

MAR 08 2023

COR-2023-760

Reg. #2232

Shane Hurley
P.O. Box 490 Site 2
22 Main Road
Stanhope, NL A0G 3A0
E-mail: shaneh02@hotmail.com

Dear Shane Hurley:

RE: Loon Bay Access Trail (the Project)

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 the Project is **released** from further environmental assessment subject to the following conditions:

- You must 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 (FFA) advises the following:
 - A minimum 30-metre undisturbed riparian buffer must be maintained from the high water mark of all wetlands and waterbodies within and adjacent to the Project 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, to protect sensitive riparian and aquatic species and their habitats.
 - Vegetation clearing is not to occur within 800 metres of a bald eagle or osprey nest during the nesting season (March 15 to July 31) or within 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 any raptor nest sites must be reported to the Wildlife Division. For further information, please contact the Wildlife Division at (709) 637-2025.
- You must 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 required. Please email the Project updates to EAProjectComments@gov.nl.ca.

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

The Climate Change Branch of my Department advises that any heavy-duty equipment should be operated in a manner to maximize fuel efficiency, thereby reducing greenhouse gas emissions that could contribute to climate change. For further information, please contact the Climate Change Branch at (709) 729-1485.

The Pollution Prevention Division of my Department advises you to develop a contingency plan specific to the Project and to have spill response equipment readily available on-site to enable a quick and effective response to a spill event. Any spill or leak of gasoline or associated product is to be reported immediately to the Environmental Emergencies Telephone Line at 1-800-563-9089. For further information, please contact the Pollution Prevention Division at (709) 729-5782.

The Water Resources Management Division of my Department advises that 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) 729-1646.

The Government Service Centre of the Department of Digital Government and Service NL advises that brush should be chopped/shredded, and may be burnt on-site with the approval of the Forestry Services Branch, or may be transported to an approved waste disposal site for proper disposal with permission of the owner/operator. All waste material is to be placed in suitable refuse containers and removed to an approved waste disposal site on a weekly basis, with the approval of the site owner/operator. Also, the Project must be in compliance with the Storage and Handling of Gasoline and Associated Products Regulations, Heating Oil Storage Tank System Regulations, and Used Oil Control Regulations. For further information, please contact the Government Service Centre at (709) 256-1420.

The Occupational Health and Safety Division of the Department of Digital Government and Service NL advises that you must generally ensure that activities associated with the Project 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 recommends that you prepare an emergency response plan to address any foreseeable mishap specific to the undertaking. For further information, please contact Occupational Health and Safety Division at (800) 563-5471.



The Department of Fisheries, Forestry and Agriculture advises that issuance of a Licence to Occupy is required prior to any development activities. A Commercial Cutting Permit is required prior to any harvesting or timber removal in the Project area. An Operating Permit is required prior to the start of any Project work during the forest fire season and can be 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 metres of forest land. For further information, please contact the Department of Fisheries, Forestry and Agriculture at (709) 729-2353.

The Department of Industry, Energy and Technology advises that quarry materials required for the Project must be obtained from an approved source. The proposed trail is located in an area in which mineral exploration is a land use that should be expected in the future. For further information, please contact the Department of Industry, Energy and Technology at (709) 729-6437.

The Department of Transportation and Infrastructure advises that it is your responsibility to identify property or highways owned by that Department and there shall be no encroachment on that property or no interruption of that Department's operations as a result of the Project, without express written consent of that Department. No parking will be permitted on the shoulder of Route 340 and a provision for parking will be required if you intend to leave motor vehicles near Route 340. Additionally, a permit is required for the construction of a new access or modification of the existing access from Route 340. For further information, please contact the Department of Transportation and Infrastructure at (709) 729-5399.

Environment and Climate Change Canada (ECCC) recommends that you prepare the following plans:

- Oil Spill Prevention and Response Plan;
- Contingency Plan that considers potential accidents and malfunctions for site specific activities; and
- Management Plan that includes measures to minimize Project impacts on migratory birds and processes to follow should an active nest be found at any time.

ECCC further 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 the region. The Canadian Wildlife Service of ECCC advises you to obtain information on species at risk and species of conservation concern potentially occurring in the area and surrounding habitats, prior to the start of construction. Such information is available from the Atlantic Canada Conservation Data Centre (ACCDC) and sightings of species at risk may be reported to ECCC-CWS at ec.scfatldonneesei-cwsatliadata.ec@ec.gc.ca and to the ACCDC at



<http://accdc.com/en/contribute.html>. For further information, please contact the Canadian Wildlife Service at (709) 772-4221.

The Department of Fisheries and Oceans Canada advises you to follow the modernized **Fisheries Act** that 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** 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-enq.html>. For further information, please contact the Fisheries Protection Program at (709) 772-4140.

Health Canada advises you to consider preparing a response plan in the event of an accident or malfunction with the potential to impact drinking and/or recreational water quality, including a plan to notify all potentially impacted receptors. For further information, please contact Health Canada at (902) 237-7478.

Although the undertaking as proposed is released from further environmental assessment, it is still subject to other legislative requirements. You must comply with all relevant legislation and obtain all necessary permits and approvals. You must inform this Department of any proposed significant changes to the undertaking.

Please note that in accordance with Section 17 of the Environmental Assessment Regulations, my decision is valid for a period of three years from the date of this letter. If you have not commenced the Project within this three-year period, you may apply to extend the term of my decision for a maximum of three periods of one year. Should the term of my decision expire, the Project will have to be registered again for environmental assessment, if you wish to proceed. For further information, please email EAProjectComments@gov.nl.ca.

If you have any questions about the environmental assessment process, please contact Joanne Sweeney, Director of the Environmental Assessment Division, at (709) 729-0673 or via email at joannesweeney@gov.nl.ca.

Sincerely,

A handwritten signature in blue ink, appearing to be "Bernard Davis", written over a blue horizontal line.

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

Cc: The Honourable Derek Bennett, MHA , District of Lewisporte-Twillingate