

File # 2.2313.0323  
Reg. #2047

0 8 OCT 2019

Taryn Baker  
Northwest Atlantic Fisheries Centre  
80 East White Hills Road  
St. John's, NL  
A1C 5X1

Dear Ms. Baker:

**RE: Rocky River, Colinet Fishway Diversion Wall – Registration 2047**

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:

- No vegetation clearing is to occur within 800 metres (m) of a bald eagle or osprey nest during the nesting season (March 15 to July 31) and 200m 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 Department of Fisheries and Land Resources, Forestry and Wildlife Branch, Wildlife Division. Please call (709) 637-2025.
- A minimum 30m undisturbed vegetated buffer is required 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 on buffers, please contact the Department of Fisheries and Land Resources, Forestry and Wildlife Branch, Wildlife Division, at (709) 637-2025.

The Water Resources Management Division of my department requires that you obtain a permit for any work in any body of water (including wetland) including but not limited to culverts, bridges, diversion channels, etc. You must also apply for and obtain a permit should any infilling within fifteen (15) metres of a body of water be required. For further information, please contact the Water Resources Management Division at (709) 729- 2295.

The Pollution Prevention Division of my department advises that during the construction of concrete components, formwork shall be properly constructed to prevent

any fresh concrete from entering a body of water. Dumping of concrete or washing of tools and equipment in any body of water is prohibited. For further information, please contact the Pollution Prevention Division at (709) 729-5782. In addition, you are to follow the advice from Environment and Climate Change Canada with respect to concrete production during project activities, which includes ensuring that sediments, debris, concrete, and concrete fines are not deposited, either directly or indirectly into the aquatic environment. Moreover, containment facilities should be provided at the site as required. For further information, please contact Environment and Climate Change Canada at (709) 772-2126.

The Pollution Prevention Division and Water Resources Management Division advise that all waters discharged from the site during construction and operations, including surface runoff, are subject to compliance with the *Environmental Control Water and Sewage Regulations, 2003*.

Service NL advises that you consult with the Town of Colinet and obtain written approval prior to development. In addition, naturally vegetated areas between the site and surrounding properties and thoroughfares should be maintained. For further information, please contact Service NL at 729-3699.

The Department of Fisheries and Land Resources, Forestry and Wildlife Branch, Wildlife Division advises that the project is located within a Sensitive Wildlife Area for wintering waterfowl and recommends you consult Environment and Climate Change Canada - Canadian Wildlife Service regarding specific protection measures for avian species in the area. In addition, 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 15th and August 15th 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 *MCBA* and associated regulations. For further information, please contact (709) 772-4221.

Transport Canada advises that this project will require approval under the *Canadian Navigable Waters Act*. For information on the approval and application process, please contact the Navigation Protection Program at (506) 851-3113.

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](mailto:joannesweeney@gov.nl.ca).

Sincerely,



**DERRICK BRAGG, MHA**  
Minister of Municipal Affairs and Environment  
District of Fogo Island-Cape Freels

cc: Sherry Gambin-Walsh, MHA  
Placentia – St. Mary's

Ms. Natasha Warren  
Environmental Services  
Public Services and Procurement Canada