

June 27, 2017

File: 4561-3-1463

Bill Murray & Petrina Ferris  
Anglican Parish of Shediac  
3400 Route 134  
Shediac Cape, NB E4P 3J2

Dear Mr. Murray and Mrs. Ferris:

**RE: (EIA) Registration #4561-3-1463: Shediac Camping Environmental Impact Assessment**

The Technical Review Committee (TRC) has reviewed the *Shediac Camping Environmental Impact Assessment* registration document dated May, 2017. Upon completion of its review, the following questions/issues were identified that must be addressed prior to any decision being made on this project.

**First Nations Consultation and Heritage Resources:**

1. The Aboriginal Affairs Secretariat has completed the Initial Assessment (IA) for EIA 4561-3-1463, which has been sent to the Mi'gmaq Chiefs and their consultation representatives. Please review the attached IA document.
2. Section 4.5 of the registration document contains little historical background research or ethnohistoric research relating to the potential for early historic and indigenous occupation of the proposed development area. The proponent is required to amend these sections to include a thorough historical background and ethnohistoric component.
3. Archaeological Services has completed checking the planned areas of work against its predictive modelling – there are no known sites in the area. The proponent is reminded that any area within 80m of a watercourse/waterbody and 100m of a confluence contains elevated archaeological potential.

4. Page 15 – Please note that The Heritage Conservation Act (2012) (S9) is applicable to this project and as such, any person who discovers an archaeological object (including remnants of airplane wreckage), burial object or human remains is required to report the discovery to the Minister of the Department of Tourism, Heritage and Culture as soon as practicable at (506) 453-2738 or (506) 238-3512.

**Public Consultation:**

5. In section 8.1 (page 54-55) of the registration document, the proponent describes public consultation efforts undertaken prior to registration and general engagement planned related to the project registration. Given the high level of public interest and concern related to this registration, and the large volume of emails from members of the public requesting information on the consultation process for this project; the proponent is required to submit a public consultation plan that will have to be communicated to all those who have submitted questions to date. The plan should indicate what consultation opportunities are currently underway as well as any opportunities that are forthcoming. The proponent should also explain in this communication, how it intends to respond to those who have submitted written feedback to date.
6. The proponent is required to track all the issues raised and must respond to/address all relevant issues that are raised. Prior to a decision being made on this project, the proponent will be required to submit a summary report of all engagement activities (including the list of issues and the manner in which the proponent has/will address the relevant issues) to the undersigned for review and approval.

**Traffic Management:**

7. In section 3.4.2 (page 19) of the registration document, there is a brief description of mitigation measures to alleviate traffic congestion concerns. On page 51, the proponent identifies traffic as a VEC and further states there's potential for ongoing/cumulative congestion issues therefore; the TRC requests that the proponent undertake a Traffic Impact Study (TIS) and submit the results to the undersigned for TRC review and approval. The TIS shall be conducted at an appropriate time of year (i.e. during peak traffic season) and must take into consideration any neighboring community that could be impacted by increased traffic as a result of this project.

**Stormwater Management:**

8. Page 12, Section 3.2.2.2, Stormwater Management Considerations – Pollutants (e.g. nitrogen/phosphorus and pathogens) associated with stormwater run-off can adversely impact the receiving waters so it is important that it be properly managed. The report does not provide sufficient information as to how this will be accomplished. Please provide detailed design information including diagrams of any associated stormwater management infrastructure to the undersigned for review by the Technical Review Committee (TRC).
9. Page 17, section 3.3.3.2, Stormwater – There is mention of a berm and dry pond, however no details are provided, and the site plans do not indicate its presence. Please provide details of this dry pond, including its dimensions, elevation, storage capacity, inlet/outlet details, and any planned water quality features (sediment control, filtration).

10. Page 39, Table 5-2, Topography and drainage, stormwater – It is mentioned that “Drainage channels to be directed away from Pointe-du-Chêne wetland”. Where will they be directed?

