

JUL 21 2021

COR/2021/01916

Reg. #2139

William Hillier, Director
Highway Design and Construction
Department of Transportation and Infrastructure
5th Floor, Confederation Building (West Block)
St. John's, NL A1B 4J6

Dear Mr. Hillier:

RE: Hughes Brook Bridge Replacement

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.
- A Water Resources Management Plan must be prepared and submitted to the Water Resources Management Division of my Department for approval, prior to commencing any work. The Water Resources Management Plan should address the following concerns:
 - If there are any brooks, rivers, ponds, streams or wetlands, present in or within 30 metres of the boundaries of the project site, then please provide the type of water body and its distance from the site.
 - If any of the above-mentioned water bodies are impacted by site operation, describe how the water body will be impacted. A permit/licence from the Water Resources Management Division may be required.
 - If there is any potential of onsite drainage water or dewatering water to discharge into a natural water body, describe what precautionary measures, such as vegetative cover, filter strip, silt curtain, etc., are to be deployed to ensure the effluent or runoff meets the requirement of the Environmental

Control Water and Sewage Regulations, 2003. For further information, please contact the Water Resources Management Division at (709) 729-1646, or email leahburry@gov.nl.ca.

- 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 200-metre 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.
 - With respect to the temporary bypass and for slopes less than 30 percent, a minimum 30-metre undisturbed riparian buffer zone shall be established 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. No land use activities involving grubbing, ground or soil disturbance, or timber harvesting activities shall take place in this zone. With respect to the temporary bypass and for slopes greater than 30 percent, there shall be an undisturbed riparian buffer zone calculated using the following formula: 30 metres + 1.5 metres x slope (%). No land use activities involving grubbing, ground or soil disturbance, or timber harvesting activities shall take place in this zone.
 - The Registration document outlines that the contractor is to prepare an Environmental Protection Plan and Contractor Environmental Mitigation Plan for submission to the Department of Transportation and Infrastructure prior to construction. These plans are also required to be submitted to the Department of Fisheries, Forestry and Agriculture for review and approval prior to construction of the diversion and new bridge, which is to include mapping of the proposed diversion route to ensure that minimal habitat destruction occurs. For further information, please contact the Wildlife Division at (709) 637-2025.
- 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.
- 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.

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 requires you to obtain a Water Use License and permits to work in or near a body of water, for infilling, and for the construction of a non-domestic well for a water supply. For further information, please contact the Water Resources Management Division at (709)729-2563 or email LeahBurry@gov.nl.ca.

The Pollution Prevention Division of my Department reminds you that all water discharged from the proposed site during construction and operation is subject to compliance with the Environmental Control Water and Sewage Regulations, 2003, under the *Water Resources Act*. If the use of a pesticide(s) is required (e.g. for the control of insects, rodents, diseases, weeds or vegetation), please contact the Pesticides Control Section at (709) 729-6054 or (709) 729-2565 for all necessary forms and applications, to arrange for examination, and to schedule a pesticide storage inspection. The Pollution Prevention Division has provided a Treated Wood Waste Guidance Document for your reference and compliance for the disposal of any treated wood associated with the removal of existing structures. The Division further informs that, although controlled burning of a fuel spill on the water may be used as a means to remove the hydrocarbons, placing absorbent and containment booms along any potential entries to waterways in advance of work where a spill could occur is preferable. Approval from my Department is required to burn any spill on inland water. For further information, please contact the Pollution Prevention Division at (709) 729-5782 or email rocke@gov.nl.ca.

The Pollution Prevention Division and the Department of Digital Government and Service NL require that all fuel storage tank systems, other than those connected to a heating appliance of capacity of 2,500 litres or less, shall be registered prior to installation. Used oil and used glycol shall be retained in a tank or closed container. If applicable, the tank shall be registered and/or the container shall be approved by the Department of Digital Government and Service NL, and collection shall occur by those holding a valid certificate of approval and disposal shall be in accordance with section 6 of the regulations.

Devices or tanks used to separate and remove oily wastes from oil and water mixtures may require registration under the Used Oil and Used Glycol Control Regulations. Please contact

the Department of Digital Government and Service NL to determine whether registration is required for the particular device/tank proposed in the registration document. For further information contact (709) 637-2204 or email rlocke@gov.nl.ca.

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 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 (e.g. physical distancing, handwashing). For further information contact (709)729-0673.

The Department of Fisheries, Forestry and Agriculture advises that there is private property on the western side of the temporary bypass and an issued Licence to Occupy near the eastern end. Fisheries, Forestry and Agriculture recommends that you contact the property owners to advise of the timelines for this project and the location of the bypass. For further information, please email Fisheries, Forestry and Agriculture at jeffbannister@gov.nl.ca.

The Department of Industry, Energy and Technology advises that any quarry materials required for the project must be sourced from either a site covered by a quarry permit or lease, an external source as a byproduct of an approved development, or within the legal boundary of the project site provided that the excavation would be in compliance with other permits and understandings. Quarry materials may not be legally removed off-site unless they are the byproduct of an approved development. Grubbings are not considered quarry materials; however, any topsoil or subsoil obtained by screened grubbings is considered a quarry material. Industry, Energy and Technology notes that Newfoundland Power distribution lines run across the bridge, and recommends that you consult with Newfoundland Power prior to project commencement. For more information, contact Industry, Energy, and Technology at (709)729-5748 or email stephenhinchey@gov.nl.ca.

Environment and Climate Change Canada advises you to develop and implement a management plan that includes appropriate preventative measures to minimize the risk of impacts on migratory birds; operations should consider nesting locations between April 15 and August 15 in this region. Environment and Climate Change Canada requests that you provide a GIS file of the project boundaries and study area so that the project can be mapped. The Canadian Wildlife Service of Environment and Climate Change Canada (ECCC-CWS)

recommends that, given the close proximity to waterbodies and wetlands, you must ensure sediments are contained and not permitted to run off into waterbodies to minimize adverse impacts on the watershed. Please contact ECCC-CWS for more information at 1-800-668-6767.

Fisheries and Oceans Canada 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.

Health Canada advises that if recreational water quality could be subject to an adverse environmental effect due to the project, then the appropriate authorities be notified and recreational users be informed. In addition to mitigation measures, you should consider establishing a process to ensure that information on project impacts is collected and addressed. If complaints are received, additional mitigation measures may be required. For further information, please contact (343) 574-5310.

Transport Canada advises that, based on the information provided, the proposed project appears to involve the proposed installation of bridges in navigable waters not listed on the schedule. Under the Canadian Navigable Waters Act (CNWA), owners of works that are located on navigable waterways not listed in the schedule, which may interfere with navigation, have the following options:

- either apply to the Minister of Transport; (approval review process and advertising and 30 day registry public review), or,
- seek authorization through the public resolution process, and deposit specific information regarding their work on the new Common Project Search (online registry) inviting any interested party to comment (advertising and 30 day registry public review). For further information, please contact the Navigation Protection Program of Transport Canada at (506) 851-3113 and NPPATL-PPNATL@tc.gc.ca.

Transport Canada further advises that while the proposed project does not appear to involve in-water bridge piers, any bridges with piers placed below the high water mark of a watercourse always require an approval as outlined in the Major works Order.

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 be "Bernard Davis", written over a horizontal line.

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

Enclosures

cc: Eddie Joyce, MHA Humber Valley-Bay of Islands