

OCT 14 2022

COR-2022-2415

Reg. # 2211

Frank Kelly  
Director, Humber Seasons Limited  
Cartronkeel, Moate, Co Westmeath Ireland  
Email: [frankkelly446@gmail.com](mailto:frankkelly446@gmail.com)

Dear Frank Kelly:

**Re: Steady Brook Tourism-Residential Subdivision (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 the Project 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.
- My Department requires the following:
  - A minimum 50-metre undisturbed riparian buffer zone shall be maintained along the Humber River.
  - A minimum 50-metre undisturbed riparian buffer zone shall be maintained along the waterbody titled Steady Brook. The area where Steady Brook flows into the Humber is a recognized conservation unit though the Eastern Habitat Joint Venture Program.

For more information, please contact the Environmental Assessment Division at (709) 729-0673.

- The Department of Fisheries, Forestry and Agriculture requires that 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 sites must be reported to the Wildlife Division. For further 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](mailto: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, licences, 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 the Project updates to [EAProjectComments@gov.nl.ca](mailto:EAProjectComments@gov.nl.ca).

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

The Pollution Prevention Division of my Department advises that a contingency plan specific to the proposed undertaking should be developed and spill response equipment should be readily available on site to enable a quick and effective response should a spill occur. Response equipment, such as absorbents and open-ended barrels for collection of clean-up debris, should be stored in an accessible location on site and personnel working on the Project should be knowledgeable about response procedures. 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. You are also advised to refer to the following guidance documents:

- Treated Wood Waste Guidance Document:  
<https://www.gov.nl.ca/ecc/files/env-protection-waste-guidancedocs-gd-ppd-075.1treated-wood-waste-disposal-.pdf>
- Protocol for the Management of Excavated Soils, Concrete Rubble and Dredged Materials:  
<https://www.gov.nl.ca/ecc/files/env-protection-waste-guidancedocs-excsoilsconcreterubbledredgedmaterials.pdf>

For further information, please contact the Pollution Prevention Division at (709) 729-5782.

The Water Resources Management Division of my Department advises that you must apply for and obtain permits for any development within 15 metres of the boundary of the 100-year flood plain, or any work in or within fifteen metres of a body of water (including wetlands), or any infilling work within fifteen (15) metres of a body of water (including wetlands), prior to the start of construction. Any proposed infilling must comply with my Department's Policy for Infilling Bodies of Water:  
<https://www.gov.nl.ca/ecc/waterres/regulations/policies/bodies-of-water/>.

The Water Resources Management Division further advises that you must apply for and obtain both a water use licence prior to the start of Project construction, and a permit to

construct prior to connecting to the municipal drinking water and wastewater system. You must consult with the town regarding any capacity issues with connection of this development to the municipal drinking water and wastewater systems. 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 further information, please contact the Water Resources Management Division at (709) 729-2563.

The Government Service Centre of the Department of Digital Government and Service NL advises that electrical plans must be submitted for review and approval and an electrical permit is required for each meter. Applications must be made for Fire/Life Safety and for Building Accessibility review/approvals. A development permit under the Protected Road Zoning Regulations will be required for any construction within a protected area. A permit is required for the construction of an access road in a protected area, or for any access onto a protected road. Any proposed access roads to the site must also be approved by the Department of Transportation and Infrastructure. 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. You are advised to prepare a spill response plan in the event of spills of fuel, oil or other fluids and to also ensure that an emergency response plan is in place, which includes the provision and maintenance of first aid kits. The Occupational Health and Safety Division reminds you to consider procedures associated with the protection of workers related to COVID-19. For further information, please contact the Occupational Health and Safety Division at (709) 729-6690.

The Crown Lands Division of the Department of Fisheries, Forestry and Agriculture advises that an application must be submitted if Crown land is required for this undertaking. In addition, if use of the shoreline reservation is required, a permit application pursuant to Section 7 of the **Lands Act** must be made. For further information, please contact Crown Lands at 1-833-891-3249 or email: [crownlandsInfo@gov.nl.ca](mailto:crownlandsInfo@gov.nl.ca).

The Department of Industry, Energy and Technology advises that any quarry materials required for the Project must be sourced from either a site covered by a quarry permit or lease, an external source as a byproduct of an approved development, or within the legal boundary of the project site, provided that the excavation would be in compliance with other permits and understandings. The Department of Industry, Energy and Technology also recommends that you consult with any utilities in the immediate area to ensure there is no conflict with existing or planned assets. Please be advised that this Project falls within the Anticosti Hydrocarbon basin, which is an area having oil and gas potential. For

further information, please contact the Department of Industry, Energy and Technology at (709) 729-5811.

