

COR/2021/00391

February 18, 2021

Reg. # 2110

Denis O'Dell
4 Sallesnik Lane
Torbay NL A1K 0B4

Dear Mr. O'Dell:

Re: Pinware River Cottage and 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.
- 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 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;
 - a minimum 30-metre naturally vegetated buffer be maintained along streams and waterbodies that appear on a 1:50,000 topographical map to protect sensitive riparian and aquatic species, and their habitat.
- In view of the known historic resources in the vicinity of the proposed location and the potential for others to be found in the area, an archaeological impact assessment is required prior to any development. The assessment must include a visual survey of previously disturbed lands as well as testing of any undisturbed portions of the subject lands. The proponent, who is aware of the required archaeological assessment through the Crown Lands referral process, is responsible for hiring an archaeologist

to have the assessment carried out. Please contact the Provincial Archaeology Office at (709) 729-2462.

- You are required to advise the Environmental Assessment Division when each of the conditions of release has been met, if required, 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 Water Resources Management Division of my Department advises that permits are required for altering a body of water, any work in any body of water (including wetland), any work in Shore Water Zones and any infilling work within fifteen (15) metres of a body of water. A licensed driller is to be used for any well installation. In addition, any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003. For further information, please contact the Water Resources Management Division at (709) 729- 2563.

The Pollution Prevention Division of my Department advises that you must comply with the *Storage and Handling of Gasoline and Associated Products Regulations, 2003*. You should develop a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event and spill kits should be kept on site. Any spill or leak of gasoline or associated product is to be reported immediately to the Department of Digital Government and Service NL (DGSNL) by calling the Environmental Emergencies Telephone Line at 772-2083 or 1-800-563-9089. For further information, please contact the Pollution Prevention Division at (709) 729-5782.

The Government Service Centre of DGSNL advises that you must submit plans and specifications from an approved sewage system designer for any water and sewage installations on the project site, and you must also submit electrical plans, for review and approval prior to construction. For further information, please contact the Government Service Centre at (709) 454-8833, (709) 896-5428 or (709) 944-5282.

The Occupational Health and Safety Division of DGSNL 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.

The Department of Industry, Energy and Technology, Mines Branch advises that a quarry permit is required if you wish to establish a new quarry or re-activate an inactive quarry to source quarry materials. Please be aware that the proposed access road and cottage site overlaps areas of significant aggregate potential and quarry activity is to be expected in the vicinity. For further information, please contact Mines Branch at (709) 729-5748.

The Climate Change Branch of my Department recommends that vertical elevation be considered in the design of this project in the event of extreme precipitation events. Likewise, Mines Branch, Department of Industry, Energy and Technology also strongly recommends that development be restricted to areas higher than 4 metres above the high tide mark in order to reduce the potential for future inundation. Both agencies recommend that you consult the General Comments on Coastal Hazards in Newfoundland and Labrador by the Geological Survey of Newfoundland and Labrador, and included in the attached. For further information, please contact the Climate Change Branch at (709) 729-1485, Mines Branch at (709) 729-5748 or the Geological Survey of Newfoundland and Labrador at (709) 729-3489.

The Department of Transportation and Infrastructure advises that a Highway Access Permit to Route 510 will be required. For further information, please contact Transportation and Infrastructure at (709) 729-5493.

The Department of Fisheries, Forestry and Agriculture advises that you are required to obtain a Domestic Cutting Permit prior to any harvesting or timber removal in the area. In addition, you must obtain an Operating Permit prior to the start of any work during the forest fire season, and a permit to burn if igniting a fire with 300 metres of forest land during forest fire season. Permits can be obtained at your local forest management district office. In addition, it is recommended that you consult with Fisheries and Oceans Canada regarding Guidelines for the Protection of Freshwater Fish in Newfoundland and Labrador.

Fisheries and Oceans Canada advises that as this project involves work in or near water you should refer to the "Projects Near Water" website located at <http://www.dfo-mpo.gc.ca/pnw-pppe/index-eng.html> for information about how to comply with the fish and fish habitat protection provisions of the *Fisheries Act* and on the project review process. For further information, please contact the Fisheries Protection Program at (709) 772-4140.

Environment and Climate Change Canada (ECCC) 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 25 and August 15 in this region. However, as some species protected under the Migratory Birds Convention Act (MBCA) nest outside of this period, it is your responsibility to ensure that project activities are in compliance with the MCBA and associated regulations. ECCC 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 Environment and Climate Change Canada at (709) 772-2126.

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,

A handwritten signature in black ink, appearing to read "Derek Bennett".

DEREK BENNETT
Minister

Enclosures