

Environmental Protection Operations Directorate
Prairie & Northern Region
9250 49 Street
Edmonton, AB T6B1K5

ECCC File: 4194-10-3/6354

IAAC Registry: 89634



August 6, 2025

Sent via email:
Impact Assessment Agency of Canada
condensate-condensat@iaac-aeic.gc.ca

RE: 89634 – Josephburg Condensate Fractionation Project – Environment and Climate Change Canada’s (ECCC) Federal Authority Advice Record (FAAR)

To the Impact Assessment Agency of Canada (IAAC):

Environment and Climate Change Canada have completed a review of the Initial Project Description for the Josephburg Condensate Fractionation Project proposed by Keyera Energy Ltd. We are providing comments for IAAC’s consideration.

Our expert advice is based on ECCC’s mandate in the context of subsection 36(3) of the *Fisheries Act*, the *Species at Risk Act*, the *Migratory Birds Convention Act, 1994*, the *Canadian Environmental Protection Act, 1999*, and their relevant regulations.

Please contact, Leah Dirk, Acting Environmental Assessment Officer at 306-514-2363 or Leah.Dirk@ec.gc.ca if you have any questions or concerns.

Sincerely,

<Original signed by>

✓ Jody Small
Regional Director, Prairie and Northern Region

cc: Cari-Lyn Epp, A/Unit Head, Environmental Assessment South PNR, ECCC



Federal Authority Advice Record (FAAR)

FAAR Response must be submitted by August 6, 2025

Josephburg Condensate Fractionation Project – Keyera Energy Ltd.

Registry File: [89634]

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| Department/Agency | Environment and Climate Change Canada |
| Lead Contact | Leah Dirk, Acting EA Officer |
| Full Address | 11 Innovation Blvd, Saskatoon, SK S7N 3H5 |
| Email | Leah.Dirk@ec.gc.ca |
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1. Will 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 power, duty or function, or financial assistance, and the likelihood that it will be required to construct the project, based on the Initial Project Description, as either Required, Potential, Likely, Unlikely or Not Required

ECCC does not expect that it will be required to exercise a power or perform a duty or function related to the Project to enable it to proceed. Once the scope of the Project and of the assessment are established by the Agency, this may change as additional activities or project components could come into scope.

Please note the following requirements that may apply to the Project:

- *Species at Risk Act* (SARA) permits – potential/unlikely
- *Migratory Birds Convention Act* (MBCA) permits – potential/unlikely

As with many Projects located in a forested area, a MBCA permit may be required should the nests of Pileated Woodpecker need to be removed.

- b) Describe any associated Indigenous or public consultation, including timelines

ECCC does not expect to exercise any powers or perform a duty or function under any Act of Parliament in relation to the Project that will involve public and Indigenous Consultation.

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 applicable, ECCC encourages proponents to submit clear and complete permit applications at least 4 – 6 months prior to the anticipated start of project activities that require a SARA permit. During the analysis and before the regulatory decision, ECCC may undertake additional Indigenous consultations, as required under s.73(4) and (5) of SARA.

- c) Describe any associated information requirements (e.g., alternative means assessment, habitat offsetting), and specify those that may be coordinated with the impact assessment process, if an impact assessment is required¹

¹ The Government of Canada has set a target of five years or less to complete federal impact assessments and related permitting processes for federally designated projects and a three-year target for nuclear project reviews.

If the Proponent has identified that a SARA permit is required, they can apply for the permit concurrent to the impact assessment process. Note, that a SARA permit cannot be issued prior to an impact assessment decision, under IAA.

- [Guidelines for permitting under Section 73 of Species at Risk Act, and Permits Authorizing an Activity Affecting Listed Wildlife Species Regulations.](#)

- d) Identify any associated project-specific guidance or issues of which the proponent should be aware, or information the proponent should provide.

Based on the information provided, ECCC does not have any project-specific guidance or issues that the Proponent should be aware. However, the Proponent should be aware of the general information related to SARA permits and MBCA permits.

Species at Risk Act permits

For species listed in Schedule 1 of 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.

