

**Federal Authority Advice Record (FAAR)****FAAR Response must be submitted by JUNE 3, 2026**

Port of Botwood Wharf Rehabilitation Project – Exploits Valley Port Corporation

Registry File: 90422

Department/Agency	Fisheries and Oceans Canada
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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.
- Likely: Authorization under sections 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* may be required for proposed works, undertakings, or activities, other than fishing, that are likely to result in the “death of fish” and/or “the harmful alteration, disruption or destruction of fish habitat.
  - Unlikely: In addition, DFO assesses the impacts of projects on aquatic species at risk and/or their critical habitat(s), under sections 32, 33 and subsection 58(1) of the *Species at Risk Act* (SARA) to determine whether a SARA Permit is required.
- b) Describe any associated Indigenous or public consultation, including timelines
- Should an authorization be required following submission of the application, the duty to consult and, where appropriate, accommodate Indigenous communities, whose Indigenous or treaty rights may be affected by regulatory decisions made under the *Fisheries Act* and the *Species at Risk Act*, is required under section 2.4 of the *Fisheries Act*. This may include consultation and/or accommodation on potential impacts on Canada's Indigenous peoples and/or the traditional use of territories and resources in relation to fish and fish habitat. As for public consultations, DFO does not currently provide opportunities for public participation prior to the issuance of an authorization, however information on the authorization issued will subsequently be made available to the public via the *Fisheries Act* registry. DFO will also support the Impact Assessment Agency during consultations, Indigenous and public, on matters relevant to our mandate.
- 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 required.
- [The Authorizations Concerning Fish and Fish Habitat Protection Regulations](#) outline the information requirements of a *Fisheries Act* Authorization.
  - DFO provides information and advice pertaining to the Department's mandate throughout an Impact Assessment process. Proponents can consult with DFO regarding *Fisheries Act* requirements during the Impact Assessment process, however, DFO does not issue an Authorization (if required) until an Impact Assessment process is completed.

- d) Identify any associated project-specific guidance or issues of which the Proponent should be aware, or information the Proponent should provide
- [Links to guidance documents, identification of key issues, and details on information the Proponent should provide are outlined in the tables below.](#)
- e) Indicate whether your department or agency has identified any power that it will not be exercising or may not be able to exercise to allow the project to be carried out, in whole or in part.
- N/A
2. **Using Table 1**, identify project- and context- specific **key issues**, based on the expertise within your mandate<sup>1</sup> 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 material<sup>2</sup> to decision making under the *Impact Assessment Act*
  - 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.

Sara Lewis, Manager Regulatory Reviews  
 Fish and Fish Habitat Protection Program  
 Fisheries and Oceans Canada

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Name and title of Departmental /  
 Agency Responder

June 8, 2026

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Date

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<sup>1</sup> Refer to the [Memoranda of Understanding with IAAC](#).

<sup>2</sup> 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.

**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 of 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"> <li>• <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"> <li>○ <i>federal experts' knowledge and experience with past project assessments;</i></li> <li>○ <i>presence of sensitive species, habitats or human receptors (including Indigenous Peoples);</i></li> <li>○ <i>novel or complex project activities, components or technologies;</i></li> <li>○ <i>high uncertainties in effects or in the effectiveness of mitigation measures;</i></li> <li>○ <i>unknown or unproven mitigation; or</i></li> </ul> </li> <li>• <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></li> </ul>	<p><i>Describe how the key issue could be resolved or addressed by:</i></p> <ul style="list-style-type: none"> <li>• <i>Any means, including powers, duties, functions, frameworks, policies or guidance that your department or agency has;</i></li> <li>• <i>Any means, including powers, duties, functions, frameworks, policies or guidance from another jurisdiction, including the province;</i></li> <li>• <i>Common, proven, well-understood or standard mitigation measures to mitigate the effect or effect pathway(s); or</i></li> <li>• <i>Commitments made by the Proponent (e.g., in the Initial Project Description).</i></li> </ul>	<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>
<p>DFO-01</p>	<p>Existing infrastructure / footprint of historical disturbance / in-water footprint</p>	<p>In-water footprint of the proposed project is unclear.</p> <p>Section 2.2.3.4 Existing Infrastructure (p.18) of the IPD has no mention of in water infrastructure, but rather only discusses roads and traffic.</p>	<p>Project activities including placement of materials and infrastructure in water, pile driving, infilling, and the introduction of underwater noise associated with these</p>	<p>This key issue is within DFO's mandate. DFO requires the Proponent provide sufficient information regarding the existing environment and the proposed project activities in order to adequately assess the potential impacts to fish</p>	<p>The impacts of the project cannot be adequately assessed without a clear and detailed description of the existing in water infrastructure, as well as a detailed description of the in-water footprint of the new proposed project.</p>	<p>DFO will conduct a review of this project under the fish and fish habitat protection provisions of the <i>Fisheries Act</i> when the Proponent submits a Request for Review and will determine whether a <i>Fisheries Act</i></p>	<p>The Proponent should provide additional photos (including above surface) and a detailed description of the current existing infrastructure (including footprint). The Proponent should compare the footprint of the existing</p>

