

Federal Authority Advice Record (FAAR)**FAAR Response must be submitted by February 6, 2025**

Sussex Region Flood Diversion Project – Town of Sussex.

Registry File: 89179

Department/Agency	Health Canada, Environmental Health Program Regulatory Operations and Enforcement Branch
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1. Is it probable that your department or agency exercise a power, perform a duty or function, or provide financial assistance, related to the project to enable it to be carried out in whole or in part?

As relevant,

- a) Specify the applicable Act of Parliament and that power, duty or function, or describe the financial assistance provided.
- b) Describe any associated Indigenous or public consultation, including timelines.
- c) Describe any associated requirements (e.g., alternative means, offsetting) that may be coordinated with the impact assessment process, if an impact assessment is required, to meet the target of five years or less to complete any required federal impact assessment and permitting.

Not Applicable

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2. Is your department or agency in possession of specialist or expert information or knowledge with respect to the project beyond what is described in the [Memorandums of Understanding with IAAC](#)?

As relevant,

- a) Specify the specialist or expert information or knowledge that is specifically related to the project and may be relevant to the conduct of an impact assessment of the project, including information on the geographic, environmental, economic or social context of the project (e.g. location of protected or sensitive areas, previous history between local communities and proponent or similar projects, local or regional social or economic concerns).
- b) Provide an overview of any information received or exchanged with the proponent or other party in relation to the project (e.g., about methodology, guidance, or data).
- a) [HC's mandate and areas of expertise relevant to Impact Assessments \(IA\) relate to the health of Indigenous Peoples, as described in section 2 of the amended *Impact*](#)

Assessment Act (IAA). It should also be noted that expertise related to assessing human health that is relevant to IAs may be held by other federal, provincial, and municipal partners, reflecting the shared jurisdiction for environmental and human health within Canada. For example, the Public Health Agency of Canada (PHAC) has expertise in social determinants of health and health equity, and may provide that expertise through HC, upon request from the reviewing body(ies). How the expertise provided by HC and PHAC will be used in the IA process will be determined by the reviewing body(ies).

HC can provide human health expertise in the following areas:

- Air quality;
- Recreational and drinking water quality;
- Traditional foods (country foods);
- Noise;
- Methodological expertise in Human Health Risk Assessment (HHRA);
- Methodological expertise in Health Impact Assessment (HIA);
- Electromagnetic fields;
- Radiological emissions; and,
- Public health emergency management of toxic exposure events.

Since the submission of the FAAR on the draft IPD, HC has updated and formally published the interim guidance on methodological best practices in Health Impact Assessments of major projects under the IAA. This guidance supports the review of federally-designated projects and complements the Agency's practitioner guide on Analyzing Health, Social and Economic Effects under the IAA. Between 2022 and 2024, a draft version was distributed to key groups, and upon request, for the purpose of gathering external feedback on its merit and on areas that may be further developed in the finalized version. While the formal comment period has closed, HC recently published the interim guidance as a graphically designed PDF and will continue to accept feedback until March 31, 2025. The guidance is available on the [Government of Canada Publications website](#) and can be cited as follows:

- Health Canada. 2024. Interim Guidance: Health Impact Assessment of Designated Projects under the *Impact Assessment Act*. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.

While Health Canada does not have specialist or expert information or knowledge that is specifically related to the project, it identified the following human-health related concerns for a flood diversion project in Manitoba (Lake Manitoba and Lake St. Martin Outlet Channels Project): possible adverse effects to the health of Indigenous peoples during all project phases through changes to the atmospheric environment, surface water and groundwater quality including drinking water, the acoustic environment, and quality and quantity of country foods. However, this project is much larger in scope than the Sussex Flood Diversion Project.

b) No information has been exchanged or received with the Proponent or other party.

3. Based on the mandate and expertise of your department or agency as well as information and knowledge in its possession, including the Initial Project Description, are you of the opinion that the project may cause adverse effects within federal jurisdiction or direct or incidental adverse effects?
 - a) Identify adverse effects within federal jurisdiction that may be caused by the project.
 - b) Identify any non-negligible adverse effects directly linked or necessarily incidental to a federal authority's exercise of a power or performance of a duty or function, or to a federal authority's provision of financial assistance to a person for the purpose of enabling the project to be carried out, in whole or in part.
 - c) Identify any adverse impact that the designated project may have on the rights of Indigenous groups.
 - d) Identify and describe means other than an impact assessment that may address the adverse effects within federal jurisdiction — and the direct or incidental adverse effects — that may be caused by the carrying out of the project, including how these effects

would be addressed. Other means may include any power, duty or function exercised by your department or agency, as well as existing legislations, regulations, standards, processes, or guidelines by any jurisdiction that your department or agency has knowledge of.

