Notice of Determination

Reconstruction of the Fishermen's Wharf and the Slipway at the Port of Cap-aux-Meules

November 2nd, 2026 – Transport Canada has determined that the reconstruction of the fishermen's wharf and the slipway at the Port of Cap-aux-Meules is not likely to cause significant adverse environmental effects.

This determination was based on a consideration of the following factors:

- Impacts on rights of Indigenous Peoples;
- Indigenous knowledge;
- Community knowledge;
- Comments received from the public; and
- Technically and economically feasible mitigation measures.

Mitigation measures taken into account for this determination are as follows:

SITE SETUP, PREPARATION OF WORK AND STORAGE AREAS
Surface water:
Melted snow must be disposed of at an authorized site.
Ensure that surface drains are protected from construction debris.
Debris must be collected as it accumulates and placed in appropriate containers to prevent it from spreading into the environment.
Do not discharge any debris into the aquatic environment; any waste accidentally introduced into the environment, including the aquatic environment, must be removed as soon as possible.
Groundwater and Soil:
Contaminated or potentially contaminated fine materials must be stored on a impermeable surface and covered to prevent any runoff into the soil or the aquatic environment.
Before mobilization and after demobilization, the Contractor must, at its own expense, conduct a chemical characterization of the soil quality on the sites used for refueling, maintenance, and storage of machinery, heavy equipment, and the storage of demolition and construction materials.

Line the refueling areas with a geotextile membrane followed by crushed stone to contain any potential spills.
Air Quality:
Protect stockpiles of stored materials using dust suppressants and/or protective tarps.
Invasive Alien Species:
Ground-based machinery must be cleaned before arriving on site to remove any material that could increase the risk of spreading invasive alien species.
The contractor must only allow machinery (tractors, excavators, loaders, etc.) free of soil and plant debris onto the project site. The inspection of equipment upon arrival must focus on the parts of the machinery that come into direct contact with invasive alien plants or that are likely to carry them, such as buckets, wheels, and tracks.
If the machinery is not free of soil or plant debris upon arrival at the site, it must be cleaned on-site at the designated area—and away from the body of water—before being used at the job site. The contractor must therefore designate a cleaning area for heavy machinery on the project site itself, and the location must be approved by the supervisor in advance. The cleaning area must be equipped with a system to collect soil and plant debris embedded in the machinery. The residues must be disposed of at a landfill that accepts invasive alien species.
Cordon off land areas contaminated with soft-leaved bedstraw to prevent access to these areas and ensure that machinery does not spread this species beyond the project boundaries.
For ships, boats, vessels, or any other floating equipment that have been cleaned and stored on land prior to being moved to the work site, the contractor must: a) Provide the Ministerial Representative, in writing and supported by time-stamped photographs, with a list of the equipment, the date of cleaning, the location and duration of storage, and the anticipated date for launching and mobilization to the site, in order to demonstrate that the equipment was clean and stored on land prior to mobilization.
For ships, boats, vessels, or any other floating equipment that must remain at the work site for more than 24 hours, the contractor must, at its own expense: a) Conduct a thorough inspection of the parts submerged in water, immediately prior to mobilization to the work site, to confirm that they are free of macro-fouling (invasive aquatic species). If macro-fouling is present, it must be cleaned and disposed of on land to prevent the spread of invasive aquatic species;
b) Provide a written inspection report to the Departmental Representative prior to arrival at the work site, certifying that ships, boats, vessels, or any other floating equipment are free of macro-fouling. The report must include: a list of the equipment inspected (tugboats, barges, etc.), the date and location of the inspection, the locations where macro-fouling was found and the approximate areas cleaned, a statement confirming the absence of macro-fouling supported by time-stamped photographs, and the inspector's signature.
For ships, boats, vessels, or any other floating equipment that must remain at the work site for a period exceeding 2 months, the contractor must inspect the parts of such equipment submerged in water before leaving the site and, if necessary, remove any macro-fouling and dispose of it properly.
The Department reserves the right to conduct a second inspection at any time. In the event that large debris is observed, the contractor must suspend work and, at its own expense, clean the affected equipment in accordance with the procedure described above.

