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	Environment and Climate Change Canada
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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.

Please note the following requirements that may apply to this project:

Species at Risk Act permits

For species listed in Schedule 1 of the *Species at Risk Act* (SARA) as Extirpated, Endangered or Threatened, a permit may be required from ECCC (section 73 of SARA) for activities that affect a listed terrestrial wildlife species, any part of its critical habitat, or the residences of its individuals, where those prohibitions are in place. Such permits may only be issued: if all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted; all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals; and if the activity will not jeopardize the survival or recovery of the species. Permits are also required by those persons conducting activities that contravene the critical habitat destruction prohibitions (subsection 58(1)). For more information on how designated critical habitat is protected on non-federal lands in Canada for species that are both migratory birds protected under the *Migratory Birds Convention Act,* 1994 (MBCA) and listed as endangered, threatened or extirpated on Schedule 1 of SARA, please visit: https://www.canada.ca/en/environment-climate-change/services/public-registry-

species-at-risk/critical-habitat-declarations/habitat-protection-declaration-applies-1994-mbca-migratory-birds-listed-schedule-sara.html

Prohibitions are in place for individuals and residences on federal lands in a province, reserve or any other lands under the Indian Act, or lands under the authority of the Minister of the Environment, and for birds listed under the Migratory Birds Convention Act, 1994 wherever they occur regardless of land tenure.

Species that are both a migratory bird protected under the MBCA and listed on Schedule 1 of SARA as endangered, threatened, or extirpated, receive protections under the MBCA and SARA. For some migratory bird species listed under SARA, the residence prohibition (section 33) will protect nest and/or roost sites that are not active, for example when a species reuses these sites in subsequent years. Please note that the protection afforded may differ between the two pieces of legislation.

Refer to the Species at Risk Registry for more information on migratory bird residence and protection requirements: https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/residence-descriptions.html.

Furthermore, prohibitions may be in force on land other than federal land pursuant to other orders or regulations under SARA. It is possible that further prohibitions may come into force in the future through orders in Council for individuals, residences and critical habitat on non-federal lands and / or through ministerial order for critical habitat on federal lands. It is also possible that, over the course of the assessment or after the assessment, additional species could be listed under SARA; permits may be required for project activities that affect these additional species. Proponents are advised to monitor for such developments on the SARA Registry https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html.

Examples of activities that could require a Species at Risk Act permit include:
* Species surveys that would affect individuals or residences;
* Site preparation (clearing, grubbing, site access, staging, blasting);
* Construction and operation of temporary and permanent works and infrastructure;
* Modification of existing infrastrucutre
* Creation of new access roads or power lines;
* Infilling of wetlands or watercourses;
* Any monitoring that requires capture/release of individuals; and
* Sensory disturbance effects (artificial lighting, noise, vibration, human activity, vehicular traffic).

ECCC will require detailed information on the potential effects of the project, including locations and/or occurrences of species at risk, their use of habitat and critical habitat within the project area, and specific effects on federal land, before ECCC can determine whether a SARA permit is required.

Links to publicly available documents:
* Guidelines for permitting under Section 73 of Species at Risk Act https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/policies-guidelines/permitting-under-section-73.html
* Species at Risk Permitting Policy https://species-registry.canada.ca/index-en.html#/consultations/2983

In the event that a SARA permit is required, ECCC would evaluate and determine consultation requirements, if any.

ECCC-led Indigenous consultations related to the issuance of SARA permits will be coordinated with consultation during the impact assessment where possible.

If a permit is issued, the description of the activity and how SARA's preconditions were met will be posted on the SARA Registry here: https://species-registry.canada.ca/index-en.html#/permits.

