

FEB 24 2020

File # 2.2131.0011
Reg. 2035

Mr. Steiner Engeset
Fermeuse Enterprises Limited
PO Box 580
Harbour Grace NL A0A 2M0

Dear Mr. Engeset:

RE: Fermeuse Harbour Spool Base- Amended Letter of Release

Further to my correspondence of February 12, 2020, additional consideration has been given to your project. Under Section 76(1) of the Environmental Protection Act, the conditions on which your project was released have been revised and include a requirement of the Provincial Archaeological Office of the Department of Tourism, Culture, Industry and Innovation. Please be advised that this undertaking is released from further environmental assessment subject to the following conditions:

- A minimum 30-metre undisturbed, vegetated buffer is to be maintained along all waterbodies and wetlands that appear on a 1:50,000 topo map to protect sensitive riparian and aquatic species, and their habitat. For further information, please contact the Department of Fisheries and Land Resources, Wildlife Division at (709) 637-2025.
- No vegetation clearing is to occur within 800-metres of a bald eagle or osprey nest during the nesting season (March 15 to July 31) and 200-metres during the remainder of the year. The 200-metre buffer also applies to all other raptor nests (e.g. Northern Goshawk, Sharp-shinned Hawk, Merlin, American Kestrel, Great-horned Owl, Boreal Owl, Northern Saw-whet Owl). The location of any raptor nest site must be reported to the Department of Fisheries and Land Resources, Wildlife Division. For further information, please call (709) 637-2025.
- A 50-metre buffer from the East Coast Trail system must be maintained. For further information please contact Policy and Planning Branch, Department of Fisheries and Land Resources, at (709) 729-1140.
- A Women's Employment Plan for this project shall be submitted to and approved by the Office for the Status of Women prior to the commencement of project activities. For further information, please contact the Office for the Status of Women at (709) 729-5730. You must notify the Environmental Assessment Division, Department of Municipal Affairs and Environment when this condition of release has been met.

Contact the Director of Environmental Assessment Division at (709) 729-0673 or EProjectcomments@gov.nl.ca.

- A Waste Management Plan shall be submitted to and approved by the Pollution Prevention Division of the Department of Municipal Affairs and Environment prior to the commencement of construction activities. For further information, please contact the Pollution Prevention Division at (709) 729-7012. You must notify the Environmental Assessment Division, Department of Municipal Affairs and Environment when this condition of release has been met. Contact the Director of Environmental Assessment Division at (709) 729-0673 or EProjectcomments@gov.nl.ca.
- You are required to have the project area archaeologically assessed, and where necessary, mitigate the impact of development upon historic resources. This shall require an intensive survey of the entirety of the project area along the north side of Fermeuse Harbour. This work is to include an underwater survey adjacent the shoreline of the project area and any areas where underwater disturbance is proposed. Further, the impact of the development on both already known archaeological sites, and any new site that may be found are to be identified and assessed. Once the archaeological assessment is completed mitigation and/or avoidance plans are to be submitted to the Provincial Archaeology Office (PAO) for review to determine if further work will be required. No development shall proceed until all archaeological work is completed to the satisfaction of the PAO. Contact Mr. Jamie Brake, Provincial Archaeologist, PAO, Heritage Division, Dept. of Tourism, Culture, Industry and Innovation (709) 729-2462.

Please be advised that the Department of Tourism, Culture, Industry and Innovation recommended that consultations take place with the East Coast Trail Association to ensure that there is no impact on the trail system. For further information contact Mr. John Angelopolous, Manager, Sector Development at (709) 729-4518.

Please be advised that The Town of Fermeuse has a Municipal Plan and Development Regulations which came into legal effect on March 9, 2018. According to Town of Fermeuse Development Regulations, the section of the project site within Fermeuse spans across two land use zones: 'Mixed Development' (MD) and 'Rural' (RUR) zone. General Industry is listed in both zones as discretionary use. As a discretionary use, Council must advertise and review all submissions before making decision. The Rural zone has specific conditions (9.8.6 of subject Regulations) relating to general industrial uses involving hazardous substances such as bulk fuel storage and these should be strictly adhered to. Marine Industry is also listed as a discretionary use within the Mixed Development zone. A permit from Town Council is required. The Town of Port Kirwan does not have a Planning Area neither does it have a Municipal Plan and Development Regulations. As such, Council of Port Kirwan do not have legislative authority to control development within the Town. The Town however, is within the

Community Infilling Limits and the Community Infilling Limits guidelines list industrial use as an appropriate land use in an unplanned community. For further information, please contact Ms. Tolulope Victoria Akerele, Land Governance and Land Use Planning, Department of Municipal Affairs and Environment, (709) 729-4970.

The Forestry Division of the Department of Fisheries and Land Resources advises that you are required to obtain a Commercial Harvesting Permit prior to any harvesting or timber removal in the area. An Operating Permit is required prior to the start of any work during the forest fire season and can be obtained to ignite a fire on or within 300-meters of forest land. For further information, please contact the Paddy's Pond District Forestry Office at (709) 729-4180. The Department of Fisheries and Land Resources advises that Crown Land applications may be required for Crown lands needed for this project. Note that there may also be private land claims within the general area that is proposed for this project. For further information, please contact the Crown Lands Eastern Regional Lands Office at (709) 729-2654.

