

Enclosure 1: Federal Authority Advice Record: Authority and Summary of Issues

Project: Alexandra Bridge Replacement Project
Proponent: Public Services and Procurement Canada and National Capital Commission
CIAR No.: 83444

Part A - Summary of Issues, Permitting Plan and Tailored Impact Statement Guidelines
Response due by: April 22, 2022

All comments should be submitted via the **Submit a Comment** feature available on the Project’s Canadian Impact Assessment Registry page (Reference 83444 at <http://iaac-aeic.gc.ca/050/evaluations/proj/83444?culture=en-CA>). Letters and forms can be uploaded using this feature. If you have any difficulties submitting this way, please contact the Agency at Alexandra@iaac-aeic.gc.ca for assistance.

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1. Identify and describe the specialist or expert information or knowledge within your department or agency that would be relevant to the conduct of the impact assessment of the Project, should a federal impact assessment be required.

ECCC has specialist or expert information that may be relevant to the impact assessment in the areas listed below; in each of these subject areas we have expertise related to establishing an adequate baseline, assessing potential effects to biophysical valued components, effectiveness of mitigation measures, methods for monitoring and follow-up, as well as information regarding federal policies, standards, and regulations that may be relevant to the assessment (Note: ECCC does not assess proposed projects for regulatory compliance). Once the scope of the project and of the assessment are established by the Agency, this list may change if additional project activities or components should come into scope.

Air Quality: ambient air quality; sources of emissions; emissions estimation and measurement; atmospheric transport, transformation and dispersion modelling; and follow-up monitoring.

Greenhouse gas emissions and climate change: estimations of greenhouse gas (GHG) emissions (net and upstream); carbon sinks; GHG mitigation measures and determination of Best Available Technologies/Best Environmental practices (BAT/BEP); credible plans to achieve net-zero GHG emissions by 2050; climate change science to inform evaluation of potential changes to the environment and project resilience to effects of climate change; climate change policies; and national GHG projections.

Water quality and quantity: surface water quality; water quality predictions and modelling; contaminant sources for surface water; runoff effects; management of contaminated soils or sediments; freshwater dredging; hydrology (streamflow rates data and modelling, flooding and extreme events management, drainage control, water levels, water balances); geochemistry; follow-up and monitoring.

Wildlife, species at risk, and habitat: priority species and places as outlined in the *Pan-Canadian Approach to transforming species at risk conservation in Canada*¹; migratory birds, their nests, eggs, and habitat; COSEWIC² assessed species, species at risk, individuals, their residences, habitat and critical habitat including recovery strategies, action plans and management plans; ecological function of wetlands; ecotoxicology.

¹ <https://www.canada.ca/en/services/environment/wildlife-plants-species/species-risk/pan-canadian-approach/species-at-risk-conservation.html>

² Committee on the Status of Endangered Wildlife in Canada

Environmental emergencies: emergency management planning and guidance; atmospheric transport and dispersion modelling of contaminants in air; fate and behaviour, hydrologic trajectory modelling of contaminants in water.

Climate and Meteorology: long-term climate patterns and norms; waves, weather; ice.

2. The proponent has indicated in the Initial Project Description (Section 17.1, Table 17-1) that approvals under the following federal legislation may be required for the Project to proceed:

- *Fisheries Act*
- *Canadian Navigable Waters Act*
- *Species at Risk Act*
- *Migratory Birds Convention Act*
- *National Capital Act*

(a) Validate whether the information relating to your department or agency's powers, duties, or functions contained in the Initial Project Description is accurate.

List the potential powers, duties, or functions, including federal funding, that your department or agency may issue to enable the Project to proceed. For each, please explain why your department or agency may issue the potential power, duty, or function, and, if applicable, the level of oversight, if any, that the regulatory instrument provides with respect to valued components that are relevant to your mandate.

Migratory Bird Convention Act

The *Migratory Bird Convention Act* (MBCA) and its regulations protect migratory birds and prohibit the disturbance or destruction of migratory bird nests and eggs in Canada. The legislation and regulations apply to all lands and waters in Canada, regardless of ownership. Environment and Climate Change Canada is responsible for administration of the MBCA on behalf of the federal government. Neither the Act nor its regulations provide a mechanism for approvals, authorizations or permits for activities that do not primarily target migratory birds, but which may cause harm.