Migratory Birds Convention Act permits

The *Migratory Birds Regulations*, 2022 (MBR 2022) protect migratory birds, their eggs and their nests, by prohibiting activities that may harm them. Unless a person has a permit or the regulations authorize it, it is prohibited to engage in the following activities:

* Capturing, killing, taking, injuring or harassing a migratory bird or attempting to do so;
* Destroying, taking or disturbing an egg; and
* Damaging, destroying, removing or disturbing a nest, nest shelter, eider duck shelter or duck nesting box, unless the following exceptions apply:
    - The nest does not contain a live migratory bird or a viable egg; and,
    - The nest was not built by a species listed in Schedule 1.

Modernization of the MBCA in 2022 has additionally identified 18 species of birds whose nests are protected year round (Schedule 1 of MBR 2022). The nests of species listed in Schedule 1 are protected at all times, unless the following conditions are met:

* Notification of the unoccupied nest has been submitted/received through the Registry for Abandoned Nests; and,
* The waiting time designated in the regulations has passed, during which time the nest has not been occupied by a migratory bird.

In some situations, it may be possible to obtain a permit to move or destroy an unoccupied nest of a Schedule 1 species. If it is not possible to wait the prescribed period before destroying or relocating the nest of a species listed in Schedule 1, or if there is a need to destroy or relocate the nest of another species of migratory bird where the nest contains a live bird or viable egg and appropriate mitigation measures have been taken, a permit may be available. The MBR 2022 authorize the issuance of permits for damage or danger, as well as scientific permits, which may apply in certain limited situations. For more information, please visit: https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html.

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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).

ECCC has specialist or expert information that may be relevant to the impact assessment in the areas listed below. In each of these subject areas we have expertise related to establishing an adequate baseline, assessing potential effects to biophysical valued components, effectiveness of mitigation measures, methods for monitoring and follow-up, as well as information regarding federal policies, standards, and regulations that may be relevant to the assessment (Note: ECCC does not assess proposed projects for regulatory compliance, but instead provides technical input to the Agency to inform

the assessment). Once the scope of the project and of the assessment are established by the Agency, this list may change if additional project activities or components should come into scope.

Greenhouse gas emissions and climate change: estimations of greenhouse gas (GHG) emissions (net and upstream); carbon sinks; GHG mitigation measures and determination of Best Available Technologies/Best Environmental practices (BAT/BEP); credible plans to achieve net-zero GHG emissions by 2050; climate change science to inform evaluation of potential changes to the environment and project resilience to effects of climate change; climate change policies; and national GHG projections.
Water quality and quantity: surface water quality; contamination sources for surface water and groundwater, including effluent; wastewater; water quality predictions and modelling; seepage and runoff effects; management of contaminated soils or sediments; hydrology (streamflow rates data and modelling, flooding and extreme events management, drainage control, water levels, water balances); geochemistry; cumulative effects and follow-up and monitoring.

Wildlife, species at risk, and habitat: priority species and places as outlined in the Pan-Canadian Approach to transforming species at risk conservation in Canada1; migratory birds, their nests, eggs, and habitat under authority of the Migratory Birds Convention Act 1994; species assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC); species at risk, individuals, their residences, habitat and critical habitat including recovery strategies, action plans and management plans under ECCC's mandate; ecological function of wetlands; and ecotoxicology.

Environmental Emergencies: Provides environmental emergency management planning advice and guidance related to potential accidents and malfunctions involving unplanned or uncontrolled releases or spills of hazardous substances into the environment, including scenarios where such releases could result in non-negligeable adverse environmental effects within ECCC's mandate. These effects include impacts to air quality, water quality, species at risk, fish and fish habitat, migratory birds, or changes to the environment resulting in non-negligible adverse impacts to Indigenous Peoples of Canada. Additionally, Environmental Emergencies coordinates expert review of atmospheric transport and dispersion modelling of airborne contaminants, the fate and behaviour of contaminants, and hydrologic trajectory modelling of contaminants in water.

Climate and meteorology: long-term climate patterns and norms; marine winds, waves, and weather; and sea ice and icebergs.