Site Use and Socio-Economic, Port, Tourism, and Transportation Infrastructure Activities:
Plan the organization and mobilization of the construction site in collaboration with port users to ensure that activities run smoothly and to minimize inconvenience to users.
Ensure effective management of services and access to the wharf at all times for the port activities of various users (commercial fishing, ferries, oil tankers, general cargo ships, etc.).
Implement a safety program specifying the signage to be installed and traffic restrictions at the various construction sites.
Maintain an adequate communication system between construction supervisors and port users to minimize the risk of accidents.
Provide clear and regular updates (bulletins, signs at the port, text messages, or emails) on the progress of the work and changes to access, and inform the Municipality of Cap-aux-Meules of planned activities and the work schedule.
Navigation Safety:
The conditions of the LENC approval must be complied with during the work.
USE OF MACHINERY:
Surface water, groundwater, soil, sediments, benthic fauna, fish, marine mammals and herpetofauna, and species at risk:
Maintain a minimum distance of 30 m from the gulf, any aquatic environment, or any wetland when refueling, parking machinery, or storing petroleum products; if this distance cannot be maintained, the contractor must install an adequate secondary containment system to contain any potential spills.
Keep machinery and equipment used during the work in good working order, clean, and free of oil, gasoline, or any other liquid that could pollute the environment, and shut off engines when not in use.
Inspect and ensure the regular maintenance and cleaning of machinery in authorized areas.
All machinery (boats, cranes, trucks, etc.) must be inspected by a qualified mechanic before work begins to ensure there are no defects that could result in a spill of hydrocarbons or any other contaminants.
Recommend the use of biodegradable hydraulic oil in machinery (hydraulic excavators) that will be operating within 30 m of a watercourse or wetland to reduce environmental impacts.
Prohibit the discharge of contaminants into the aquatic environment.
Store and handle petroleum products in designated areas.
Clean the concrete mixers in accordance with provincial guidelines.
Clean the streets used by vehicles and machinery daily to remove any accumulation of loose materials and other debris.
Refer to the measures in Section 9 regarding the Emergency Response Plan and measures related to potential oil spills.
Air Quality:
Cover materials containing fine particles with securely fastened tarps during transport.
Limit idling of equipment and machinery.

Birdlife:
Minimize encroachment on the natural environment as much as possible.
Special care must be taken to avoid disturbing or destroying any migratory bird nests.
Avoid approaching or disturbing any birds or bird nests if they are observed during the work.
Before work begins, check for waterbird nests on the structures where work will take place. If one or more nests are found, immediately notify the ministry representative before beginning work.
If a nest containing eggs or chicks of migratory birds is discovered near or within the work area, stop all noisy activities near the nesting site and protect the nest(s) by establishing a buffer zone. Immediately contact the ministry representative, who will advise you on best practices.
Whether on water or on land, maintain a sufficient distance so as not to disturb nesting birds. Signs that birds have been disturbed include an upright posture while brooding the nest, increased vocalization, and adult birds leaving their nests.
Ambient Noise Levels:
Adhere to working hours; unless otherwise specified, working hours for construction sites and projects are from 7 a.m. to 6 p.m., Monday through Friday. On weekends and holidays, all activity is prohibited, and, if necessary, the site supervisor must be contacted to obtain specific authorization.
Adopt practices that minimize noise disturbances (e.g., use of backup alarms, traffic routing designed to avoid backing up, installation of a sound barrier, preventing the slamming of truck dump bed panels, proper positioning of a generator, etc.).
Use vehicles or equipment equipped with quieter horns, mufflers, or any other noise-reduction devices, without compromising safety.
Limit the speed of machinery on the job site.
Limit truck traffic and turn off the engines of machinery and equipment when they are not in use.
DEMOLITION WORK IN AQUATIC ENVIRONMENTS
Surface waters, sediments, benthic and fish fauna:
Cease work when weather conditions (strong winds and waves) promote the dispersion of suspended solids.
Adjust the operating speed of machinery during work in the water to minimize the resuspension of suspended solids.
Comply with applicable regulations regarding increases in suspended solids in water bodies during work, specifically a maximum increase of 25 mg/L above ambient levels.
Install a turbidity curtain, if possible, during periods of environmental restrictions to limit the dispersion of materials during permitted work and visually verify that suspended solids remain largely confined within the containment curtain throughout the work.
Conduct demolition and construction work during low tide whenever possible.
Adapt work methods to prevent concrete fragments from falling into the aquatic environment during demolition.

