

COR-2022-767

June 17, 2022

Reg. #2197

Calvin Wilton, Mayor
Town of Hampden
P.O. Box 9
74 Country Rd
Hampden NL A0K 2Y0
Email: townofhampden@eastlink.ca

Dear Mayor Wilton:

RE: Hampden By-road Project (the Project)

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 the following:
 - You are to maintain a minimum 50-metre naturally vegetated buffer along the Hampden River to protect sensitive riparian and aquatic species and their habitat from upland activities. For other waterbodies, with exception of the installation of the bridge:
 - 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 shall take place in this zone.
- 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. For further information, please contact the Department of Fisheries, Forestry and Agriculture at (709) 637-2353.
 - The Town of Hampden must request permission from the Minister of Municipal and Provincial Affairs to acquire real property not related to the operations of council as required under Section 201 of the **Municipalities Act**. For further information, please contact the Manager of Legislation, Department of Municipal and Provincial Affairs at (709) 729-5473.
 - 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 the Project, including a copy of all permits, licenses, certificates, approvals and other authorizations required for the Project, one year from the date of this release letter and to provide additional updates if required. Please email Project updates to EAProjectComments@gov.nl.ca.

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

The Climate Change Branch of my Department notes that the clearing of trees and brush can contribute to climate change, and the use of heavy-duty equipment used in the construction and operation of the Project should be operated in a manner to maximize fuel efficiency. For further information, please contact the Climate Change Branch at (709) 729-1485.

The Pollution Prevention Division of my Department advises you to develop a site-specific contingency plan to enable a quick and effective response to a spill event. Response equipment, such as absorbents and open-ended barrels for collection of clean-up debris, should be stored in an accessible location on site. Any spill or leak of gasoline or

associated product is to be reported immediately by calling the Environmental Emergencies Telephone Line at 1-800-563-9089. For further information, please contact the Pollution Prevention Division at (709) 729-5782.

The Water Resources Management Division (WRMD) of my Department advises that any development along the new residential by-road that is to be serviced by municipal water and sewer will require a permit under Section 36 & 37 of the **Water Resources Act**. Permits will be required for the installation of culverts/bridges, any work in any body of water (including wetland), and for the construction of a non-domestic well prior to the start of Project construction. Application forms can be found at <https://www.gov.nl.ca/ecc/waterres/regulations/appforms/>. The WRMD advises that any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003. The WRMD notes that it appears from the registration document that a subdivision will be developed along the proposed road. Based on crown land applications in the area, the residential lots will have municipal water and private septic. If, however, the subdivision is serviced by private wells, then a groundwater assessment will be required, as follows:

- You may be required to complete a Level I Groundwater Assessment as per the Department of Environment and Climate Change Guidelines: Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells <https://www.gov.nl.ca/ecc/files/waterres-regulations-appforms-unserviced-subdivision-gw-assessment-guidelines-dwh-revisions.pdf> under the **Water Resources Act, 2002**. These guidelines require a Level II Groundwater Assessment in the event of known water quality issues. A completed report must be submitted, reviewed and approved by this Department prior to any permitting by the Department of Digital Government and Service NL for waste disposal or septic systems within the proposed subdivision.
- A proposed subdivision greater than 4 lots requires a Level I Groundwater Assessment. For proposed subdivisions between 5 to 14 lots, if a Level I Groundwater Assessment's findings recommend a Level II Groundwater Assessment this Department may request a Level II Groundwater Assessment be undertaken. A proposed subdivision of greater than 14 lots requires both a Level I and a Level II Groundwater Assessment. For further information, please contact the Water Resources Management Division at (709) 729-1671.

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. For further information, please contact the Occupational Health and Safety Division at (709) 729-6690.

The Department of Fisheries, Forestry and Agriculture (FFA) 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 forest land. Fisheries, Forestry and Agriculture further advises that the Project area is located within an identified core range/habitat for Newfoundland Caribou and any new footprint within this sensitive caribou area must be kept to a minimum and all efforts must be taken to minimize stress on resident animals. For further information, please contact the Department of Fisheries, Forestry and Agriculture at (709) 729-2353.

The Department of Municipal and Provincial Affairs advises that the Project is located in the municipality of Hampden and a permit for development is required. For further information, please contact the Department of Municipal and Provincial Affairs at (709) 729-3090.

Environment and Climate Change Canada (ECCC) recommends that you avoid land-clearing activities during the regional nesting period for migratory birds. The breeding season for most birds within the Project area occurs between April 15 and August 15. ECCC requests that you provide a Geographic Information System (GIS) file of the Project boundaries and study area so that the Project can be mapped. For further information, please contact ECCC at (709) 772-2126.

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 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. You shall 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 the 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. Failure to apply for an extension will result in the expiry of the Minister's decision, and the Project will have to be registered again for environmental assessment, should you wish to proceed. For further information, please email EAProjectComments@gov.nl.ca.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Bernard Davis".

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

Enclosures

Cc: Hon. Dr. Andrew Furey, Premier
MHA – Humber-Gros Morne