

APPENDIX B: SMALL CRAFT HARBOURS – MARITIMES AND GULF REGIONS DUTY TO CONSULT ASSESSMENT

This duty to consult assessment form should be prepared in conjunction with the Project Effects Determination (PED) Report for the project.

A. ANALYSIS TO DETERMINE IF THE LEGAL DUTY TO CONSULT ARISES	
A-1. Contemplated Crown Conduct	
A-1-1. Project Information	
Project File:	R.100718.001
Harbour Name:	Petit Shippagan
Harbour Code:	2580
Location in Region:	Petit Shippagan, New Brunswick
Project Description:	The work consists of the reconstruction of wharf structure 404. The existing marginal cribwork will be replaced with a new berlin wall structure and a new reinforced concrete deck. H-piles will be driven into the substrate approximately 1m along the perimeter of the existing cribwork. The new berlin wall face will be approximately 115 m long, increasing the total footprint of the wharf by approximately 115 m ² .
Project Timelines:	The proposed project schedule is for the work to be conducted between October 1, 2018 and July 31, 2019
Options/Alternatives:	Reconstruction of the wharf was considered the most cost feasible option as opposed to removal and replacement.
Size of Project Area:	The work consists of the reconstruction of wharf structures 404, which will result in a footprint increase of approximately 115 m ² .

