

SUMMARY OF ISSUES – Cooper Cove Marine Terminal Expansion Project

This document provides a high-level summary of issues that were submitted to the Impact Assessment Agency of Canada (the Agency) about the Cooper Cove Marine Terminal Expansion Project (the Project) during the public comment period on the Summary of the Initial Project Description (IPD), submitted by the Port of Argentinia (the Proponent). The issues highlight information that will be considered by the Agency in forming its opinion on whether an impact assessment would be required. If the Agency is of the opinion that an impact assessment would be required, this information will also be considered, as applicable, in the development of planning phase documents where the Proponent is willing to work collaboratively on the impact assessment. Original submissions from participants can be found online on the Canadian Impact Assessment Registry Internet Site for the Project (Reference Number 86128).

The Agency encourages the Proponent to provide a response to the Summary of Issues that details how it intends to address these issues, as part of its Detailed Project Description. The Detailed Project Description should contain the information from the IPD, with new information integrated throughout the main body of the document as appropriate to respond to the issues raised. This will facilitate understanding by assessment participants, including Indigenous Peoples, the public, federal authorities, provincial ministries, and municipalities.

Issues
Alternatives to the Project
Need to consider GHG emissions when assessing alternative means of carrying out the Project.
Project Information and Assessment Scope
Need for complete description of land-based project components and new infrastructure to support characterization of the potential effects on valued components, and the timing of activities during the design-build phase.
Request for further marine shipping baseline and forecasts including vessel and cargo types, market demand, and time horizons to assess potential for accidents and malfunctions and cumulative effects.
Need to clarify whether key components of the Project (e.g., dredging, infilling, wharf expansion, and construction of the roll-on–roll-off ramp) would proceed as proposed in the Initial Project Description independent of potential land lease and funding contribution associated with the Pattern Energy/Argentinia Renewables green hydrogen project.
Need for further information on the development of the comprehensive maritime traffic management plan, the geographic area to which it would apply, and the Port of Argentinia’s level of care and control in developing and implementing the plan.
Concern that 3 to 5 years is too long to complete a full impact assessment.
Comment indicating it is good that the proponent is conducting benthic studies as part of their assessment.

Indigenous and Public Engagement

Need to formally engage with Miawpukek First Nation and Qalipu Mi'gmaq First Nation in culturally appropriate ways, including diverse populations within these communities¹, such as groups identified by gender, age, and community relevant factors (e.g., hunters, trappers, commercial fishers and other harvesters) on the potential adverse impacts of the Project on their interests. Consider also engaging with the Mi'kmaq First Nations Assembly of Newfoundland.

Importance of effective information sharing, communication, and engagement with Indigenous and non-Indigenous commercial fishers and small craft harbour authorities with respect to timing of activities (e.g., infilling, wharf constructions, blasting) and associated safety zones to ensure unrestricted access to fishing areas with recognition that the fishing seasons for various species are short in duration.

Consider engaging with the Indigenous Skills and Employment Training service delivery providers in the Region regarding Indigenous procurement and hiring.

Fish and Fish Habitat

Need to explain how existing information has been used to characterize baseline conditions for marine water and sediment quality (e.g., 2021 survey for Public Service and Procurement Canada) and how future assessments will ensure sufficient detail to describe baseline conditions and quantify the potential effects associated with dredging and seabed preparation.

Need for detailed benthic habitat surveys throughout the proposed expansion area to identify and quantify fish habitat that could be destroyed. Offsetting measures should be required to restore or create similar fish habitat in the area.

Need for complete and up-to-date list of marine species at risk, species of conservation concern, and sensitive/critical habitat with the potential to occur in the Project vicinity. For example, Acadian Redfish (Atlantic), Thorny Skate and White Hake are not included and some species population names are missing. The reference used regarding the presence of sensitive habitat in the area is dated and additional justification is needed to support the conclusion that species at risk and sensitive habitats do not exist in the Project vicinity.

Need to consider available data on eelgrass meadows in the vicinity of the project, including Fox Harbour and Ship Harbour, which are approximately five and ten kilometres from the project, respectively. There is documented presence in these meadows of commercial species and some threatened species (American eel, lumpfish, white hake).

