

OCT 28 2020

COR/2020/03975

Reg. # 2100

Mr. Jason Dalton
Newfoundland Power Inc.
P.O. Box 8910
St. John's NL A1B 4P2
jdalton@newfoundlandpower.com

Dear Mr. Dalton:

Re: Windmill Bight Power Line Installation

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:
 - a minimum 30-metre undisturbed buffer must be maintained along all waterbodies and wetlands that appear on a 1:50,000 topographical map to protect sensitive riparian and aquatic species, and their habitat; and,
 - 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 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); and, the location of any raptor nest site must be reported to the Wildlife Division. For further information, please contact the Wildlife Division at 709-637-2025.

- You are required to advise the Environmental Assessment Division when each of the conditions of release has 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.
- You are required to update the Environmental Assessment Division on the status of the project, including a copy of all permits, licences, certificates, approvals and other authorizations required for the project, within one year from the date of this release letter and to provide additional updates, if requested. Please email 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 Government Service Centre of the Department of Digital Government and Service NL recommends that you develop a contingency plan specific to the proposed undertaking, and have spill response equipment readily available on-site to ensure a quick and effective response to a potential spill event. For further information, please contact the Department of Digital Government and Service NL at 709-729-2104 or 709-945-3109.

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 associated with 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 Pollution Prevention Division of my department reminds you that brush should be chopped/shredded and may be removed to an approved compost facility or an approved waste disposal site for disposal with the prior permission of the owner/operator. For further information, please contact the Pollution Prevention Division at 709-729-5782.

The Water Resources Management Division of my department requires you to apply for and obtain a permit for 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 Fisheries, Forestry and Agriculture noted that a Crown land application is required for the power line. The application and related information can be found online at: <https://www.gov.nl.ca/ffa/lands/applications/>.

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. Environment and Climate Change Canada provided a list of non-avian species listed under the Species at Risk Act, including the Little Brown Myotis and Newfoundland Caribou, and requests that any sightings be reported to the Department. Environment and Climate Change Canada further recommends that you develop and implement an Oil Spill Prevention and Response Plan to deter migratory birds from coming into contact with spilled oil and to undertake mitigative measures if migratory birds and/or sensitive habitat becomes contaminated with spilled oil. For further information, please contact Environment and Climate Change Canada at (709) 772-2126.

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. 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,



DEREK BENNETT, MHA
Minister
District of Lewisporte – Twillingate

Enclosures

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