**Climate Change:**

11. Page 17, section 3.3.3.3, Utilities – There is mention that all campsites will have an electrical power connection. Are these able to withstand flooding events, particularly at the lower end of the site which could have fairly deep floodwaters in the event of a large storm surge?
12. On page 10, it’s mentioned that due to the risk of flooding, temporary lots will be located in the downslope area of the site as they represent less risk since no permanent structures will be located on these sites. What material will the campsite pads be made with (ex: concrete, gravel etc.)? Concrete would be considered a “permanent structure”.
13. On page 15, it states that “three laundromat/washroom facilities will be located with the three campsite clusters to serve various seasonal and daily campers.” Will any of these facilities or other infrastructure (i.e. electrical) be built in the downslope area of the project site?
14. It is recommended that any permanent infrastructure (motor home/trailer pads, buildings, electrical, amenities, etc.) be built at an elevation of 4.3 meters or greater, in order to reduce exposure to storm surge events that can flood the proposed campsite. The 4.3 meter build elevation is complimentary to the Sea Level Rise Regulation used by Southeast Regional Service Commission. This elevation provides an added level of protection against flooding as it reflects maximum anticipated flood levels during a projected 1:100 year storm occurring in 2100. We attach flood risk scenarios mapping showing the extent of future flooding for your due diligence process.
15. As indicated in Fig 3. some areas within the camp have experienced localized flooding. What stormwater management design/techniques will be implemented to ensure proper drainage so that such events do not have a negative impact on the groundwater and surrounding area from localized flooding?
16. In Section 3.3.3.2., the proponent is advised to consult the Environment Canada IDF Curves. IDF curve is an important data set used by engineering/construction industries in planning & designing drainage structures to handle heavy rainfall runoff available on the ECCC’s website: [http://climate.weather.gc.ca/prods\\_servs/engineering\\_e.html](http://climate.weather.gc.ca/prods_servs/engineering_e.html). The proponent can quickly access the official IDF data in Atlantic Canada through this new website developed by the NRCC <http://atlantic-canada-precip.eas.cornell.edu/>.
17. As highlighted by the proponent in Section 6, this area could be impacted from extreme weather events and SLR – the proponent should consult the most recent *Updated Sea-Level Rise and Flooding Estimates for New Brunswick Coastal Sections* based on the IPCC 5th Assessment Report 2014 by R. J. Daigle Enviro. <http://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/Flooding-Inondations/SeaLevelRiseAndFloodingEstimates.pdf>. The proponent can use the information for flood modelling to show how the project area will be impacted by projected SLR to include in their Environment Management Plan. Please see attached flood risk scenarios mapping provided by Department of Environment and Local Government.

18. The proponent should identify and consider feasible, cost-effective mitigation actions to reduce or eliminate project-related GHG emissions during the construction and operation phase. In particular, the proponent should consider practices which reduce emissions from equipment and vehicle use (such as properly maintaining equipment, reducing idling, and driving within speed limits) and try to maximize the forest area/trees that are retained as these store carbon and their removal would result in a loss of carbon sinks.

**Sanitary Sewer:**

19. The registration document states that Joey Frenette, General Manager of the Greater Shediac Sewerage Commission, confirms February 6, 2017 via email that the municipal system can handle the wastewater capacity from the campground.
  - a. were there any additional recommendations by the municipality other than those listed in the email?
  - b. please provide a copy of this email correspondence.
  - c. the proponent should provide written confirmation from the Greater Shediac Sewerage Commission that the added wastewater flow from the proposed project will not lead to an increase in the frequency of overflows from the wastewater collection system and that they have sufficient treatment capacity to accommodate the extra wastewater loading while meeting their regulatory effluent quality standards.
20. The TRC is requesting more details on the design of sewage collection system as there are portions of the property that are located at a lower elevation than the existing truck sewer line and in the sea level rise zone etc.
21. Please note that any portion of the proposed development (for example, the downslope area) that is located within the Sea Level Rise (SLR) Zone, would require wastewater manholes equipped with watertight covers.
22. Pages 13 and 14, Section 3.2.2.4, Wastewater and page 32, Section 4.5.2, Existing Land Use - The report states that the final effluent from the Cap-Brûlé Wastewater Treatment Plant (WWTP) is chlorinated from June to October and discharged into Lac des Boudreau, and that there are 18 lift stations located throughout the Town of Shediac, Pointe-du-Chêne and the Cap-Brûlé area. Please note that the Cap-Brûlé WWTP only has UV disinfection (i.e. there is no chlorination system), and it is now treated all year round ([http://www2.gnb.ca/content/gnb/en/corporate/promo/ParleeBeach/scientific\\_work\\_plan.html](http://www2.gnb.ca/content/gnb/en/corporate/promo/ParleeBeach/scientific_work_plan.html)). Also, there are 24 lift stations, not 18. Please revise accordingly.

**Drinking Water:**

23. Should the project get approved, the proponent will have to ensure that all materials that come in contact with drinking water should be NSF 61 certified.
24. The proponent will also be required to follow the requirements of the *Water Quality Regulation* under the Clean Environment Act for the installation of all drinking water distribution and wastewater collection piping.