Need for more information on proposed methods of infilling and dredging to determine the applicability of the *Canadian Environmental Protection Act* with respect to:

- quality, fate, and management of dredged materials with reference to disposal at sea criteria and potential disposal at sea locations;
- marine sediment management, disposal, and armour placement;
- type, source, and quality of sediment to be used as infill and potential for contaminants;
- whether infilling would be completed from above the high water mark;
- type of fill material for the caissons and whether the caissons would form an impermeable barrier; and

<ul style="list-style-type: none"> • whether the bund wall material is still being considered. <p>Environment and Climate Change Canada’s Marine Programs staff should be consulted for guidance on disposal at sea and characterization requirements, if disposal at sea is being considered.</p>
<p>Request for information on whether quarry blasting is required and where it will occur. Request for description of potential effects of dust on fish and fish habitat, including wetlands and freshwater environments, during construction (e.g., infilling, equipment/traffic on dirt roads), and mitigation measures, where applicable.</p>
<p>Request for additional information for the assessment of impacts on wetlands (i.e., eelgrass beds) and wetland functions for all phases of the Project, including:</p> <ul style="list-style-type: none"> • baseline information about wetlands in the vicinity of the Project; • a description of potential direct and indirect effects of Project activities, particularly infilling, on wetlands and wetland functions, including the amount of wetland loss, if any; • information on measures that will be implemented to avoid, mitigate, offset, or compensate for potential effects to wetlands and wetland functions; and • information on the potential residual and cumulative effects on wetland functions.
<p>Concern about potential effects to eelgrass meadows, sensitive habitats which provide nursery habitat to juvenile fish and invertebrates. Disappearing or diminished eelgrass meadows could result in decline of fish and invertebrate populations.</p>
<p>Request for information on the potential effects of aquatic invasive species present in the general area and need for further details on mitigation measures to manage aquatic invasive species movement during construction and operations in consultation with Fisheries and Oceans Canada’s Aquatic Invasive Species program.</p>
<p>Concern about overall lack of mitigation measures to reduce potential adverse impacts to marine species at risk.</p>
<p>Need for more information on the potential effects and proposed mitigation measures to prevent adverse effects to fish and fish habitat from the release and movement of sediment, contaminants, and effluent.</p>
<p>Need for monitoring of eelgrass meadows in proximity to the project, at all stages of the project.</p>
<p>Migratory Birds</p>
<p>Need for additional information on the potential effects to migratory birds (including species at risk and species of conservation concern) due to light, noise, and dust emissions from all phases of the Project, including:</p> <ul style="list-style-type: none"> • baseline information on migratory birds that are known or have the potential to occur in the Project area; • information on annual variation, distribution, and habitat use; • estimate of the amount of light pollution expected during all phases of the Project (i.e., lighting design plan) and an alternatives assessment related to light emissions;

<ul style="list-style-type: none"> • potential for reduction in habitat quality/attractiveness caused by sensory disturbance; and • a description of any potential residual and cumulative effects on migratory birds (including species at risk and species of conservation concern).
Request for a description of mitigation measures and monitoring program(s) that will be implemented to avoid or minimize the potential effects to migratory birds (including species at risk and species of conservation concern) and their habitat during all phases of the Project, in accordance with the <i>Migratory Birds Convention Act</i> and its regulations. ^{2,3,4,5}
Terrestrial Species at Risk
Concern about disruption of caribou corridors due to vehicle traffic beyond the marine terminal itself, but recognition that the Avalon population is already low or nonexistent.
Human Health and Well-Being (including of Indigenous Peoples)
Need to provide baseline information on existing environmental noise in the vicinity of the Project and whether noise generated from the Project may affect any human receptors during construction and operations ⁶ .
Need for additional information regarding the choice of surrogate baseline data for ambient air quality and relevant contaminants of potential concern. ⁷
Need to identify potential effects to human health ⁸ and how those effects will be addressed with consideration for: <ul style="list-style-type: none"> • where people live, work and conduct recreational activities (including Indigenous Peoples); • potential linkages between project activities or accidental events, effects on the natural environment (including country foods⁹) and exposure pathways (e.g., air quality, drinking, and recreational water quality, etc.); • traditional Indigenous land use activities (e.g., fishing, hunting, ceremonial sites, etc.) and species harvested (e.g., medicinal plants, berry picking, marine biota, etc.) that could interact with project activities or their effects; • potential linkages between project activities and social determinants of health; • the most stringent and up-to-date federal and provincial air and water quality criteria; and • proposed mitigation to address each potential pathway of effect on health.
Importance of including analysis on gender-based violence risks as it relates to transient workers and effects to local communities. ¹⁰
Need for a description of the potential cumulative environmental, social, and economic effects of existing and future projects within the vicinity of the Project and their potential to collectively effect human health for the identified receptors.
Indigenous Peoples' Interests and Current Use of Lands and Resources for Traditional Purposes
Need for further information on potential impacts (including cumulative impacts) to current and traditional use of land and coastal/marine regions of Placentia Bay, including traditional foods and country foods (e.g., cod, salmon). This may include a Traditional Food and Consumption Survey if

