

JUN 22 2023

COR-2023-1723

Reg. #2244

Tara Wight
Fisheries and Oceans Canada-Small Craft Harbours
80 East White Hills Road
St. John's NL A1C 5X1
Email: tara.wight@dfo-mpo.gc.ca

Dear Tara Wight:

RE: Lark Harbour Breakwater and Wharf (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.
- 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, 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.

The reviewing federal and provincial government departments and agencies have provided advice, which is attached for your reference.

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 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, 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 email joannesweeney@gov.nl.ca

Sincerely,

A handwritten signature in blue ink, appearing to read "Bernard Davis", with a long horizontal flourish extending to the right.

Hon. Bernard Davis, MHA
District of Virginia Waters – Pleasantville
Minister

Attachments

Cc: Eddie Joyce, MHA – Humber-Bay of Islands

Attachment A

Federal and provincial government departments and agencies provide the following advice:

The Climate Change Branch (CCB) of the Department of Environment and Climate Change advises that any heavy-duty equipment used in the construction phase of this project 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 CCB at (709) 729-1485.

The Pollution Prevention Division (PPD) of the Department of Environment and Climate Change advises that all fuel storage tank systems, other than those connected to a heating appliance of capacity of 2,500 litres or less, require registration prior to installation. A contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event should be prepared. The PPD refers you to the Treated Wood Waste Guidance Document, GD-PPD-PPD-075.1 at <https://www.gov.nl.ca/eccm/files/env-protection-waste-guidancedocs-gd-ppd-075.1treated-wood-waste-disposal-.pdf> and the Management of Excavated Soils, Concrete Rubble and Dredged Materials Guidance Document, GD – PPD – 045.2 at <https://www.gov.nl.ca/ecc/files/env-protection-waste-guidancedocs-excsoilsconcreterubbledredgedmaterials.pdf>. For further information, please contact the Pollution Prevention Division at (709) 729-5782.

The Water Resources Management Division (WRMD) of the Department of Environment and Climate Change advises that permits are required for the demolition of the existing wharf, construction of a new wharf, launchway, floating docks, breakwater, and infilling and dredging for the Project. For non-domestic water use from any water source for any purpose, you must apply for and obtain a water use licence under the **Water Resources Act, 2002**. The WRMD also 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 <https://assembly.nl.ca/Legislation/sr/regulations/rc030065.htm>. For further information, please contact the WRMD at (709) 729-1646.

The Department of Fisheries, Forestry and Agriculture advises you to operate under established legislation and regulations, such as to prevent harassment of wildlife (see Wild Life Regulations under the **Wild Life Act**), and guidance with respect to wildlife and their habitats (e.g. waterfowl, wetlands, inland fish, riparian buffers) to avoid or minimize adverse impacts.



The Government Service Centre (GSC) of the Department of Digital Government and Service NL advises that electrical plans must be submitted to the GSC for review and approval and an electrical permit is required for each meter. All used or waste oil be collected in a tank or closed container and is to be disposed of by sale or transfer to an approved waste oil collection facility. Any spill or leak of gasoline or associated product is to be reported immediately by calling the Environmental Emergencies Telephone Line at 772-2083 or 1-800-563-9089. For further information, please contact the GSC at (709) 466-4060.

The Occupational Health and Safety Division (OHS) of the Department of Digital Government and Service NL advises you to 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 the legislation. OHS further advises you to ensure that an emergency response plan is in place that details measures to be taken to effectively respond to any foreseeable mishap. For further information, please contact OHS at 1 (800) 563-5471.

The Department of Immigration, Population Growth and Skills (IPGS) encourages you to develop a hiring strategy that incorporates principles of Diversity, Equity and Inclusion. IPGS notes that it delivers two provincial immigration programs to help employers recruit international workers for long-term employment in the province. For further information, please contact IPGS at (709) 729-7131.

The Department of Industry, Energy and Technology (IET) advises that any quarry materials required for the Project must be obtained from an approved source and recommends that you consult with any electrical utilities in the area. For further information, please contact IET at (709) 729-5811.

The Department of Municipal and Provincial Affairs (MPA) advises that you must obtain a permit from the Town of Lark Harbour for the Project. For further information, please contact MPA at (709) 729-3040.

The Department of Transportation and Infrastructure (TI) advises that the existing wharf access is used as a turn around to facilitate winter snow clearing operations and recommends that this provision remain. For further information, please contact TI at (709) 729-5399.

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

- An Oil Spill Prevention and Response Plan;
- A Management Plan that includes appropriate preventative measures to minimize the risk of impacts on migratory birds
- A Contingency Plan that considers potential accidents and malfunctions for site-specific activities.

In order to avoid nest destruction and to accommodate the breeding season of migratory birds, operations should consider nesting locations between April 15 and August 15 in this region. The Canadian Wildlife Services (CWS) of ECCC requests that species-at-risk sightings be reported to ec.scfatldonneesei-cwsatliadata.ec@ec.ac.ca. CWS notes that there are a number of seabird colonies (gull, tern, cormorant, etc.) within the southern part of the Bay of Islands and recommend that all project activities be avoided within 300 metres of seabird colonies to avoid potential impacts to these species. For further information, please contact the Canadian Wildlife Service at (709) 777-4221.

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.

The Impact Assessment Agency of Canada (IAAC) advises that the Project may subject to Sections 82 of **Impact Assessment Act (IAA)**. Section 82 of the IAA requires that, for any project occurring on federal lands, the federal authority responsible for administering those lands or for exercising any power to enable the project to proceed must make a determination regarding the significance of environmental effects of the project. IAAC advises that it is not involved in this process and it is the responsibility of the federal authority to make and document this determination. For further information, please contact IAAC at (902) 426-0564.

Transport Canada (TC) advises that the project is located on federal lands and will require a review pursuant to s.82 of the **Impact Assessment Act (IAA)**. Public Services and Procurement Canada is completing a Significance of Environmental Effects Determination on your behalf and is coordinating this review with TC. TC acknowledges that you have submitted an application to the Navigation Protection Program (NPP) for approval under the **Canadian Navigable Waters Act (CNWA)**. For further information, please contact TC at (709) 351-3200 or 1-888-675-6863.