

ANNEX A

Environmental Screening Documentation

**FISHERIES AND OCEANS
CANADIAN ENVIRONMENTAL ASSESSMENT ACT (CEAA) 2012
PROJECT EFFECTS DETERMINATION REPORT**

GENERAL INFORMATION

1. Project Title: Breakwater construction, Charlottetown (Labrador), NL	
2. Proponent: Fisheries and Oceans Canada, Small Craft Harbours (DFO SCH)	
3. Other Contacts (Other Proponent, Consultant or Contractor): Public Works and Government Services Canada	4. Role: OGD Consultant
5. Source of Project Information: Eddie Beams, PWGSC	
6. Project Review Start Date: June 6, 2015	
7. DFO File No.: 15-HNFL-00225	8. PWGSC File No:
9. TC File No.: 8200-01-1409 / NEATS: 41183	

BACKGROUND

10. Background about Proposed Development (including a description of the proposed development):

The proposed project involves placing a breakwater along the seaward facing section of the access road located in Charlottetown, Labrador. The project will involve the placement of 1800 m³ of armourstone along 119m of the existing access road.

PROJECT REVIEW

11. DFO's rationale for the project review:

Project is on federal land ☒ and:

☒ DFO is the proponent

☐ DFO to issue *Fisheries Act* Authorization or *Species at Risk Act* Permit

☐ DFO to provide financial assistance to another party to enable the project to proceed

☐ DFO to lease or sell federal land to enable the project to proceed

☐ Other

12. Fisheries Act Sections (if applicable): NA

13. Other Authorities Transport Canada – Navigation Protection Program (NPP) and Environmental and Indigenous Affairs

14. Other Authorities rationale for involvement: *Navigation Protection Act*

15. Other Jurisdiction: n/a	
16. Other Expert Departments Providing Advice: Fisheries and Oceans Canada, Fisheries Protection Program (DFO FPP)	17. Areas of Interest of Expert Departments: <i>Fisheries Act</i>
18. Other Contacts and Responses: n/a	
19. Scope of Project (details of the project subject to review): <p><u>Project Description</u></p> <p>The proposed project involves the reconstruction/expansion of the existing roadway and the construction of a breakwater along the seaward side of the roadway. Approximately 1100 cubic metres of existing material will be salvaged, stockpiled, sorted and re-installed. Approximately 4300 cubic metres of new material including 1800 cubic metres of armourstone will be placed along the seaward side of the roadway. The proposed work will result in a seaward expansion of the breakwater approximately 14 m seaward. Rip rap will be placed along the inside of the existing roadway. The roadway will be resurfaced with gravel.</p> <p><u>Operation</u></p> <p>The operational aspects of environmental management of this site, as well, mitigation measures for the environmentally responsible aspects of harbour operation (fuelling, waste disposal, activities on the property and water) will be over seen by the local harbour users, in consultation with SCH.</p> <p><u>Decommissioning</u></p> <p>This facility is not presently planned to be decommissioned. At the time of decommissioning, Small Craft Harbours will develop a site-specific re-use or reclamation plan that is appropriate for the applicable environmental legislation and Fisheries and Oceans Canada policies.</p> <p><u>Scheduling</u></p> <p>Subject to regulatory approval and DFO SCH operational priorities and funding, this project may commence by April 2016.</p>	
20. Location of Project: <p>The proposed project site (52° 46' 18" N; 56° 07' 03" W) is a seasonal fishing site located in the community of Charlottetown which is located on the southeast coast of Labrador, in White Bear Arm. The project site is accessible via local roads from provincial route 514.</p>	

21. Environment Description:

Physical Environment

The proposed project site is a DFO-SCH facility located in the community of Charlottetown on the southeast coast of Labrador in White Bear Arm. The site is comprised of a marginal wharf, two floating docks, a boat launch and, a gravel access road which extends out to a single crib. Commercial and recreational fishing activities operate out of the facility. The surrounding shoreline consists primarily of pebble-cobble material. The upland area slopes gently from the shoreline and is characterized by grass, trees and residential housing.

The general surrounding area is exposed moderate gradient coastal beach devoid of terrestrial vegetation. Aquatic vegetation is also very limited. Gravel, cobble, boulder, and bedrock outcrops are predominant along the shoreline.