Description of Pre-Activity Environment at Site:	<p><u>Reference: SPSC - Project Effects Determination Report – Petit Shippagan Wharf Reconstruction, July 2018</u></p> <p>Physical Environment:</p> <p>Petit Shippagan harbour is located on the northwestern side of Lameque Island in Gloucester County, in northeastern New Brunswick. The harbour is located at the western entrance to Miscou Harbour. Miscou Island is located across from Petit Shippagan. A bridge, located west of the wharf spanning Miscou Channel, links Lameque Island to Miscou Island. The Baie de Chaleurs is located to the west of Petit Shippagan. The general area surrounding the Petit Shippagan Small Craft Harbour include sandy beach, saltmarsh, estuarine, and disturbed habitats.</p> <p>At the project site, facilities include a wharf, boat ramp, breakwater, an ice shed, bait sheds, buildings for fishing gear storage and fish hauling. There are no homes near the wharf or on the approach road to the wharf. The bridge linking Lameque and Miscou Islands is located west of the harbour. There is a high volume of sand transport west of the bridge. As a result, vegetation is minimal in this area. The area east of the bridge is a bit more sheltered exhibiting more stable coastlines and increased vegetation.</p> <p>In the project area, the physical environment can be broken into seabed and shoreline areas. The seabed in this area of the Province consists of Pennsylvanian or younger red to grey sandstone, conglomerates and siltstone (Geological Map of New Brunswick, 2nd edition, 1979). Sediments are typically reworked sand and silt with some gravel and clay generally 0.5m to 3 m thick. Sediments were largely deposited during the following Late Wisconsinan deglaciation, which submerged coastal areas and many valleys (Rampton, V.N., 1984).</p> <p>The topography in the immediate vicinity of the Petit Shippagan wharf slopes to the northwest towards Chaleur Bay. As such, it is expected that groundwater flow in the area underlying the property would be towards the northeast. The subject property is located approximately 1.5 m above sea level (MGI Limited 2001). The nearest mapped provincially significant wetland is located approximately 132 m southwest of the proposed project footprint and 61 m from the harbour property line, adjacent to the west side of Highway 134. The nearest regulated wetland is located approximately 743 m south of Petit Shippagan DFO-SCH (Government of New Brunswick 2018).</p> <p>Canadian Climate Normals for the closest climate station (i.e., Haut Shippagan: 47°45' N; 64°46' W) indicate a mean annual temperature of 4.5°C with extremes ranging from – 32.5°C to 35.0°C. Measurable precipitation per year is approximately 1077.2 mm. Extreme daily precipitation of up to 72.0 mm has been recorded (Environment Canada 2011).</p> <p>In 2007, Jacques Whitford Ltd. collected sediment samples adjacent to the existing structure and further out within the harbour or water lot. These samples were collected and analyzed for the Disposal at Sea Suite of Parameters. Soil samples were also collected from one borehole drilled within the existing concrete deck. Samples were submitted for analysis of petroleum hydrocarbons, metals, mercury and/or Polycyclic Aromatic Hydrocarbons (PAH) analysis. In summary, the sediment sampling program indicated the Polychlorinated Biphenyls (PCBs), PAHs, metals, mercury, and pesticides (DDD, DDE, and DDT) concentrations all met the Canadian Environmental Protection Act (CEPA, 1999) disposal at sea regulations. Copper in 2 of 3 samples exceeded the Canadian Council of Ministers of the Environment (CCME) Interim Sediment Quality Guideline (ISQG). A number of PAH parameters exceeded the CCME marine ISQGs in each sample, however all were below Probable Effect Levels (PELs). Soil samples analyses indicated that petroleum hydrocarbons (BTEX/modified TPH) concentrations in all soil samples met applicable criteria for a commercial potable site. Metals, mercury, and PAH concentrations in soil met commercial criteria. Although PAH parameters were all below commercial criteria, a number of parameters had detectable concentrations in 2 of the 3 samples submitted for analysis. No further assessment was recommended.</p> <p>Biological Environment:</p> <p>a) <i>Aquatic Species</i></p> <p>The waters of the Baie des Chaleurs (west of Petit Shippagan and Miscou Harbour) and the Gulf of St. Lawrence to the east are considered highly productive, supporting numerous pelagic fish species such as Atlantic herring (<i>Clupea harengus harengus</i>), capelin (<i>Mallotus villosus</i>), Atlantic mackerel (<i>Scomber scombrus</i>), and American smelt (<i>Osmerus mordax</i>); groundfish species such as Atlantic cod (<i>Gadus morhua</i>), American plaice (<i>Hippoglossoides platessoides</i>), and yellowtail flounder (<i>Pleuronectes ferruginea</i>); as well as crustacean species such as lobster (<i>Homarus americanus</i>) and shellfish species such as scallop (<i>Placopectin magellanicus</i>), soft-shell clam (<i>Mya arenaria</i>), bar clam (<i>Spisula solidissima</i>), bay quahog (<i>Mercenaria mercenaria</i>), and razor clam (<i>Ensis patula</i>).</p>
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Stripped Bass (*Morone saxatilis*), American eel (*Anguilla rostrata*), gaspereau (i.e. Alewife - *Alosa pseudoharengus*), Atlantic salmon (*Salmo salar*), and rainbow smelts (*Osmerus mordax*) can be found along the near shore of Petit Shippagan Harbour/Miscou Harbour, Baie des Chaleurs and Gulf of St. Lawrence. Sea Trout can be found kilometres offshore in the Baie des Chaleurs. Smelt migrate through Petit Shippagan harbour during the summer months.

b) Species at Risk

A search of the Atlantic Canada Conservation Data Centre (ACCDC) database was conducted via the PSPC Species at Risk Information System (SARIS). SARIS provides a list of rare/unique species (i.e. plants and animals) within a 5 km buffer zone of the site of the proposed work. All species were cross-referenced with Schedule 1 of the *Species at Risk Act* (SARA) and the Committee on the Status of Endangered Wildlife in Canada (COSEWIC).

Species at risk or of concern identified in the area include:

