



SEP 01 2021

COR/2021/02637

Reg. # 2154

Ken Hannaford
Department of Transportation and Infrastructure
P.O. Box 8700
St. John's NL A1B 4J6
Email: hannafordk@gov.nl.ca

RE: Deer Lake Pedestrian Underpass

Dear Ken Hannaford:

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.
- The Department of Fisheries, Forestry and Agriculture requires that;
 - The proposed underpass construction may encroach upon Deer Lake's two Management Units (Upper Humber River and Shoreline Upper Humber) under the Town's Municipal Stewardship Agreement. Any on-ground personnel must be made aware of these conservation areas and any restrictions associated with this agreement. An image of the Management Units areas is attached. For more information, please call the Department of Fisheries, Forestry and Agriculture at (709)637-2052.
 - 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 those raptor nest sites must be reported to the Wildlife Division. For more information, please contact the Department of Fisheries, Forestry and Agriculture 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 that reviewed your project during the environmental assessment provide the following advice:

The Pollution Prevention Division of my Department advises that spill response equipment should be readily available on site and a project specific contingency plan be developed. The Pollution Prevention Division further advises that you refer to the Treated Wood Waste Guidance Document. For more information, please contact the Pollution Prevention Division at (709)729-5782.

The Water Resources Management Division of my Department requires you to apply for and obtain permits for any work within a water body, work within a designated flood risk area, non-domestic water use for any purpose, installation of a culvert, development in shore water zones and infilling within 15 meters of a body of water. You are advised to comply with my Department's policies for Flood Plain Management, Development in Shore Water Zones and Infilling Bodies of Water. For more information, please contact the Water Resources Management Division at (709)729-2563.

The Climate Change Branch of my Department advises you to consider provincial climate change projections for Deer Lake in planning for this undertaking. For more information, please contact the Climate Change Branch at (709)729-1485.

The Government Service Centre of the Department of Digital Government and Service NL advises you that a development permit will be required for any construction within 100 meters of the center line of Route 430. A permit is also required for the construction of an access road in a protected area for any access onto a protected road. For more information, please contact the Government Service Centre at (709)637-2204.

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 associated with the protection of workers related to COVID-19. Procedures must

follow the requirements set forth by the Chief Medical Officer of Newfoundland and Labrador (e.g. physical distancing, handwashing).

The Department of Fisheries, Forestry and Agriculture advises that the proposed underpass construction may encroach upon Deer Lake's two Management Units (Upper Humber River and Shoreline Upper Humber) under the Town's Municipal Stewardship Agreement. Any on-ground personnel must be made aware of these conservation areas and any restrictions associated with this agreement. For more information, please call the Department of Fisheries, Forestry and Agriculture at (709)637-2052.

The Department of Industry, Energy and Technology advises you that any quarry material needed for this undertaking must be obtained from approved sources. You should advise Newfoundland Power of this project due to the location of distribution lines in this area. For more information, please contact the Department of Industry, Energy and Technology at (709)729- 5748.

The Provincial Archaeology Office of the Department of Tourism, Culture, Arts and Recreation advises that, if historic resources are discovered as a result of this construction, then work must cease and you are to contact the Provincial Archaeology Office at (709)729-2462 for further direction before proceeding.

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. Environment and Climate Change Canada request that you provide a GIS file of the project boundaries and study area so the project can be mapped. For further information, please contact Environment and Climate Change Canada at (709)772-2126.

The Department of Fisheries and Oceans 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.

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(A), Environmental Assessment Division, at (709)729-0673 or joannesweeney@gov.nl.ca.

Sincerely,



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

Enclosures

cc: Hon. Andrew Furey, Premier
Joanne Sweeney, Director(A), Environmental Assessment Division