- e) Identify whether and how an impact assessment would provide added value to understand and address adverse effects within federal jurisdiction — and the direct or incidental adverse effects — that may be caused by the project, including supporting federal authorizations that may be required.
- a) HC's mandate and areas of expertise relevant to impact assessment relate to the health of Indigenous Peoples, as described in Section 2 of the amended IAA. From this perspective, and based on the information provided in the IPD and outlined below, the Project is unlikely to present key risks to areas of federal jurisdiction under HC's mandate, specifically health impacts to Indigenous Peoples from changes to the environment (e.g., changes to air, water and country foods quality). For a project to present a risk to human health from exposure to chemical substances, three criteria must be present: the potential for releases of contaminants of potential concern, the presence of human receptors, and route(s) of exposure. Human health may also be affected by noise emissions reaching human receptors in the vicinity of a project-related activity (e.g., construction activities, increased traffic, etc.). While project activities outlined in the IPD, particularly those during the construction phase, may affect the biophysical environment (e.g., potential changes to air quality, water quality, noise, and country food), Health Canada believes these impacts would be of relatively small scale given:
- the purpose, location, scope and complexity of the project; and
 - mitigation measures identified by the Proponent in the IPD, other industry standard mitigation measures and provincial/municipal requirements (e.g., provincial water discharge regulations, municipal noise by-laws) are likely to be effective at reducing construction-related emissions and discharges.

Furthermore, as noted in question 3d, initial Indigenous engagement did not identify the presence of Indigenous receptors or traditional land and resource use in the Project area. Health Canada notes that the Proponent plans to continue to engage with potentially affected Indigenous communities (e.g., through the Mi'gmaq Rights Impact Assessment). Health Canada suggests IAAC verify through its Crown Consultation process the representativeness and accuracy of the Proponent's determination that Indigenous activities are not occurring in the Project area. If future Indigenous engagement identifies any traditional land and resource use activities in the Project area, the Proponent should assess the potential effects of the Project on the health of Indigenous Peoples at these locations, as outlined in Health Canada's guidance documents^{1,2,3,4,5}.

Health Canada would also like to note that the Parsons Brook diversion channel will pass through a recreational greenspace and within 100m of an elementary school, which Health Canada considers to be a sensitive receptor. Health Canada suggests that appropriate mitigation measures and protections be implemented by the Proponent at this location.

- b) Not applicable
- c) While Health Canada does not deal with impacts to rights, it notes that the IPD states a Mi'gmaq Rights Impact Assessment will be completed. Furthermore, the IPD states that the

¹ [Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Human Health Risk Assessment. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.](#)

² [Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Air Quality. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario](#)

³ [Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Drinking and Recreational Water Quality. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.](#)

⁴ [Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Country Foods. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.](#)

⁵ [Health Canada. 2023. Guidance for Evaluating Human Health Impacts in Impact Assessment: Noise. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario](#)

New Brunswick environmental impact assessment (EIA) process includes a duty to consult with Indigenous Peoples potentially affected by the project.

- d) The lack of time provided for HC to collaborate with provincial authorities (health and environment) makes it difficult to determine whether the federal analysis of impacts on Indigenous health can be based exclusively on the analysis conducted through the provincial process. The IPD states that the closest Indigenous community is about 75 km northeast from the Project and it is unlikely, although not confirmed, that significant Indigenous activity is occurring in the Project area.
- e) If Indigenous Peoples are engaged and identify land and resource use in the area, an impact assessment could help better understand and address potential adverse effects within federal jurisdiction. This could include understanding impacts on Indigenous rights, traditional land use, and culturally significant resources, relevant socio-economic status, and informing mitigation measures. Additionally, it could support federal authorizations by ensuring that regulatory requirements related to Indigenous consultation and environmental protection are met.

4. Based on the mandate, experience and expertise of your department or agency, and on the Initial Project Description, what are the **key issues** related to the project?

Please use Table 1 to respond to this question.

If IAAC decides an impact assessment is required, IAAC will consider the information to develop project-specific draft Tailored Impact Statement Guidelines focused on key issues, establish the scope of the impact assessment, and develop plans.

