

Federal Authority Advice Record (FAAR)

The FAAR must be submitted to the Registry by December 20, 2023.

Cooper Cove Marine Terminal Expansion Project – Port of Argentia
Registry reference no.: 86128

Department/Agency	Transport Canada
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1. a) 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?

Yes. It is likely that Transport Canada (TC) will exercise a power or perform a duty or function related to the Project to enable it to proceed.

Canadian Navigable Water Act (CNWA) Approval: Marine-based works proposed as part of the project will likely require a *Canadian Navigable Waters Act* approval.

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>

- b) Please describe any Indigenous or public consultation that will be undertaken in relation to the exercise of that power, duty or function, including when it would take place.

If a CNWA approval is required for a component of this project, public and Indigenous consultations are necessary as part of the application and review process. This may in part be fulfilled through Indigenous Consultations undertaken as part of a process under the IAA.

2. Is your department or agency in possession of specialist or expert information or knowledge in one of your fields of expertise that may be relevant to the conduct of an impact assessment of the Project?

Yes.

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. TC's Marine Safety and Security (MSS) group 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.

Transport Canada administers the Navigation Safety Assessment Process (NSAP) in collaboration with its partners and can work with the Proponent to address topics related to marine transportation safety. Information can be found here:

[https://tc.canada.ca/en/marine-transportation/marine-safety-management-system-tp-13585-e-tier-ii-procedures/tier-ii-procedure-navigation-safety-assessment-process.](https://tc.canada.ca/en/marine-transportation/marine-safety-management-system-tp-13585-e-tier-ii-procedures/tier-ii-procedure-navigation-safety-assessment-process)

TC's Environmental and Marine Policy groups may also have expertise relevant to the proposed project. This includes considerations related to the development of policy measures and options, as well as regulatory requirements for various marine topics such as: marine terminals and associated activities, ship-source marine aquatic invasive species, and support for the protection and recovery of endangered whale species by managing adverse vessel impacts, including underwater noise and vessel strikes.

Under Canada's Oceans Protection Plan, TC has been working with communities, stakeholders and other levels of government on assessing the cumulative effects of marine shipping activities on select valued components in Placentia Bay. The outcomes of this work may inform a project-specific impact assessment for the proposed project.

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3. Has your department or agency 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 that would allow the Project to proceed in whole or in part?

No.

4. Has your department or agency had previous contact or involvement with the proponent or other party in relation to the Project (for example: an enquiry about methodology, guidance, or data; introduction to the Project)?

Yes, Transport Canada has provided similar information as included in this FAAR, to the Proponent and their consultant on October 6, 2023.

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5. Does your department or agency have additional information or knowledge about the project not specified above, including information about its geographic, environmental, economic or social context (for example, location of protected or sensitive areas, history between local communities and proponent or similar projects, local or regional social or economic concerns)?

On July 19, 2023, the Minister of Transport announced an investment of up to \$38 million under the National Trade Corridors Fund to improve cargo movement at the Port of Argentia.

6. From the standpoint of your department's mandate and expertise, what are the main issues concerning the project?

For each key issue, please:

- describe the effect or the nature of the issue, including any relevant context;
- provide the rationale and/or evidence for why it is a key issue;
- briefly provide solutions to the issue, including information or studies that, if applicable, should be requested to the proponent in the Tailored Impact Statement Guidelines, potential mitigation measures, or regulatory requirements relevant to the issues;
- provide a concise, plain-language summary of the issue for inclusion in the Summary of Issues.

The information provided will be taken into consideration by the Agency to formulate an opinion on whether an impact assessment is required and, if applicable, will be taken into account in developing project-specific Tailored Impact Statement Guidelines in the next steps of the impact assessment process.

Transport Canada has not identified any main issues concerning the project at this time.

7. If applicable, specify any additional information the proponent could provide in the Detailed Project Description or in its response to the Summary of Issues that:
- would make it possible to verify whether certain minor issues could be addressed and managed by clear measures, existing guidelines, other regulatory processes or other existing tools;
 - help the Agency to provide an opinion if an impact assessment is required, or
 - would support the tailoring of the Impact Statement Guidelines if the Agency is of the opinion that an impact assessment is required.

These clarifications and additional information will be included as specific questions/issues in the Summary of Issues provided to the proponent.

Please use Table 2 to answer this question.

Transport Canada

Name of department or agency involved

As noted above.

Speaker title

December 20, 2023

Date

Table 1: Key issues to inform the impact assessment process

The Agency asks that federal authorities guide expert advice on the Agency's approach to project specific tailoring, if the Agency is in the opinion that an impact assessment is required. This approach aims to focus the assessment on the Project's key issues, with an emphasis on the prevention of adverse environmental effects in areas of federal jurisdiction. In determining key issues, federal authorities should be mindful of the Project's context (size, scope, location), Indigenous knowledge and perspectives, and public concerns.

