

DEC 10 2020

COR/2020/04598

Reg. # 2104

Mr. Cordell Hodder
658 Centennial Drive
Lumsden NL A0G 3E0
sageblue2008@hotmail.com

Dear Mr. Hodder:

Re: Lumsden Heritage 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 Department of Fisheries, Forestry and Agriculture requires the following:
 - 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).
- You are required to advise me when the conditions of release have been met, by emailing a written description, documents, and images (where applicable) demonstrating that the conditions have been fulfilled to EAPProjectComments@gov.nl.ca.

- 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 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*. All Pesticide purchase, storage and use are subject to compliance with the *Pesticides Control Regulations, 2012*. A Pesticide Operator licence is required in order to purchase pesticides unless otherwise exempted by the regulations. Prior to repurposing reefers for livestock housing, regulated substances contained in the reefers must be removed as per the *Halocarbon Regulations NLR 41/05*. A Certificate of Approval is required from Digital Government and Service NL before a livestock operation in excess of five animals is put into operation. The livestock operation must maintain compliance with the *Environmental Farm Practices Guidelines for Livestock Producers in Newfoundland and Labrador*. For further information, please contact the Pollution Prevention Division at 709-729-5782.

The Land Governance and Land Use Planning Division of my Department advises that subject area is partially within the protected road zone planning area for Highway 330 (Gander Bay Loop Road) near Lumsden. The zoning in this area is 'Rural Conservation'. Agricultural uses are permitted in that zone and you must apply to Digital Government and Service NL for a development application under the *Protected Road Zoning Regulations*. For further information, please contact the Land Use Planning Division at 709-729-3090.

The Water Resources Management Division of my Department advises that permits are required for the following activities, prior to the start of construction: alteration of a body of water; work in any body of water (including wetland); work in shore water zones; and for 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 Digital Government and Service NL requires that brush should be chopped/shredded, and may be burnt on-site with the approval of the Forestry and Agrifoods Agency or may be removed to an approved waste disposal site with the permission of the owner/operator. A Certificate of Approval is required before a livestock operation in excess of five animal units is put into operation. Should the development require the construction or renovation of on-site service buildings, application must be made for fire/life safety and Building Accessibility review approval. A development permit will be required from the Government Service Centre under the Protected Road Zoning Regulations for any construction within 400 metres of the centre line of Route 330. Access to the site must be approved by the Department of Transportation and Infrastructure. You must obtain a building permit from the Town of Lumsden prior to development. For further information, please contact Digital Government and Service NL at (709) 256-1426.

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 Newfoundland and Labrador (e.g. physical distancing, handwashing)."

The Department of Fisheries Forestry and Agriculture (FFA) requires you to submit a new application for Crown land for this site. The application and related information can be found at: <https://www.gov.nl.ca/ffa/lands/applications/>. FFA advises you are to 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) to avoid or minimize adverse impacts. FFA advises you to develop and implement appropriate preventative and mitigation measures to avoid incidental take of birds, nests and eggs. For further information, please contact the Wildlife Division at 709-637-2025.

The Department of Transportation and Infrastructure requires you to obtain an access permit from the Lumsden Maintenance Depot Supervisor prior to construction. The access driveway to the development must adhere to all specifications outlined in the Policy for Highway Access Management. Particular attention should be paid to the sight distance requirements. All proposed development is to be located outside the Department's 40-metre right of way limit (20m from the centreline of the road). Any existing watershed streams outletting through the development are to be maintained without hindrance of these waters. Any water generated

by the development operations, surface drainage or otherwise may not be discharged into the Department's right of way in such a way that creates pooling or standing water within the right of way or in any other way detrimental to the integrity of the road or drainage ditches. For further information, please contact Transportation and Infrastructure at 709-530-2301.

Environment and Climate Change Canada advises you to develop and implement a management plan that includes appropriate preventative measures to minimize the risk of impacts on migratory birds; operations should consider nesting locations between April 15 and August 15 in this region. A gull management plan focused upon exclusion of gulls from the food sources should be in place prior to operations. 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 the Canadian Wildlife Service at 709-772-4221.

The Department of Fisheries and Oceans advises that the modernized *Fisheries Act* includes 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 and 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 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,



DEREK BENNETT, MHA
Minister
District of Lewisporte – Twillingate

Enclosures

c: Hon. Derrick Bragg
MHA – Fogo Island-Cape Freels