- The **Piping Plover melodus ssp** (*Charadrius melodus*): the last COSEWIC Assessment in May 2001 designated the Piping Plover as Endangered. The Piping Plover is a North American bird that breeds along the Atlantic coast from Newfoundland to South Carolina. It winters along the Atlantic coast, from South Carolina to Florida, and in the Caribbean (Cuba, Bahamas). In Canada, the melodus subspecies breeds on the Magdalen Islands of Quebec, and in New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland. Piping Plovers nest above the normal high-water mark on exposed sandy or gravelly beaches. On the Atlantic coast they often nest in association with small cobble and other small beach debris on ocean beaches, sand spits, or barrier beaches. They also forage for food on these beaches (Environment Canada 2018a).
- The **Bobolink** (*Dolichonyx oryzivorus*) is listed on Schedule 1 of SARA and by COSEWIC as Threatened. The Bobolink breeds in all Canadian provinces (no territories) and winters in southern South America. It nests mainly in forage crops (e.g., hayfields and pastures dominated by a variety of species, such as clover, Timothy, Kentucky Bluegrass, and broadleaved plants). The Bobolink also occurs in various grassland habitats including wet prairie, graminoid peatlands and abandoned fields. It is generally not abundant in short-grass prairie, Alfalfa fields, or in row crop monocultures (e.g., corn, soybean, wheat) (Environment Canada 2018b).
- The **Bank Swallow** (*Riparia riparia*) is listed under Schedule 1 of SARA and COSEWIC as Threatened. The Bank swallow breeds in all Canadian provinces and winters primarily in South America. It nests in a wide variety of natural and artificial sites with vertical banks, including riverbanks, lake and ocean bluffs, aggregate pits, road cuts, and stock piles of soil. Sand-silt substrates are preferred for excavating nest burrows. Breeding sites tend to be somewhat ephemeral due to the dynamic nature of bank erosion. Breeding sites are often situated near open terrestrial habitat used for aerial foraging (e.g., grasslands, meadows, pastures, and agricultural cropland) (Environment Canada, 2018c).
- The **Red Knot rufa ssp** (*Calidris canutus rufa*) is listed under Schedule 1 of SARA and by COSEWIC as Threatened. Red Knots use different habitats during the breeding, wintering, and migration seasons. Nesting sites are usually located in dry, south-facing locations, near wetlands or lakes, where the young are led after hatching. Red Knots generally feed in damp or barren areas that can be as far as 10 km from the nest. Migratory stopovers and wintering grounds are vast coastal zones swept by tides twice a day, usually sandflats but sometimes mudflats. In these areas, the birds feed on molluscs, crustaceans, and other invertebrates. The species also frequents peat-rich banks, salt marshes, brackish lagoons, mangrove areas, and mussel beds (Environment Canada 2018d).
- **Olive-sided Flycatcher** (*Contopus cooperi*) is listed under Schedule 1 of SARA as threatened and by COSEWIC as Special Concern. The Olive-sided Flycatcher is most often associated with open areas containing tall live trees or snags for perching. These vantage points are required for foraging. This species generally forages from a high, prominent perch from which it sallies forth to intercept flying insects and then returns to the same perch. Open areas may be forest clearings, forest edges located near natural openings (such as rivers or swamps) or human-made openings (such as logged areas), burned forest or openings within old-growth forest stands; these forests are characterized by mature trees and large numbers of dead trees. Generally, forest habitat is either coniferous or mixed wood. In the boreal forest, suitable habitat is more likely to be in or near wetland areas (Environment Canada 2018e).
- The **Eastern Wood-Pewee** (*Contopus virens*) is designated as a species of special concern on Schedule 1 of SARA and by COSEWIC. The Eastern Wood-Pewee breeds from southeastern Saskatchewan to the