Potential effects that are considered minor, or that can be mitigated through clear measures, existing guidance or other regulatory processes, may be subject to simplified information requests or be disregarded. Advice from federal authorities on key issues and solutions - and on the scope and detail of the studies and information requested - will enable the Agency to focus the analysis on those issues that are important for the impact assessment process.

Comment ID	Relevant section of the initial project description	Valued Component or Factor to Consider	Description of key issue (context and rationale)	Advice	Plain-language summary for inclusion in Summary of Issues
<p><i>Please present comments by organization and comment number</i></p> <p><i>e.g.: IAAC-01</i></p>	<p><i>If the comment relates to a specific section of the initial project description, please provide the reference.</i></p>	<p><i>Identify valued component(s) or factor to consider—within the mandate of your department or agency—to which the potential effect or issue applies.</i></p>	<p><i>Please provide a brief description of the issue and rationale for being a key issue.</i></p> <p><i>Include, where relevant:</i></p> <ul style="list-style-type: none"> • <i>the sequence of potential effects;</i> • <i>the relevant context that specifies why this is a key issue;</i> • <i>key uncertainties that should be addressed in the impact assessment;</i> • <i>Indigenous or public concerns or perspective;</i> • <i>scientific data or traditional knowledge, including from previous projects, that justifies the inclusion of the key issue in the project assessment.</i> 	<p><i>If applicable, please provide brief solutions/advice to address the issue or potential effect, including:</i></p> <ul style="list-style-type: none"> • <i>studies or information relevant to describing and characterizing the potential effect, including any guidance for data collection or analysis or existing data sources to inform the assessment;</i> • <i>any powers your department or agency has that may mitigate, manage or set conditions related to the issue;</i> • <i>advice or policies to frame and mitigate the potential effect;</i> • <i>standardized mitigation or monitoring measures that could manage potential effects, including follow-up on monitoring activities;</i> • <i>Commitments the proponent could make to respond to the issue.</i> 	<p><i>For issues to be included in the Summary of Issues, provide a concise, plain language synopsis of the key issue and any questions or directions for the proponent, if applicable.</i></p>

Please insert additional lines if necessary.

Table 2. Details or additional information the proponent could include in the Detailed Project Description or in the response to Summary of Issues

Comment ID	Relevant section of the Initial Project Description	Description of the Issue, Concern or Uncertainty	Clarifications or additional information	Plain-language summary for inclusion in Summary of Issues
<p><i>Please identify comments by organization and comment number.</i></p> <p><i>e.g. AEIC-01</i></p>	<p><i>If the comment is related to a specific section of the Initial Project Description, please provide a reference.</i></p> <p><i>You may also choose to copy the relevant text here.</i></p>	<p><i>Provide a description of the issue, concern or uncertainty that the proponent could include in its Detailed Project Description, which could be framed and managed by clear measures, existing guidelines, regulatory processes or other existing tools, and thus be the subject of a simplified information request in the guidelines, or simply be disregarded.</i></p>	<p><i>Specify what additional information the proponent could provide in the Detailed Project Description to address the issue, concern or uncertainty, for example:</i></p> <ul style="list-style-type: none"> <i>• Clarifications to elements of Project Description (e.g. components, activities, locations or alternatives);</i> <i>• Proposals on Project design changes that could avoid effects;</i> <i>• Evidence that could demonstrate that the effects will be negligible;</i> <i>• Evidence that standard mitigation measures will reduce or eliminate potential effects;</i> <i>• Commitments the proponent could make to respond to the question/issue, including the implementation of federal operational policies or guidance documents.</i> 	<p><i>For issues to be included in the Summary of Issues, provide a concise, plain-language synopsis of the issue and any questions or instructions for the proponent, if applicable.</i></p>
<p>TC-01</p>	<p>Table 3 (Page 21) Marine Shipping Operations and Forecasts</p>	<p>Information provided in Table 3 is limited. Additional context is required to understand the demand forecasted for marine shipping including vessel types and quantities (cargo breakdown).</p> <p>TC is aware of other projects being proposed to support the development of the green energy sector (wind, hydrogen and ammonia, etc...) in Newfoundland and Labrador. It would be helpful to understand to what extent the proposed project may support this emerging industry and specifically the anticipated vessel activity resulting from these projects at the proposed Cooper Cove Terminal.</p>	<p>Detailed marine shipping baseline and forecasts including vessel and cargo types, market demand, and time horizons.</p> <p>This information would be used to develop an understanding of any required project specific studies related to the marine shipping activities including in relation to safety, accidents and malfunctions and cumulative effects.</p>	<p>Detailed marine shipping baseline and forecasts including vessel and cargo types, market demand, and time horizons.</p> <p>This information would be used to develop an understanding of any required project specific studies related to the marine shipping activities including in relation to safety, accidents and malfunctions and cumulative effects.</p>

Please insert additional lines if necessary.

