

JUL 23 2020

Reg. # 2082

Geoffrey Park  
P.O. Box 640  
4 White Lakes Road  
Corner Brook, NL A2H 6G1

Dear: Mr. Park

**Re: Pinchgut Lake Access Road**

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.
- 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 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 709-637-0832.
- A minimum 30-metre undisturbed buffer along all waterbodies and wetlands that appear on a 1:50,000 topo map to protect sensitive riparian and aquatic species, and their habitat.
- You are required to have a spill kit on-site during construction and to submit a spill response plan in the event of a fuel or other hazardous materials spill, for the approval of the Department of Municipal Affairs and Environment prior to construction. For further information, please contact the Environmental Assessment Division at [EAProjectComments@gov.nl.ca](mailto:EAProjectComments@gov.nl.ca).

- You are required to advise me 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](mailto:EAProjectComments@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](mailto:EAProjectComments@gov.nl.ca).

The Department of Fisheries and Land Resource informs that the proposed access road is within critical habitat for Newfoundland Marten. Newfoundland Marten are listed as Threatened under the *Newfoundland and Labrador Endangered Species Act* (NLESA). Section 16 (1) of NLESA states, "A person shall not disturb, harass, injure, or kill an individual of a species designated as threatened, endangered, or extirpated". Denning of female marten and young occurs from early April to the end of June and dens must be protected from damage and disturbance during this period, as dens are protected under the provincial *NL Endangered Species Act* and the federal *Species at Risk Act*.

The Department of Fisheries and Land Resource advises that a domestic cutting permit is required prior to any harvesting or timber removal in the area. 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 meters of forest land. For further information, please contact 709-637-0832.

The Department of Fisheries and Land Resource reminds you that Crown Lands Application #155949 is still under review and a decision will not be given until after the outcome of the environmental assessment is known.

The Pollution Prevention Division of this 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*. For further information, please contact the Pollution Prevention Division at 709-729-5782.

The Water Resources Management Division of this department requires that you must apply for and obtain a permit for a stream crossing, any work in any body of water (including wetlands), any work in the Shore Water Zone, and any infilling work within 15 metres of a

waterbody, prior to the start of construction. For further information, please contact the Water Resources Management Division at 709-729-1671.

The Department of Natural Resources informs that there is an active quarry site 270 metres north of the proposed access road. Quarry operations may be visible and audible from the site and quarry-related environmental effects such as dust and vibrations may emanate from the site.

The Department of Natural Resources further advises that the project lies within a hydrocarbon-bearing basin, and there is potential for oil and gas exploration/production in the project vicinity. The Department of Natural Resources further informs that a main transmission line runs to the west of this project and there is a Newfoundland Power pole line easement in the area, and advises you to consult with Newfoundland Power on these issues. For further information, please contact the Department of Natural Resources at 709-729-5748.

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 your responsibility to ensure that project activities are in compliance with the *MCBA* and associated regulations. For further information, please contact 709-772-4221.

Environment and Climate Change Canada–Canadian Wildlife Service recommends that you follow the mitigation options outlined in the Federal Policy on Wetland Conservation (FPWC). A copy of the FPWC can be found at:  
<http://publications.gc.ca/site/eng/9.686114/publication.html>.

Fisheries and Oceans Canada advises you to self-assess using the DFO “Projects Near Water” website 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. 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.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Derrick Bragg".

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

Enclosures

cc: Hon. Scott Reid, MHA  
St. George's - Humber