

MAY 25 2022

COR-2022-545

Reg. #2188

William Kigbu
Salty Creeks Agricultural Enterprise
42 Ennis Avenue
St. John's NL A1A 1T8
Email: wkigbu@gmail.com

Dear William Kigbu:

RE: Wych Hazel Pond Goat and Crop Farm

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 Water Resources Management Division of my department requires that prior to commencing any work related to this project, a Water Resources Management Plan must be prepared and submitted to the Water Resources Management Division for review and approval. The Water Resources Management Plan should address/answer the following concerns:
 - a) If there are any brooks, rivers, ponds, streams or wetlands, present in or within 30 metres of the boundaries of the project site, then please provide the type of water body and its distance from the site.
 - b) If any of the above-mentioned water bodies are impacted by the farm operation, describe how the water body will be impacted. A permit or licence from the Water Resources Management Division may be required. For further information, please contact the Water Resources Management Division at (709) 729-1229 or by mail at mohammadkhayer@gov.nl.ca.
- The Department of Fisheries, Forestry and Agriculture requires the following;
 - Where possible, 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 will take place in this zone.

- No vegetation clearing is to occur within 800 meters of a bald eagle or osprey nest during the nesting season (March 15 to July 31) and 200 meters during the remainder of the year. The 200m 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.
- 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, licenses, 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 and agencies that reviewed your project during the environmental assessment provide the following advice:

The Climate Change Branch (CCB) of my Department would like to draw your attention to Section 9.36 of the National Building Code, which includes energy efficiency requirements for buildings. Newly constructed buildings must comply with these energy efficiency requirements for new developments in a municipality. CCB has developed a Guide to Better Building Envelopes for Large Buildings available at: <https://www.gov.nl.ca/eccm/files/publications-building-envelopes-large-buildings.pdf>. Better energy efficiency can lower operating costs and energy bills by reducing energy required for heating, cooling, lighting, etc. CCB also 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 this 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 that if pesticide use is required, the applicator must be licenced for the class of pesticide that is intended to be applied. Any pesticide or herbicide use must be in accordance with the Pesticide Control Regulations. For more information, please contact the Pesticide Control Section at (709) 729-6054 or (709) 729-2565. The Pollution Prevention Division further recommends that you 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 more information, please contact the Pollution Prevention Division at (709) 729-5782.

The Water Resources Management Division (WRMD) of my Department advises that one of the farm activities/structures (Structure C-3) has been planned to be constructed directly on a stream. This structure is required to be relocated to avoid eliminating the stream and to maintain a 30-metre reservation from waterbodies. The WRMD advised that you must apply for and obtain permits for any work in or within fifteen (15) metres of a body of water (including wetlands), and for the constructing of a non-domestic well prior to the start of construction. They further note that you must abide by and necessary groundwater monitoring requirement. The application forms can be found at the following link: <https://www.gov.nl.ca/ecc/waterres/regulations/appforms/>. WRMD further 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) 729-1671.

The Government Service Centre of the Department of Digital Government and Service NL advises that a Certificate of Approval is required before a livestock operation with five or more animal unites can be put into operation. One animal unit of livestock is equivalent to 454 kb/1000 lb live weight. The Government Service Centre further advises that manure shall not be spread or stored within 30 metres of the nearest waterbody/watercourse or within 75 metres of any well or water supply used for drinking water purposes. A 30-metre buffer zone is required between agricultural land and any watercourse or water body, and a 30-metre tree screen is to be maintained between the highway right-of-way and this property. 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. 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 you will not be required to obtain a cutting permit to clear this land provided that the timber cut is not offered for sale or barter. If the harvested timber is offered for sale, a cutting permit is required. During the forest fire season a permit to burn must be obtained to ignite a fire on or within 300 meters of forest land. FFA notes that the Project area overlaps a domestic cutting area, and they encourage you to allow domestic users access wood in the surrounding area and not prevent access to users to the cutting area. FFA further advise that you are required to adhere to all conditions identified on the Agriculture Lease and follow the Environmental Guidelines for Horticulture Producers and Environmental Guidelines for Livestock Producers at <https://www.gov.nl.ca/ffa/files/agrifoods-land-envseries-pdf-fs-horticulture.pdf> and <https://www.gov.nl.ca/ffa/files/agrifoods-land-envseries-pdf-fs-livestock.pdf>. For further information, please contact the Department of Fisheries, Forestry and Agriculture at (709) 729-2353.

The Department of Health and Community Services advises that you consult with the Department of Digital Government and Service NL regarding requirements under the Sanitation Regulations and the Food Premises Regulations regarding the development of land for agricultural purposes and the sale of meat and other food products. For further information, please contact the Department of Health and Community Services at (709) 729-3422 or the Department of Digital Government and Service NL at (709) 729-3767.

The Department of Industry, Energy and Technology advises that any quarry materials that may be required for the project must be sourced from either a site covered by a quarry permit or quarry lease, an external source as a by-product of an approved development, or within the legal boundary of the project site (e.g., within the legal boundary of the corresponding land title) provided that their excavation would be in compliance with other permits and understandings. For further information, please contact the Department of Industry Energy and Technology at (709) 729-5748.

The Department of Municipal and Provincial Affairs advises that the project is located in the municipalities of Conception Bay South and the City of St. John's. A permit for development is required for development in both municipalities. For further information, please contact the Town of Conception Bay South at (709) 834-6500 and the City of St. John's at (709) 576-8220.

Environment and Climate Change Canada (ECCC) provides guidance on migratory birds and species at risk, wetlands, cumulative effects, effects of the environment on the Project and accidents and malfunctions. ECCC recommends that you avoid certain activities, such as clearing, during the regional nesting period for migratory birds. The breeding season for most birds within the project area occurs between April 15th and August 15th. 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 Environment and Climate Change Canada 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. 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 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 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. Failure to apply for an extension will result in the expiry of the Minister's decision, and your 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 via email at joannesweenev@gov.nl.ca.

Sincerely,

A handwritten signature in black ink, appearing to be "Bernard Davis", written over a horizontal line.

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

Enclosures

Cc: Barry Petten, MHA, District of Conception Bay South