25. Page 18, Section 3.4.1.1, Water Supply – Based on the figures provided (230 L/day/person with 3.5 persons/site and a full build-out of 700 sites operating from June 1st to September 30<sup>th</sup>) equates to 600,000L/day. It appears that the daily and annual water consumption rates for the said 4 month period do not equate to what is noted in the report (7.3 million L per year). Please re-evaluate this calculation and re-evaluate that section of the report as needed.
26. In the report, it states that the Town of Shediac “has indicated that supplying the estimated water to the campground project is an acceptable arrangement.” Please provide the written correspondence from the Town of Shediac, which supports this.
27. Page 24, Section 4.3.1, Groundwater Resources – In the report, it states: “*The municipality is responsible for the operation and maintenance of the water system and the Town is committed to providing its citizens with safe, clean drinking water that far exceeds the Canadian Drinking Water Quality Guidelines.*” This statement is contradictory. Please revise accordingly.
28. Page 26, Section 4.3.2, Groundwater Resources - The following terms should be revised:
- Escherichia coliform* - should be: *Escherichia coli*;
  - most probably number – should be: most probable number; *and*
  - SWWA – should be: SBWA / Shediac Bay Watershed Association.
29. The proposed campground will be supplied its water by the Town of Shediac municipal water supply. Will the campground have a flowmeter installed and will the actual water usage of the campground be tracked?
30. According to paragraph 5(3)(b) of the *Water Quality Regulation - Clean Environment Act*, an approval is required for the construction, modification or operation of waterworks using 50 m<sup>3</sup> or more per day, and according to Section 3.4.1.1 of the Shediac Camping EIA, the water consumption rate will be approximately 1,080 m<sup>3</sup> per day therefore; an Approval will be required for the operation of the proposed drinking water distribution system.
31. As a minimum, backflow preventers will have to be installed at each water service connection between the Town and the campground. It is also recommended that backflow preventers be installed at each water service within the campground to protect the campground’s drinking water distribution system from contamination.
32. Upon commissioning and reopening each season, the distribution system will have to be disinfected and sampled in accordance with AWWA standards, and results submitted to the Department of Health for review.
33. Are there any groundwater wells located on properties immediately surrounding the proposed campground property?

**Surface Water:**

34. The *Federal Policy on Wetland Conservation* (FPWC) is applicable to any Federal Departments exercising a power, duty, or function that would permit the carrying out of the project or associated activities. The policy recognizes the importance of wetlands to the environment, the

economy and human health, and promotes a goal of no-net-loss of wetland functions. In support of this goal, the FPWC and related implementation guidance identify the importance of planning, siting and designing a project in a manner that accommodates a consideration of mitigation options in a hierarchical sequence - avoidance, minimization, and as a last resort, compensation. Please note that if federal funding is proposed for this project, if the project is located on federal lands, or if federal decisions are related to effects on wetlands, then the FPWC would apply to this project.

- a. for those potentially affected wetlands where the FPWC would be applicable, and avoidance is deemed not possible, a detailed description of potential effects, and of the reasons why avoidance and minimization of impacts were determined to not be possible should be provided. The mitigation measures and monitoring plan, as well as a proposed compensation plan, should be consistent with those proposed for other projects in Atlantic Canada.
  - b. should there be no triggers for the FPWC, it is recommended that the goals of the policy be considered in wetland areas as a beneficial management practice.
  - c. a copy of the FPWC can be found at: <http://publications.gc.ca/pub?id=9.686114&sl=0>.
35. On page 28 of the registration document, the proponent identifies a Provincially Significant Wetland (PSW) using GeoNB mapping. The proponent is required to submit the following additional information:
- a. a revised wetland assessment that includes an on the ground delineation of the wetland boundaries. The typical time frame for a wetland assessment is June – September.
  - b. the wetland assessment must include the boundaries of any mapped wetlands on the property and the location/extent of any unmapped wetlands. Please note that based on the TRCs interpretation of the aerial images, the area located at 46.230331°, - 64.514510° appears to be a wetland. Could the proponent please include photos and a habitat description for this area in the wetland assessment?
  - c. information regarding the functions/benefits that these mapped and unmapped wetlands provide.
  - d. the total proposed impact area within any regulated wetland and unmapped wetlands.
  - e. the TRC is aware of a government sponsored wetland delineation on the project property. Should the proponent wish to use this information, they can make a request to the undersigned.
36. In Appendix B, the report describes a Poorly Drained Red Maple Forest habitat. The report states that "This habitat was defined by saturated soils, standing water, streams and dried stream beds." What is being proposed in order to mitigate any flooding issues as a result of the proposed loss of this habitat?
37. PSWs are attributed special status because they are fulfilling important functions (ex. salt marsh). The Department of Environment and Local Government does not support proposed

activities in a PSW, within 30 meters of the perimeter of a PSW, or any activity that poses substantial risk to a PSW except activities that rehabilitate, restore, or enhance a PSW, or activities deemed to provide necessary public function, after completing an Environmental Impact Assessment with public review.