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 MBCA 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, though both pieces of legislation/protection apply.

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 additional prohibitions may come into force in the future through orders made by the Governor in Council for individuals, residences and critical habitat on non-federal lands and/or 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>.

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)
<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](https://species-registry.canada.ca/index-en.html#/consultations/2983)

If not fully described in the Initial Project Description, the Proponent should provide any anticipated need for species at risk permits during all phases of the Project, in the Responses to Summary of Issues and/or Detailed Project Description if possible. The Proponent is encouraged to collect and submit the information necessary to determine if a SARA permit is required during the impact assessment process, and to submit their application well in advance of the proposed activities to avoid delays.

Further information regarding species at risk permits will be provided in the Permitting Plan.

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>

2. **Using Table 1**, identify project- and context- specific **key issues**, based on the expertise within your mandate² and the information in your possession, including the Initial Project Description, any exchanges with the proponent or others related to the project and known means to address the effects of the project. For each key issue:
 - a) Specify the key issue (e.g., specific species and location)
 - b) Specify the project component or activity linked to the key issue
 - c) Explain why it's a key issue based on:
 - i. biophysical effect pathway(s) from the specific project component or activity
 - ii. concern unique to the project or a priority within your mandate
 - iii. the issue being material³ to decision making under the *Impact Assessment Act*

² Refer to the [Memoranda of Understanding with IAAC](#).

³ An issue is material to decision making if its analysis is anticipated to affect the conclusions on (1) whether adverse effects within federal jurisdiction or direct and incidental adverse effects (collectively adverse federal effects) are likely not significant, or of low, medium or high significance; (2) appropriate mitigation measures for significant adverse federal effects; or (3) justification in the public interest.

- d) Identify how the issue could be resolved, including through means other than an impact assessment
- e) Identify additional information the proponent could provide including to give confidence on how the issue can be addressed through other means.

Additional information that can assist the Proponent in their assessment and development of mitigation measures for a variety of key issues is available through the [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 an 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](#)
- [Climate data: homogenized surface air temperature data](#)
- [Homogenized 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).

Jody Small, Regional Direction EPOD, PNR
Name and title of Departmental /
Agency Responder

August 6, 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 and tailoring of the Tailored Impact Statement Guidelines.

Key issues are the major concerns directly related to a project component or activity, the analysis of which is anticipated to be material to decision-making under the *Impact Assessment Act*.

Federal authorities' advice should be guided by the identification and resolution of key issues. If an impact assessment is required, it will be focused on key issues.