Water depth at the proposed project site ranges between 0- 3.6 metres.

Biological Environment

Fauna within the project area is limited to near shore fish species such as cunner, tomcod, sculpin, and winter flounder. Lobster likely occur just outside the project site. While marine mammals such as seals and whales are common in the general area, their presence in the immediate project area is unlikely. There are no scheduled salmon rivers or known terrestrial wildlife habitats in the immediate project area. There are a variety of small mammals and songbirds found in the general area. Sea gulls, crows, turrs, puffins, eagles, hawks, and osprey are common throughout the general project area.

Species at Risk (Aquatic and Terrestrial)

The project site is within the distribution range of the Blue Whale (Atlantic population), North Atlantic Right Whale and Wolverine (Eastern Population); placed on Schedule 1 of the *Species at Risk Act* by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). It is not expected that the project site provides critical or limiting habitat for any of the above noted species at risk.

A search of the Atlantic Canada Conservation Data Centre (ACCDC) database was conducted which produced a list of rare/unique species (i.e. plants and animals) within a 5 km buffer zone (standard ACCDC procedure) of the site of the proposed work. No species of special concern were identified.

22. Scope of Effects Considered (sections 5(1) and 5(2)):

Table 1: Potential Project / Environment Interactions Matrix

	As per Section 5(1)			Section 5(1c)				Section 5(2)			Due Diligence			
				Aboriginal Interest										
Project Phase / Physical Work/Activity	Fish (Fisheries Act)	Aquatic Species (SARA)	Birds (MBCA)	Health and Socio economic	Physical and cultural heritage	Land use	*HAPA Significance	Health and Socio economic	Physical and cultural heritage	*HAPA Significance	Water (ground, surface, drainage, etc)	Terrestrial / Aquatic Species	Soil	Air Quality
Breakwater construction														
Removal/salvaging of armourstone	P	-	-	-	-	-	-	-	-	-	P	P	-	P
Armourstone installation	P	-	-	-	-	-	-	-	-	-	P	P	-	P
Operation / Maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Decommissioning / Abandonment	-	-	-	-	-	-	-	-	-	-	-	-	-	-

*structure, site or thing that is of historical, archaeological, paleontological or architectural significance.

Legend: P = Potential Effect of Project on Environment; '-' = No Interaction

Navigation Consideration

Environmental effects of the project on navigation are taken into consideration as part of the environmental assessment only when the effects are indirect, i.e. resulting from a change in the environment affecting navigation. Direct effects on navigation are not considered in the environmental assessment, but any measures necessary to mitigate direct effects will be included as conditions of the Navigation Protection Act approval.

- ☒ Only direct effects are identified; therefore the effects of the project on navigation are not addressed in this environmental assessment.
- ☐ Indirect effects were identified and have been addressed in this environmental Assessment.

24. Mitigation Measures for Project (Including Habitat Compensation):

- The operation of heavy equipment should be confined to dry stable areas.
- All vehicles and equipment must be clean and in good repair, free of mud and oil, or other harmful substances that could impair water quality.
- Shoreline areas disturbed during the proposed undertaking must be stabilized to prevent erosion before the area is abandoned.
- The proposed activities must be carried out in such a manner that sediment, and/or other construction related materials do not enter the watercourse.