	<p>Maritime provinces, south to southeastern Texas and east to the U.S. Atlantic coast. It winters primarily in northern South America. In Canada, the Eastern Wood-pewee is mostly associated with the mid-canopy layer of forest clearings and edges of deciduous and mixed forests. It is most abundant in forest stands of intermediate age and in mature stands with little understory vegetation. During migration, a variety of habitats are used, including forest edges, early successional clearings, and primary and secondary lowland tropical forest, as well as cloud forest (Environment Canada, 2018f).</p> <ul style="list-style-type: none"> - The Peregrine Falcon (<i>Falcon peregrinus anatum/tundrius</i>) is designated as a species of special concern on Schedule 1 of SARA and Not at Risk by COSEWIC. The Peregrine Falcon is found in various types of habitats, from Arctic tundra to coastal areas and from prairies to urban centres. It usually nests alone on cliff ledges or crevices, preferably 50 to 200 m in height, but sometimes on the ledges of tall buildings or bridges, always near good foraging areas. Suitable nesting sites are usually dispersed, but can be common locally in some areas. The natural nesting habitat has not changed significantly since the population crash and is still largely available. In addition, structures built by humans in both rural and urban areas provide the Peregrine Falcon with other potential nesting sites. And though urbanization and other land uses have had a significant impact on some areas where they feed, Peregrine Falcons can usually modify their diet based on the prey species present in a given area (Environment Canada, 2018g). <p>c) <u>Environmentally Significant Areas</u></p> <p>The Maritime Breeding Bird Atlas identifies a total of 78 species of birds in the geographical block which contains Petit Shippagan (20LU70), 41 of which are listed as confirmed for breeding (Bird Studies Canada, 2018).</p> <p>Miscou Island located 500 m north of the Petit Shippagan harbour (connected in 1995 by bridge to Lameque Island) has been designated as a national Important Birds Area (IBA). The island is approximately 18 by 7 km in dimension, with the coastline being characterized by a series of sandy coastal beaches and enclosed lagoons. The main beaches include: Grande Plaine, Lac Frye, Miscou Beach, Middle Miscou Beach, Wilson Point Beach North, Wilson Point Beach South and the Pigeon Hill Sandspit. Most of the island's interior is comprised of raised peat bogs and stunted forests. Three small settlements are located on the island. On the Miscou Island Beaches, 17 Piping Plovers were recorded in 1991, representing 3.3% of the Atlantic Canada population (509 birds). In 1996, the Atlantic Canada Piping Plover population was estimated to be 422, of which 22 (5.2%) were recorded on the beaches of Miscou Island. Over the last ten years, the main Piping Plover nesting areas on the Island have been Grande Plaine, Lac Frye and Wilson Point North. Nesting also occurs on the island's other beaches, and given the proximity of these beaches and the tendency for Piping Plovers to shift nesting areas depending on local conditions, all should be considered significant. Relatively large numbers of shorebirds and waterfowl also use the beaches and lagoons on Miscou Island during the fall migration. About 1% of the Atlantic Flyway population of American Black Ducks has been recorded in the lagoons, and at least five species of shorebirds have been recorded in large numbers: Greater Yellowlegs, Lesser Yellowlegs, Red Knot, Least Sandpiper and Pectoral Sandpiper. Northern Gannets are also known to feed off the northern regions of the island in large numbers, up to 1000 (Bird Studies Canada 2018).</p> <p>Human Environment:</p> <p>Petit Shippagan Harbour is located on the northwestern side of Lameque Island in Gloucester County, in northeastern New Brunswick. The harbour is located at the western entrance to Miscou Harbour. Miscou Island is located across from Petit Shippagan, approximately 500 m to the north. The harbour is directly accessible by a paved highway, Route 113, from the north or south. There are no residences located along this road leading up to the harbour.</p> <p>The Petit Shippagan Harbour Authority through a lease agreement with DFO-SCH manages the property and facilities. The Harbour Authority will coordinate between the fisheries and the Contractor to insure the project proceeds with the least possible interruption. Commercial fishing is the main activity at the Petit Shippagan wharf, and the project site serves also some recreational users.</p> <p>There are approximately 40 homeport commercial vessels operating out of the harbour with minimal recreational use. There are no First Nations fishers that operate from the harbour at Petit Shippagan (Harbour Authority Consultation 2018). Commercial fishing is the main activity at the wharf. Fishing occurs from April until October each year, and fisheries at this harbour include Lobster from May to June, Herring in August, Snow crab from April to June, and Mackerel in August.</p>
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	<p>There are no fish processing plants or water intakes located within the Petit Shippagan Harbour. Fishermen do have floating lobster cages in the harbour to store their lobster during the season. The commercial fishery is the main economic industry in the community. The nearest aquaculture leased site (for Shellfish – Site MS-0120) is located approximately 600 m east of the harbour (New Brunswick Department of Agriculture, Aquaculture and Fisheries, 2018).</p> <p>There are no other known human activities at the work site. Noise caused by this project is expected to be similar to noise levels when the wharf is operating at the peak of the commercial fishing season. Work is to be carried out during daylight hours and at times acceptable to local authorities to mitigate any disturbance to harbour users and nearby residents. The proposed project will improve the aesthetics and safety of the harbour.</p> <p>There are no known heritage and archaeological sites, hazard lands, municipal lands or zoning designations that will be affected by this proposed project.</p>		
A-1-2. Provincial and Federal Involvement/Other Processes Ensure that the PED Report lists the other authorities and parties involved in the project and the rationale for their involvement.			
Federal Involvement in the Project:	Fisheries and Oceans Canada – Small Craft Harbours (Proponent, funding, and land custodian)		
Other Involved Parties:	N/A		
Related Indigenous Consultation:	There is no Aboriginal consultation known to be occurring in the area for other projects.		
A-2. Potential or Established Aboriginal or Treaty Rights			
A-2-1. Reserves/Claims/Litigation Sources of information: Aboriginal and Treaty Rights Information System (ATRIS), Crown-Indigenous Relations and Northern Affairs (CIRNA) - Consultation Information Service, CIRNA Regional Consultation Coordinator, DFO Policy and Economics (Policy Advisors on Consultation and Litigation).			
	Details	Source of Information	
Reserves:	The nearest reserves are Esgenoopeitij First Nation (86 km from Petit Shippagan), Pabineau First Nation (91 km), Eel Ground First Nation (130 km), and Eel River Bar First Nation (136 km).	Indigenous and Northern Affairs Canada (INAC) / Aboriginal and Treaty Rights Information System (ATRIS)	
Other Areas of Interest:	Are there any Indigenous areas of interest apart from reserve lands in proximity to the subject harbour? If yes, please specify:	No	I ASNB Mapping 2013
Comprehensive Claims and similar Tripartite Negotiation Processes:	<p>In the Maritime Provinces, the Mi'kmaq and Maliseet assert Aboriginal and treaty rights to all lands and resources within the provinces. Canada and each of the Maritimes Provinces are engaged in negotiations with aggregate representatives of the Mi'kmaq and Maliseet First Nations in the respective provinces to address issues related to treaty rights and Aboriginal rights, including Aboriginal title, and self-governance. The negotiations are at different stages in each province.</p> <p>The Peskotomuhkati (Passamaquoddy) are Indigenous people who traditionally occupied a territory in southwestern New Brunswick and northeastern Maine. They are signatories to the Peace and Friendship Treaties of 1760-61 with the British Crown and were specifically mentioned as such in the 1999 Supreme Court of Canada <i>Marshall</i> decision. They are asserting rights over their traditional territory in southwestern New Brunswick. The Peskotomuhkati, via their</p>		

