

MAY 21 2021

COR/2021/01240

Reg. # 2125

Dr. Michael Tipple
Briarside Affairs Limited
2 Herald Avenue
Corner Brook, NL A2H 4B5
humbervalleyvet@hotmail.com

Dear Dr. Tipple:

Re: Humber Village Apple Orchard

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 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.
- 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.

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

The Pollution Prevention Division of my Department advises that, if the use of pesticides is required, all pesticide purchases, storage, and use are to comply with the Pesticide Control Regulations. For more information, please contact the Pesticide Control Section at (709) 729-6054. The Pollution Prevention Division further advises that a spill kit should be on-site during construction. For more information, please contact the Pollution Prevention Division at (709) 729-5782.

The Water Resources Management Division of my Department advises that a non-domestic well permit is required, including aquifer testing. You must apply for and obtain a water use license for the use of water from any water source for any purpose, as well as a Section 48 permit for any work in any body of water (including wetland) prior to the start of construction. For more information, please contact the Water Resources Management Division at (709) 729-1614.

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 Wildlife Division of the Department of Fisheries, Forestry and Agriculture advises that the proposed area is within Newfoundland Marten core habitat. Newfoundland Marten are listed as Threatened under the *Endangered Species Act*. Denning of female marten and young occurs from early April to the end of June. Dens must be protected from damage and disturbance during this time period. The dens are protected under the provincial *Endangered Species Act* and the federal *Species Risk Act*. It is recommended that necessary vegetation clearing take place outside of denning.

The Wildlife Division also advises that 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 those raptor nest sites must be reported to the Wildlife Division. For further information, please contact the Wildlife Division at (709) 637-2025.

The Department of Fisheries, Forestry and Agriculture advice that in accordance with section 14.1 of the Forestry Act will not be required to obtain a cutting permit to clear this land provided that the timber cut is not offered for sale or barter. For further information, please contact the Forestry Division at (709) 637-1299.

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 further recommend that you develop and implement an Oil Spill Prevention and Response Plan to deter migratory birds coming into contact with spilled oil and undertake mitigative measures if migratory birds and/or sensitive habitat become 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. Please note that you must comply with all relevant legislation and obtain all necessary permits and approvals before proceeding with your undertaking, and this includes obtaining the appropriate approvals from Humber Village Limited for access to the Humber Village Bridge and road networks for agriculture purposes. You are required to inform this Department of any proposed significant changes to the undertaking, which will be reviewed for environmental assessment requirements.

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.

Sincerely,



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

Enclosures

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