

OCT 05 2021

COR/2021/03297

Reg. # 2153

KC Diraj
Pennecon Marine Base Ltd.
650 Water Street
P.O Box 1083
St. John's NL A1C 5M5

RE: Riverhead Commercial Wharf & Quarry

Dear: Mr. Diraj:

Your proposal has been reviewed by an interdepartmental environmental assessment screening committee and an opportunity to comment has been provided to the public as required by Part X of the Newfoundland and Labrador **Environmental Protection Act**, SNL 2002, cE-14.2. Please be advised that this undertaking is **released** from further environmental assessment subject to the following conditions:

- You are required to uphold all commitments made in your environmental assessment submission to mitigate the effects of the project on the environment.
- A Water Resources Management Plan must be submitted to the Water Resources Management Division of my Department for approval, prior to commencing any work related to this project. The Water Resources Management Plan should answer the following questions:
 - If there are any brooks, rivers, ponds, streams or wetlands, present in or within 30 metres of the boundaries of the project site, you are to provide the type of water body and its distance from the site.
 - If any of the above-mentioned water bodies are impacted by site operation, describe how the water body will be impacted. A permit/licence from the Water Resources Management Division may be required.
 - If there is any potential of onsite drainage water or dewatering water to discharge into a natural water body, describe what precautionary measures, such as vegetative cover, filter strip, silt curtain, etc., are to be deployed to ensure the effluent or runoff meets the requirements of the Environmental Control Water and Sewage Regulations, 2003.

For further information, please contact the Water Resource Management Division at (709) 729-1646, or email at leahburry@gov.nl.ca.

- The Department of Fisheries Forestry and Agriculture requires the following:
 - 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 Wildlife Division. The Wildlife Division requires a minimum 50 metre naturally vegetated buffer be maintained along the coast (east of the quarry). Coastal shorelines and adjacent uplands are important wildlife habitat; precautionary buffers will decrease impacts due to erosion.
 - For slopes less than 30 percent, a minimum 30-metre naturally vegetated riparian buffer zone shall be established around all waterbodies, from the high water mark, that are identified on either the 1:50,000 scale National Topographic System maps, or the topographic mapping layer shown in the Provincial Land Use Atlas. No land use activities involving grubbing, ground or soil disturbance, or timber harvesting activities will take place in this zone.
 - For slopes greater than 30 percent, there shall be a naturally vegetated riparian buffer zone calculated using the following formula: 30 metres + (1.5 metres x slope (%)). No land use activities involving grubbing, ground or soil disturbance, or timber harvesting activities will take place in this zone.

For further information, contact the Wildlife Division at (709) 637-2025.

- You are required to advise the Environmental Assessment Division when the conditions of release have been met, by emailing a written description, documents, and images (where applicable) to demonstrate that the conditions have been fulfilled to EAProjectComments@gov.nl.ca.
- You are required to update the Environmental Assessment Division on the status of your project, including a copy of all permits, licences, certificates, approvals and other authorizations required for your project, one year from the date of this release letter and to provide additional updates if required. Please email your project updates to EAProjectComments@gov.nl.ca.

Federal and provincial government departments and agencies that reviewed your project during the environmental assessment provide the following advice:

The Water Resources Management Division of my Department requires you to obtain a Water Use License and permits to work in shore water zones and for infilling. For further information, please contact the Water Resources Management Division at (709)729-2563 or email LeahBurry@gov.nl.ca.

The Pollution Prevention Division and the Department of Digital Government and Service NL require that all fuel storage tank systems, other than those connected to a heating appliance of capacity of 2,500 litres or less shall be registered prior to installation. Please contact the Department of Digital Government and Service NL to determine whether registration is required for the particular device/tank proposed in the registration document. For further information contact Digital Government and Service NL at (709)637-2204.

Digital Government and Service NL advises that all propane system installations exceeding 211,000 kilojoules (200,000 BTU) are subject to the Boiler, Pressure Vessel and Compressed Gas Regulations under the **Public Safety Act** and will require approval prior to installation. Should future development require the installation of a subsurface sewage disposal system, you are to submit and receive approval for plans and specifications, prepared by an approved designer, for a sewage disposal system that conforms with the Sanitation Regulations and the Private Sewage Disposal and Water Supply Standards, 2006. You must obtain written approval from the Town of Riverhead prior to project development. Should the development require the construction or renovation of on-site service buildings, application must be made for Fire/Life Safety and Building Accessibility review/approvals. An electrical permit is required before any electrical work/installation commences. Digital Government and Service NL further advises that the extent of land clearing and grubbing should be restricted such that a 30-metre naturally vegetated area is maintained between the site and surrounding properties, thoroughfares, watercourses and waterbodies and the highway right-of-way. For more information, please contact Digital Government and Service NL at (709)729-3699.