38. Please note that any proposed alteration within 30 meters of a watercourse or regulated wetland in New Brunswick requires a valid *Watercourse and Wetland Alteration (WAWA) Permit*. Watercourses are defined as a feature in which the primary function is the conveyance or containment of water, which includes:
- a. the bed, banks and sides of any watercourse that is depicted on the New Brunswick Hydrographic Network layer (available on GeoNB Map Viewer);
  - b. the bed, banks and sides of any incised channel greater than 0.5 meters in width that displays a rock or soil (mineral or organic) bed, that is not depicted on New Brunswick Hydrographic Network layer (available on GeoNB Map Viewer); water/flow does not have to be continuous and may be absent during any time of year; or
  - c. a natural or man-made basin (i.e. lakes and ponds)

39. Page 26, Section 4.3.2, Surface Water Resources – In the report, it states that the Health Canada guideline threshold for *E. coli* for recreational marine water quality is 35 *E. coli* / 100mL. This is incorrect. For the guideline level that is given (35/100 mL), it is Enterococci not *E. coli* that is used as the indicator of fecal contamination in marine recreational waters. Please review information below and revise accordingly. The *Guidelines for Canadian Recreational Water Quality* (Guideline) states (<https://www.canada.ca/en/health-canada/services/publications/healthy-living/guidelines-canadian-recreational-water-quality-third-edition/guidelines-canadian-recreational-water-quality-third-edition-page-9.html#a412>):

For marine recreational waters used for primary contact activities, the guideline values are as follows:

- a. geometric mean concentration (minimum of five samples):  $\leq 35$  enterococci/100 ml; and
  - b. single-sample maximum concentration:  $\leq 70$  enterococci/100 ml.
40. The Guideline further states that: “If it can be shown that *E. coli* can adequately demonstrate the presence of fecal contamination in marine waters, then the *E. coli* maximum limit for fresh waters may be adopted.”

For fresh recreational waters used for primary contact activities, the guideline values are as follows:

- a. geometric mean concentration (minimum of five samples):  $\leq 200$  *E. coli*/100 ml; and
- b. single-sample maximum concentration:  $\leq 400$  *E. coli*/100 ml.

Please revise the registration document accordingly.

#### Air Quality:

41. The registration document does not mention the use of wood-burning (campfires), or the use of fuel-burning camping gear such as portable stoves or barbeques. Given that these are typical activities for a campground, it is assumed that they would occur as a result of this proposed project.
  - a. If this is not the case, and the proponent intends to operate a campground that prohibits these devices/activities, then this should be explained further.
  - b. If the proponent intends to allow campfires and other outdoor fuel- burning devices, the proponent should provide an inventory/estimate of all air quality emissions resulting from both the construction and operation of the campground. This should include typical and worst-case scenarios for occupancy, and the use of campfires and fuel-burning devices by occupants.
  - c. The proponent should also provide information regarding the likely ambient air quality impacts to nearby communities/receptors resulting from these emissions. Ideally this should take the form of a dispersion model that focuses on PM10 and PM2.5. This should consider pre-existing particulate emission sources in the area.
  - d. The proponent should also expand upon the listed mitigation efforts for the project to describe any efforts (e.g., fire-pit design, fuel wood quality/drying, and related operational policies/practices) that will be undertaken to reduce air quality emissions from campfires and fuel-burning devices, or to mitigate the impact of such emissions.
  - e. The proponent should also re-evaluate Section 4.2.2, Table 7-1 Potential Cumulative Effects for VECs and Table 5-1 Issues Scoping/Pathway Analysis Summary Matrix accordingly based on results of additional information requested above.

#### Wildlife:

42. The proponent indicates that they will mitigate the risk to migratory birds by scheduling construction during periods of lowest sensitivity to wildlife. Please note that the bird breeding season for the proposed project area is April 8 to August 28 in forested landscapes, April 12 to August 28 for open landscapes (fields, bare ground), and April 8 to August 16 for wetlands.
43. Environment and Climate Change Canada (ECCC) has reviewed the registration document for the Shediac Camping project, and it is currently not possible to evaluate the potential effects of the project on migratory birds, including bird species at risk (SAR) based on the information provided. **The timing of the bird surveys (incidental observations July 25, 2014; and bird survey September 1<sup>st</sup>, 2014) was too late in the season to adequately detect breeding birds, including bird SAR, that use the project area during the breeding season.** The proponent should conduct bird surveys at the appropriate time of year to determine the use of the project study area by breeding birds, including bird SAR. The proponent should then resubmit revised sections (4.4.4.2 and 5.4) of its environmental assessment registration document, as well as the detailed bird survey methodology and results, to the TRC for review.