Not applicable

5. What additional information the proponent could provide that would give confidence that concerns or uncertainty regarding potential effects can be addressed through means other than an impact assessment, or that available means and evidence can be relied upon to simplify information requirements of the proponent, if an impact assessment is required?

Please use Table 2 to respond to this question.

These clarifications and additional information may be asked of the proponent in the Summary of Issues. The proponent's response on how it intends to address the issues may be used by IAAC to decide if an impact assessment is required and, if so, develop simplified project-specific draft Tailored Impact Statement Guidelines, and develop plans.

Not applicable

Lauchie MacLean

Name of Departmental / Agency Responder

Impact Assessment Specialist

Title of Responder

February 6, 2025

Date

Table 1: Key Issues to inform 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 that could be included in the Summary of Issues
<p><i>Please identify comments by organization and comment number.</i></p> <p><i>e.g.: IAAC-01</i></p>	<p><i>If the comment is related to a specific section of the Initial Project Description, please include that 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>Provide a brief description of the issue and rationale for being a key issue.</i></p> <p><i>Include:</i></p> <ul style="list-style-type: none"> <i>• whether it is an adverse effect within federal jurisdiction, or a direct or incidental adverse effect;</i> <i>• the pathway of effects;</i> <i>• nature and complexity of the issue</i> <i>• rationale and evidence on why it is a key project-specific issue;</i> <i>• if applicable, Indigenous or public concerns or perspective;</i> <i>• if applicable, potential for differential effects among diverse population groups;</i> <i>• scientific evidence or Indigenous Knowledge, including from past project experience, which supports inclusion as a key issue.</i> 	<p><i>Where applicable, briefly provide solutions on how to address the potential issue or effects including:</i></p> <ul style="list-style-type: none"> <i>• Any mean, including powers, duties or functions that your department or agency has or any regulatory framework of a jurisdiction that may mitigate, manage, or set conditions related to the issue;</i> <i>• Standards, guidance or policies for mitigating effects or any standard and well-understood mitigation measures that would address the effect, including follow-up monitoring activities;</i> <i>• Commitments the proponent could make to respond to the issue;</i> <i>• Information or studies required to describe and characterize the potential effect; including any guidance for data collection and/or analysis or existing data sources to inform the assessment</i> <p><i>Where available, please refer to existing text in the Tailored Impact Statement Guidelines template.</i></p>	<p><i>Provide a concise, plain language synopsis of the key issue and any questions or directions for the proponent. that IAAC may include in the Summary of Issues.</i></p>

Please insert additional rows as necessary.

Table 2. Clarifications or additional information the proponent could provide

This table should outline clarifications or information the proponent could provide to address areas of concerns or uncertainty during the Planning phase to support the decision on whether an impact assessment is required and, if an impact assessment is required, to support simplified information and studies that would be required in the Tailored Impact Statement Guidelines.

Comment ID	Relevant section of the Initial Project Description	Description of concern or uncertainty	Clarification or additional information	Plain language summary that could be included in the Summary of Issues
<p><i>Please identify comments by organization and comment number.</i></p> <p><i>e.g.: IAAC-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 area of concern or uncertainty the proponent could address (e.g. in their response to Summary of Issues, and, if IAAC requires it, in their Detailed Project Description) that would demonstrate or increase confidence that the issue will be addressed through a mean other an impact assessment such as existing regulatory frameworks (from any jurisdiction), clear measures or existing guidelines or tools .</i></p>	<p><i>Provide recommended clarification or additional information to be included in their response to the Summary of Issues and, if IAAC requires it, in their Detailed Project Description as to how they intend that could be provided to address the concern or uncertainty, for example:</i></p> <ul style="list-style-type: none"> <i>• Clarifications to elements of the project description (e.g. components, activities, locations or alternatives);</i> <i>• Proposed project design changes that could avoid effects;</i> <i>• Evidence that could be presented to demonstrate there is no effect pathway of effect or that effects would be negligible;</i> <i>• Evidence that standard mitigation measures will address potential adverse effects within federal jurisdiction and, if applicable, direct or incidental adverse effects;</i> <i>• Commitments the proponent could make to address the issue, including the implementation of federal operational policies or guidance documents.</i> 	<p><i>Provide a concise, plain language synopsis of the issue and of the question or direction for the proponent that IAAC may include in the Summary of Issues.</i></p>

Please insert additional rows as necessary.