The Department of Fisheries and Land Resources, along with Fisheries and Oceans Canada (DFO), encourages best practices to help prevent the introduction and reduce the spread of Aquatic Invasive Species (AIS). The presence of several AIS have been confirmed as close as Placentia Bay on the province's South Coast. These species have potential impacts on fisheries and aquaculture operations. To identify said species and to prevent the spread of AIS, both into or out of the bay, it is strongly suggested that mitigation measures be put in place. Further details on effective methods to prevent the spread of AIS can be obtained from the Ecological Sciences Section, Environmental Science Division, Fisheries and Oceans Canada. As machinery will be working in or near marine waters it is further suggested that the proponent consult the Fisheries Protection Program at DFO to avoid causing serious harm to fish or other aquatic species. It is also suggested that the proponent continue to consult with local fish harvesters as the project develops, to mitigate any negative impacts on local fish harvesting activities. For further information, please contact Ms. Tara Mavin, Policy and Strategic Planning, Fisheries and Land Resources, (709) 729-3712, TaraMavin@gov.nl.ca.

Environment and Climate Change Canada recommends that in order to avoid nest destruction and to accommodate the breeding season of migratory songbirds and waterfowl, operations should consider nesting locations between April 15 and August 15 in this region. However, as some species protected under the Migratory Birds Convention Act (MBCA) do nest outside of this time period, it is the responsibility of the proponent to ensure that project activities are in compliance with the MBCA and associated regulations. For further information, please contact Ms. Sydney Worthman, Canadian Wildlife Service, Environment and Climate Change Canada, (709) 772-4221, Sydney.Worthman@canada.ca.

The Department of Natural Resources advises that quarry permits and subordinate quarry permits may be obtained at www.nr.gov.nl.ca/nr/mines/quarries/index.html. For further information, please contact the Quarry Rights Section at quarries@gov.nl.ca or Mr. Stephen

Hinchey, Land Use Geologist, Mines Branch, Department of Natural Resource, (709) 729-5748, stephenhinchey@gov.nl.ca.

The Department of Natural Resources advises that the potential for coastal hazards, including flooding, erosion, storm surge, and the effects of sea level rise, should be considered when planning and maintaining coastal developments. They provide a document from the Geological Survey of Newfoundland and Labrador, which contains general information about coastal hazards in the province. The document is included with the summary of comments received from the government agencies reviewing this project, attached. The Department of Natural Resources strongly recommends that development be restricted to areas higher than 4 metres above current sea level (i.e., 4 metres above the high water mark) in order to reduce the potential for future inundation. Any questions the applicant may have concerning the potential for coastal hazards at the application site should be directed to Ms. Melanie Irvine, Project Geologist, Geological Survey of Newfoundland and Labrador at (709) 729-3489, melanieirvine@gov.nl.ca.

The Department of Natural Resources advises that with respect to petroleum, the portion that lies within provincial jurisdiction is not within a hydrocarbon basin having oil and gas potential, it is not within any onshore petroleum permit/licence or lease, nor it is within 100 metres of any onshore petroleum well. The Department advises that the majority of the proposed area lies seaward of the normal low water mark which is within the jurisdiction of the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) and that you contact the C-NLOPB for further information. The Department further advises that you consult with Newfoundland Power to determine if the project will impact the current capacity in the area and if upgrades will be required in order to bring electrical services to the site.

The Water Resources Management Division of this Department advises that a permit is required under the Water Resources Act, 2002, specifically Section 48 for any work in any ~~body of water or wetland including but not limited to culverts, bridges or diversion channels.~~ Any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003. For infilling within 15-metres of bodies of water you must apply for and obtain a permit under the Water Resources Act, 2002, specifically section 48. Also, any proposed infilling within 15 metres of a body of water must comply with this Department's Policy for Infilling Bodies of Water. For further information, please contact Dr. Amir Ali Khan, Manager, Water Rights, Investigations, and Modelling Section (709) 729-2295.

The Department of Fisheries and Oceans advises that you refer to the *Projects Near Water* website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) for information about how to comply with the Fisheries Act and the project review process. For further information, please contact NL Region-Fish Habitat Protection Program at FPP-NL@dfo-mpo.gc.ca, (709) 772-4140.

Service NL advises that the extent of land clearing and grubbing should be restricted such that naturally vegetated areas between the site and surrounding properties and thoroughfares are maintained. The extent of land clearing and grubbing should also be restricted such that a 30-metre undisturbed buffer is maintained between the site and any surrounding watercourse or water body.

The Department of Transportation and Works advises that a highway access permit issued through Service NL, is required under the Policy for Highway Access Management.

As noted previously, the undertaking, as proposed, is released from further environmental assessment, it is still subject to other legislative requirements. A summary of the comments received from government agencies during the review is attached to provide an indication of likely applicable permits, approvals and legislative requirements. Please note that you must comply with all relevant legislation and obtain all necessary permits and approvals. You are required to inform this Department of any proposed significant changes to the undertaking.

If you have any questions concerning these matters, please contact Joanne Sweeney, Director (A), Environmental Assessment Division, at (709) 729-0673 or joannesweeney@gov.nl.ca.

Sincerely,



DERRICK BRAGG, MHA
Minister of Municipal Affairs and Environment
District of Fogo Island-Cape Freels

cc Loyola O'Driscoll, MHA, District of Ferryland
Mike Rose, Fermeuse Enterprises Limited
Town of Fermeuse
Town of Port Kirwin