The Occupational Health and Safety Division of the Department of Digital Government and Service NL advises you to ensure that the activities associated with the development are conducted in compliance with the Occupational Health and Safety Act and its regulations. This includes the responsibility for ensuring that contractors hired to perform work also comply with this legislation. The Occupational Health and Safety Division reminds you to consider procedures related to the protection of workers related to COVID-19. Procedures must follow the requirements set forth by the Chief Medical Officer of Health for Newfoundland and Labrador (e.g. physical distancing, handwashing). For further information contact (709)729-0673.

The Department of Fisheries, Forestry and Agriculture advises that a commercial cutting permit is required 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

from the local forest management district office. During the forest fire season a permit to burn must be obtained to ignite a fire on or within 300 meters of forested land. Fisheries, Forestry and Agriculture further advises that you must submit an application to the Crown Lands Administration Division for the issuance of Crown title for the wharf and laydown area, and a second application for the issuance of Crown title for the proposed new road construction and upgrades to the existing road. For more information, please contact Fisheries, Forestry and Agriculture at (709)637-2025.

Fisheries, Forestry and Agriculture informs that aquatic invasive species (AIS) are an increasing risk to the province's native species, habitats, ecological structures and cultured fish. A coordinated approach is needed to prevent and mitigate the introduction and spread of harmful AIS, including the European Green Crab, which has a confirmed presence in Riverhead, St. Mary's Bay. Fisheries, Forestry and Agriculture and Fisheries and Oceans Canada encourage you to exercise best practices to help prevent the introduction and spread of AIS throughout the region, including the cleaning, draining and drying on land of any equipment or machinery used in water. Please see the attached document entitled "Comments for the proponent, for information and guidance related to best management practices for AIS.

The Department of Industry, Energy and Technology advises you to consult with NL Hydro and NL Power, given the presence of utility assets. For more information, please contact Industry, Energy, and Technology at (709)729-5748 or email stephenhinchey@gov.nl.ca.

Environment and Climate Change Canada advises you to develop and implement a management plan that includes appropriate preventative measures to minimize the risk of impacts on migratory birds; operations should consider nesting locations between April 15 and August 15 in this region. Environment and Climate Change Canada requests that you provide a GIS file of the project boundaries and study area so that the project can be mapped. ECCC-CWS recommends that a site monitoring plan be developed for stranded birds, for the migratory bird breeding season as well as the spring and fall migration periods and implemented while floodlights are being used during nighttime hours. The Canadian Wildlife Service of Environment and Climate Change Canada (ECCC-CWS) recommends that, given the close proximity to waterbodies and wetlands, you must ensure sediments are contained and not permitted to run off into waterbodies to minimize adverse impacts on the watershed. If birds become stranded onsite, a seabird-handling permit would be required to implement the instructions in the reference document, and such a permit would have to be in place prior to the initiation of proposed activities. Please note that MBCA permit applications can be obtained from ECCC-CWS via email at Permi.atl@ec.gc.ca. Please contact ECCC-CWS for more information at 1-800-668-6767.

Fisheries and Oceans Canada advises that the modernized Fisheries Act include fish and fish habitat protection provisions, which came into effect on August 28, 2019. If you are conducting work in or near water you should refer to the Projects Near Water website to get information about how to comply with the Fisheries Act and as well as information on the

project review process. The "Projects Near Water" website is located at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>. For further information, please contact the Fisheries Protection Program at (709)772-4140.

Health Canada suggests that noise management and noise monitoring plans, including complaint resolution, as appropriate, be included as part of an Environmental Management Plan for the project. You should consider preparing a response plan in the event of an accident or malfunction with the potential to impact drinking and/or recreational water quality or country foods. The response plan should consider including a spill response kit, adequate spill response training, and a communication plan to notify any recreational and/or drinking water users or consumers of country foods in the impacted area, as well as all relevant authorities. Health Canada has provided links to guidance on noise, air quality, water quality and country foods documents in the attached document entitled "Comments for the Proponent." For more information, please contact Health Canada at (902)237-7478.

Although 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. 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.

Please note that in accordance with Section 17 of the Environmental Assessment Regulations, the Minister's decision is valid for a period of three years from the date of this letter. If you have not commenced your project within this three year period, you may apply to extend the three-year period for a maximum of three one-year periods, if needed. For further information, please email EAProjectComments@gov.nl.ca.

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

Sincerely,

A handwritten signature in blue ink, appearing to be "Bernard Davis", written over a circular stamp or seal.

HON. BERNARD DAVIS, MHA
District of Virginia Waters – Pleasantville
Minister

Enclosure

cc: Sherry Gambin-Walsh, MHA Placentia-St. Mary's