

AUG 27 2020

Reg. #2089

Ms. Tracy King  
Deputy Minister  
Department of Fisheries, Forestry and Agriculture

Dear Ms. King:

**Re: Junction Brook Agriculture Area of Interest #39 Access Road and Land Clearing – Registration 2089**

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 advises 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 site must be reported to the Wildlife Division at 709-637-2025.
- The Department of Fisheries, Forestry and Agriculture requires a minimum 30-metre undisturbed buffer along all waterbodies and wetlands that appear on a 1:50,000 topo map to protect sensitive riparian and aquatic species, and their habitat. For further information, please contact the Wildlife Division at 709-637-2025.
- The northern portion of AOI #39 intersects with caribou spring core habitat. Any vegetation clearing must occur after the calving/ post-calving period, ending July 30.
- You are required to advise Environmental Assessment Division when each of the conditions of release has been met.

- You are required to update 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 by me. Please email your project updates to [EAProjectComments@gov.nl.ca](mailto:EAProjectComments@gov.nl.ca).

The Department of Fisheries Forestry and Agriculture indicates that you are required to obtain an Operating Permit prior to the start of any work during the forest fire season, and a permit to burn if igniting a fire with 300 metres of forest land during forest fire season. Permits can be obtained at your local forest management district office.

The Pollution Prevention Division, Department of Environment, Climate Change and Municipalities, advises that all water discharged from the proposed site during construction and operation is subject to compliance with the Environmental Control Water and Sewage Regulations, 2003, under the Water Resources Act. You are also reminded that all pesticide purchase, storage and use is subject to compliance of the Pesticide Control Regulations, 2012, under the Environmental Protection Act. The Regulations stipulate that an Applicator must be licensed for the class of pesticide which is intended to be applied. Also, the regulations stipulate that a Pesticide Operator Licence is required in order to purchase pesticides unless otherwise exempted by the regulations. For further information, please contact the Pollution Prevention Division at (709) 729-5782.

The Water Resources Management Division, Department of Environment, Climate Change and Municipalities, advises that a permit is required for any work in any body of water (including wetland), any work in Shore Water Zones, and any infilling work within fifteen (15) metres of a body of water. In addition, you must obtain a water use licence for the use of water from any water source for any purpose. The Water Resources Management Division also 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. For further information, please contact the Water Resources Management Division at (709) 729- 2563.

The Local Governance and Land Use Planning Division, Department of Environment, Climate Change and Municipalities, and the Government Service Centre (GSC), Department of Digital Government and Service Newfoundland and Labrador advise that the most easterly portion of the project encroaches onto the boundaries of the Protected Road Zoning Regulations and a permit to develop is required prior to commencing any development. In addition, GSC advises that any buildings associated with the project, including sheds, may require review and approval of electrical plans, septic plans, and compliance with fire and life safety and building accessibility requirements. For further information on development permits and approvals, please contact the Government Service Centre at (709) 637-2204.

The Department of Industry, Energy and Technology, Mines Branch advises that a quarry permit is required if you wish to establish a new quarry or re-activate an inactive quarry in order to source quarry materials. In addition, you are advised that the proposed project partially overlaps a vast area recognized as being underlain by deposits of high-quality sand and gravel and the area located south of the proposed project across Junction Brook contains a number of active quarry sites. Ongoing quarrying as well as the development of new quarry sites across the river and potentially elsewhere in the vicinity are expected.

The Department of Industry, Energy and Technology, Petroleum Division advises that the proposed project area is located within the Anticosti Hydrocarbon Basin and partially overlaps the area covered by an onshore petroleum permit. Petroleum exploration is occurring in this area and is expected to continue to occur.

The Department of Industry, Energy and Technology, Electricity Division advises that there is a main transmission line near the project area. Please contact Newfoundland Power to ensure there are no electricity issues. For further information regarding the advice provided by the Department of Industry, Energy and Technology, please contact the department at (709) 729-5811.

Transport Canada advises that the proposed project appears to be in navigable waters not listed on the schedule. Under the Canadian Navigable Waters Act, owners of works that are located on navigable waterways not listed in the schedule, which may interfere with navigation, have the option to either apply to the Minister of Transport for approval, or seek authorization through the public resolution process. Both the application process and the public resolution process can be accessed at the following link: <https://wwwapps.tc.gc.ca/Prog/3/NWAR-RLEN-E/en/Account/Login>. For further information, please contact the Navigation Protection Program at (506) 851-3113.

Fisheries and Oceans Canada advises that you refer to the "Projects Near Water" website located at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html> for information about how to comply with the *Fisheries Act* and on the project review process. For further information, please contact the Fisheries Protection Program at (709) 772-4140.

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<sup>th</sup> and August 15<sup>th</sup> in this region. However, as some species protected under the Migratory Birds Convention Act (MBCA) do nest outside of this period, it is your responsibility to ensure that project activities are in compliance with the MCBA and associated regulations. 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. For further information, please contact (709) 772-2126.

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. Please note that 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 your project has not commenced within this three year period, you may apply to extend the three-year period for a maximum of three one-year periods, if needed.

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

Sincerely,



**DEREK BENNETT, MHA**

District of Lewisporte – Twillingate  
Minister

Enclosures

c: Hon. Dwight Ball, MHA  
Humber-Gros Morne