Therefore, it is inaccurate to include the MBCA in Table 17-1 of the IPD, which is titled 'Federal Permits and Approvals'. ECCC recommends its removal from this table.

Species at Risk Act permits

For species listed in Schedule 1 of the *Species at Risk Act* (SARA) as Extirpated, Endangered or Threatened, a permit may be required from ECCC (section 73 of SARA) 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 the species have been considered and the best solution has been adopted; 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; and if the activity will not jeopardize the survival or recovery 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 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* 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 and / or through ministerial order for critical habitat on federal lands. It is also possible that, over the course of the assessment or after the assessment, 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, excavation);
- Deconstruction/decommissioning of infrastructure;
- Construction and operation of temporary and permanent works and infrastructure;
- Creation of new roads, rail lines, or power lines;
- Infilling of wetlands or watercourses;
- Site restoration
- Any monitoring that requires capture/release of individuals; and
- Sensory disturbance effects (artificial lighting, noise, vibration, human activity, vehicular traffic).

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 land, before ECCC can determine whether a SARA permit is required.

Based on the Initial Project Description, ECCC notes that SARA permits may be required for Butternut, species at risk turtles, and species at risk bats on federal lands. In addition, ECCC notes the potential for American Ginseng to occur within the project area. Project components with the potential to affect residences or individuals include organization of construction sites, access and staging areas, deconstruction/decommissioning, construction, and associated infrastructure.

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)
<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) <https://species-registry.canada.ca/index-en.html#/consultations/2983>

ECCC led-Indigenous consultations related to the issuance of a 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>

The proponent is encouraged to collect and submit the information necessary to determine if a SARA permit is required during the impact assessment process, and to submit their application well in advance of the proposed activities to avoid delays.

Further information regarding species at risk permits will be provided in the Permitting Plan.

(b) Has your department or agency already exercised any of the above-noted power or performed a duty or function to enable the proposed Project to proceed in whole or in part? Yes No

ECCC has not considered, exercised a power or performed a duty, or taken any course of action as part of the Project.

If yes, please list and describe each.

(c) Please include a description of consultation activities that would occur with Indigenous groups if your department or agency has to exercise a power or perform a duty or function related to the Project, and how potential impacts to Indigenous groups are addressed by your department or agency. Indicate the potential timeline for Indigenous participation, in relation to each applicable authorization, in support of Agency's development of the Permitting Plan and the Indigenous Engagement and Partnership Plan

To date, ECCC has not conducted consultation activities with Indigenous groups related to exercising a power or to perform a duty or function for this project. Should a SARA permit be required, ECCC's consultation activities with Indigenous communities would begin following receipt of a SARA permit application. These activities would typically begin with an initial letter to the band council or wildlife management board responsible for the lands where the activity is proposed. This initial contact is then followed by emails, phone calls and/or in person discussions as appropriate. Consultation on SARA permits will be coordinated with consultation during the assessment where possible.

(d) Please include a description of opportunities for public participation if your department or agency has to exercise a power, or perform a duty or function related to the Project. Indicate the potential timeline for that participation, in relation to each applicable authorization, in support of the Agency's development of the Permitting Plan and the Public Participation Plan.

Should a SARA permit be required, as per section 73 of the SARA, there is no public participation in the process to issue a SARA permit. 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>

3. (a) **Using Table 1 of Enclosure 3**, indicate whether the description of potential effects presented in the Initial Project Description sufficiently characterizes potential project effects— including direct and incidental effects, and effects within federal jurisdiction—as related to your mandate . Provide advice on whether these effects may be adverse and whether your regulatory instruments, operational guidance on proponents or other standard practices could be used to address these effects. *Note: Information on*

effects and direct and incidental effects as well as effects within federal jurisdiction are defined in section 2 of IAA.³

(b) **Using Table 1 of Enclosure 3**, identify any additional potential adverse effects of the Project that are not described in the Initial Project Description and their linkage to effects, effects within federal jurisdiction, and direct and incidental effects. For each, provide advice on whether your regulatory instruments, operational guidance to proponents or other standard practices could be used to address these effects.

Dale Gratton

Name of Responder



Signature

A/ Regional Director, Environmental Protection
Operations Directorate, Ontario Region,
Environmental Protection Branch

Title of Responder

April 21, 2022

Date

³ A link to *Impact Assessment Act* text can be found here:
<https://www.canada.ca/en/impact-assessment-agency/corporate/acts-regulations/legislation-regulations.html>