44. Birds would potentially be affected by the project through several pathways:
- a. Existing habitat will be removed;
  - b. Birds in adjacent or nearby habitats may be disturbed by construction and operational activities, including increased human presence;
  - c. Certain species may be attracted to cleared areas or stockpiles; and
  - d. Birds may be negatively affected by accidental events (e.g. spills).
45. According to Figure 5, almost half of the project area consists of mature forest habitat. Several types of migratory bird habitat are in decline in New Brunswick, including mature coniferous forest, mature deciduous forest, and mature mixed forest. This is of concern because certain bird species prefer mature forest habitat. Some bird species, generally known as interior species, only prosper when the tracts of mature forest are relatively large and unfragmented (i.e., interior forest). It is desirable for projects to avoid causing further loss and fragmentation of these habitat types, and to avoid further fragmentation of the landscape. The following additional information is requested:
- a. Mapping that identifies mature forest habitat in relation to proposed project infrastructure, and a rationale as to why each patch of mature and interior forest habitat cannot be avoided;
  - b. An analysis of project impacts on mature and interior forest habitat for migratory birds and the species of migratory birds that use these habitats, taking into account cumulative losses; and
  - c. A plan that sets out appropriate mitigation measures for the predictable loss of mature and interior forest habitat for migratory birds in instances where the habitat cannot be avoided.
46. As indicated in section 4.4.4.2, a nesting platform for Common Terns was installed by the Shediac Bay Watershed Association in Shediac Bay, less than 1 km of the project area.
- a. The proponent should note that colonial birds are particularly vulnerable to the effects of human disturbance. The period spent at the colony prior to egg-laying is very important for seabirds as this is when they engage in pair formation and other important breeding behaviours, such as nest site defense, nest building, and copulation. Disturbance prior to egg-laying may cause birds to abandon historical colony locations.
  - b. Meanwhile, disturbance during the breeding season can cause these birds to abandon their nests or young, or to use valuable energy reserves for defence, instead of incubating eggs and feeding their young. The presence of humans in close proximity to nests may prevent parent birds from returning to protect and feed their young, and expose eggs or chicks to predation, and to the lethal effects of heat, cold and rain. When parent birds are flushed, many of the young chicks wander from their nest site and be taken by predators, or be pecked to death by neighbouring birds.

47. ECCC's Canadian Wildlife Service (CWS) has developed *Guidelines to Avoid Disturbance to Seabird and Waterbird Colonies in Canada* which are available at <http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=E3167D46-1> and include the following guidance on reducing disturbance to colonial nesters:
- a. In general, maintain a minimum distance of at least 300 m from all areas of the nesting platform occupied by seabirds and waterbirds.
  - b. For high-disturbance activities (e.g. drilling, blasting), maintain a buffer of at least 1 km from the colony.
48. While it appears that construction or operational activities related to the project would be located at a distance greater than 300 m from the tern nesting platform, the project is located sufficiently close to the nesting platform that high disturbance activities could result in adverse effects to the colony. The proponent should clarify, for all project phases, how high disturbance activities would be avoided at times when these could adversely affect the tern colony.
49. The proponent refers to the project as an "eco-friendly" campground. ECCC requests that the proponent clarify the eco-friendly aspects of the project in relation to migratory birds, species at risk, and their habitats.
50. In section 3.2.2, when discussing vegetation in buffer areas, it is stated that "... all buffer areas will be composed of the existing natural vegetation in an undisturbed state. Where this is impractical, appropriately sized trees, shrubs, bushes and ground cover will be planted to replace the inappropriate native vegetation." The proponent should clarify what would be considered "inappropriate native vegetation."
51. SARA-listed species (i.e. both federal and provincial legislation) and COSEWIC designated species should be referred to as "species at risk" and not as "species of conservation concern". Species with ACCDC or provincial rarity ranks may be referred to as species of conservation concern.
52. Bird collisions at lit and floodlit structures are a known problem. Nocturnal migrants and night-flying seabirds (e.g. storm-petrels) are the birds most at risk of attraction to lights and lit structures. Attraction to lights may result in collision with lit structures or their support structures, or with other birds. Disoriented birds are prone to circling a light source and may deplete their energy reserves and either die of exhaustion or drop to the ground where they are at risk of depredation.
- a. It is recommended that proponents avoid or restrict the time of operation of exterior decorative lights such as spotlights and floodlights whose function is to highlight features of buildings, or to illuminate an entire building. Especially on humid, foggy or rainy nights, their glow can draw birds from far away. It would be best for the birds if these lights were turned off, at least during the migratory season, when the risk to birds is greatest and also during periods when Leach's storm-petrels would be dispersing from their colonies.
  - b. Lighting for the safety of the employees should be shielded to shine down and only to where it is needed, without compromising safety.