	<p>DFO is of the understanding that the historical port infrastructure has deteriorated. This is supported by this statement in the IPD: <i>“EVPC understands that, although marine infrastructure historically existed at the site, IAAC has indicated that the <b>existing structures are no longer capable of supporting vessel berthing.</b>”</i> (p. 38).</p> <p>However, this does not align with the Proponent’s defined purpose and description of the proposed project throughout the IPD. See examples below:</p> <p><i>“The need for the Project is driven by the potential of economic growth and to address the infrastructure condition and safety considerations, <b>not by increased capacity over historical levels</b>, new marine uses, or expansion of port operations.”</i> (p. 36)</p> <p><i>“To maintain this historic context, the Project does not intend to develop past the historic bounds, instead the Project focuses on the <b>rehabilitation remains consistent with existing operations</b> while reducing risks associated with new terminal infrastructure interpretation.”</i> (p.41)</p> <p>It is unclear how the proposed project would not increase operational capacity given the existing infrastructure is not capable of supporting vessel berthing.</p> <p>Further information is needed on the port’s historical footprint. Rather than the port’s historical footprint, a more suitable reference may be the footprint of existing infrastructure compared to the footprint of the new proposed in-water infrastructure. Since the site was divested in 2014 and some infrastructure was removed at that time, this area could and likely became habitat for marine species within the past 12 years.</p> <p>Also, it is stated in the IPD <i>“the new marginal wharf structure will require a physical footprint that exceeds the dimensions of these submerged remnants, however removal of existing infrastructure is not anticipated.”</i></p> <p>It would be beneficial to the project review to include the approximate footprint of submerged existing remnants (cribwork, piles, etc.) that will remain in place beneath the new infrastructure shown in Figure 2. An accurate calculation of the total new footprint</p>	<p>activities have the potential to remove or alter fish and fish habitat and has the potential to cause the death of fish.</p>	<p>and fish habitat, aquatic species at risk, and fisheries.</p>		<p>Authorization is required. The extent of impacts to fish and fish habitat cannot be determined with the level of information that is provided in the IPD.</p>	<p>infrastructure to the anticipated footprint of the new proposed port infrastructure.</p> <p>It is unclear whether all existing infrastructure (submerged remnants) will be left in place and how the Proponent will design the new port infrastructure around these structures without increasing the footprint.</p>
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DFO-02	Existing Environment and Baseline	<p><i>“The benthic habitat within the PDA was assessed through Remotely Operated Vehicle...”</i> When were the surveys conducted?</p> <p><i>“Sediment samples were collected from the PDA areas and analyzed for BTEX, modified TPH and PAHs (Table 13 and 14, Appendix F). Sample retention was limited due to coarse substrate and water depth within the area, which resulted in a single sample being successfully collected. Sediment sampling programs were conducted at the former Abitibi site, located approximately 500 m south of the Project site, in 2012 (Dillon) and 2013 (CBCL).</i></p> <p>Although the 2012 and 2013 data contribute useful context to the IPD, DFO advises the Proponent to carry out updated sediment sampling in 2026, with increased effort and a greater number of samples collected across multiple transects, where possible. DFO acknowledges that the substrate may limit some of the sampling locations, which should be taken into account when planning field work.</p> <p><i>“Should any limited sediment removal be required during localized seabed preparation or rare maintenance dredging, it will be brought to shore, treated, and disposed of according to provincial and federal legislation; therefore, disposal at sea permitting is not applicable.”</i> The Proponent will be required to submit a Request for Review for this work.</p> <p>The project is located in a previously developed industrial marine area. Sediment samples will be required to assess the potential impacts of in water activities on fish and fish habitat via resuspension of potentially contaminated sediments.</p> <p>AIS is discussed in the effects section but there is no information on AIS in the existing environment Section 4.7. DFO recommends that the Proponent add information on AIS.</p> <p>Because the benthic habitat survey did not identify any eelgrass in the area, it's difficult to determine whether its absence reflects</p>	<p>Further up to date survey information is required to identify the existing environment and assess the potential impact of in water works on the marine environment.</p> <p>The resuspension of contaminated sediments due to in-water works, undertakings, and activities during construction poses the risk of spreading pollutants within and around the marine area.</p> <p>Increased vessel presence and vessel traffic has the potential to negatively impact the navigation of other marine users, spread AIS, and increase the potential for marine pollution from accidents and malfunctions.</p> <p>Eelgrass habitat can be destroyed by in water works including seabed preparation, infilling, placement of wharf, associated shoreline stabilization material, and potential sediment resuspension.</p>	<p>This key issue is within DFO's mandate. DFO requires the Proponent provide sufficient information regarding the existing environment in order to adequately assess the potential impacts to fish and fish habitat, aquatic species at risk, and fisheries.</p>	<p>The impacts of the project cannot be adequately assessed without a clear and detailed description of the existing environment, including sufficient up to date baseline information.</p>	<p>DFO will conduct a review of this project under the fish and fish habitat protection provisions of the <i>Fisheries Act</i> when the Proponent submits a Request for Review and will determine whether a <i>Fisheries Act</i> Authorization is required. The extent of impacts to fish and fish habitat, aquatic species at risk, and fisheries cannot be determined with the level of information that is provided in the IPD.</p> <p>DFO advises the Proponent to conduct additional dive transect surveying mid to late July, or mid to late September to characterize benthic habitat and the seafloor environment. The survey should cover as much of the footprint as possible and ensure that depths are recorded. The video should be taken on a clear day. If eelgrass is present, the Proponent would be advised to verify that its extent is well delineated in the footprint and a certain distance outside the footprint. Depending on the activities (dredging, infilling, placement of infrastructure in water) if the amount of eelgrass being destroyed or removed is large, it may require a <i>Fisheries Act</i> Authorization.</p>	<p>It is advised that the Proponent consult with DFO for sediment sampling effort and locations in order to support the assessment and any forthcoming Request for Review or Authorization under the <i>Fisheries Act</i>, if applicable.</p> <p>DFO advises the Proponent to conduct additional field work to better delineate the presence of eelgrass. Consult with DFO on a field workplan.</p> <p>Refer to the regulations on AIS: <a href="#">Aquatic invasive species</a></p>