- Armourstone material should be, to the greatest extent possible, free of fine grained materials to help minimize sedimentation of the waterbody and must not be obtained from below the highwater mark. Material should be clean, quarry run material.
- To the extent possible, the proposed work should be carried out during low tide and low wind-wave conditions to minimize turbidity and to minimize the area that might be affected by turbidity.
- Oil spill response equipment, such as absorbents and open-ended barrels should be available on-site in case of a spill or leak. All spills or leaks should be promptly contained, cleaned up and reported to the 24-hour environmental emergencies report system (1-800-563-2444).
- Where possible, armourstone material should be placed rather than end-dumped to minimize sedimentation of the waterbody.
- Minimize duration of in-water work
- Conduct in-water work during periods of low flow, or at low tide, to further reduce the risk to fish and their habitat or to allow work in water to be isolated from flows.
- Schedule work to avoid wet, windy and rainy periods that may increase erosion and sedimentation.
- Plan activities near water such that materials such as paint, primers, blasting abrasives, rust solvents, degreasers, grout, or other chemicals do not enter the watercourse.
- Develop a response plan that is to be implemented immediately in the event of a sediment release or spill of a deleterious substance and keep an emergency spill kit on site.
- Develop and implement an Erosion and Sediment Control Plan for the site that minimizes risk of sedimentation of the waterbody during all phases of the project. Erosion and sediment control measures should be maintained until all disturbed ground has been permanently stabilized, suspended sediment has resettled to the bed of the waterbody or settling basin and runoff water is clear. The plan will, where applicable, include: a) Installation of effective erosion and sediment control measures before starting work to prevent sediment from entering the water body, b) Site isolation measures (e.g., silt boom or silt curtain) for containing suspended sediment where in-water work is required. c) Measures for containing and stabilizing waste material (e.g., dredging spoils, construction waste and materials, uprooted or cut aquatic plants, accumulated debris) above the high water mark of nearby waterbodies to prevent re-entry, d) Regular inspection and maintenance of erosion and sediment control measures and structures during the course of construction, e) Repairs to erosion and sediment control measures and structures if damage occurs, f) Removal of non-biodegradable erosion and sediment control materials once site is stabilized.
- Remove all construction materials from site upon project completion.
- Ensure that machinery arrives on site in a clean condition and is maintained free of fluid leaks, invasive species and noxious weeds.
- Whenever possible, operate machinery on land above the high water mark, on ice, or from a floating barge in a manner that minimizes disturbance to the banks and bed of the waterbody.
- Wash, refuel and service machinery and store fuel and other materials for the machinery in such a way as to prevent any deleterious substances from entering the water.

25. Significance of Adverse Environmental Effects of project:

Significant adverse environmental effects are unlikely, taking into account the mitigation measures provided above.

26. Other Considerations (Public Consultation, Aboriginal Consultation, Follow-up)

Public Consultation

The proposed armourstone realignment and installation will increase harbour protection. Harbour authority members and users of the facility are aware of and support the project. Public consultation was not deemed necessary.

Aboriginal Consultation

In the context of the Crown's legal duty to consult with Aboriginal groups, where it contemplates conduct that might adversely impact any potential or established Aboriginal and Treaty rights:

Public Works and Government Services Canada and Transport Canada confirm that a preliminary assessment has been undertaken to determine if a legal duty to consult arises in respect of the project proposed. Based on this preliminary assessment, PWGSC, on behalf of DFO SCH and in conjunction with Transport Canada, provided an offer to consult with Aboriginal groups potentially impacted by the proposed project.

Although there is unlikely a legal duty to consult, a notification letter was sent to Mr. Todd Russell, President of the Nunatukavut on November 17, 2015, which contained a description of the proposed project and an offer to provide input during the environmental effects review process. No response was received at the time of writing this report. There are no other known aboriginal groups or individuals that have any established or potential rights to any resources within the spatial boundaries of the proposed project.

Government Consultation

Federal and provincial authorities likely to have an interest in the project were consulted by Public Works & Government Services Canada, Environmental Services, during the course of this assessment. A project description was distributed to the following authorities:

- Fisheries and Oceans Canada – Fisheries Protection Program
- Transport Canada – Navigation Protection Program and Environmental and Indigenous Affairs

DFO have issued a response indicating that the project is not likely to result in "Serious Harm" to fish provided the mitigations included in this report are adhered to.

TC NPP requires an approval under the *Navigation Protection Act* and TC Environmental and Indigenous Affairs has reviewed this report and all comments received have been incorporated in the final report.

All expert advice/specialist information provided by the above noted departments has been incorporated into this document.

Accuracy and Compliance Monitoring

A follow-up program (as defined in S. 2(1) and as applicable to non-designated projects on federal lands) is a program for determining the effectiveness of any mitigation measures. Site monitoring (accuracy and compliance monitoring) may be conducted to verify whether required mitigation measures were implemented. The proponent must provide site access to Federal Authority officials and/or its agents upon request.

27. Other Monitoring and Compliance Requirements (e.g. *Fisheries Act* or *Species at Risk Act* requirements)


n/a

CONCLUSION

28. Conclusion on Significance of Adverse Environmental Effects:

The Federal Authority has evaluated the project in accordance with Section 67 of *Canadian Environmental Assessment Act (CEAA), 2012*. On the basis of this evaluation, the department has determined that the project is not likely to cause significant adverse environmental effects with mitigation and therefore can proceed using mitigative measures as outlined.