Open Science Data Platform (OSDP)

The Open Science Data Platform (OSDP) provides information relevant to cumulative effects and development activities across Canada, and is publicly available at the following website: https://osdp-psdo.canada.ca/dp/en. More specifically, the platform provides a single window to access data and scientific knowledge relevant to understanding cumulative effects from existing federal, provincial, and territorial on-line databases and registries, including publications from the federal government and its scientists. It provides and interactive geospatial mapping tool to enable mapping of multiple datasets from multiple sources. It offers various features, including keyword-based searching, interactive data visualization on maps, and educational resources covering key topics such as cumulative effects, water, air, climate, biodiversity, land, economy and industry, health, and society and culture.
OSDP information may be of value to persons preparing and reviewing projects assessments, including cumulative effects assessments. The following are some examples of ECCC information available on the OSDP.

Water – quality and quantity

- National long-term water quality monitoring data
- Real-time hydrometric data
- Canadian Aquatic Biomonitoring Network (CABIN)
- National Pollutant Release Inventory (NPRI)
    - Facilities that reported releases to water
- Find additional water-related resources (including publications, datasets and monitoring stations) from ECCC on the OSDP here.

Biodiversity (e.g., birds, species at risk, wetlands)

- Critical habitat for species at risk (terrestrial)
- Range map extents – Species at risk
- Canadian wetlands
- Canadian Protected and Conserved Areas Database (CPCAD)
- Canadian Breeding Bird Census plots
- Priority places for species at risk
- Find additional biodiversity-related resources (including publications, datasets and monitoring stations) from ECCC on the OSDP here.

Air Quality

- National Pollutant Release Inventory (NPRI), including:
  - Facilities that reported release of criteria air contaminants
- Canadian Environmental Sustainability Indicators (CESI), including
  - Average ambient fine particulate matter concentrations
  - Peak ambient ozone concentrations
  - Ambient volatile organic compound concentrations
  - Average ambient sulphur dioxide concentrations
  - Peak ambient nitrogen dioxide concentrations
- Find additional air-related resources (including publications, datasets and monitoring stations) from ECCC on the OSDP here.

Climate, including climate change

- Hourly and daily climate observations
- Monthly climate observation summaries
- Climate normals, averages and extremes 1981-2020
- Homogenized surface air temperature
- Adjusted precipitation
- Find additional climate-related resources (including publications, datasets and monitoring stations) from ECCC on the OSDP here.

Beyond ECCC's mandate, the OSDP also contains resources on topics led by departments and other levels of government (e.g., human health, economy and industry). The OSDP also provides access to regulatory registries that list government authorizations of other developments (e.g. *Fisheries Act* Registry), which can be useful in understanding the cumulative pressures on an area.

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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.

The activities linked to the construction, operation, and decommissioning of a flood diversion project and associated infrastructure could have negative effects on terrestrial wildlife, including migratory birds and species at risk (amphibians, arthropods, birds, lichens, terrestrial mammals, mosses, reptiles, and vascular plants) listed on the Species at Risk Act (SARA), their habitat (e.g., wetlands) and critical habitat.

The nature of effects to wildlife and habitat (including residences and critical habitat defined under the SARA) can vary based on a number of factors, including: project location, duration, scale, and configuration; ancillary project activities (e.g. land clearing, modification to existing infrastructure); existing cumulative effects; the type of habitat that may be disturbed; and sensitivity of species found in the project area. The pathway through which potential effects are conveyed will depend on the land, air, and water constituents associated with the site along with the behavioral adaptability, presence and interaction with the species limiting factor (e.g., habitat supporting staging, nesting, roosting or foraging) and population resilience.

- Migratory birds and species at risk and their habitat

Individual mortality and the destruction of nests and eggs or any other structure necessary for the reproduction and survival of species at risk could occur during all project phases, particularly during site preparation, and maintenance of infrastructure. Mortality in migratory birds and species at risk could also occur because of collisions with vehicles or infrastructure related to the project. Accidental oil or chemical spills could also have adverse effects if these substances make their way into the habitats frequented by migratory birds and species at risk. There is a higher risk that these effects would be more severe for migratory birds that are also species at risk and species where habitat is sensitive to disturbance (e.g., wetlands) or where there is already a high degree of cumulative effects to habitat or individuals.

