birds, nests, or eggs are causing damage to property or threaten public health and safety.</p> <p>Damage or Danger permits are available in certain limited situations and applications are evaluated on a case-by-case basis. For more information, please visit: Frequently Asked Questions: Migratory Birds Regulations, 2022 - Canada.ca (<a href="https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/faq-migratory-birds-regulations-2022.html - toc5">https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/faq-migratory-birds-regulations-2022.html - toc5</a>).</p>		