| Comment ID | a) Key issue | b) Project component or activity | c)(i) Biophysical effect pathway(s) | c)(ii) Concern unique to the project or a priority within your mandate | c)(iii) Material to federal decision-making | d) Means for issue resolution | e) Additional information from the proponent |
|---|--|---|---|---|--|---|--|
| <p><i>Identify comments by organization and comment number.</i></p> <p><i>e.g.: IAAC-01</i></p> | <p><i>Specify the key issue (e.g., specific species and location).</i></p> | <p><i>Identify the project component or activity linked to the key issue.</i></p> <p><i>Be specific about the nature, scale, novelty and complexity or the component or activity.</i></p> | <p><i>Identify the specific biophysical effect pathway between the project component or activity and the affected environmental or human receptor (including Indigenous Peoples).</i></p> | <p><i>Describe why it's a key issue within the mandate of your department or agency, including in terms of priorities of the federal government and in terms of anticipated likelihood, severity or uncertainty of effects.</i></p> <p><i>Identify if the key issue is common for projects of this nature or in this sector, or whether it's unique to this project due to its complexity, size or novelty; a sensitive or rare receiving environment; and/or proximity of sensitive environmental or human receptors (including Indigenous Peoples).</i></p> | <p><i>Describe why the key issue is material to decision-making as either:</i></p> <ul style="list-style-type: none"> • <i>an adverse effect within federal jurisdiction, or a direct or incidental adverse effect, that may be significant based on available evidence including:</i> <ul style="list-style-type: none"> ○ <i>federal experts' knowledge and experience with past project assessments;</i> ○ <i>presence of sensitive species, habitats or human receptors (including Indigenous Peoples);</i> ○ <i>novel or complex project activities, components or technologies;</i> ○ <i>high uncertainties in effects or in the effectiveness of mitigation measures;</i> ○ <i>unknown or unproven mitigation;</i> or • <i>a factor for the justification in the public interest anticipated to be material to decision-making such as a likely positive effect contributing to sustainability, to Canada's environmental obligations or climate change commitments or in supporting governmental priorities, such as reconciliation with Indigenous Peoples.</i> | <p><i>Describe how the key issue could be resolved or addressed by:</i></p> <ul style="list-style-type: none"> • <i>Any means, including powers, duties, functions, frameworks, policies or guidance that your department or agency has;</i> • <i>Any means, including powers, duties, functions, frameworks, policies or guidance from another jurisdiction, including the province;</i> • <i>Common, proven, well-understood or standard mitigation measures to mitigate the effect or effect pathway(s); or</i> • <i>Commitments made by the proponent (e.g., in the Initial Project Description).</i> | <p><i>Describe information the proponent can provide, or commitments the proponent can make, in their Response to the Summary of Issues that would provide confidence that the issue can be resolved by existing means.</i></p> <p><i>Consider whether information, studies, analyses or collaborative work with other authorities would be required to address the issue beyond existing means.</i></p> |
| ECCC-01 | Air quality due to contaminants such as sulfur oxides (SOx), nitrogen oxides (NOx), volatile organic compounds (VOCs), | The construction, operation, and decommissioning of the Project can result in adverse effects on air quality. Projects that involve | ECCC provides expertise on the fate of air emissions to help support Health Canada's assessment of potential | Air Quality. A project of this type and size has the potential to lead to a non-negligible adverse change, including to | Air Quality impacts may present an adverse effect within federal jurisdiction, that may be significant due to the presence of sensitive | This issue could be resolved or addressed by common, proven, well-understood or standard mitigation measures to mitigate the effect or effect pathways. For example, by the | Relevant information that the Proponent could provide includes air dispersion modelling using a model such as CALPUFF with input from high-resolution 3-dimensional gridded |

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| | and particulate matter (PM2.5, PM10 and PM). | on-road vehicles and mobile off-road machines for construction, operation and decommissioning, or that lead to an increase in road traffic have the potential to adversely affect air quality. Activities such as the construction and operation of facilities, and activities associated with combustion can result in the emission of air contaminants such as SOx, NOx, VOCs, and PM2.5, PM10 and PM. The bulk of emissions typically occurs during operations from sources such as stationary combustion. Activities that cause a physical disturbance to land and ore, such as earth moving, land clearing, blasting, crushing, and transportation, can introduce particulate matter (e.g. dust and soot) to the surrounding region. Air contaminants could include PM2.5 and PM10 and PM, SOx, NOx, VOCs, hydrogen sulphide (H2S), polycyclic aromatic hydrocarbons (PAHs), carbon monoxide (CO), and other air contaminants. | impacts on nearby Indigenous Communities. These emissions can result in local or regional degradation of ambient air quality. Furthermore, emissions of air contaminants as a result of this Project may add cumulatively to the emissions from other activities, contributing to degradation of air quality in the region. When contaminants settle out of the air in the surrounding environment, their deposition may result in adverse impacts to terrestrial and aquatic ecosystems. | the health, social or economic conditions of the Indigenous Peoples of Canada. | human receptors, including Indigenous Peoples. | employment of best practices during construction including minimizing idling and keeping equipment well maintained. | meteorological fields and detailed characterization of emission sources. The model should be run over an annual cycle that captures meteorological regimes conducive to impaired dispersion of contaminants (e.g., surface-based temperature inversions). |
| ECCC-02 | Greenhouse Gas (GHG) Emissions and Climate Change | The construction, operation, and decommissioning of the proposed Project may result in GHG emissions or impacts to carbon sinks. | NA | Although unlikely to be a key issue material to the decision-making for this Project and although it is not an effect within federal jurisdiction, the assessment of GHG emissions and carbon sinks from this Project would be relevant in considering the extent to which the effects of the designated Project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change (IAA s.22(i) factor to be considered). | GHG information associated with the Project would assist in determining if the Project will contribute to Canada's ability to meet its environmental obligations and its commitments in respect to climate change. | The Strategic Assessment of Climate Change (SACC) was published in 2020 and works in conjunction with the <i>Impact Assessment Act</i> to provide guidance on how to consider climate change throughout federal impact assessments. Proponents may find the technical guidance of the SACC helpful in assessing the impacts to climate change and in ensuring consistent, predictable, efficient and transparent consideration of impacts to climate change. Information typically requested for the project description is outlined in the SACC (including section 4.1) and the draft Technical Guide (including sections 2.4, 3.3, and 4.2). | The Project's GHG emissions and climate change impacts should be assessed and mitigated consistent with guidance in the SACC. Technical guidance on the SACC can be found at: https://www.strategicassessmentclimatechange.ca/24391/widgets/98155/documents/62220 |

