

Summary of Issues

Port of Botwood Wharf Rehabilitation Project

The Summary of Issues outlines the key issues that the Impact Assessment Agency of Canada (IAAC) considers relevant for the federal impact assessment process for the Port of Botwood Wharf Rehabilitation Project (the project). The proponent's response to the Summary of Issues will support decision-making by IAAC on whether further assessment is required under section 16 of the *Impact Assessment Act*. If an assessment is required, the key issues outlined below and the proponent's response will inform the scope of the impact assessment, and the development of the Tailored Impact Statement Guidelines and plans, as appropriate.

IAAC was informed by input received to date from federal and provincial authorities, Indigenous groups, and the public on the proponent's Summary of the Initial Project Description. The proponent is encouraged to read all submissions on the Canadian Impact Assessment Registry Internet site for the project (Reference Number [90422](#)).

Exploits Valley Port Corporation (the proponent) is required to describe how it intends to address the key issues identified below as part of the development of its project. A high-level description is sufficient. Where relevant, the proponent is encouraged to identify if the key issues will be addressed through existing legislative and regulatory frameworks (i.e., legislation or regulation), by proponent commitments to best practices, policies or standards, or both.

Key issues

Fish and fish habitat, including marine mammals

- Adverse effects to fish, including potential death, and removal or alteration of fish habitat due to in-water activities such as placement of fill and infrastructure, removal of existing infrastructure, and pile driving. Provide information on the in-water footprint of existing and new infrastructure, the timing and adequacy of underwater surveys and sediment samples to characterize fish presence and habitat, including eelgrass, and measures that would be implemented to mitigate adverse effects to fish and fish habitat.
- Adverse effects to fish and fish habitat due to potential inability of sediment curtains to contain sediment in areas of high tidal energy and damaging storm surge conditions. Provide further information on the suitability of the area for sediment isolation and containment equipment, and how potential effects to fish and fish habitat would be avoided or mitigated in the event of a failure of sediment containment.
- Adverse effects to fish and fish habitat from increased presence and movement of marine vessels and the potential for vessels to release hazardous materials into the marine environment and contribute to the spread of aquatic invasive species. Provide information on the number and size of vessels and types of cargo compared to current operations and mitigation measures to address increased vessel presence and movement.

Accidents and Malfunctions

- Concerns about emergency response procedures and contingency plans for scenarios related to vessel accidents that may impact fish, including marine mammals, and fish habitat and migratory birds directly (injury or mortality from a polluting incident) or

indirectly (collisions with infrastructure and vessels, stranding due to light attraction).

Appendix – Other Comments, Advice, and Recommendations

The Impact Assessment Agency of Canada (IAAC) is providing the following comments, advice, and recommendations for information purposes only. The proponent is encouraged to consult the Canadian Impact Assessment Registry Internet site for the project (Reference Number [90422](#)) to review the original comments.

Migratory birds

- Concerns about potential impacts to migratory birds resulting from habitat loss, alteration and fragmentation during construction, and sensory disturbance from noise, vibration and lighting, and accidental release during operations (e.g. marine fuel spills, hazardous releases, cargo loss and stormwater discharges). The proponent may confirm any commitment to follow Environment and Climate Change Canada's bird protection and monitoring guidelines and comply with the *Migratory Birds Convention Act, 1994* and its regulations to manage potential adverse effects to migratory birds.

Human Health and Well-being

- Concerns about adverse effects to the health of nearby residents and business operators due to noise and dust during construction, vessel emissions during operation, accidental releases of hazardous substances from vessels, strain on public infrastructure (e.g., town water supply, public roads, local emergency services), and impacts to recreational activities and areas.

Public and Stakeholder Engagement

- Concerns about lack of public consultation and transparency of information regarding the purpose of the project and benefits to the community.
- The proponent may confirm any commitment to provide the public with the results of monitoring to verify the efficacy of measures to protect fish and fish habitat and migratory birds.

Permitting and Authorizations

- It is recommended that Transport Canada be consulted to ensure compliance with the *Canadian Navigable Waters Act*, particularly with regard to the necessary permits and authorizations.
- It is recommended that Fisheries and Oceans Canada be consulted to ensure that the requirements of the *Fisheries Act*, the *Aquatic Invasive Species Regulations*, and the *Species at Risk Act* are taken into account.
- It is recommended that Environment and Climate Change Canada be consulted to ensure that the requirements of the *Migratory Birds Convention Act, 1994* and the

Migratory Birds Regulations, 2022 and the *Species at Risk Act* are taken into account.

- It is recommended that the Canadian Coast Guard be consulted to review whether the needs for Aids to Navigation in the project waterway have changed.