	<p>political organization the Peskotomhukati Nation at Skutik, have completed their comprehensive claim submission which is currently being reviewed by INAC. In the meantime, INAC is recommending the Peskotomhukati be consulted on Crown conduct affecting southwestern New Brunswick, particularly in and around the Passamaquoddy Bay and St. Croix River area.</p> <p>If a Negotiation Agreement is applicable, please specify:</p>				
Claims or Litigation specific to the project location:	<p>The Government of Canada's Reporting Centre on Specific Claims does not include any current First Nation litigation claims in the area of the proposed project.</p>				<p>ATRIS</p>
<p>A-2-2. Indigenous Fishing Sources of information: e.g., Fisheries and Aquaculture Management/Fisheries Management. Insert new rows as necessary.</p>					
<p>Food, Social, Ceremonial Fishing</p>					
<p>There are a number of communal licenses issued for food, social and ceremonial purposes that authorize fishing in expansive areas, for example, "inland and tidal waters of Nova Scotia" (or another province). When completing the table below, contact the Harbour Authorities, Fisheries and Aquaculture Management/Fisheries Management and other resources to determine what fishing activities occur at the project location.</p>					
Indigenous Organization	Species	Licence Area	Licence fished	Vessels: #home fleet/ #transients	Source of Information
N/A	N/A	N/A	No	N/A	Harbour Authority DFO Area Aboriginal Program Coordinators (Georges Moore and Gabriel Albert – August 2018)
<p>Indigenous Communal Commercial Fishing</p>					
Indigenous Organization	Species	Licence Area	License fished	Vessels: #home fleet/ #transients	Source of Information
N/A	N/A	N/A	No	N/A	Harbour Authority DFO Area Aboriginal Program Coordinators (Georges Moore and Gabriel Albert – August 2018)
<p>A-2-3. Other Current Use of Lands and Resources</p>					
<p>Is the project location currently used by any Indigenous organization for any purposes other than the fishing described above?</p> <p>If yes, please specify</p>				<p>No</p>	Harbour Authority DFO Area Aboriginal Program Coordinators (Georges Moore and Gabriel Albert – August 2018)
<p>A-2-4. Archaeological Resources An archaeological site is an area where there is evidence of past human activity. Archaeological sites can include such things as shell middens, fishing stations, First Nations villages, sugar-bush camps, shipbuilding yards, trading posts, shipwrecks, cemeteries, military forts and a variety of other locations where humans, both long ago and more recently, have left traces of themselves.</p>					
<p>Are there any registered archaeological sites in proximity to the harbour?</p> <p>Site C1Dd-7 located approximately 1 km to the east</p>				<p>Yes</p>	ASNB Mapping 2013