29. Prepared by:



30. Date: January 19, 2016

31. Name:

Mark McNeil

32. Title:

Environmental Specialist, PWGSC-ES

DECISION

33. Decision Taken

- ☒ DFO may exercise its power, duty or function, i.e. may issue the authorization - where the project is not likely to cause significant adverse environmental effects. Confirm below the specific power, duty or function that may be exercised.
- ☐ DFO to issue *Fisheries Act* Authorization or *Species at Risk Act* Permit
 - ☒ DFO to proceed with project (as proponent)
 - ☐ DFO to provide financial assistance for project to proceed
 - ☐ DFO to provide federal land for project to proceed
- ☐ DFO has decided not to exercise its power, duty or function because the project is likely to cause significant adverse environmental effects.
- ☐ DFO to ask the Governor in Council to determine if the significant adverse environmental effects are justified in the circumstances

34. Approved by:

35. Date:

36. Name:

Paul Curran




37. Title:

Regional Engineer, DFO-SCH, NL

38. References: n/a

39. TRANSPORT CANADA RECOMMENDATION

Project Title:	Breakwater Construction, Charlottetown (Labrador), NL
TC File No.:	NEATS: 41183
NPP File No.:	8200-01-1409
Environmental Review Decision:	Taking into account the implementation of any mitigation measures that Transport Canada considers appropriate, the project <u>is not likely</u> to cause significant adverse environmental effects and, as such, Transport Canada may exercise any power or perform any duty or function that would permit the project to be carried out in whole or in part.

Prepared by:	Melissa Ginn Environmental Officer Environmental and Indigenous Affairs	
Signature:		Date: February 16, 2016
Mailing Address:	10 Barter's Hill, St. John's, NL	
Tel:	709-772-3088	
Fax:	709-772-3072	
Email:	melissa.ginn@tc.gc.ca	
Recommended by:	J. Jason Flanagan Senior Environmental Assessment Officer Environmental and Indigenous Affairs	
Signature:		Date: February 16, 2016
Approved by:	Kevin LeBlanc Regional Manager Environmental and Indigenous Affairs	
Signature:		Date: February 18, 2016

APPENDICES

- Appendix A - Topographic Map and Aerial Photographs
 - Appendix B: Site Plan
 - Appendix C: Regulatory Approvals
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Appendix A
Topographic Map and Aerial Photos

