

File # 2.2313:0317
Reg. 2019

JUL 19 2019

Mr. Marek Krol, President
Frozen in Time Ltd.
2 Markland Road, Route 81
Whitbourne NL A0B 3K0

Dear Mr. Krol:

RE: First Pond Road Blueberry 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.

The Local Governance and Planning Division of this Department advises that the subject property lies partially within the Municipal Planning Area of Bay Roberts and partially within the Municipal Planning Area of Spaniard's Bay and a development permit must be obtained from the council of both municipalities. According to the Development Regulations of Bay Roberts and Spaniard's Bay, since the subject property is located within a Resource Area, a referral to the Department of Forestry and Land Resources is required prior to obtaining Council's approval. For further information, please contact the Town of Bay Roberts at 709-786-2126 and the Town of Spaniard's Bay at 709-786-3568.

The Water Resources Management Division of this Department advises that you must apply for and obtain a permit under the Water Resources Act, 2002, specifically Section 39. A portion of agricultural lease #154061 is adjacent to or within a protected public water supply area (Broad Cove Pond Protected Public Water Supply Area servicing the Community of Dildo). Work adjacent to or within this designated Protected Public Water Supply Area must comply with this Department's Policy for Land and Water Related Developments in Protected Public Water Supply Areas. Contact: Manager, Drinking Water and Wastewater Section at (709) 729-4048

The Water Resources Management Division informs that the proposed farmland consists of some waterbodies and wetlands and the proponent is advised to maintain the waterbodies and wetlands in their natural state. If waterbodies or wetlands will be affected, a Section 48 permit will be required under the Water Resources Act, 2002. A Permit is required under the Water Resources Act, 2002, specifically Section 48 for any work in any body of water (including wetland) including but not limited to culverts, bridges, diversion channels,

etc. Contact: Manager, Water Rights, Investigations, and Modelling Section at (709) 729-2295.

In addition, a Water Use Licence (WUL) is required under the Water Resources Act, 2002. Contact: Manager, Water Rights, Investigations, and Modelling Section at (709) 729-2295. A permit is also required for Constructing a Non-Domestic Well under the Water Resources Act, 2002, specifically Section 58 for drilled well(s) along with following necessary groundwater monitoring requirements prior to the start of construction. Contact: Manager, Groundwater Section at (709) 729-2539.

Before land clearing occurs the Department of Fisheries and Land Resources requests the right to complete a review of merchantable timber to explore options to offer the area to a local forest operator to have the land cleared. If completion of this review deems an insufficient amount of timber for such an operation then, in accordance with section 14.1 of the Forestry Act the applicant 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. In all other cases the applicant will be required to obtain a cutting permit and abide by all sections of the Forestry Act associated with it, including but not limited to timber utilization, royalties and returns.

An Operating Permit is required prior to the start of any work during the forest fire season and can be obtained from the local forest management district office. During the Forest Fire Season a permit to burn must be obtained to ignite a fire on or within 300 metres of forest land.

The Wildlife Division of the Department of Fisheries and Land Resources advises that you must operate under established legislation and regulations, such as to prevent harassment of wildlife (Section 106 of the Wild Life Regulations under the Wild Life Act) and guidance with respect to wildlife and their habitats (e.g. nesting birds, caribou, waterfowl, wetlands, inland fish, rare plants, riparian species) to avoid or minimize adverse impacts.

The Wildlife Division informs that the Migratory Birds Convention Act, 1994, Migratory Bird Regulations, Wild Life Act and Wild Life Regulations protect birds and prohibit the disturbance or destruction of bird nests and eggs in Newfoundland & Labrador. Proponents are advised to develop and implement appropriate preventative and mitigation measures to avoid incidental take of birds, nests and eggs.

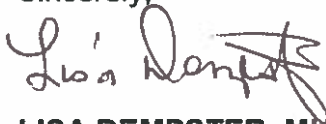
The Wildlife Division advises that no vegetation clearing is to occur within 800 metres of a bald eagle or osprey nest during the nesting season (March 15 to July 31) and 200 metres during the remainder of the year. The 200-metre buffer also applies to all other raptor nests (e.g. Northern Goshawk, Sharp-shinned 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.

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 and August 15 in this region. However, as some species protected under the Migratory Birds Convention Act (MBCA) do nest outside of this time period, it is the responsibility of the proponent to ensure that project activities are in compliance with the MBCA and associated regulations. For further information, please contact Ms. Sydney Worthman, Canadian Wildlife Service, at (709)772-4221 or Sydney.Worthman@canada.ca.

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.

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

Sincerely,



LISA DEMPSTER, MHA
Cartwright – L'Anse au Clair
Minister

cc Town of Spaniard's Bay
Town of Bay Roberts
Mr. Reg Feltham, Manager, Frozen in Time Ltd.