<p>Are there any areas of high archaeological potential in proximity to the harbour?</p> <p>Lands adjacent to the coastlines in the Maritimes tend to have high archaeological potential given their historic importance and proximity to transportation routes and fishing resources.</p>	Yes	ASNB Mapping - 2013
<p>Were there any previous archaeological screening reports, studies or assessments carried out at the subject harbour?</p> <p>If yes, please specify title, author and date of report</p>	No	DFO-SCH
A-2-5. Historical Indigenous Usage Source of information: Indigenous traditional usage reports.		
<p>Have there been any previous Indigenous traditional usage reports carried out at this harbour?</p> <p>If yes, please specify title, author and date of report</p>	No	PSPC
<p>Was there any known Indigenous traditional usage at or near the harbour (e.g., fishing, hunting, gathering, ceremonial, etc.)?</p> <p>If yes, please provide a brief description of the historical usage including possible physical and cultural heritage associated with the project location:</p>	No	DFO-SCH/ ATRIS
A-2-6. Potential Effects on the Environment With respect to Indigenous peoples, the PED report should include potential environmental effects of the harbor project on fish and fish habitat, other aquatic species, migratory birds, air, land, sacred site, water, plants, health and socio-economic conditions, physical and cultural heritage, etc., that may underlay an Indigenous group's interests		
<p>Based on the PED Report, has it been determined that the project is likely to have significant adverse effects on the environment, taking into account mitigation measures?</p> <p>If yes, please specify if and how the potential environmental effects relate to Indigenous interests in the project location</p>	No	PSPC
A-2-7. Other		
<p>Are there any specific Indigenous requests or concerns or controversial Indigenous issues associated with the area of the subject harbour?</p> <p>If yes, please specify</p>	No	Insert source of information
A-3. Potential Adverse Impacts on Potential or Established Aboriginal or Treaty Rights		

Are there any potential adverse impacts on potential or established Aboriginal or treaty rights associated with Indigenous fishing, other current use of lands and resources, archaeological resources, historical Indigenous usage, potential effects on the environment, or other issues as outlined in A2?

No

Please explain:

If there are any potential adverse impacts on potential or established Aboriginal or treaty rights, please explain.