Flood diversion projects can cause the loss, fragmentation and alteration of habitat, and can negatively impact the reproduction, migration and wintering of affected species. There is the potential for removal of habitat important for nesting, foraging, staging, and overwintering migratory birds. Linear disturbances of water diversion projects may also have other negative effects on wildlife, particularly by facilitating the movement of predators in the area, thereby increasing predator abundance, distribution and hunting efficiency or creating connectivity issue within the habitat. The construction of the project may also promote access to sensitive habitats (e.g. wetlands) and increased harvesting pressure, which may affect wildlife, and the introduction of invasive species.

Migratory birds and species at risk could be affected by sensory disturbances during the construction, operation, and decommissioning of the project. Some examples of potential sources of sensory disturbance include noise from various project activities, lights, vibrations from excavation and blasting work and the operation of machinery, as well as the presence of workers. The amount, duration, frequency, and timing of noise are important to understand potential effects. Sensory disturbance may make adjacent habitats unsuitable for use by wildlife and cause avoidance effects in many species.

- Wetlands

The activities linked to the construction, operation, and decommissioning of a flood diversion project could have negative effects on wetlands and their ecological functions. Carrying out the

Project, particularly the activities related to construction, is likely to alter the existing hydrological regimes essential for maintaining wetlands and thus affect the quality or availability of habitat for migratory birds, species at risk, and other wildlife. The destruction and modification of wetlands is likely to have adverse effects on migratory birds and species at risk that use these areas for breeding, foraging, resting and migration. Linear disturbance is also more likely to create introduction and dispersal pathways for invasive species. The spread of invasive species may pose a threat to wetlands.

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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.

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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.

Stephen Zwicker
Name of Departmental / Agency Responder

Environmental Assessment Coordinator
Title of Responder

February 7, 2025
Date

Table 1: Key Issues to inform the impact assessment process

This table should outline key issues to inform the impact assessment process, including whether an impact assessment is required and, if so, the scope of the assessment.

IAAC asks that federal authorities align expert advice with IAAC's approach to scoping and tailoring to key issues based on the project-specific context, and clearly focus on the prevention and mitigation of significant adverse effects within federal jurisdiction. Measured advice from federal authorities on key issues and solutions — and on the scope and detail of any recommended information and studies — will enable IAAC to focus assessments on issues that are important to participants and to decision-makers.

In identifying key issues, federal authorities should be mindful of the project's context (size, scope, location), Indigenous Knowledge and perspectives, and public concerns. Key issues that may be relevant and material to decision-making include:

- adverse effects within federal jurisdiction and direct or incidental adverse effects that may be to some extent significant, based on available evidence, including federal experts' knowledge and experience with past project assessments;
- potential impacts on Indigenous peoples and their rights, based on Indigenous Knowledge and perspectives or experience with past project assessments;
- effects on key species or habitats (e.g. at risk, important to Indigenous communities, commercial importance, provide important ecosystem function);
- issues or adverse effects within federal jurisdiction or direct or incidental adverse effects that may result from novel project activities, components or technology;
- effects within federal jurisdiction or direct or incidental adverse effects with large uncertainties, including in the effectiveness of mitigation measures;
- adverse effects within federal jurisdiction and direct or incidental adverse effects where known and effective mitigation measures are limited or unproven;
- positive effects, including where project may support other governmental priorities, including reconciliation with Indigenous peoples; and
- key concerns raised by Indigenous groups or local communities.

If an impact assessment is required, it will be focused on key federal issues anticipated to be material to decision-making. Potential effects that do not represent key issues, may not be within the scope of the impact assessment or may require simplified information requirements for proponents. In identifying key issues and providing advice on whether additional information or studies are required, federal authorities should consider whether potential effects can be managed using well understood mitigation measures or existing guidance, whether a mean other than an impact assessment exists to address and manage the effects and of any gaps in the existing body of evidence.