- c. Street and parking lot lighting should also be shielded so that little escapes into the sky and it falls where it is required. LED lighting fixtures are generally less prone to light trespass and should be considered.
53. If there is ultimately a need to decommission a building or structure used for nesting by gulls, swallows, or other species of migratory birds, Environment and Climate Change Canada's Canadian Wildlife Service (CWS) should be consulted in a timely manner in advance of any proposed decommissioning activities for species-specific considerations.
54. It is ECCC's understanding that the vegetated areas of the project footprint is kept in a mowed state, and that predator decoys were to be placed around the site in spring to discourage birds from nesting in the area. Should these methods prove unsuccessful or should any migratory bird be suspected of nesting in the area, including bird species at risk, work should immediately cease in the area and appropriate regulatory agencies (Environment and Climate Change Canada's Canadian Wildlife Service, New Brunswick Department of Environment and Local Government) contacted for further advice. In the event that birds are nesting in the area, an adequate buffer would need to be implemented until chicks have naturally fledged from the area.
55. The Migratory Birds Convention Act (MBCA) protects most bird species in Canada, however; some families of birds are excluded. A list of species under protection can be found at <https://ec.gc.ca/nature/default.asp?lang=En&n=421B7A9D-1>.
56. Under Section 6 of the *Migratory Birds Regulations* (MBR), no person shall disturb, destroy or take a nest or egg of a migratory bird; or to be in possession of a live migratory bird, or its carcass, skin, nest or egg, except under authority of a permit. It is important to note that under the current MBR, no permits can be issued for the incidental take of migratory birds caused by development projects or other economic activities. Furthermore, Section 5.1 of the MBCA describes prohibitions related to deposit of substances harmful to migratory birds:
- a. "5.1 (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.
  - b. (2) No person or vessel shall deposit a substance or permit a substance to be deposited in any place if the substance, in combination with one or more substances, results in a substance — in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area — that is harmful to migratory birds."
57. It is the responsibility of the proponent to ensure that activities comply with the MBCA and regulations. In fulfilling its responsibility for MBCA compliance, the proponent should take the following points into consideration:
- a. Information regarding regional nesting periods can be found at <http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=4F39A78F-1>. Some species protected under the MBCA may nest outside these timeframes.

- b. Most migratory bird species construct nests in trees (sometimes in tree cavities) and shrubs, but several species nest at ground level (e.g., Common Nighthawk, Killdeer, sandpipers), in hay fields, pastures or in burrows. Some bird species may nest on cliffs or in stockpiles of overburden material from mines or the banks of quarries. Some migratory birds (including certain waterfowl species) may nest in head ponds created by beaver dams. Some migratory birds (e.g., Barn Swallow, Cliff Swallow, Eastern Phoebe) may build their nests on structures such as bridges, ledges or gutters.
  - c. One method frequently used to minimize the risk of destroying bird nests consists of avoiding certain activities, such as clearing, during the regional nesting period for migratory birds.
  - d. The risk of impacting active nests or birds caring for pre-fledged chicks, discovered during project activities outside the regional nesting period, can be minimized by measures such as the establishment of vegetated buffer zones around nests, and minimization of activities in the immediate area until nesting is complete and chicks have naturally migrated from the area. It is incumbent on the proponent to identify the best approach, based on the circumstances, to complying with the MBCA.
  - e. Further information can be found at: <http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=C51C415F-1>
58. The proponent should also be reminded that the prohibitions under SARA are now in force. The complete text of SARA, including prohibitions, is available at [www.sararegistry.gc.ca](http://www.sararegistry.gc.ca).
59. The Monarch is a species of Special Concern, listed on Schedule 1 of SARA, and has been reassessed as Endangered by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). The Atlantic Canada Conservation Data Centre (ACCDC) included the Monarch in their list of species at risk within 5 km of the study area, but the proponent dismisses the use of the project area by this species since milkweed plants were not observed during plant surveys. Given the presence of nectar sources for Monarchs identified in the project area, the potential use of the project area by this species should be considered.
60. For federal environmental assessments, SARA 79(2) requires that persons responsible for an environmental assessment “must identify the adverse effects of the project on the listed wildlife species and its critical habitat and, if the project is carried out, must ensure that measures are taken to avoid or lessen those effects and to monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and action plans.” While there is no federal environmental assessment for this project, a similar approach should be considered by the proponent for the provincial environmental assessment.
61. Notwithstanding the existing closure to harvesting in the study area, there is no mention of the shellfish harvesting area classification in the registration document. Nevertheless, there are harvestable areas within Shediac Bay. Geospatial data of the harvest area classification of marine waters is available on <http://open.canada.ca> (or direct <http://goo.gl/QT9oWq>). Maps of the current status of approved and closed harvest areas are available at <http://www.dfo-mpo.gc.ca/shellfish-mollusques/index-eng.htm>.

