

Federal Authority Advice Record (FAAR)

The FAAR must be submitted to the Registry by January 26, 2024.

New Nain Airport Project – Nunatsiavut Government

Registry reference no: 87156

Department/Agency	Fisheries and Oceans 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?

If yes, specify the Act of Parliament and that power, duty or function.

- 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.

Authorization under sections 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* may be required for proposed works, undertakings or activities, other than fishing, that are likely to result in the “death of fish” and/or “the harmful alteration, disruption or destruction of fish habitat”; however, additional information is required to determine the requirement for an authorization.

In addition, DFO assesses the impacts of projects on aquatic species at risk and/or their critical habitat(s), under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*. Based on the initial project description, it is likely that a species listed in Schedule 1 of this Act will be present.

- 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.

Should an authorization be required following submission of the application, the duty to consult and, where appropriate, accommodate Indigenous communities, whose Aboriginal or treaty rights may be affected by regulatory decisions made under the *Fisheries Act* and the *Species at Risk Act*, is required under section 2.4 of the *Fisheries Act*. This may include consultation and/or accommodation on potential impacts on Canada's Indigenous peoples and/or the traditional use of territories and resources in relation to fish and fish habitat. As for public consultations, DFO does not currently provide opportunities for public participation prior to the issuance of an authorization, however information on the authorization issued will subsequently be made available to the public via the *Fisheries Act* registry. DFO will also support the Impact Assessment Agency of Canada (IAAC) during consultations, Indigenous and public, on matters relevant to our mandate.

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?

Specify the specialist or expert information or knowledge.

Yes.

DFO can provide information or expertise on the assessment of effects on fish and fish habitat in relation to the *Fisheries Act*. DFO can provide information to the proponent to avoid and mitigate adverse effects of proposed works, undertakings or activities. If required, DFO can assess the offsetting measures that will be proposed to offset residual effects on fish and fish habitat. Information is available at: <https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-001-eng.html>.

In addition, DFO can provide specialized information or knowledge on the assessment of effects on aquatic species at risk and their habitat, under the *Species at Risk Act*, and on aquatic invasive species, fisheries, marine mammals, sea turtles and other aquatic resources.

DFO recommends that the proponent review the following relevant guidance documents:

- [Canada Gazette, Part 2, Volume 153, Number 17: Authorizations Concerning Fish and Fish Habitat Protection Regulations](#), August 2019.
 - [Policy for applying measures to offset adverse effects on fish and fish habitat under the Fisheries Act \(dfo-mpo.gc.ca\)](#), December 2019.
 - [Best Management Practices for the Protection of Freshwater Fish Habitat in Newfoundland and Labrador \(dfo-mpo.gc.ca\)](#)
 - [Measures to protect fish and fish habitat \(dfo-mpo.gc.ca\)](#)
 - [Aquatic species at risk map \(dfo-mpo.gc.ca\)](#)
 - [Species at risk public registry - Canada.ca](#)
 - [Aquatic Invasive Species Regulations \(dfo-mpo.gc.ca\)](#)
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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?

Please specify if applicable.

No, DFO has not exercised a power or performed a duty or function under any Act of Parliament or taken any course of action.

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)?

Please provide an overview of the information or advice exchanged.

Yes, DFO participated in an introductory project meeting on August 24, 2023, with the following groups: Federal Authorities, IAAC, Province of NL, Proponent (Nunatsiavut Government), Consulting Company (GHD). DFO provided comments to the IAAC on the proposed Summer 2023 baseline workplans and also provided comments to the IAAC on a Draft Initial Project Description (November 6, 2023).

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)?

Please specify if applicable.

No.

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.

Please use Table 1 to answer this question.

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.

Sara Lewis

Name of department or agency

Manager, Regulatory Reviews
Fish and Fish Habitat Protection
Program, Fisheries and Oceans
Canada

Speaker title

2024-01-26

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 factors 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 perspectives;</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>
DFO-01	Section 4.5 p. 54	Fish and fish habitat	A comprehensive description of the baseline status of fish communities and fish habitat within water bodies potentially affected directly or indirectly by the project is incomplete or missing in section 4.5 of the Initial Project Description (IPD). This lack of information results in uncertainties regarding	<p>To enable DFO to determine the impact of the project on fish and fish habitat, the proponent should provide sufficient data and information to characterize the environment potentially affected by the project.</p> <p>For watercourses or bodies of water on which the project is likely to have effects, the proponent should describe the fish</p>	Characterization of fish and fish habitat should be sufficient to determine potential impacts of the project on this valued component.