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
Please identify comments by organization and comment number. *e.g.: IAAC-01*	*If the comment is related to a specific section of the Initial Project Description, please include that reference.*	*Identify valued component(s) or factor to consider—within the mandate of your department or agency—to which the potential effect or issue applies.*	*Provide a brief description of the issue and rationale for being a key issue.* *Include:* • *whether it is an adverse effect within federal jurisdiction, or a direct or incidental adverse effect;* • *the pathway of effects;* • *nature and complexity of the issue* • *rationale and evidence on why it is a key project-specific issue;* • *if applicable, Indigenous or public concerns or perspective;* • *if applicable, potential for differential effects among diverse population groups;* • *scientific evidence or Indigenous Knowledge, including from past project experience, which supports inclusion as a key issue.*	*Where applicable, briefly provide solutions on how to address the potential issue or effects including:* • *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;* • *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;* • *Commitments the proponent could make to respond to the issue;* • *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* *Where available, please refer to existing text in the Tailored Impact Statement Guidelines template.*	*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.~~*
ECCC-01	Section 1.0 Introduction Section 2.1 Stakeholder Engagement Section 3.3.2 Trout Creek Diversion	Water Quantity	The Proponent is proposing the construction of the Parsons Brook and the Trout Creek diversion channels. Both diversion channels will be designed to completely drain, minimizing the likelihood of aquatic species being trapped, following a flood event. This comment (ECCC-01) applies to the Trout Creek diversion channel only.	ECCC advises the Proponent to consider the following in sequent technical studies: • Characterize the portion of the unnamed watercourse that is planned to receive the flood flows. • Evaluate the changes in flows and water levels in the receiving watercourses.	Trout Creek discharges to the Kennebecasis River. The Proponent proposes to construct a diversion channel to divert flood water from Trout Creek to a small unnamed watercourse that ultimately discharges to the

	Section 6.1 Changes to Environmental Components		The Trout Creek diversion channel will be designed to accommodate flows up to 200 m^3/s, while diverting water from the Trout Creek to a receiving (unnamed) watercourse within the floodplain to the Kennebecasis River during flood events. The unnamed watercourse receiving flood flows would carry water from the downstream end of the diversion channel (at the intersection with Adam Lane and north of Route 1 as depicted in Figure 4), to the Kennebecasis River. Flood water diverted by the Project would ultimately discharge to the Kennebecasis River, but the point of discharge is approximately 8.8 km upstream of the natural confluence between Trout Creek and the Kennebecasis River creating an alternative flow path. The proposed infrastructure, presented in schematic form in Figures 2, 4, 5 and 6 and itemized in Section 1, includes upgrades at the crossings of the proposed diversion channel with existing linear infrastructure (Route 1 highway and Leonard Drive) but seems to exclude any mitigation measures or upgrades to the existing unnamed watercourse or the approximately 8.8 km reach of the Kennebecasis River, affected by the diversion. Further, infrastructure at the crossing between Adam Lane and the proposed diversion channel appears missing. It is not clear whether there is enough capacity in the unnamed watercourse to drain such flows and whether significant erosion and/or flooding could occur. Further, it is not clear whether the complete draining of the Trout Creek diversion channel would be possible within any alterations of the receiving unnamed watercourse and/or whether backwater effects could occur as a result of the proposed flood diversion. It is noted that the Kennebecasis River and Trout Creek are both identified as watercourses where freshwater aquatic SAR of Special Concern are found or potentially found. Further, the stakeholders raised concerns during the engagement phase (Section 2.1) with respect to the anticipated changes in water levels in the watercourses receiving flood flows from the proposed diversion channels. During flood events, excess flows would discharge through the diversion channel and via an alternative flow path through the unnamed watercourse and the reach of Kennebecasis River between its confluence with the unnamed watercourse and the confluence with Trout Creek. The characterization of potential effects to flows and water levels in the alternative flow path needs to be assessed and the potential alteration to erosional and depositional patterns must be evaluated. This characterization is required to allow quantification of federal effects, such as fish and fish habitat and species at risk.	The assessment must include the complete alternative flow path. • If needed, propose mitigation measures to minimize federal effects related with the alteration of erosional and depositional patterns in the alternative flow path. Clarify if infrastructure is required at the intersection of the proposed diversion channel and Adam Lane.	Kennebecasis River approximately 8.8 km upstream of its confluence with Trout Creek. The Proponent does not evaluate whether there is enough capacity downstream of the proposed diversion channel and does not quantify potential changes to flows and water levels downstream of the proposed diversion. Further, it is not clear if the Proponent has accounted for all infrastructure that may be required to convey the flood flows downstream of the proposed diversion channel. The Kennebecasis River and Trout Creek are both identified as watercourses with fish and fish habitat including Species at Risk of Special Concern. Changes to flows and water levels have the potential to affect fish and fish habitat including Species at Risk of Special Concern.