		<p>true conditions or is a result of the timing of the survey. The fish and fish habitat section indicates that marine surveys were conducted in October and December. Eelgrass exhibits peak growth in our province in August, corresponding with peak day-length and favorable water temperature where the plant grows. However, that period also tends to occur when water visibility in the marine environment is lowest, due to pelagic algae growth. Therefore, there are two times which are best to survey eelgrass, both of which correspond to best visibility conditions in the water and greatest greening of the plant. These are (1) mid- to late July, and (2) mid- to late September.</p> <p>August is generally a poor time to survey eelgrass, due to poor visibility. Furthermore, the entire period October to June is generally bad as well due to natural plant die-off and lack of fresh growth.</p>					
DFO-03	Potential Effects of the Project	<p>The effects assessment provided in Section 6.1.1 (Potential Effects to Fish and Fish Habitat under the <i>Fisheries Act</i>) is insufficient. Much of this section consists of describing language in the <i>Fisheries Act</i>.</p> <p>The IPD then states "<i>the Project is <b>not expected to result in non-negligible fish mortality</b> (death of fish) due to the nature of the habitat present and the rigorous application of permit conditions and mitigation measures. Likewise, <b>there are no non negligible adverse impacts expected on marine vegetation</b> within the PDA as the result of construction or operation of the project. <b>This assessment is supported by the fact that the marine environment within the PDA is located within a previously disturbed industrial harbour, the small overall footprint of the project and the habitat present is not critical or limiting habitat for any local species.</b>"</i></p> <p>Section 4.7.6 (Marine Environment) describes that there are marine species of fish and invertebrates found within the project area. It cannot be concluded that fish mortality and habitat loss are not expected based on the area being previously disturbed. As noted above, the site was divested in 2014 and appears to have not been in operation since, making the area</p>	<p>Project activities including placement of materials and infrastructure in water, pile driving and infilling have the potential to remove or alter fish and fish habitat and has the potential to cause the death of fish.</p>	<p>This key issue is within DFO's mandate. DFO requires the Proponent provide a detailed effects assessment for fish and fish habitat.</p>	<p>Decision making cannot occur without the provision of a detailed and accurate effects assessment.</p>	<p>DFO will conduct a review of this project under the fish and fish habitat protection provisions of the <i>Fisheries Act</i> when the Proponent submits a Request for Review and will determine whether a <i>Fisheries Act</i> Authorization is required.</p> <p>The effects assessment in the IPD would not be sufficient for DFO to conduct its review under the <i>Fisheries Act</i>.</p>	<p>The Proponent is required to provide a detailed effects assessment. The Proponent should categorize their assessment by each project component/activity and type of effect.</p>