62. In Section 4.3.2, the reference to control guidelines for shellfish “edibility/closures” is erroneous. ECCC is not familiar with the referenced report by Weldon (2016), and suggests that the proponent consult the Water Quality Standards of the Canadian Shellfish Sanitation Program (CSSP) in future EIAs where shellfish-bearing marine waters are part of the assessment. The proponent could also refer to the Canadian Food Inspection Agency site at <http://www.inspection.gc.ca> (or direct <http://goo.gl/FGyvCH>).
63. Based on the information provided in the registration document, the Fisheries Protection Program of Fisheries and Oceans Canada (DFO) does not have sufficient information to determine if the proposal could potentially result in serious harm to fish. In order for DFO to complete its review, it requires the following additional information:
- a. Approximate footprint (m<sup>2</sup>) below the high water mark (OHWM) resulting from in-water activities (i.e. culvert footprint, watercourse re-alignment footprint, excavation and/or infilling footprints, etc.);
  - b. A detailed description of the fish and fish habitat found in the area of proposed activities;
  - c. Information on the presence of any CRA fisheries in the vicinity of the proposed project; and
  - d. Details on work sequencing (i.e. excavation/trenching, machinery to be used, temporary water bypass, installation of cofferdams etc.) and mitigation measures that will be put in place during construction to avoid impacts on surrounding CRA fisheries and fish habitat.

**Invasive species:**

64. A variety of species of plants native to the general project area should be used in revegetation efforts. Should seed mixes for herbaceous native species for the area not be available, it should be ensured that plants used in revegetation efforts are not known to be invasive.
65. Measures to diminish the risk of introducing invasive species be developed and implemented during all project phases. These measures could include:
- a. cleaning and inspecting construction equipment prior to transport from elsewhere to ensure that no matter is attached to the machinery (e.g., use of pressure water hose to clean vehicles prior to transport); and
  - b. regularly inspecting equipment prior to, during and immediately following construction in areas found to support Purple Loosestrife to ensure that vegetative matter is not transported from one construction area to another.

**Onsite Petroleum Storage:**

66. Will the proposed campground have any back-up generators that will require fuel? If so, what size fuel tanks will be needed and where will they be located?

67. The proponent will be required to submit a fuel and/or hazardous materials spills contingency plan to the Manager, Environmental Assessment (EA) Section, Department of Environment & Local Government (DELG) for review and approval prior to installing the system.
68. Since even small spills of oil can have very serious effects on migratory birds, every effort should be taken to ensure that no oil spills occur. The proponents should ensure that all precautions are taken by the contractors and/or staff to prevent fuel leaks from equipment, and that a contingency plan in case of oil spills is prepared.
69. Please note that fueling and servicing of equipment should not take place within 30 meters of environmentally sensitive areas (including wetlands).
70. Hazardous materials (e.g. fuels, lubricants, hydraulic oil) and wastes (e.g. waste oil) should be managed so as to minimize the risk of chronic and/or accidental releases. For example, refuelling and maintenance activities should be conducted on level terrain, at a suitable distance from environmentally sensitive areas including watercourses and wetlands, and on a prepared impermeable surface with a collection system.
71. Proponents are encouraged to prepare contingency plans that reflect a consideration of potential accidents and malfunctions and that take into account site-specific conditions and sensitivities. The Canadian Standards Association publication, Emergency Preparedness and Response, CAN/CSA-Z731-03 (reaffirmed 2014), is a useful reference.
72. All spills or leaks, such as those from machinery, should be promptly contained and cleaned up (sorbents should be available for quick containment and recovery), and reported to the 24-hour environmental emergencies reporting system (Maritime Provinces 1-800-565-1633).
73. The Fisheries Act can be found at: <http://laws-lois.justice.gc.ca/eng/acts/F-14/FullText.html>. Section 36(3), in particular, prohibits anyone from depositing or permitting the deposit of a deleterious substance of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water.
74. It is the proponent's responsibility to ensure that all reasonable measures are conducted to prevent the release of substances deleterious to fish from the proposed activities. In general, compliance is determined at the last point of control of the substance before it enters waters frequented by fish, or, in any place under any conditions where a substance may enter such waters.