ECCC-02		Water Quality	Potential adverse water quality during the operational stage of the project falls under ECCC authority under the Fisheries Act. This could occur during and after flooding events as sediment and other contaminants are introduced as surface water comes into contact with the drainage channel.	Proponent should provide details as to how baseline and follow-up water quality monitoring will be used to demonstrate that water quality downstream of the diversion channels will not be adversely affected.	Potential water quality effects downstream of the diversion channels during and after flood events along with proposed mitigation need to be discussed.
ECCC-03		Environmental Emergencies	The project involves the construction and operation of two diversion channels of 580 m and 1,600 m in length to mitigate flooding in Sussex, NB. The project also includes the construction of associated infrastructure, including water intake control structures, dikes and berms, bridges and culverts, and access roads, as well as the modification of existing infrastructure including raising of bridges and modification of utilities and services (e.g., sewer and water lines). Construction of the channels will involve the use of heavy machinery and construction equipment. As such, there is potential for adverse environmental effects from accidents and malfunctions, such as spills of fuels, oils, or other hazardous substances. Adverse effects to water quality, species at risk, fish and fish habitat, migratory birds, or changes to the environment resulting in non-negligible adverse impacts to Indigenous Peoples of Canada could result from the accidental release of hazardous substances to the land, air, or water.	Optimized spill prevention, preparedness, and response measures and systems will be important during all construction activities associated with the Project, given the risk of spills of hazardous substances to the environment, especially to nearby waterways and environmentally sensitive areas. Part 8 of the *Canadian Environmental Protection Act, 1999* (CEPA) on environmental emergencies (sections 193 to 205) addresses the prevention of, preparedness for, response to, and recovery from environmental emergencies caused by uncontrolled, unplanned, or accidental releases. It also addresses the reduction of any foreseeable likelihood of releases of toxic or other hazardous substances listed in Schedule 1 of the *Environmental Emergency Regulations, 2019*. This act may apply if Schedule 1 substances onsite meet or exceed the threshold to be regulated under CEPA. In the case of this project, this could include (but is not limited to) diesel and gasoline.	Accidents and malfunctions arising from construction activities associated with the Project could result in releases of contaminants to the environment. The implementation of spill prevention, preparedness, and response measures and systems will be important to minimize this risk and should be thoroughly documented in plans.
ECCC-04	Section 4.1.4.2 Wildlife and Wildlife Habitat Section 4.1.4.4 Migratory Birds Section 6.1.3 Migratory Birds	Migratory Birds	Based on the Project Area and initial project information, migratory birds may be impacted during all phases of the Project. However, sufficient baseline information on the species of migratory birds, including bird Species at Risk and bird Species of Conservation Concern, that may be present in the Project Area has not been provided. The proponent has undertaken desktop reviews and prepared a list of migratory bird species that may be present in the Project Area. This information should be supplemented with field surveys by professional biologists (with expertise in conducting the types of surveys) at the appropriate time of year. Field surveys by professional biologists (with expertise in conducting the types of surveys) should also be conducted at the appropriate time of year to determine if structures scheduled to be modified are being used by migratory birds for nesting or roosting. The proponent has not adequately considered the potential direct and indirect effects that the Project's construction and operation activities will have on migratory birds and their habitat.	1. Provide comprehensive baseline information (i.e., the desktop review and surveys, including detailed survey methodology) for migratory birds and avifauna SAR or SOCC. Provide tables of biophysical survey results, figures or maps, where relevant. 2. Provide an effects assessment that details how migratory birds and avifauna SAR and SOCC may be affected by all phases of the Project, including accidental events. Include appropriate mitigation measures to ensure compliance with the MBCA and SARA, and to avoid or minimize the potential effects on migratory birds, and any relevant follow-up or monitoring programs	This information is needed to assess the potential impacts on migratory birds.