Miawpukek First Nation or Qalipu First Nation express concerns about access to Placentia Bay for subsistence harvesting or food security.
Importance of considering the potential effects of marine vessel traffic on the ability of First Nation fishers (e.g., Food, Social, Ceremonial license holders, Communal Commercial license holders, food security) to safely navigate Placentia Bay, as well as effects on their access to current and future fishing opportunities, and potential mitigation measures to ensure that access to Placentia Bay for subsistence and commercial fishing is not restricted, or that restriction is minimized.
Indigenous Peoples' Social and Economic Conditions
Importance of identifying a baseline data collection strategy for Indigenous socioeconomic conditions on and off-reserve, developing benefits and mitigation measures, and future monitoring of community well-being for potentially impacted communities.
Need for further information on Indigenous procurement and hiring strategies for all phases of the Project including for Indigenous individuals residing in the surrounding areas. Need to consider how any adverse effects to employment would be managed and mitigated to support diversity and inclusion.
Concern that communities on the west side of Placentia Bay with Indigenous residents (e.g. Swift Current, Burin, Marystown) could experience potential impacts due to increased marine traffic.
Social and Economic Conditions (Non-Indigenous)
Importance of considering the current socio-demographic characteristics and profile of the community and the economic sector's workforce for the Project (e.g., by age, group, and sex) as well as potential impacts to employment and how adverse effects would be mitigated to maximize positive socio-economic outcomes for local communities.
Request for description of performance indicators for employment measures as referenced in the Initial Project Description, and whether successes and failures of employment measures will be publicly available.
Need for more information on potential residual effects from construction and operations on fish and fish habitat and potential effects to commercial fish species, including lobster, crab, scallop, herring, and sea cucumber, among others.
Concern that the impact of vessel traffic and habitat disturbance would extend well beyond the terminal, and need to consider related economic effects on commercial fishing, including potential income loss for harvesters.
Need for more information on employment numbers, type (i.e., full-time, part-time, temporary, and seasonal workers), salaries, local recruitment, and working conditions that will be created as a result of the Project and these should be reported using current and relevant sources.
Need for more information on the types of projects that might be enabled and the types of employment that might be created as a result of the Project, to understand the full effects of the capital expenditures for the Project on job creation and the community.

<p>Need for more information on the Project’s forecast capital expenditures (i.e., short-, medium-, and long-term) on the community and region related to the anticipated positive and negative socio-economic effects of the Project. This information should consider changes in incomes, impacts on property values and the cost of living, and social supports and community safety.</p>
<p>Concern expressed about housing availability and affordability with increased workforce, particularly for senior citizens.</p>
<p>Comment that the Project will involve similar industrial activities to what is currently existing, with minimal environmental impact. The potential adverse effects within federal jurisdiction are limited. The economic benefits would be substantial including employment opportunities during the construction and operation phases, new economic development opportunities, investment, and export revenues.</p>
<p>Comment that the project could result in positive economic growth for the region and the province, but this cannot come at the expense of the environment.</p>
<p>Accidents and Malfunctions</p>
<p>Request for further information on environmental risks in relation to accidents and malfunctions including:</p> <ul style="list-style-type: none"> • plausible worst-case scenarios with a consideration for types and quantities of hazardous materials present on the site; • fate and behaviour of spills; • shoreline classification and sensitivity mapping; • potential effects to valued components¹¹; • the measures to prepare for and prevent these effects (i.e. safe handling procedures and storage requirements); and • emergency response plans, including considerations for spill and wildlife response.
<p>Concern about potential for hydrocarbon or other spills and associated effects to commercial fish species and fish harvesters.</p>
<p>Effects of the Environment on the Project</p>
<p>Need to consider slope stability with reference to marine geology of the surrounding embayment, anthropogenic alteration of the immediately adjacent seabed, sediment transport southward into the deep basin of the Port of Argentina, and the potential for subsea landslides.^{12,13,14,15}</p>
<p>Climate Change and Greenhouse Gas Emissions</p>
<p>Need for climate change considerations as part of project planning. Importance of a forward-looking perspective when assessing impacts (e.g., introduction of invasive species due to shipping) and the associated implications of climate change.</p>
<p>Need for GHG emission estimate, methodology, data, emission factors, and assumptions for the operational and decommissioning phases of the Project. Need for a yearly maximum GHG emissions estimate for all phases of the Project.</p>

Need for information on the Project’s impacts on carbon sinks, including a description of the activities that would result in an impact on carbon sinks and land areas expected to be impacted by the Project, by ecosystem type (e.g., wetlands, built-up land) over the course of the Project lifetime, including any areas of restored or reclaimed ecosystems.