**Federal Environmental Assessment Process:**

75. The federal environmental assessment process is set out in the [Canadian Environmental Assessment Act 2012](#) (CEAA 2012). The [Regulations Designating Physical Activities](#) (the Regulations) under CEAA 2012 set out a list of physical activities considered to be "designated projects." For designated projects listed in the Regulations where the Canadian Environmental Assessment Agency (the Agency) is the responsible authority, the proponent must provide the Agency with a project description that includes information prescribed by applicable regulations ([Prescribed Information for the Description of a Designated Project Regulations](#)).

76. Based on the information in the registration document, the proposed project does not appear to be described in the Regulations. Under such circumstances, the proponent would not be required to submit a project description to the Agency. However; the proponent is advised to review the Regulations and confirm applicability to the proposed project.
77. The proposed project may be subject to sections 67-72 of CEEA 2012. Section 67 requires that, for any project occurring on federal lands, the federal authority responsible for administering those lands or for exercising any power to enable the project to proceed must make a determination regarding the significance of environmental effects of the project. The Agency is not involved in this process; it is the responsibility of the federal authority to make and document this determination.
78. The proponent is encouraged to contact the Agency at (902) 426-0564 if it has additional information that may be relevant to the Agency or if it has any questions or concerns related to the above matters.

**Misc.:**

79. It has been identified that the Anglican Church Act requires the proponent to have the Bishop's approval prior to leasing the land for the campground development. The following response to this issue was provided in an email from Petrina Ferris to the President of the Red Dot Association dated June 7, 2017 and copied to DELG:

*"Article 7(5) of the Anglican Church Act pertains to requesting approval to lease, sell, mortgage or otherwise dispose of real estate. Making an EIA application is not any of these transactions".*

*"Section 10 of the Anglican Church Act pertains to applications to the Court of Queen's Bench to vary a trust. The present process has nothing to do with applying to a court or varying a trust".*

*"The proposed project has not yet reached the point in the process where the Parish corporation is required to make application for approval as per Article 7 (5). The EIA would be a supporting document to make such application".*

DELG is requesting that the proponent provide written confirmation that the Bishop agrees with the proponents approach to wait for the outcome of the EIA prior to making their application for approval to lease the land.

80. It is stated in the registration document that the proposed project is a 4-star eco-friendly campground that prides itself in minimizing its impact on the environment. Can the proponent provide more detail on how this campground would differ from other campgrounds in the area in terms of "eco-friendly" practices? I.e. What makes it eco-friendly?
81. Page 15, Section 3.3.1, Site Characteristic Considerations - The three aerial photos that are referenced in this section as well as Section 4.4.1 (Photos 194407326025, 196306320239 and 197600510137) are not included in the document. Please provide a copy for review. "In fact an 1892 aerial photo shows the foundation of the former attempt to develop a strip mall on the property..." There appears to be a typo in the date. Please revise as needed.

82. Page 18, Section 3.4, Operations – In the report, it states that the proposed campground is expected to operate over a period of 50 to 100 years. What is the length of the lease agreement between the Anglican Parish of Shediac and the developer, Shediac Camping Ltd.?
83. Page 36, Section 5.3 -The definition of the “minor” significance is misleading. It indicates that *“Potential impact may result in a localized or short-term decline in a resource during the life of the Project.”* Since the life of the Project was stated as being 50-100 years, with no plans for decommissioning, should the “minor and medium” significance categories be further analyzed along with the “major” significance category? Please clarify.
84. Page 31, Section 4.4.5, Environmentally Sensitive Areas or Protected Areas – The proponent should revise the name Department of Tourism and Parks to the Department of Tourism, Heritage and Culture.
85. Appendix A, Figure 2 – The area noted as “Green Space/Playground;” is this where the splash pad and pool will be? Should there be any requirement to source, obtain or remove any Quarriable substances (ordinary stone, building or construction stone, sand, gravel, clay and soil) from Crown land, a Quarry Permit may be required from the Resource Tenure Section of the Department of Energy & Resource Development. Please contact Wayne Osborne, Quarriable Substances Technician, at (506) 444-5806 or [wayne.osborne@gnb.ca](mailto:wayne.osborne@gnb.ca), for permit enquiries.
86. The proponent does not mention several other campgrounds located within the Town of Shediac, including South Cove Camping, Parlee Beach Provincial Park Camping, Beauséjour Camping, and Camping Oceanic. Please add descriptions of these campgrounds and revise registration document accordingly. The proponent should also consider re-evaluating Table 7-1 Potential Cumulative Effects for VECs (Local Economy Section).

Should additional comments be received in the coming days, they will be forwarded in a separate letter. If you have any questions regarding the above, please feel free to contact me at (506) 444-3382.

Sincerely,

Crystale Harty, B. Sc.  
Project Manager

Cc.Technical Review Committee