			Additionally, the proponent has not provided sufficient mitigation measures or follow-up monitoring to address the potential effects of the Project on these species. Based on the current information provided, ECCC-CWS is unable to adequately assess the Project's effects on migratory birds.		
ECCC-05	Section 4.1.4 Ecological Environment	Species at Risk	Based on an initial desktop review, the Proponent indicates that the following species at risk (SAR) or species of conservation concern (SOCC) may occur within or near the Project site: Bank Swallow, Barn Swallow, Bobolink, Canada Warbler, Chimney swift, Common Nighthawk, Eastern Wood-pewee, Evening Grosbeak, Lesser Yellowlegs, Olive-sided Flycatcher, Wood Thrush, Rusty Blackbird, Bald Eagle, Monarch, Yellow-banded Bumble Bee, Black Ash, Butternut, Wood Turtle, and Snapping Turtle. This information should be supplemented with field surveys by professional biologists (with expertise in conducting the types of surveys) at the appropriate time of year. Details on how baseline information was obtained should be provided in the Project Description. The proponent has not provided sufficient information on the potential effects of the Project on species at risk and species of conservation concern, including, but not limited to birds that are also protected by the Migratory Birds Convention Act, during all phases of the Project. Based on the information provided to date, ECCC-CWS is unable to adequately assess the Project's effects on wildlife SAR and SOCC.	General prohibitions under the MBCA to avoid harm or disturbance to migratory birds remain applicable for this project. General prohibitions under the SARA remain applicable for this project. The Proponent should: 1. Provide a comprehensive list of all SAR and SOCC that may be present in the Project Area during all seasons and phases of the Project. Provide tables of biophysical survey results, figures or maps, where relevant. Provide an effects assessment that details how all wildlife species at risk (SAR) and species of conservation concern (SOCC) may be affected by all phases of the Project, including accidental events. Include appropriate mitigation measures to ensure compliance with the SARA appropriate, and mitigation measures to avoid or minimize the potential effects on SAR and SOCC, and any relevant follow-up or monitoring programs that will be undertaken as part of the Project.	This information is needed to assess the potential impacts on species at risk.

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
Please identify comments by organization and comment number. *e.g.: IAAC-01*	*If the comment is related to a specific section of the Initial Project Description, please provide a reference.* *You may also choose to copy the relevant text here.*	*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 .*	*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:* • *Clarifications to elements of the project description (e.g. components, activities, locations or alternatives);* • *Proposed project design changes that could avoid effects;* • *Evidence that could be presented to demonstrate there is no effect pathway of effect or that effects would be negligible;* • *Evidence that standard mitigation measures will address potential adverse effects within federal jurisdiction and, if applicable, direct or incidental adverse effects;* • *Commitments the proponent could make to address the issue, including the implementation of federal operational policies or guidance documents.*	*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~~.*

Please insert additional rows as necessary.