

JUN 23 2021

COR/2021/03536

Reg. # 2128

Mr. David Gibb
89 Legallis St., P.O. Box 1689
Channel-Port aux Basques, NL A0M 1C0
Email contact: egjjhwhite@yahoo.com

Dear Mr. Gibb:

Re: Channel-Port aux Basques 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.
- You must ensure that the access leading into Critical Habitat for Piping Plover does not disturb Piping Plover in any way during the breeding and nesting period (early May-Late August). Please contact the local stewardship organization, Intervale, to assist with this task. Due to the sensitivity of this endangered species, vehicles traveling on this new access road are not to enter the beaches or dunes during the breeding and nesting period for any reason. Signage stating ATV regulations on nesting beaches must be placed on both ends of the access road leading toward the beach and dunes. For further information, please contact 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, 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 (WRMD) of my Department advises that permits are required for any work in any body of water (including wetland), and for any infilling work within 15 metres of a body of water. Any effluent or runoff leaving the site must conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003. For further information, please contact WRMD at (709) 729- 2563.

The Pollution Prevention Division (PPD) 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 by calling the Environmental Emergencies Telephone Line at 772-2083 or 1-800-563-9089. For further information, please contact PPD at (709) 729-5782.

The Government Services Centre (GSC) of the Department of Digital Government and Service NL advises that all waste material generated during construction and operation must be removed and disposed of at an approved waste disposal site on a regular basis. Brush should be chopped/shredded, and may be burnt on-site with the approval of the Department of Fisheries, Forestry and Agriculture, or may be removed to an approved waste disposal site for proper disposal with the permission of the owner/operator of the waste disposal site. Tires and used or waste oil are not to be used to aid in the burning of brush. For further information, please contact GSC at (709) 643-8650.

The Occupational Health and Safety Division (OHSD) of the Department of Digital

Government and Service NL advises you to ensure that the activities associated with this 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 OHSD 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 Health for Newfoundland and Labrador.

The Crown Lands and Administration Division of the Department of Fisheries, Forestry and Agriculture requires that you obtain a Licence to Occupy for this access road. Please be advised that under section 6 of the Lands Act, this Licence does not convey exclusive use; you are not to restrict or prevent public use of the access road. In addition, the width of this road is not to exceed 15 metres. For further information, please contact the Western Regional Crown Lands Office at 1-833-891-3249.

The Parks Division of the Department of Tourism, Culture, Arts and Recreation advises that the J.T. Cheeseman Provincial Park road is not to be accessed by heavy equipment during mid-May to mid-September. A permit will be required to connect to the T'Railway Provincial Park and a Temporary Vehicle Access permit is required for any vehicular use of the T'Railway. Approved culverts must be installed where the proposed road connects to both the J. T. Cheeseman Park road and to the T'Railway, and appropriate signage must also be installed at these locations. Please be advised that your proposed road is not to be gated to restrict access. For further information, please contact Parks Division at (709) 637-2411.

The Department of Industry, Energy and Technology (IET) advises that permits are required if you wish to establish a new quarry, re-activate an inactive quarry or to source quarry materials from a site for which a quarry permit is held by a third-party. Please be aware that the proposed project overlaps a mineral licence and that mineral exploration activity should be expected in the general area in the future. You, or other road users, are not to prevent parties conducting mineral exploration-related activities from using the access road. Finally, and if you have not already done so, please consult with Newfoundland Power, to ensure there is no conflict with electricity distribution lines in the general area of J. T. Cheeseman Provincial Park. For further information, please contact IET at (709) 729-5811.

The Department of Fisheries, Forestry and Agriculture (FFA) 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. You must maintain a minimum 30 metre naturally vegetated riparian buffer zone around all waterbodies, from the high water mark, that are identified on either the 1:50,000 scale National Topographic System maps, or the topographic mapping layer shown in the Provincial Land Use Atlas. For further information please contact FFA at (709) 637-2025.

Fisheries and Oceans Canada advises that you should refer to the "Projects Near Water" website located at <http://www.dfo-mpo.gc.ca/pnw-ppe/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 15th and August 15th in this region. However, as some species protected under the Migratory Birds Convention Act (MBCA) do 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 ECCC 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 blue ink, appearing to read "Bernard Davis".

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

c: Hon. Andrew Parsons, MHA Burgeo - La Poile

Enclosures