

ATTACHMENT: July 14, 2023

**Federal Authority Advice Record: Designation Request under the IAA
Response due by August 3, 2023**

Port au Port-Stephenville Wind Power and Hydrogen Generation Project (also known as Project Nujio'qonik)

Department/Agency	Transport Canada
Lead Contact	Jason Flanagan, Senior Environmental Advisor
Full Address	Heritage Court, 6 th floor-95 Foundry Street, Moncton, NB E1C 5H7
Email	jason.flanagan@tc.gc.ca
Telephone	506-227-8257
Alternate Departmental Contact	Melissa Ginn, Regional Environmental Advisor Melissa.ginn@tc.gc.ca / 709-351-3200

-
1. Has your department or agency considered whether it has an interest in the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

Transport Canada has not exercised a power or performed a duty or function under any Act of Parliament in relation to this project.

-
2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

Canadian Navigable Water Act (CNWA) Approval: The proposed marine based elements of the project, including but not limited to the proposed improvements to the existing dock at the Port of Stephenville, a jettyless mooring and loading system, dredging, a marine outfall, a marine cable and two temporary marine landing sites may require a *Canadian Navigable Waters Act* approval(s).

The application process can be accessed at the following link: [External Submission Site for the Navigation Protection Program](#) (create an account first if needed)

Additional guidance information and links for the NPP regulatory process can be found here:

Canadian Navigable Waters Act:

<https://www.tc.gc.ca/eng/programs-632.html>

<https://www.tc.gc.ca/eng/canadian-navigable-waters-act.html>

Navigation Protection Program, Transport Canada
<http://www.tc.gc.ca/eng/programs-621.html>

3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

If a CNWA approval is required for any component of this project, public and Indigenous consultations are required as part of the review process.

4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

As part of the NL Environmental Assessment review process, TC has provided the following specialist information, in addition to the possible regulatory information above:

- i) Civil Aviation: The proponent will need to complete an Aeronautical Assessment Form (AAF) regarding the wind turbines to assess for marking and lighting requirements as per:

Standard 621 - *Obstruction Marking and Lighting - Canadian Aviation Regulations (CARs)*
<https://tc.canada.ca/en/corporate-services/acts-regulations/list-regulations/canadian-aviation-regulations-sor-96-433/standards/standard-621-obstruction-marking-lighting-canadian-aviation-regulations-cars>.

The AAF is located in *Appendix C - Aeronautical Assessment Form for Obstruction Marking and Lighting (Form 26-0427E)*.

Once the AAF and the Nav Canada (excel spreadsheet) information has been completed, please forward to: aviation.atl@tc.gc.ca.

- ii) Marine Safety and Security (MSS): Transport Canada's role in marine safety and security is to oversee and regulate a marine transportation system that is safe and secure, efficient, and environmentally responsible. MSS has expertise in the legislative framework for Canada's marine safety system, which includes Canada's marine oil spill preparedness and response regime including consideration of marine navigational risks. MSS can provide advice on compliance with the *Canada Shipping Act, 2001*, the *Marine Transportation Security Act*, and regulatory issues that apply to ship operations.

MSS is also available to work with proponents on a case-by-case basis to resolve potential safety issues for the safe operation of vessels in compliance with the *Canada Shipping Act 2001*.

5. Has your department or agency had previous contact or involvement with the Proponent or other parties in relation to the Project?

Yes, Transport Canada (TC), Environmental Programs and Indigenous Relations reviewed the NL registration document and provided comments on July 28, 2022.

On April 6, 2023, Transport Canada (TC), Environmental Programs and Indigenous Relations attended a presentation by World Energy GH2 regarding the newly proposed marine components and to discuss potential TC requirements.

6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of the IAA? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

Transport Canada is participating in the NL Environmental Assessment review and will provide expert information related to our mandate as indicated above and where required.

7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Project? In particular, the

following issues have been raised by the requestor:

- effects to fish and fish habitat;
- effects to wildlife, including migratory birds and species at risk;
- effects to the marine environment (e.g., disruption of historic contamination);
- accidents or malfunctions (e.g., ammonia or hydrogen leaks);
- alternative means of carrying out the project were not adequately considered;
- cumulative effects from past drilling, mining, milling, and accidents and malfunctions in the area,
- mistrust in the proponent and the provincial process (e.g., perceived project-splitting);
- effects to Indigenous peoples (e.g., country foods, current use);
- effects to climate change from upstream and downstream impacts of hydrogen and ammonia production; and
- inadequate public and Indigenous engagement on the Project.

Similar to Question 6, Transport Canada is participating in the NL Environmental Assessment review and will provide expert information through that process where necessary.

8. Does your department or agency have information about the interests of Indigenous groups in the vicinity of the Project; the exercise of their rights protected by section 35 of the *Constitution Act, 1982*; and/or any consultation and accommodation undertaken, underway, or anticipated to address adverse impacts to the section 35 rights of the Indigenous groups?

TC does not have any information about the interests of Indigenous groups within the vicinity of the Project and are aware that the Qalipu First Nation is a partner in this Project.

9. If your department has guidance material that would be helpful to the Proponent or the Agency, please include these as attachments or hyperlinks in your response.

Noted above.

J. Jason Flanagan

Name of departmental / agency responder

Senior Environmental Advisor

Title of responder

August 10, 2023

Date