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| ECCC-03 | Climate Change Resilience | <p>Climate over the lifetime of the Project is likely to be different from past and current climate in the project area.</p> <p>For example, project components and activities for which climate change resilience could be important for this Project include those related to surface water management.</p> | <p>There is potential for climate change to affect the Project which, in turn, may have impacts on the surrounding environment (e.g. through accidents or malfunctions). Climate changes in the project area, such as possible changes in mean and extreme precipitation and temperature and related environmental conditions, may alter baseline conditions, with implications for climate sensitive aspects of project design and associated effects within federal jurisdiction.</p> | <p>There is potential for climate change to affect the Project which, in turn, may have impacts on the surrounding environment (e.g. through accidents or malfunctions).</p> | <p>There is potential for climate change to affect the Project which, in turn, may have impacts on the surrounding environment (e.g. through accidents or malfunctions).</p> | <p>The Strategic Assessment of Climate Change (SACC) was published in 2020 and works in conjunction with the <i>Impact Assessment Act</i> to provide guidance on how to consider climate change throughout federal impact assessments.</p> <p>Proponents may find the technical guidance of the SACC helpful in assessing the impacts to climate change and in ensuring consistent, predictable, efficient and transparent consideration of impacts to climate change. Information typically requested for the project description is outlined in the SACC (including section 4.1) and the draft Technical Guide (including sections 2.4, 3.3, and 4.2).</p> | <p>Relevant information is provided in the “Draft technical guide related to the Strategic Assessment of Climate Change: Assessing climate change resilience” published in March 2022.</p> <p>Links: “Strategic Assessment of Climate Change” https://www.strategicassessmentclimatechange.ca/</p> <p>“Draft technical guide related to the Strategic Assessment of Climate Change: Assessing climate change resilience” https://www.strategicassessmentclimatechange.ca/28896/widgets/117114/documents/77106</p> |
| ECCC-04 | Species at risk: killing, harming or harassing species, habitat disturbance or destruction, disturbing or destroying residences. | <p>The activities linked to the construction, operation, and decommissioning of the Project and associated infrastructure could adversely affect species at risk (e.g. amphibians, arthropods, birds, lichens, terrestrial mammals, mosses, reptiles, and vascular plants) listed on the <i>Species at Risk Act</i> (SARA), and their habitat (e.g. wetlands) and critical habitat.</p> | <p>During construction, loss or disturbance of habitat for species at risk or their residences could occur. Habitat destruction may also lead to increased mortality risk. For example, drainage and filling of wetlands may kill, harm or harass Northern Leopard Frog and Western Tiger Salamander species at risk. Little Brown Myotis rely on summer and fall roosts that may be disturbed or removed during construction (i.e., tree roosts), potentially harming or killing the bats. They may also roost in anthropogenic structures, where during operations the bats can be disturbed. Vegetation clearing during the bird nesting season may kill, harm or harass bird species at risk. The timing of habitat destruction and disturbance is important in understanding risk of mortality for species at risk.</p> <p>In addition, 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</p> | <p>Species at Risk and their Habitat, are within the mandate of Environment and Climate Change Canada under the SARA.</p> | <p>Regulatory authorities have obligations under s.79 of SARA to ensure that measures are taken to lessen or avoid impacts and monitor effects to listed species at risk in a manner that is consistent with existing recovery strategies or action plans.</p> | <p>Mitigation measures would typically be required to resolve the issue, which would be determined based on the specifics of both the identified species at risk and project activities.</p> <p>Relevant mitigation measures would vary depending on project specifics. Standard mitigation measures that may be applicable include the following examples:</p> <ul style="list-style-type: none"> • Applying activity restriction guidelines for sensitive wildlife • Limiting and orienting lighting to minimize light pollution • Placement of deterrents for stormwater ponds • Giving wildlife the right of way and adjusting speed limits • Applying exclusion techniques to prevent access to project infrastructure <p>SARA permits are discussed in Question 1 of the FAAR and are considered possible but unlikely for the Project.</p> | <p>The Proponent should identify all species at risk listed on Schedule 1 of SARA and any critical habitat that may interact with the Project and describe how they may be adversely affected by the Project. They should describe what measures will be taken to avoid or lessen the effects of each project activity and stage, and how these measures will be implemented, and effects be monitored to ensure they are avoided, minimized or whether adaptive management may be required.</p> <p>Additionally, there is always the possibility that species assessed by COSEWIC may be added to Schedule 1 of SARA with potential critical habitat identified. As best practice it is recommended to also consider species assessed by COSEWIC to implement measures to lessen or avoid impacts and to monitor them.</p> |