Prevent the unnecessary resuspension of sediments caused by sudden movements.
When weather conditions deteriorate, work likely to affect water turbidity must be avoided to prevent the resuspension of fine sediments and their dispersion into the water column.
Monitor the condition of the water column at the work site to detect episodes of high turbidity and take corrective measures as needed (e.g., halting work or installing a turbidity curtain).
Site use, port activities, socioeconomic activities, tourism, and customary land rights and uses for traditional purposes:
Install modular floating platforms or barges equipped for handling products from fishing .
Set aside a temporary area on a secondary dock or a secured section of the construction site for fishermen's storage and handling operations
Establish a mechanism for regular consultation between the port authority, the contractor, and the fishermen to adjust measures as needed.
Optimize maneuvers to minimize the duration of operations.
CONSTRUCTION WORK IN AQUATIC ENVIRONMENTS
Surface water, sediments, benthic fauna, fish fauna, species at risk:
Prevent concrete from leaking into the water.
Ensure that the required materials are clean and free of contaminants.
Use clean stone for riprap.
Place the stones gently on the bottom rather than simply dumping them.
Place each riprap stone, one by one, starting at the bottom of the slope so that it is stable and in contact with all adjacent stones.
Site Use and Socioeconomic, Port, Tourism, and Transportation Infrastructure Activities:
See the measures associated with the pre-construction phase and demolition work.
Underwater noise environment:
Recommend the use of vibro-driving or drilling for pile installation; pile driving should be used only when other techniques cannot be employed.
Begin pile driving operations gradually to allow fish to leave the immediate vicinity of the work site; the gradual start-up should begin at the equipment's minimum power setting, gradually increasing to the optimal power level.
If a stoppage of more than 20 minutes is anticipated between two periods of pile driving, repeat the gradual start-up procedure.
CONSTRUCTION WORK ON LAND
See the measures associated with the use of machinery.
DREDGING AND SEDIMENT MANAGEMENT

Surface water, sediments:
Comply with current criteria regarding suspended solids (SS) concentrations during sediment dredging activities: i) Within 100 m of the dredge: Maximum average increase in suspended solids (SS) concentration of 100% compared to ambient levels, over the daily dredging period or over a period of 6 consecutive hours if dredging is continuous; ii) Within 300 m of the dredger: Maximum average increase in suspended solids (SS) concentration of 25 mg/L compared to ambient levels, over the daily dredging period or over a period of 6 consecutive hours if dredging is continuous. Take measurements if in doubt; iii) Stop work if the suspended solids (SS) concentration exceeds the applicable criteria listed above, and continue to do so until the SS concentration returns to ambient levels.
If a sediment plume is observed, or if suspended solids (SS) exceed the established criteria, work must be stopped immediately. Corrective measures must be proposed to the Ministry representative. These measures must be implemented before work resumes.
Prevent the unnecessary resuspension of sediments caused by sudden movements, by leveling the seabed with the bucket (mechanical dredging), or by creating ripples (hydraulic dredging).
Stop work in the event of adverse weather conditions (strong winds, storms) to prevent dredged or suspended material from being dispersed outside the work area.
Adjust the speed of dredging and dumping operations (e.g., movement of the grab bucket) to minimize the resuspension of sediments.
Do not overfill the barge during mechanical dredging or the dredge when using a self-propelled dredge (overflow) to minimize losses and, thereby, the resuspension of dredged sediments.
When loading the barge, lower the excavator bucket as far as possible before releasing the sediment.
Use a watertight barge for mechanical dredging or reduce overflow (by decreasing the dredge's load) when using a self-propelled dredge to minimize losses of dredged sediment during transport.
The discharge into the sea of dredged sediments and residues originating from the exclusion zone for marine disposal is prohibited. These materials must be managed on land according to their contamination levels, in compliance with applicable regulations.
Dredged sediments stored temporarily must be contained within a watertight structure designed to collect drainage water flowing from the sediments and filtered through a membrane or other means to retain fine particles and contaminants contained in the water. An adequate containment system, such as a filter bed around the drying area, must be installed to retain the materials on site. A filter bed may be constructed, for example, using concrete blocks and a geotextile barrier or a filter made of straw bales, placed within the drying area. This protection will prevent sediment from being carried into the harbor waters and will keep suspended materials within the drying area.
Sediments must be analyzed by an accredited laboratory and managed according to their level of contamination, in compliance with applicable regulations.
Where applicable, analyze and manage water resulting from the storage and dewatering of excavated material based on its environmental quality and applicable standards. If the water cannot be returned to the natural environment, dispose of runoff water in accordance with applicable regulations.
Benthic and fish fauna, marine mammals and herpetofauna, aquatic species at risk:

Dispose of dredged sediments in such a way as to spread them across the entire targeted area in several separate deposits to avoid creating an excessive accumulation of sediments and, thereby, promote the survival of organisms capable of migrating to the surface of the newly deposited sediments.
Adhere to the designated area for depositing dredged sediment at the disposal site; a precise DGPS positioning system will ensure compliance with the area's boundaries.
Do not conduct dredging or disposal operations between April[1]and May 31 to protect the spring spawning and egg-incubation period of the Atlantic herring.
Do not conduct dredging or disposal operations between July 16 and August 10 to protect the period of peak larval concentration for American lobster and the common crab.
Given the reduced visibility at night, which prevents effective monitoring of marine mammals or any other species at risk (e.g., great white shark, leatherback turtle), the speed of dredging equipment, including that used to transport dredged material, must not exceed 5 knots between May and October, inclusive.
Notify the ministerial representative as soon as possible of any changes to the project's implementation details (schedule, plan, etc.) or any unforeseen impacts on fish habitat.
If a marine mammal or an endangered aquatic species is observed within 200 m from the dredger/tugboat during transport to the offshore disposal site, suspend operations and wait until the animal has moved more than 200 meters away.
In the event that a marine mammal or an at-risk species is found within 200 meters of the dredger/tugboat during transport to the disposal site, the use of methods intended to scare the animals away must not be considered.
If a marine mammal or an aquatic species at risk (leatherback turtle, blue whale, right whale, and great white shark) is observed within 200 meters of the vessel, maintain a stationary position until the animal has moved more than 200 meters away. Do not use any means intended to scare the animals.
<u>Onshore Management of Contaminated Sediments and Dredged Residues</u>:
If sediment is found adhering to the extracted rocks, remove it for disposal in accordance with applicable regulations.
Sediments must be analyzed by an accredited laboratory and managed according to their level of contamination, in compliance with applicable regulations.
If the separation of sediments from the extracted rock fragments is carried out by direct water jet washing on land, these operations must be conducted in a watertight structure designed to recover the wash water or use any other means to retain fine particles and contaminants contained in the water, which must be managed in accordance with applicable regulations.
Where applicable, analyze and manage water resulting from the storage and drying of excavated material (rock and sediment) based on its environmental quality and current standards. If the water cannot be returned to the natural environment, dispose of runoff water in accordance with current regulations.
Excavated material (contaminated rock and sediment) must be stored in a manner that prevents any loss of material due to wind (for example, between two impermeable membranes).
Excavated material (contaminated rock and sediment) must be transported to the disposal site in a manner that prevents any spillage into the environment.
<u>Site Use and Socioeconomic, Port, Tourism, and Transportation Infrastructure Activities:</u>
Comply with the conditions set forth in the approval issued under the *Canadian Navigable Waters Act* (CNWA).
Coordinate the various dredging operations with port users and issue notices to inform them of the work schedule, the location of the work, and the frequency of trips between the dredging area and the offshore disposal site.