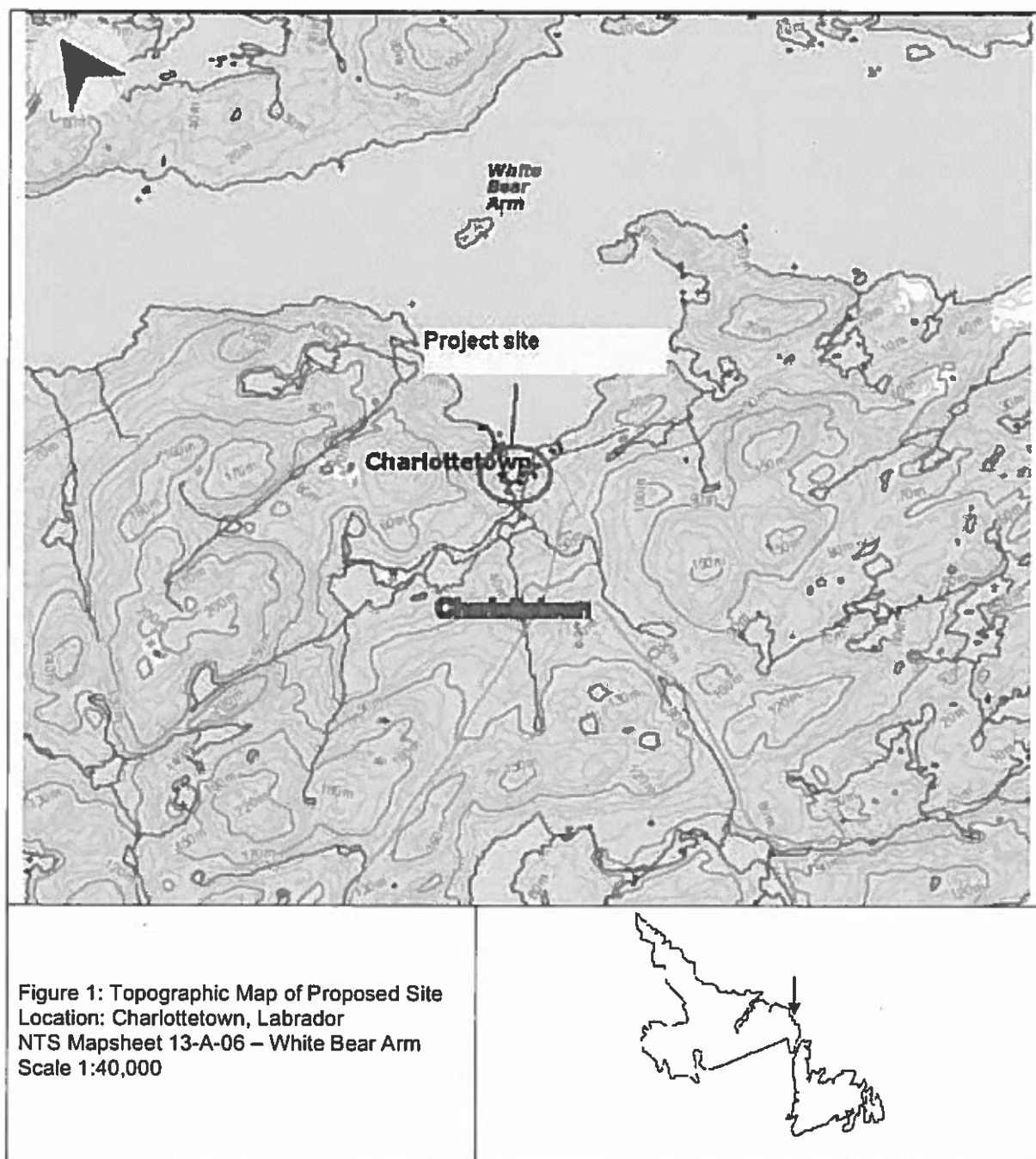




Figure 2. Location of proposed project (DFO Aerial Photograph 2010)



Figure 3. Approximate benthic footprint of proposed armourstone and rip rap (DFO Aerial Photograph 2010).
**Illustration not to scale.