The Department of Municipal and Provincial Affairs advises that the property for the Project occurs within the Designated Floodway Zone and Commercial Tourism Zone of the Municipal Planning Area and Boundary of the Town of Steady Brook. You are reminded that construction of buildings is not permitted within the Designated Floodway Zone, and a permit is required from the Town prior to any development. Should any extent of the property be within 100 meters of the centerline of a protected road, a permit is required from the Department of Digital Government and Service NL, prior to development. For more information, please contact the Department of Municipal and Provincial Affairs at (709) 729-3090.

Environment and Climate Change Canada (ECCC) – Canadian Wildlife Service (CWS) 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 15th and August 15th in this region. You are advised to prepare a management plan that includes appropriate preventative measures to minimize the risk of impacts on migratory birds including processes to follow should an active nest be found at any time of year. Please be aware that as of July 30, 2022, the modernized *Migratory Bird Regulations* (MBR) came into effect, which outlines a list of species on Schedule 1 whose nests remain protected year-round, given their propensity to re-use nests. It is your responsibility to ensure that Project activities are in compliance with the **Migratory Birds Convention Act** and MBR.

ECCC-CWS further advises you to obtain information on species at risk and species of conservation concern potentially occurring in the area, including surrounding habitats potentially affected by the Project, prior to the start of construction. Such information is available from the Atlantic Canada Conservation Data Centre (ACCDC), provincial wildlife biologists, as well as local naturalists. Please report sightings of species at risk to ECCC-CWS at [ec.scfatldonneesei-cwsatliadata.ec@ec.gc.ca](mailto:ec.scfatldonneesei-cwsatliadata.ec@ec.gc.ca) and to the ACCDC at <http://accdc.com/en/contribute.html>.

ECCC-CWS recommends that you consider best management practices, for bats ([https://wildlife-species.canada.ca/species-risk-registry/virtual\\_sara/files/gen\\_info/fs\\_chauvesouris\\_bats\\_gen-v03\\_0215\\_e.pdf](https://wildlife-species.canada.ca/species-risk-registry/virtual_sara/files/gen_info/fs_chauvesouris_bats_gen-v03_0215_e.pdf)), the goals of the recovery strategy for the Newfoundland population of the American marten ([https://wildlife-species.canada.ca/species-risk-registry/virtual\\_sara/files/plans/rs\\_american\\_marten\\_newfoundland\\_population\\_e\\_final.pdf](https://wildlife-species.canada.ca/species-risk-registry/virtual_sara/files/plans/rs_american_marten_newfoundland_population_e_final.pdf)) and the COSEWIC Assessment and Status Report for Newfoundland caribou ([https://wildlife-species.canada.ca/species-risk-registry/virtual\\_sara/files/cosewic/sr\\_Caribou\\_NF\\_Boreal\\_Atlantic\\_2014\\_e.pdf](https://wildlife-species.canada.ca/species-risk-registry/virtual_sara/files/cosewic/sr_Caribou_NF_Boreal_Atlantic_2014_e.pdf)) during Project activities.



ECCC-CWS further recommends that you develop an Oil Spill Prevention and Response Plan for pollution incidents affecting wildlife. Should the Project have residual impacts on wetlands, it is advised that you develop a Wetland Compensation Plan to mitigate the effects and, if required, propose habitat offset ratios. Finally, you 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. For further information or assistance with preparation of plans, please contact ECCC-CWS at (709) 689-8915.

The Department of Fisheries and Oceans advises that the modernized **Fisheries Act** includes 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 advises that that if there is potential for impacts to human receptors from noise and/or air quality changes, mitigation measures should be established. You should also establish a process to ensure that receptors are informed prior to loud activities and that any complaints are collected and addressed. If complaints are received additional mitigation measures may be required. In addition, Health Canada advises you to consider preparing a response plan in the event of an accident or malfunction with the potential to impact drinking and/or recreational water quality and/or country foods, including a plan to notify all potentially impacted receptors. For further 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. 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, my 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 term of my decision for a maximum of three, one-year periods, if needed. Should the term of my decision expire, the Project will have to be registered again for environmental assessment, if you wish to proceed. For further information, please email [EAProjectComments@gov.nl.ca](mailto:EAProjectComments@gov.nl.ca).



If you have any questions about the environmental assessment process, please contact Joanne Sweeney, Director of the Environmental Assessment Division, at (709) 729-0673 or email [joannesweeney@gov.nl.ca](mailto: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

Enclosures

Cc: Scott Reid, MHA – District of St. George's-Humber  
Walter Anderson, Anderson Engineering