			the assessment of potential impacts on fish and fish habitat.	species present on the basis of the inventories carried out and the data available.	
DFO-02	Section 2.2 p. 20	Fish and Fish Habitat	The IPD lacks a complete description of the works/activities, including but not limited to duration and periods of execution, work methods, permanent and temporary footprint, as well as a description of the potential direct and indirect impacts of the various works/activities on fish and fish habitat. For example, no information is given on the siting, construction or design of sedimentation ponds, the location of rock quarries (blasting), or details pertaining to the construction of stormwater management infrastructure, potable water systems, and wastewater treatment plant.	Suggest providing a detailed description, including location, of all proposed project works/activities and include potential impacts and mitigation measures for fish and fish habitat for these activities.	The proponent should provide a complete description of all proposed project components.
DFO-03	Section 6.1.3.1 p. 83	Fish and Fish Habitat	The IPD does not address the effects on fish and fish habitat due to constructing and operating a wastewater treatment plant and the potential impacts to fish and fish habitat during construction or in the event of an uncontrolled release during operations.	Suggest adding this project component to the Key Considerations and Project Interactions section, and consider developing a Wastewater Management Plan.	The proponent should provide additional information on the impacts of the wastewater treatment plant on fish and fish habitat.
DFO-04	Section 6.1.6 p. 86	Fish and Fish Habitat	The IPD does not provide sufficient mitigation measures for the protection of fish and fish habitat during construction of the road, including the installation of culverts/bridges.	Recommend elaborating the list of mitigation measures to include mitigations for all potential project impacts.	The proponent should develop additional mitigation measures for the protection of fish and fish habitat during road construction and use.
DFO-05	Section 6.1.6 p. 86	Aquatic Invasive Species (AIS)	It is uncertain if 2023 surveys included identifying the presence of AIS in water bodies within the project area(s) (including road construction) or the risks related to their introduction.	The proponent should ensure that the data and information collected is sufficient to identify and locate AIS. In addition, the proponent should identify measures to prevent AIS introduction into unaffected water bodies.	Recommend providing information on AIS characterization, as well as measures to prevent their introduction.
DFO-06	Section 6.1.6 p. 86	Fish and Fish Habitat	The proponent does not fully address fish habitat offsetting despite anticipated habitat destruction and/or disruption. In the event of residual adverse effects, after the implementation of avoidance and mitigation measures, the proponent will be required to	DFO acknowledges that the final field survey must be completed and assessed to determine possibility of offsetting requirements.	DFO encourages the proponent to consider suitable fish and fish habitat offsetting options as early as possible.

			submit an application for Authorization from DFO under sections 34.4(2)(b) and 35(2)(b) of the <i>Fisheries Act</i> and submit an offsetting plan to offset the harmful alteration, disruption or destruction of fish habitat and/or fish mortality.		
DFO-07	Section 2.2.7 p. 23	Marine Resources/ Fish and Fish Habitat	<p>Site Preparation and Construction: The IPD lacks information on the footprint of the proposed access road from the shoreline to the airport and the marine vessel activity during construction. The activities associated with the proposed access road should be assessed for potential impacts and mitigation measures to avoid or reduce such potential impacts. The proponent should provide clarification on the following points:</p> <ul style="list-style-type: none"> - will there be a temporary wharf structure constructed on the shoreline to allow supplies to be brought to land by barges or other vessels; - will dredging be required; - how long will the shoreline/infrastructure be used; - Will the proposed access road from the shoreline have surface water runoff controls and sedimentation controls in place; - is there a potential for indirect impacts to fish or fish habitat or marine habitat? 	DFO acknowledges that the final routing of roads and access routes will be determined prior to the construction phase. However, the proponent should provide water crossing and marine transportation/infrastructure/vessel information in order to fully identify potential impacts on fish and fish habitat, Species at Risk, and marine resources.	The proponent should provide additional information on the proposed access road to understand impacts to marine resources.
DFO-08	Section 6.1.3. p. 82	Fish and Fish Habitat/Water Quality	Construction and operation of Potable Water Supply System, Water Treatment Plant, Sedimentation Pond and Stormwater Management System: Proposed mitigation measures to avoid or reduce effects on water resources are not sufficient to address all potential project impacts on water resources. For example, strategic siting of these project components can significantly reduce impacts to nearby waterbodies in the event of an uncontrolled release. This should be	Recommend elaborating on the list of mitigation measures to include mitigations for all potential project impacts.	The proponent should identify additional mitigation measures to address impacts related to construction/operation of potable water supply system, water treatment plant, sedimentation pond and stormwater management system.

			assessed in accidents and malfunctions and therefore have targeted mitigation measures to prevent uncontrolled releases or reduce or avoid impacts to nearby fish and fish habitat as a result of uncontrolled releases.		
DFO-09	Section 1.8.4 Table 1.6 – Potentially Applicable Federal Legislation and Guidelines, p. 17	Species at Risk	The proponent does not include the <i>Species at Risk Act</i> (SARA) in Table 1.6, which may be required pending field survey results.	Suggest adding SARA to Table 1.6 as potential Federal permit requirements.	The proponent should include SAR Permit in Table 1.6.
DFO-10	Section 6 – Potential Project Effects and Mitigations	Monitoring and Reporting	This section does not address any monitoring or reporting that may be required for the project during construction and operations.	Addition of information recommended.	Recommend including construction/operations monitoring and reporting.
DFO-11	Section 4 – Biophysical Environment, Local Study Area p.37	LSA	The proponent indicates there is a 100 m buffer zone around the Airport and on either side of the Runway and the Access Road, which defined the Local Study Area (LSA). The proponent should provide clarification on the following points: <ul style="list-style-type: none"> - Does this encompass the temporary access road from the shoreline and use of the shoreline; - Does this encompass water treatment plant, stormwater management infrastructure and sedimentation pond? There is insufficient information regarding site selection of the LSA.	Suggest ensuring the LSA encompasses an area sufficient to address all project components and surrounding areas.	Recommend the proponent provide clarification with regards to the LSA.

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>e.g. AEIC-01</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>
DFO-12	Section 1	Table numbering in section 1 is incorrect.	Suggest renumbering tables.	N/A
DFO-13	General	The proponent has not included any information for siting of the airport radar system which, if located outside of the proposed LSA, may have to be added to the LSA and be included in VC identification, assessment and subsequent mitigation measures.	Suggest including information for radar siting and extend LSA, if required.	N/A

Please insert additional lines if necessary