B. DETERMINATION ON THE LEGAL DUTY TO CONSULT

Is there contemplated Crown Conduct (A-1)?		Yes
Are there potential or established Aboriginal or treaty rights in the area (A-2)?		Yes
Could Crown Conduct have adverse impacts on potential or established Aboriginal or treaty rights (A-3)?		No
Does the legal duty to consult arise?		
Yes <input type="checkbox"/>	Likely <input type="checkbox"/>	Unlikely <input type="checkbox"/>
The answer should be YES if you have answered YES to all of the three questions above. In this case the legal duty to consult arises.	If you have worked through the analysis and it is still unclear whether or not there is a legal duty to consult, it is highly recommended you seek legal advice. Details of any legal advice provided should not be divulged in this report. Seek clarification from the DFO Legal Services Unit (LSU) if necessary.	If you have answered NO to one of the three questions above, the legal duty to consult DOES NOT arise and it is not necessary to assess the scope of consultation; however, further analysis should be conducted to determine if consultation should be carried out for other reasons (such as consultation obligations in statutes and agreements/contracts, or policy/good governance or risk management reasons).
Was Legal Advice sought? No (If Yes) Seek guidance from the DFO LSU to generate a description of the issue(s) for which legal advice was sought and describe the issue here: Insert description of the issue(s) for which legal advice was sought		

C. PRELIMINARY ASSESSMENT OF SCOPE OF DUTY TO CONSULT

Complete this section only if it is determined that there is a duty to consult

What is the seriousness of the adverse impact on potential or established Aboriginal or treaty rights?

Low

What is the strength of the claim to the Aboriginal or treaty rights?

Established

After careful consideration of 1) the Seriousness of the Adverse Impact and 2) the Strength of Claim, the Scope of the Duty to Consult is determined as:

N/A

Provide rationale:

Refer to rationale provided in Section D below.

D. RECOMMENDATION AND APPROVALS

Is it recommended that consultation occur on this project?

No

Provide rationale:

There are no significant adverse environmental impacts anticipated as a result of this project. The work activities will be undertaken within the existing harbour which has been developed to serve the fishing industry. There are no Aboriginal vessels that fish for commercial purposes from the Small Craft Harbour, and the facility is not used for Aboriginal traditional, food or ceremonial fisheries. No fishers are anticipated to be displaced from the harbour during the course of the project and any potential environmental impacts will be mitigated through appropriate mitigation measures.

The New Brunswick *Heritage Conservation Act* stipulates that all archaeological objects found anywhere in New Brunswick must be reported as soon as possible to Provincial Archaeological Services authorities. It makes no distinction between discoveries that are unplanned or spontaneous, and to those that are related to pre-authorized research activity. Objects of Aboriginal origin are held in trust for the First Nations of New Brunswick. The discovery of potential archaeological resources at the SCH site in Caraquet is unlikely, and the following general mitigation measures will be included in the project specifications:

- All construction personnel will be responsible for reporting any unusual materials unearthed during construction activities to the Construction Supervisor.
- In those situations where the find is believed to be an archaeological resource, the Construction Supervisor will immediately stop work in the vicinity of the find and notify his/her immediate supervisor and the PWGSC Project Manager.
- Work in the area will be stopped immediately and an archaeological curator at the New Brunswick Department of Tourism, Culture and Heritage – Provincial Archaeological Services will be contacted at 506-453-2738.
- Work can only resume in the vicinity of the find when authorized by the PWGSC Project Manager and Construction Supervisor, after approval has been granted by the New Brunswick Department of Tourism, Culture and Heritage.
- In the event of the discovery of human remains or evidence of burials, the excavation work will immediately cease and nearest law enforcement agency will be contacted immediately by the PWGSC Project Manager and/or the Construction Supervisor.

Note: If a duty to consult is identified in Section B, any determination to not consult should be discussed with DFO Legal Services.

Recommended scope of consultation: N/A

Has a separate Consultation Plan been prepared? No

Completed by: Christian Brazeau – Environmental Specialist - PSPC

Date: 08/08/2018

Approved by:

my/ty

Date: *August 14, 2018*