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| | | | <p>various Project activities, lights, vibrations from grading and compaction, the operation of machinery, and the presence of workers. The duration, frequency, and timing of noise are important to understand potential effects. Sensory disturbance may make adjacent habitats unsuitable for use by species at risk and cause avoidance effects in many species.</p> <p>The pathway through which potential effects are conveyed will depend on the land, air, and water constituents associated with the site along with the behavioural adaptability, presence and interaction with the species' limiting factors (e.g. habitat supporting staging, nesting, roosting or foraging) and population resilience.</p> | | | | |
| ECCC-05 | <p>Migratory birds: killing, harming or harassing migratory birds. Disturbing or destroying active nests. Pileated Woodpecker as a migratory bird with the potential to occur in the Project area.</p> | <p>The activities linked to the construction, operation, and decommissioning of the Project and associated infrastructure could result in individual mortality and the destruction of nests and eggs.</p> | <p>Noise, vibrations, artificial lighting/flaring and disturbances from construction, operation and decommissioning activities may result in injury, mortality, sensory disturbance and change in habitat use. Attraction to lights at night or in poor visibility conditions may cause birds to collide with lit structures or their vertical support structures, resulting in injury or death. Accidental release of harmful substances to the onsite stormwater ponds could also have adverse effects on migratory birds that frequent the ponds.</p> <p>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, such as in this geographic area (i.e., Industrial Heartland region). Destruction and/or disturbance of habitat can have increased impacts on species at risk individuals, residences and their critical</p> | <p>Migratory birds are within the mandate of Environment and Climate Change Canada under the <i>Migratory Birds Convention Act (MBCA)</i> and the <i>Migratory Bird Regulations, 2022 (MBR)</i>.</p> | <p>Migratory birds are a key issue as potential impacts to migratory birds would be an adverse effect within federal jurisdiction.</p> | <p>Well-understood mitigation measures would typically be required to resolve the issue. Typical mitigation measures recommended by ECCC include:</p> <ul style="list-style-type: none"> • Vegetation and habitat clearing activities should occur outside of the migratory bird nesting season (Nesting Zone B4) to prevent the destruction of migratory birds and their eggs and nests to be compliant with the MBCA and MBR. • Lighting required for the construction, operation and decommissioning of the Project should be controlled and minimized to reduce cumulative adverse effects on migratory birds and species at risk. Other sources of collision risk should be identified and measures implemented to minimize those risks. • Deleterious substance mitigation measures should be implemented, including deterrents if stormwater ponds are to contain substances harmful to migratory birds. | <p>The main sensitive period to consider is the breeding season. With respect to disturbance or harm to nesting birds, the principal risk factors are location and time of year. ECCC publishes a web site: https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html to aid in the planning of activities in order to reduce the risk of detrimental effects to migratory birds, their nest and eggs, in accordance with the purpose of the MBCA.</p> |

