

March 31, 2021

DOC/2021/01521

Reg. # 2120

Bruce Downer, Project Manager
Real Property Safety and Security Branch
Department of Fisheries and Oceans
80 East White Hills Road
St. John's, NL A1C 5X1
bruce.downer@dfo-mpo.gc.ca

Dear Mr. Downer:

Re: Indian River Fishway Reconstruction

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.
- You are required to update me 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.

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

The Pollution Prevention Division (PPD) of my Department reminds you 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*. PPD also refers you to the Management of Excavated Soils, Concrete Rubble and Dredged Materials Guidance Document, and the Treated Wood Waste Guidance

Document. For further information, please contact the Pollution Prevention Division at (709) 729-1810.

The Local Governance and Land Use Planning Division of my Department reminds you that, since the proponent is a Federal Government Agency, it is not bound by the municipality's development regulations; however, the subject area is within the municipal planning area of the Town of Springdale. Typically, the applicant is to apply for a development permit from the Town and the developer is to abide by the Town's development regulations. For Further information, please contact the Local Governance and Land Use Planning Division at (709) 729-3090.

The Water Resources Management Division of my Department advises that permits are required, prior to the start of construction, for alteration of a body of water, work in any body of water or wetland, work in shore water zones, and any infilling work within 15 metres of a body of water. You are also required to apply for and obtain a water use license for the use of any water source for any purpose. For further information, please contact the Water Resources Management Division at (709) 729-1646.

The Department of Fisheries Forestry and Agriculture reminds you that vegetation clearing during the construction phase of this project should avoid Hawthorne shrubs and Black Ash trees, including their seedlings. Further information on these species can be obtained from the Wildlife Division at (709) 637-2025.

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. The Occupational Health and Safety Division reminds you to consider procedures related to the protection of workers related to COVID-19. Procedures must follow the requirements set forth by the Chief Medical Officer of Health for Newfoundland and Labrador (e.g. physical distancing, handwashing).

Environment and Climate Change Canada (ECCM) reminds you that no high disturbance activities within one kilometer of active Common Loon nests should occur during nesting season. ECCM also 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 the Canadian Wildlife Service at (709) 772-4221.

Fisheries and Oceans Canada (DFO) advises that you are required to submit a Request to Review application the Fish and Fish Habitat Protection Program, to assess and mitigate/avoid potential negative impacts of the project on fish and fish habitat. The DFO review will evaluate the potential risks of the proposed project and will consider possible project redesigns to better ensure the protection of fish habitat. You will be required to provide adequate information on the fish species and fish habitat in the area of the project and will be advised of any and all mitigation measures that should be followed during the course of the project. For further information, please contact the Fisheries Protection Program at (709) 772-4140.

Health Canada has provided links to guidance documents that contain information related to the potential effects of projects on air quality, noise, water quality, and country foods, and measures that can be undertaken to mitigate the effects.

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 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 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.

If you have any questions concerning these matters, please contact Joanne Sweeney, Director (A), Environmental Assessment Division, at (709) 729-0673 or email joannesweeney@gov.nl.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "Derek Bennett".

DEREK BENNETT
Minister

Enclosures