SOIL MANAGEMENT:
Air, surface water, groundwater, and soil quality:
Water dried-out soil as needed to minimize dust generation during stripping or grading work by keeping the surface moist.
If uncontaminated soil must be temporarily stored, store it in the contractor's storage area (above the high-tide level), and cover the piles with waterproof tarps to prevent wind erosion, water infiltration, and leaching into the aquatic environment.
If necessary, pump and store excavation water in leak-proof containers, test it, and dispose of it in accordance with applicable regulations.
Handle materials in a manner that prevents dust emissions.
Limit transport loads on site to prevent soil from falling off during transport.
Limit excavation work during periods of heavy rain or high winds (otherwise, use dust suppressants to minimize dust generation).
Use leak-proof dumpsters and trucks to transport sediment or contaminated soil.
In the case of on-site soil management, place the soil above the level of the highest high-tide mark (PMSGM). If required, contain or stabilize these materials (e.g., impermeable liner, sediment barrier) to prevent sediment input or leaching into the aquatic environment. Ensure that leachate meets discharge criteria.
Temporarily and immediately store excavated soil on a impermeable surface if it cannot be removed, and cover it to protect it from the elements (e.g., soil from uncharacterized piles).
Monitor the site during excavation work to prevent cross-contamination.
Immediately transport excavated soil with known contaminant concentrations to authorized disposal sites.
MANAGEMENT OF CRD RESIDUES, RESIDUAL MATERIALS, AND HAZARDOUS MATERIALS:
Surface water, groundwater, soil, sediments, benthic and fish fauna, marine mammals and herpetofauna, species at risk, and invasive alien species:
The contractor must ensure that other bodies of water are not contaminated by invasive alien plant or animal species by verifying that all recovered structures (including the temporary dock) are free of such species (including the temporary dock).
Throughout the project, remove unused materials, waste, debris of all kinds, and other residual materials from the job site and dispose of them at an authorized site, in accordance with applicable regulations.
SITE RESTORATION:
Cover exposed soil and ensure it is stabilized to prevent dust and suspended solids from being carried into the body of water by runoff.
POTENTIAL ACCIDENTS OR FAILURES:
The contractor must develop an effective emergency response plan for environmental incidents, spills (of sediments or hazardous substances), or fires, taking into account the characteristics and constraints of the construction site and its surroundings, and distribute it to all relevant parties.

The environmental emergency response plan must include the names of the individuals and authorities to contact, as well as the measures to be implemented in the event of a spill and the incident report form to be completed to report an incident.
This emergency plan must be submitted to the ministerial representative at least 5 business days before work begins.
All personnel on the work site must be fully trained in emergency response procedures in the event of a spill, as well as in the methods and use of relevant equipment and materials.
Keep complete emergency response kits (absorbent materials, waterproof bags, containment barriers, gloves, etc.) readily available near the work area at all times to contain any spills. Ensure that personnel know how to use such equipment.
Ensure that the site is cleaned up, that contaminated soil is removed, and that it is disposed of at an authorized facility in accordance with its level of contamination. A characterization of the quality of the soil left in place, confirming that the affected site has been properly remediated, must be conducted to the satisfaction of the ministerial representative.
In the event of an accidental fuel spill or other environmental incident, it must be reported immediately to the departmental representative and to the following authorities: • ECCC, National Environmental Emergency Center: 1-866-283-2333; • MELCCFP, Environmental Emergency: 1-866-694-5454; • Canadian Coast Guard, Marine Pollution: 1-800-363-4735; • Site Supervisor. These emergency numbers must be clearly posted at all times in the job site office. An incident report, including photos of the response, must be submitted to the departmental representative within 24 hours of the spill.
The contractor must take all necessary measures to stop the source of the spill. A boom and/or oil absorbent pads must be deployed to contain the spill. The pads or booms must be stored in a clearly labeled container.
Maintain a minimum distance of 30 meters from any aquatic environment or wetland when refueling, parking machinery, or storing petroleum products. If this distance cannot be maintained, the contractor must install an adequate secondary containment system to contain a potential spill.

Transport Canadais satisfied that the carrying out of the project is not likely to cause significant adverse environmental effects. Therefore, Transport Canada can exercise any power, or perform any duty or function, to enable the project to be carried out.