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| | | | <p>habitat, which can lead to changes in prey and predator dynamics, loss of food resources, loss of breeding areas, and changes in migration or movement. In some cases, construction can create features that are attractive for species and increase their mortality risk. For example, certain migratory bird species at risk (e.g. Bank Swallow, Common Nighthawk) may nest in large piles of soil or graveled areas left unattended/unvegetated during the most critical period of the breeding season, making them vulnerable to construction activities.</p> | | | <p>MCBA permits are discussed in Question 1 of the FAAR and are considered possible but unlikely for the Project.</p> | |
| ECCC-07 | Environmental Emergencies | <p>The proposed Project involves the construction, operation, and eventual decommissioning of a fractionation plant, which fractionates condensate (C5+) into higher value products including pentanes, liquified petroleum gas, C8+, and atmospheric bottoms. During operation, the facility will receive feedstock and send products via pipeline, with intermediate storage of condensate and products occurring in on-site storage tanks. Given the hazardous nature of the feedstock and products, there is potential for adverse environmental and human-health effects from accidents and malfunctions that result in their release to the land, air, or water.</p> | <p>Adverse effects 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 could result from the accidental release of hazardous substances to the land, air, or water.</p> | <p>Accidents and malfunction scenarios that could occur during construction and decommissioning (e.g., spill of diesel or leak of hydraulic fluid from equipment) are not unique to this Project but remain important to consider.</p> <p>Accident and malfunction scenarios that could occur during operations (e.g., release of hazardous substances during handling, production, or storage) are not unique to this Project; however, given the focus of the Project, which involves receiving, processing, storing, and shipping substantial quantities of hazardous substances, the risk of accident and malfunction scenarios involving the release of these substances to the environment, and the mitigation measures that will be put in place to minimize this risk, warrant careful consideration.</p> <p>ECCC 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-negligible adverse environmental</p> | <p>During construction, operation, and decommissioning of the Project, accident and malfunction scenarios could result in the release of hazardous substances to the environment, with potential adverse effects to air quality, water quality, species at risk, fish and fish habitat, migratory birds, and changes to the environment resulting in non-negligible adverse impacts to Indigenous Peoples of Canada. To mitigate the potential for spills and minimize their impacts, the Proponent has proposed to implement various mitigation measures, including use of secondary containment for storage of hazardous substances, and the production of various plans including an environmental construction plan, spill response plan, and emergency response plan. Assessing the risk of accidents and malfunctions and the effectiveness of the proposed mitigation measures is an important component of understanding the overall potential adverse effects of the Project on areas under federal jurisdiction.</p> | <p>Optimized spill prevention, preparedness, and response measures and systems will be important during all activities associated with the construction, operation, and decommissioning of the Project, given the risk of release of hazardous substances to the environment.</p> <p>Mitigation measures described in the Initial Project Description, including use of secondary containment for all tanks and chemical storage, and the development of various plans including an environmental construction plan, spill response plan, and emergency response plan, will help to mitigate spills and minimize their impacts on the environment should they occur.</p> <p>Part 8 of the <i>Canadian Environmental Protection Act, 1999</i> (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 <i>Environmental Emergency Regulations, 2019</i>. This act may apply if Schedule 1 substances onsite meet or exceed the threshold to be regulated under</p> | <p>The Proponent is encouraged to adopt all relevant industry best-practices regarding prevention, preparedness, response, and recovery in the context of spills resulting from accidents and malfunctions.</p> |

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| | | | | <p>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, ECCC 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.</p> | | <p>CEPA. Technical Guidelines for the <i>Environmental Emergency Regulations, 2019</i> may be found at: https://www.canada.ca/en/environment-climate-change/services/environmental-emergencies-program/regulations/technical-guidelines.html.</p> | |
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