

SEP 22 2021

COR/2021/03083

Reg. #2150

Darcy McKenna  
Trinity Bay Development Corp.  
220 Discovery Trail  
Trinity Bay North, NL A0C 2J0

Dear Mr. McKenna:

**Re: Trinity Bay North Cannabis Production Facility**

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 Pollution Prevention Division of my Department requires you to submit a comprehensive Waste Management Plan for approval, prior to the introduction of cannabis to the facility. The Waste Management Plan shall state the expected quantities of waste, describe exactly how the waste will be destroyed, and identify plans for final disposal. For further information, please contact the Pollution Prevention Division at (709) 729 – 7012.
- The Local Governance and Land Use Planning Division of the Department of Municipal and Provincial Affairs requires you to submit a Land Use Impact Assessment prior to any renovation or construction of the proposed facility. The Land Use Impact Assessment shall provide:
  - details of the appearance of the production facility, site design and physical security requirements;

- compatibility with surrounding land uses;
  - potential for increased traffic, noise, odour, fumes, and dust and measures that will be undertaken to mitigate those effects;
  - effects of additional lighting, signage, and parking requirements;
  - any conditions imposed by Health Canada and other government agencies; and,
  - development approval by the Town of Trinity Bay North including verification of all public notices where applicable, and demonstration of compliance with the Town's municipal plan and development regulations. For further information, please contact the Local Governance and Land Use Planning Division at (709) 729-3090.
- The Office of Women and Gender Equality (WGE) requires you to submit a Women's Employment Plan (WEP) for this project, for approval by the Deputy Minister of that Office. The WEP shall identify specific commitments to support the recruitment, training, employment and retention of women. For further information and to request a template for the WEP, please contact the Office of Women and Gender Equality at (709) 729-5032.
  - 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](mailto:EAProjectComments@gov.nl.ca).
  - You are required to update the Environmental Assessment Division 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. Please email your project updates to [EAProjectComments@gov.nl.ca](mailto:EAProjectComments@gov.nl.ca).

**Federal and provincial government departments and agencies that reviewed your project during the environmental assessment provide the following advice:**

The Climate Change Branch of my Department advises that climate change is expected to result in more precipitation and more frequent extreme weather events that may result in increased flooding or damage to infrastructure. They suggest that the proponent consider provincial climate change projections for St. John's Airport (nearest regional site) in the planning for this undertaking. These projections suggest that extreme precipitation events will become more intense. They also advise that you consider vertical elevation, in addition to the

horizontal distance from the body of water, as low elevations may pose greater risks to development in the event of extreme precipitation events. For further information, please contact the Climate Change Branch at (709) 729-1485.

The Pollution Prevention Division of my Department advises that all Pesticide purchase, storage and use is subject to compliance with the Pesticides Control Regulations, 2012. The Regulations stipulate that an applicator must be licensed for the class of pesticide which is intended to be applied and that a pesticide operator licence is required in order to purchase pesticides unless otherwise exempted by the regulations. The Pollution Prevention Division informs that the Access to Cannabis for Medical Purposes Regulations were repealed in 2018 and replaced with, as amended, the Cannabis Regulations. The Pollution Prevention advises you to adhere to the provisions of the new Federal regulation, and specifically to section 85 regarding filtration and ventilation. For further information, please contact the Pesticides Control Section of the Pollution Prevention Division at (709) 729-6054 or (709) 729-2565.

The Water Resources Management Division of my Department advises that permits are required for development in shore water zones and for infilling within 15 metres of bodies of water. More information can be found regard these two permits at <https://www.gov.nl.ca/eccm/waterres/regulations/policies/shore-water/> and <https://www.gov.nl.ca/eccm/waterres/regulations/policies/bodies-of-water/>, respectively. They also advise that a permit is required for any work in any body of water (including wetland) prior to the start of construction and any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003 <http://assembly.nl.ca/Legislation/sr/regulations/rc030065.htm>. For further information, please contact the Water Resources Management Division at (709) 729-2563.

