

JAN 11 2023

COR-2023-84

Reg. # 2225

Jakob Penner
4 Bayview Place
PO Box 333
Lethbridge NL A0C 1V0
E-mail: jakobpenner42@gmail.com

Dear Jakob Penner:

RE: Matthews Pond (Lethbridge) Strawberry Farm (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 is **released** from further environmental assessment subject to the following conditions:

- You must uphold all commitments made in your environmental assessment submission to mitigate the effects of the Project on the environment.
- The Wildlife Division of the Department of Fisheries, Forestry and Agriculture requires the following:
 - Vegetation clearing is not 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.
 - A minimum 50-metre undisturbed riparian buffer must be maintained from the high water mark of all wetlands and waterbodies within and adjacent to the Project 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, to protect sensitive riparian and aquatic species and their habitats. For more information, please contact the Wildlife Division at (709) 637-2052.

- You must 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 must 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, within one year from the date of this release letter and to provide additional updates, if requested. 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 (CCB) of this department advises that heavy equipment used for Project construction and operations should be operated in a manner to maximize fuel efficiency, thereby reducing greenhouse gas emissions that could contribute to climate change. For more information, please contact the CCB at (709) 729-1485.

The Pollution Prevention Division (PPD) of this department advises that a Pesticide Applicator Licence is required for the application of a pesticide, and a contractor hired to perform that service must have a valid Pesticide Operator Licence. For more information, please contact the Pesticides Control Section at (709) 729-6054. You are also advised to develop a contingency plan specific to the Project and to have spill response equipment readily available on-site to enable a quick and effective response to a spill event. Any spill or leak of gasoline or associated product is to be reported immediately to the Environmental Emergencies Telephone Line at 1-800-563-9089. For more information, please contact the PPD at (709) 729-5782.

The Water Resources Management Division (WRMD) of this department advises that permits are required for any work in or within 15 metres of a body of water (including wetlands), or a non-domestic well. A water use licence is required for the use of water from any water source for any purpose, and effluent or runoff leaving the site is required to conform to the Environmental Control Water and Sewage Regulations. For more information, please contact the WRMD at (709) 729-1646.

The Government Service Centre (GSC) of the Department of Digital Government and Service NL advises that all waste material is to be placed in suitable refuse containers and removed to an approved waste disposal site on a weekly basis, with the approval of the site owner/operator. Also, you must be in compliance with the Storage and Handling of Gasoline and Associated Products Regulations, Heating Oil Storage Tank System Regulations, and Used Oil Control Regulations. For more information, please contact the



Clarenville Regional Office at (709) 466-4060 to discuss any relevant permits and / or approvals that may be required, or the GSC at (709) 292-4206.

The Department of Fisheries, Forestry and Agriculture (FFA) advises that an agricultural lease is required for the Project prior to the commencement of Project construction. A cutting permit is not required to clear the land provided that the harvested timber is not offered for sale or barter. If the harvested timber is offered for sale, a commercial cutting permit is required from the local district forestry office. An operating permit is required for activity conducted during the forest fire season and a permit to burn must be obtained to ignite a fire on or within 300 metres of forest land during the forest fire season. For more information, please contact FFA at (709) 637-2353.

The Department of Health and Community Services (HCS) reminds you that, in accordance with the Sanitation Regulations, a person shall not spread stable or other manure, fish or fish offal, or discharge waste on land situated less than 75 meters from the source of a drinking water supply when the draining of the land is towards the water supply. HCS advises you to consult with an Environmental Health Officer with the Department of Digital Government and Service NL regarding potential water supply and sewage disposal services prior to constructing a lunch shack or cabin on the Project site. For more information, please contact GSC at (709) 466-4060.

The Department of Industry, Energy and Technology (IET) advises that any quarry materials required for the Project must be obtained from approved sources. For more information, please contact IET at (709) 729-5811.

The Department of Environment and Climate Change Canada (ECCC) recommends that you prepare the following plans:

- an Oil Spill Prevention and Response Plan;
- a Contingency Plan that considers potential accidents and malfunctions for site specific activities;
- a Gull Management Plan that keeps the site free of waste and litter; and
- a Management Plan that includes appropriate preventive measures to minimize the risk of impacts on migratory birds. The Management Plan should describe procedures to be followed if an active nest is found at any time of year.

ECCC further advises that you avoid scheduling high disturbance activities, such as vegetation clearing, 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. The Canadian Wildlife Service of ECCC requests that any species-at-risk sightings be reported to ec.scfatldonneesei-cwsatliadata.ec@ec.gc.ca . For more information, please contact the Canadian Wildlife Service at (709) 772-4221.



Fisheries and Oceans Canada 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 more information, please contact the Fisheries Protection Program at (709) 772-4140.

Health Canada (HC) advises you to implement mitigation measures if there is potential for impacts to human receptors from noise and/or air quality changes. 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, HC 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 HC at (902) 237-7478.

Although the undertaking as proposed is released from further environmental assessment, it is still subject to other 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 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. 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 email joannesweeney@gov.nl.ca .

Sincerely,

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

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

Cc: Craig Pardy, MHA, District of Bonavista