



Atlantic Region Région de l'Atlantique
 200-1801 Hollis Street 200-1801, rue Hollis
 Halifax NS B3J 3N4 Halifax (Nouvelle-Écosse) B3J 3N4

Provincial Authority Advice Record Form #1: Authority and Summary of Issues**Response requested by: February 10, 2025****Sussex Region Flood Diversion Project****Town of Sussex**

CIAR No.: 89179

IAAC encourages comments to be submitted via the **Submit a Comment** feature available on the Project's Canadian Impact Assessment Registry page (Reference #: 89179 at <https://iaac-aeic.gc.ca/050/evaluations/proj/89179>). Letters and forms can be uploaded using this feature. If you have any difficulties submitting this way, please contact IAAC using the information provided for assistance.

Ministry/Agency: New Brunswick Department of Environment and Local Government, Environmental Impact Assessment Branch	
Primary Contact Name: Jillian Craig	
Email: jillian.craig@gnb.ca	Phone: (506) 259-3245
Alternate Contact Name: Crystale Harty	
Email: crystale.harty@gnb.ca	Phone: (506) 444-5382

Please complete this form.

1. Would your ministry/agency participate in the federal impact assessment process for this Project? If so, provide the information of the main point of contact.

<p>Yes.</p> <p>Jillian Craig, EIA Specialist</p> <p>Jillian.craig@gnb.ca</p> <p>Tel: 506-259-3245</p>

2. Will your jurisdiction be undertaking a review and analysis of the Project? Would your jurisdiction participate in a cooperative review of the project information?



Yes, the project will go through the provincial EIA review process which will include a Technical Review Committee (TRC) composed of representatives from municipal, provincial, and federal agencies who have either a mandate or expertise related to the project. Public and First Nation consultation/engagement will also be required as part of this review. The New Brunswick Department of Environment and Local Government would also be open to discussing with the Impact Assessment Agency of Canada how to best work together on coordinating our respective reviews as much as possible. That being said, the water diversion project is likely to undergo a Determination EIA review which does not have similar timelines as the Federal Impact Assessment review process; therefore, can likely be completed more expediently than the federal process.

3. Does your ministry/agency have any advice on matters that should be included in the Summary of Issues or if needed, addressed by the proponent in the Detailed Project Description?

For each issue discussed, provide a concise, plain-language summary that is appropriate for inclusion in the Summary of Issues.

We would advise that the Summary of Issues should include, but not necessarily be limited to, the following. These issues would be reviewed under the provincial EIA process:

- Impacts to fish and fish habitat, impacts to Species at Risk, impacts to migratory birds.
- Impacts to wetlands and watercourses as it relates to disruption, destruction and loss of function and habitat.
- Potential archaeological sites.
- Impacts to water quality due to transfer between basins
- Impacts of the project on the public as it relates to relocation of houses or businesses, installation of bridges, traffic disruptions and whether diversion of flood waters could cause flooding in new areas.
- Indigenous Rights.
- Greenhouse gas emissions.

4. Does your ministry/agency have any advice on matters to consider for inclusion in the Tailored Impact Statement Guidelines, should an impact assessment be required?

It is our understanding that the Tailored Impact Statement Guidelines would outline required studies for the proponent. Based on the information provided in the IPD it is suggested that the proponent include, but not necessarily limit themselves to, the following studies. It should be noted that these studies would be required as part of the provincial EIA process:

- A wetland survey
- Rare plants survey
- Archaeological survey
- Bird survey
- Any other studies deemed appropriate to assess potential impacts of the project

5. Do you have any comments about the Project in relation to effects within federal jurisdiction?

It is anticipated there may be impacts to fish and fish habitat which would fall under Fisheries and Oceans Canada's mandate; however, these impacts can be evaluated through the provincial EIA process. There may also be impacts to migratory birds which may concern Environment and Climate Change Canada. Both agencies will be on the TRC for the provincial EIA review.

6. Please identify the contact information for your jurisdiction provided to the public for the proposed project. This could be a generic email box or specific to your jurisdiction's role in the project (e.g. permits, authorizations, guidance or funding within your jurisdiction's mandate.)

EIAEIE@gnb.ca

7. Based on the Initial Project Description, please confirm what project components and activities you would consider relevant in relation to permits, authorizations or guidance within your jurisdiction's mandate.

A Certificate of Determination (COD) would have to be issued by the Minister of Environment and Climate Change under the Environmental Impact Assessment Regulation – Clean Environment Act based on the project scope falling within the definition of an undertaking under item (r) (all projects involving the transfer of water between drainage basins) of Schedule A of the EIA Regulation. The EIA review and the COD would encompass the entire scope of the project.

Work in or within 30m of a wetland or watercourse would require a Watercourse and Wetland Alteration Permit (WAWA) under the Watercourse and Wetland Alteration Regulation- Clean Water Act.

Department of Transportation and Infrastructure (DTI) will require permits for the construction as it relates to highways/roads, bridges, culverts, etc;

8. Will your jurisdiction be issuing a permit, authorization or be involved in the aforementioned project in a regulatory manner? If so, indicate below.

Yes, A Certificate of Determination (COD)- EIA Regulation-Clean Environment Act

Watercourse and Wetland Alteration Permit (WAWA) under the WAWA Regulation- Clean Water Act

9. For any permits or authorizations to be issued, please provide a short description of each with specific information on the location or component of the Project to which the permit or authorization would be applicable.

A Certificate of Determination (COD)- EIA Regulation-Clean Environment Act: This applies to the entire scope of the project as the provincial EIA review considers all the potential environmental and socio-economic impacts.

Watercourse and Wetland Alteration Permit (WAWA): This permit will be required for any activities in or within 30m of a wetland or watercourse. This could be the case for the installation of the intake control structures, the installation and lifting of bridges, the clearing and grubbing of the alignments for both diversion channels as well as construction of adjacent access roads. There may also be a requirement of wetland compensation for destruction or loss of wetland habitat.

10. Will there be opportunities for engagement with the public or Indigenous groups as part of the regulatory or review process by your jurisdiction? If so, when is this likely to occur?

Public and First Nation consultation/engagement is a requirement as part of the provincial EIA review process. Public consultation is proponent-led. The exact nature of the depth of First Nations engagement/consultation that is required of the proponent for the project will depend on whether or not the Crown Duty to Consult First Nations is triggered. A *Certificate of Determination* and/or EIA Approval will not be issued until both public consultation and First Nation engagement/consultation is deemed to be adequate or complete following the TRC review.

11. Will your jurisdiction be providing any participant funding?

No.

February 10th, 2025



Name of responder

Date

If you have any difficulties, you may contact IAAC via email at SussexRegion-RegiondeSussex@iaac-aeic.gc.ca.