The Department of Industry, Energy and Technology advises that the potential for coastal hazards, including flooding, erosion, storm surge, and the effects of sea level rise, should be considered when planning and maintaining coastal developments. To reduce the risk of inundation related to sea level rise, the GSNL generally recommends limiting new development to areas at least four metres above the high tide mark, and at least 30 metres inland from the edge of coastal cliffs, banks, and waterways. The four metre above mean sea level (amsl) buffer is estimated by adding possible storm-surge height to projected sea-level rise by the year 2100. The 30 metre setback is the minimum recommendation for all new development in the province. Adding the minimum four metre contour to new development limits would further reduce the risk of coastal and river flooding in low-lying areas for which the recommended set back limit may not be adequate. The proponent is advised that the proposed development site is located at an elevation less than four metres

AMSL and less than 30 metres from both the marine shoreline and the neighboring stream. They support the proponent's efforts to recognize and mitigate the risk of site inundation by flooding from both overland flow during rainfall events, and sea level rise and/or storm surge. They recommend monitoring the stream channel connecting Diamonds Pond to Catalina Harbour, directly west of the development site, for erosion or channel blockages (ice and/or debris) that may introduce risk of site destabilization or flooding, respectively. They also advise that there are distribution lines and terminal stations in this area. If not already done, it is recommended that Newfoundland Power be advised of the project. For further information, please contact the Department of Industry, Energy and Technology at (709) 729-5748.

The Department of Digital Government and Service NL advises you to contact them regarding plans and permits for electrical works, sewage disposal systems, and Fire and Life Safety. For further information, please contact the Government Service Centre at (709) 256-1420. The Occupational Health and Safety Division of Digital Government and Service NL advises you to ensure that activities associated with the operation of a Cannabis Production Facility 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. For further information, please contact the Occupational Health and Safety Division at (709) 729-7454.

The Department of Fisheries, Forestry and Agriculture recommends you to consult with the Fisheries and Oceans Canada's (DFO) Fish and Fish Habitat Protection Program to avoid causing serious harm to fish or other aquatic species if conducting work with heavy machinery near water. More information can be found on the Projects Near Water website at <http://www.dfo-mpo.gc.ca/pnw-ppw/index-eng.html>. Fisheries, Forestry and Agriculture further advises you to contact DFO regarding the Guidelines for the Protection of Freshwater Fish in Newfoundland and Labrador found at <https://waves.vaques.dfo-mpo.gc.ca/Library/240270.pdf>.

The Local Governance and Land Use Planning Division advises that subject site is located within Trinity Bay North municipal planning area. By legislation, the proposed development is required to be located in the appropriate zone and for the necessary permits to be obtained from the applicable authorities prior to the commencement of the development. For further information, please contact the Town of Trinity Bay North at (709) 469-2571.

The Department of Transportation and Infrastructure advises that if the existing access points to the property are to be used for the undertaking, then permits are not required for the road

access. If any additional access points are required on Route 230 or if the existing access points on Route 230 are to be upgraded, then an access permit will be required. For further information, please contact Transportation and Infrastructure at (709) 729-5493.

The Department of Environment and Climate Change Canada (ECCC) provides information on migratory birds and species at risk, accidents and malfunctions, use of chemicals, and the effects of the environment on the project. ECCC advises that because the proposed project will be sensitive to climate and weather, particularly extreme events, mitigative procedures should be factored into the design to ensure that the risk of environmental damage is minimized. Historical data, local area knowledge and increasing ranges of weather events (e.g. Hurricane Igor) should be taken into account in determining the adequacy of the project design. Climatological data to assess the effects of the environment on the project can be obtained at <http://www.climate.weatheroffice.ec.gc.ca/>. For further information, please contact ECCC at (709) 772-2126 or the Atlantic Climate Centre at (506) 451-6006 or by email at: [climate.atlantic@ec.gc.ca](mailto:climate.atlantic@ec.gc.ca).

Health Canada advises that the proposed facility is located within 200 metres from multiple private residences and 700 metres from the Catalina Elementary school. If odour and noise from the facility is raised as a public concern, it will be important for you to mitigate the adverse effects of odour and noise in areas within close proximity. Health Canada further advises you to direct any questions related to the regulatory approvals of pesticides to the Pest Management Regulatory Agency (PMRA), and any questions related to cannabis production and regulatory approvals to the Cannabis Directorate and Controlled Substances and Cannabis Branch. You are advised to seek approval from the PMRA, the Cannabis Directorate or the appropriate provincial regulatory agency prior to initiation of the project, as applicable. For further information, please contact Health Canada at (902) 237-7478.

The Department of Fisheries and Oceans advises that the modernized Fisheries Act include 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 <https://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](mailto: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](mailto:joannesweeney@gov.nl.ca).

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Davis", with a long horizontal stroke extending to the right.

**HON. BERNARD DAVIS, MHA**  
District of Virginia Waters – Pleasantville  
Minister

Enclosures

Cc: Craig Pardy, MHA, District of Bonavista