

COR/2021/02232

28 JUL 2021

Reg. # 2144

New World Dairy Inc.
c/o Mr. Brent Chaffey
748B Maidstone Rd.
P.O. Box 475
St. David's, NL.
A0N 1X0
Email: brent@ncws.ca

Dear Mr. Chaffey:

Re: Highlands Forage Production

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 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 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 slopes greater than 30 percent, there shall be an undisturbed riparian buffer zone calculated using the following formula: $30 \text{ metres} + 1.5 \text{ metres} \times \text{slope} (\%)$. No land use activities involving grubbing, ground or soil disturbance, or timber harvesting activities shall take place in this zone. For further information, please contact the Wildlife Division at (709) 637-2025.

- The Department of Transportation and Infrastructure requires that any new access or changes to existing access will require permits for any work within the Highway Right-of-Way or access to any Highway. Permits are processed through the Department of Digital Government and Service NL (DGSNL).
- 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. A waste management Certificate of Approval is required prior to operating a livestock

facility that consists of five or more animal units. The Pesticides Control Regulations, 2012 stipulate that an Applicator must be licensed for the class of pesticide which is intended to be applied. Also the regulations stipulate that a Pesticide Operator licence is required in order to purchase pesticides unless otherwise exempted by the regulations.

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 of the Department of Environment and Climate Change 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. For further information, please contact the Pollution Prevention Division at (709) 729-5782 or email rlocke@gov.nl.ca.

The Pollution Prevention Division and DGSNL 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 DGSNL, 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 DGSNL to determine whether registration is required for the particular device/tank proposed in the registration document. For further information contact (709) 637-2204.

DGSNL requires that all electrical work to be done by a registered electrician and all proper permits and plan reviews be in place with DGSNL. Manure shall not be spread or stored within 30 meters of the nearest waterbody/watercourse (pond, lake or stream) or within 75 meters of any well or water supply used for drinking purposes when the draining of the land is towards the water supply. A 30 metre buffer zone of natural forage shall be maintained between agricultural land and any watercourse or water body. For further information contact (709) 637-2204.

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 Health for Newfoundland and Labrador (e.g. physical distancing, handwashing). For further information contact (709)729-0673.

The Department of Fisheries, Forestry and Agriculture require you to obtain an Operating Permit prior to the start of any work during the forest fire season, obtained from the local forest management district office. During the Forest Fire Season a permit to burn must be obtained to ignite a fire on or within 300 meters of forest land. More information can be obtained by contacting (709) 637-2025.

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. The applied-for agriculture lease overlaps with an area of recognized aggregate resource potential (i.e., an area recognized as containing, or likely to contain, sand and gravel deposits of sufficient size and quality for quarrying). Accordingly, the applicant is advised that quarrying is a land use that may take place in the general vicinity of the application site in the future. This project lies within a hydrocarbon bearing basin (Bay St. George Basin) but it does not lie within an onshore permit/licence or lease and is not within 100 meters of any onshore petroleum wells. While IET has no issue with this application at this time, the proponent should be made aware that this is an area having the potential for oil and gas exploration/production. 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.

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", enclosed in a blue oval.

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

Enclosure

c: Scott Reid, MHA St. Georges-Humber