		likely to become inhabited by many marine species within the past 12 years.  As the project will result in increased vessel presence and vessel traffic for all phases, the Proponent is advised to assess the potential impacts on fish and fish habitat, fisheries, aquaculture operations, and other marine users in the area.					
DFO-04	Mitigations	<p>The report states that the <i>“Project area is subject to a robust wind regime, with a mean annual wind speed of 19.5 km/h.”</i></p> <p>In areas of high tidal energy and damaging storm surge conditions, sediment curtains may not be suitable as they can be quickly damaged and lose their ability to contain sediment.</p> <p>DFO advises the Proponent to assess the area for suitability of sediment containment equipment prior to in-water works and better understand the potential risks of damage to sediment curtains and loss of containment.</p> <p>In the <i>“Application of IAAC Standard Mitigation Measures”</i> section, it is stated that <i>“the extent of mitigation for localized seabed preparation, shoreline stabilization, placement of engineered fill, and upland earthworks”</i> is to <i>“prevent suspended solids and sediment plumes from entering the Bay of Exploits, ensuring water quality thresholds are met and preventing the smothering of benthic habitat or harm to fish.”</i> The report does not include permanent long-term loss of habitat and/or death of fish due to placement of fill and new marine structural components (e.g., marginal wharf). This section also does not address the mitigation measures required for increased vessel presence and movement of marine vessels and barges.</p> <p>The mitigation measures does not address <i>“Site Preparation and Mobilization: Mobilize equipment, establish temporary works, conduct surveys, and install environmental protections”</i> as per Section 3.3 [9] Description of Project Components and Activities.</p>	<p>Understanding the existing work environment (weather) leads to a better design of mitigation equipment to lessen the potential for loss of containment sediment during in- water works, therefore reducing the potential for negative impacts on water quality, habitat quality and marine species.</p> <p>DFO advises the Proponent to add the following Activities and Mitigation Measures:</p> <ul style="list-style-type: none"> <li>*Placement of fill (in water) will potentially result in permanent long-term loss of habitat and/or death of fish.</li> <li>*Placement of new marine structural components (e.g., marginal wharf) has the potential to cause death of fish and/or loss of fish habitat.</li> <li>*Increased presence and movement of marine vessels and barges.</li> </ul>	<p>This key issue is within DFO’s mandate. DFO requires the Proponent provide sufficient information regarding mitigation measures to adequately assess the potential impacts the project has on fish and fish habitat</p>	<p>Commitments to robust sediment containment aids DFO in identifying the level of risk the project has on impacting fish and fish habitat during in-water works.</p> <p>Decision making cannot occur without the provision of a robust mitigation measures that address all works, undertakings and activities of the project.</p>	<p>DFO will conduct a review of this project under the fish and fish habitat protection provisions of the <i>Fisheries Act</i> when the Proponent submits a Request for Review. Containment mitigation measures should be included in that review.</p> <p>Mitigations should address all project works, undertakings and activities of the project.</p>	<p>The Proponent is advised to include options for size and type of sediment curtains and the manner with which they’re installed.</p> <p>The Proponent is advised to commit to conducting regular inspections and maintenance of sediment curtains throughout the construction phase to ensure they remain effective in containing sediment movement. In addition, the Proponent should develop and implement a response plan to address loss of containment.</p>

Please insert additional rows as necessary.