Appendix B
Site Plan

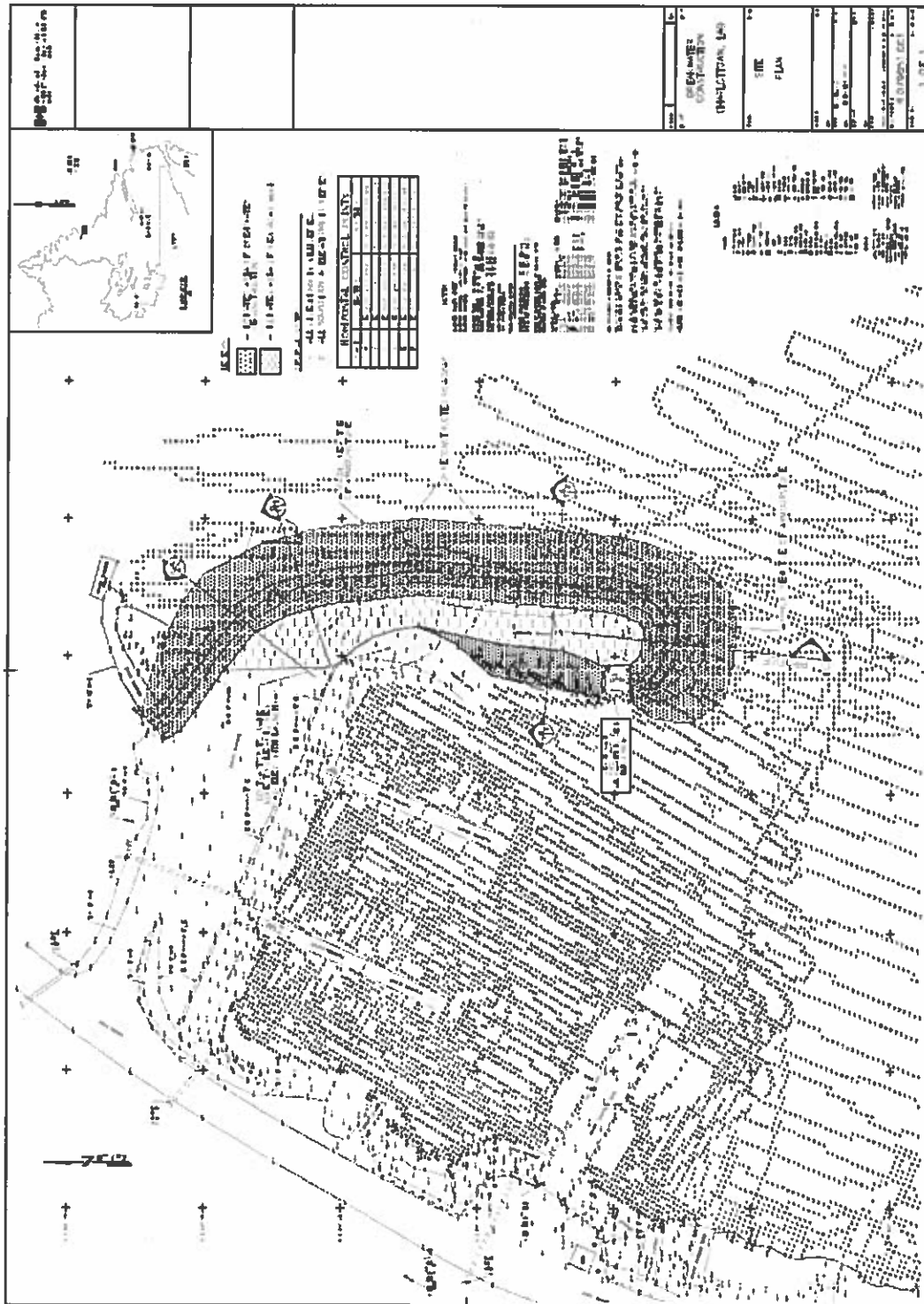


Figure 4: Breakwater construction

Appendix C
Regulatory Approvals / Responses



Fisheries and Oceans
Canada

Pêches et Océans
Canada

80 East White Hills Road
St. John's NL A1C 5X1

JUN 12 2015

Trans file: n/a
Date of review: n/a
Our file: 15-HNFL-00225
Name of reviewer: n/a

Paul Curran
SCH, DFO
10 Barters Hill
St. John's, NL A1C 5X1

Dear Mr. Curran:

Subject: Serious harm to fish can be avoided or mitigated

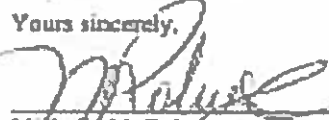
The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada received your proposal for the breakwater construction at Charlottetown, Labrador on June 4, 2015.

Based on the information provided, your proposal has been identified as a project where a *Fisheries Act* authorization is not required given that serious harm to fish can be avoided by following standard measures. Proposals in this category are not considered to need an authorization from the Program under the *Fisheries Act* in order to proceed. In order to comply with the Act, it is recommended that you follow our guidance notes which can be found at the following website (<http://www.dfo-mpo.gc.ca/pnw-ppp/measures-measures/index-eng.html>). It remains your responsibility to meet the other requirements of federal, provincial and municipal agencies.

Should your plans change or if you have omitted some information in your proposal such that your proposal meets the criteria for a site specific review, as described on our website (<http://www.dfo-mpo.gc.ca/pnw-ppp/index-eng.html>), you should complete and submit the request for review form that is also available on the website.

Should you have any questions or concerns about the compliance of your proposal with the *Fisheries Act* and/or those prohibitions of the *Species at Risk Act* that apply to listed aquatic species*, you may wish to engage an environmental professional familiar with measures to avoid impacts to fish and fish habitat (<http://www.dfo-mpo.gc.ca/pnw-ppp/enr-ppp-eng.html>).

Yours sincerely,


Michelle M. Reddy
Team Leader, Triage & Planning

*These sections most relevant to the review of development proposals include 20 and 35 of the *Fisheries Act* and sections 32, 33 and 58 of the *Species at Risk Act*. For more information please visit www.dfo-mpo.gc.ca.

Canada

Figure 5: DFO FPP Response