

July 23, 2020

Reg. #2085

Murray Smith
Senior Engineer, Labrador Region
Department of Transportation and Works
6th Floor, Confederation Building (West Block)
St. John's NF A1B 4J6
MurraySmith@gov.nl.ca

Dear Mr. Smith:

Re: Pinware to Red Bay Road Upgrades

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 the Environmental Assessment Division on the status of your project, including a copy of all permits, licenses, certificates, approvals and other authorizations required for your project, one year from the date of this release letter and to provide additional updates, if requested. Please email your project updates to EAProjectComments@gov.nl.ca .
- The Office for the Status of Women (OSW) requires you to develop a Women's Employment Plan (WEP) for this project, to be approved by the Deputy Minister of the OSW. The WEP should identify specific commitments to support the recruitment, training, employment and retention of women.

- 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.
- The Forestry and Wildlife Branch requires a botanical survey at the identified locations by an independent third party qualified botanist to determine absence/presence of two plants of concern (Indian pipe and Northern bog-clubmoss). Botanical surveyors are to contact the Wildlife Division to obtain all relevant information prior to survey.
- You are required to advise the Environmental Assessment Division 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.

The Water Resources Management Division of this department advises that you are required to obtain permits to alter a body of water and for any work in Shoal Water Zones or infilling work within 15 metres of a body of water. For further information, please contact the Water Resources Management Division at (709) 729-1646.

The Climate Change Branch of this department advises you to consider provincial climate change projections for St. Anthony's and Mary's Harbour (nearest regional sites) in the planning for this undertaking. For additional information, please contact the Climate Change Branch at (709) 729-1485.

The Department of Fisheries and Land Resources advise that permits are required for cutting timber and for operations during forest fire season. For further information, please contact the Department of Fisheries and Land Resources at (709) 729-1140.

The Government Service Centre of the Department of Service NL provides advice on the collection and removal of waste, containment of floating debris, placement of portable toilets, and approved means of drinking water. For further information, please contact the Government Service Centre at (709) 639-2229.

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. They also have provided advice regarding coastal infrastructure and working near water bodies where they advise that project staff should not approach concentrations of seabirds, sea ducks or shorebirds and you should notify them if there is any noticeable change in seabird numbers or distribution at the project location during operations. For further information, please contact Environment and Climate Change Canada at (709) 772-2126.

Fisheries and Oceans Canada advises that you are required 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.

Transport Canada advises that the proposed project appears to be in navigable waters not listed on the schedule. Under the Canadian Navigable Waters Act, owners of works that are located on navigable waterways not listed in the schedule, which may interfere with navigation, have the option to either apply to the Minister of Transport for approval, or seek authorization through the public resolution process. Both the application process and the public resolution process can be accessed at the following link: <https://wwwapps.tc.gc.ca/Prog/3/NWAR-RLEN-E/en/Account/Login>. For further information, 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.

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. For further information, please email EAProjectComments@gov.nl.ca.

If you have any questions, please contact Joanne Sweeney, Director (A), Environmental Assessment Division, at 709 - 729-0673 or 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. Lisa Dempster
Cartwright - L'Anse au Clair