Request for information on the Project’s resilience to future climate change and how it has been considered in the project design.

Need for information on the measures being considered to reduce the Project’s GHG emissions on an ongoing basis, including technologies and practices to reduce the Project’s GHG emissions and ensuring the Project has net-zero emissions by 2050.

Comments in Support of the Project

Comment that the Port of Argentia has demonstrated success through diversification from the base closure to a strategic industrial asset for heavy civil construction associated with offshore oil and gas, cargo and container shipments, and supply of major components for offshore wind projects. The Port of Argentia now has the potential to grow in support of transportation and energy-related opportunities with the development of onshore wind and green hydrogen and ammonia production in the province.

End Notes

- ¹ Impact Assessment Agency of Canada. 2021. Guidance: Gender-based Analysis Plus in Impact Assessment. Available at <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/gender-based-analysis.html>
- ² Environment and Climate Change Canada. 2022. New Migratory Birds Regulations, 2022. Available at <https://www.canada.ca/en/environment-climate-change/services/migratory-game-bird-hunting/status-update-modernization-regulations.html>
- ³ Environment and Climate Change Canada. 2023. Guidelines to avoid harm to migratory birds. Available at <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html>
- ⁴ Government of Canada. 2023. Protection statement for the habitat to which Migratory Birds Convention Act, 1994 applies for migratory birds listed under the Species at Risk Act. Available at <https://species-registry.canada.ca/index-en.html#/documents/1638>
- ⁵ Environment and Climate Change Canada. 2012. Operational Framework for Use of Conservation Allowances. Available at <https://www.canada.ca/en/environment-climate-change/services/sustainable-development/publications/operational-framework-use-conservation-allowances.html>
- ⁶ Health Canada. 2017. Guidance for Evaluating Human Health Impacts in Environmental Assessment: Noise. Available at <https://publications.gc.ca/site/eng/9.832514/publication.html>
- ⁷ Health Canada. 2016. Guidance for evaluating human health impacts in environmental assessment: air quality. Available at <https://publications.gc.ca/site/eng/9.802343/publication.html>
- ⁸ Health Canada. 2019 Guidance for Evaluating Human Health Impacts in Environmental Assessment: Human Health Risk Assessment. Available at <https://publications.gc.ca/site/eng/9.870475/publication.html>
- ⁹ Health Canada. 2018. Guidance for evaluating human health impacts in environmental assessment: country foods. Available at <https://publications.gc.ca/site/eng/9.855584/publication.html>
- ¹⁰ Women and Gender Equality Canada. 2023. What is gender-based violence? Available at <https://women-gender-equality.canada.ca/en/gender-based-violence/about-gender-based-violence.html>
- ¹¹ Health Canada. 2018. Guidance for the environmental public health management of crude oil incidents. Available at https://publications.gc.ca/collections/collection_2018/sc-hc/H129-82-2018-eng.pdf
- ¹² Geological Survey of Canada. 2020. Seabed conditions on the inner shelves of Atlantic Canada. Available at <https://geoscan.nrcan.gc.ca/starweb/geoscan/servlet.starweb?path=geoscan/fulle.web&search1=R=326514>
- ¹³ Geological Survey of Canada. 2015. Surficial geology, coastal waters, Island of Newfoundland, Newfoundland and Labrador. Available at <https://geoscan.nrcan.gc.ca/starweb/geoscan/servlet.starweb?path=geoscan/fulle.web&search1=R=293728>
- ¹⁴ Fisheries and Oceans Canada. 1984. Canadian Hydrographic Service – NONNA -Service Hydrographique du Canada. Available at <https://data.chs-shc.ca/dashboard/map>
- ¹⁵ Natural Resources Canada. 2022. Expedition Database (ED). Available at https://ed.marine-geo.canada.ca/index_e.php

Additional References Provided by Federal Authorities

- The Canadian Centre to End Human Trafficking. 2022. Human Trafficking Corridors Enable Traffickers to Exploit More Canadian Women and Girls + Corridors Report. <https://www.canadiancentretoendhumantrafficking.ca/human-trafficking-corridors-enable-traffickers-to-exploit-more-canadian-women-and-girls/>
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