

Attachment B
Regulatory and Technical Advice from Government Departments/Divisions

EA #: 2396 – Peak Pond Quarry Extension (the Project)
Department of Transportation and Infrastructure (the Proponent)

During the environmental assessment of the Project, provincial and federal government departments and agencies offered the following advice on technical aspects as well as plans, permits, licences, approvals and/or other authorizations that are or may be required before your Project commences. This is not intended to be a comprehensive list, and you are responsible for consulting with federal and provincial government authorities regarding any additional authorizations that may be required by law.

1 Department of Environment, Conservation and Climate Change - Climate Change Branch

- 1.1 Proponent is advised that the clearing of trees and brush can contribute to climate change.
- 1.2 Proponent is advised to consider provincial climate change projections regarding precipitation for Argentia (nearest regional site) in the planning for this undertaking.
- 1.3 Proponent is advised to operate heavy equipment in a manner that maximizes 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.

2 Department of Environment, Conservation and Climate Change - Pollution Prevention Division

- 2.1 Proponent is advised that activities associated with this Project are subject to the Air Pollution Control Regulations.
- 2.2 Proponent is advised of the prohibitions of burning waste according to Schedule D of the Air Pollution Control Regulations, under the **Environmental Protection Act**.
- 2.3 All pesticide use must comply with the Pesticides Control Regulations. If pesticides are required, a Pesticide Applicator Licence is necessary and must follow required buffer zones for pesticide application around salmon rivers. Contracted pest control services must hold a valid Pesticide Operator Licence.
- 2.4 Proponent is advised that all waste material generated on site shall be removed and disposed of at an approved waste disposal facility. For further information, please contact the Pollution Prevention Division at (709) 729-5782.

3 Department of Environment, Conservation and Climate Change - Water Resources Management Division

- 3.1 Prior to the start of construction, the Proponent must apply for and obtain a water use licence under the **Water Resources Act** for the use of water from any water source for any purpose.
- 3.2 Proponent is advised that any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations. For further information, please contact the Water Resources Management Division at (709) 729-2563.

4 Department of Forestry, Agriculture and Lands

- 4.1 Proponent is advised to operate under the **Wild Life Act** and **Migratory Birds Convention Act** and associated regulations to avoid or minimize adverse impacts.
- 4.2 Advised that species protected under the **Newfoundland and Labrador Endangered Species Act (NLESA)** may occur within the project area. Under Section 16(1) of the Act, activities that disturb, harass, injure, or kill individuals of species listed as threatened, endangered, or extirpated are prohibited. For more information on avoiding harm to avifauna, visit: <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html>.
- 4.3 Proponent is advised to comply with the Cutting of Timber Regulations under the **Forestry Act**, which requires a Cutting Permit before any timber harvesting or removal. Additionally, during the forest fire season, an Operating Permit under Section 13 and a Permit to Burn on or within 300 metres of forest land under Section 3 of the Forest Fire Regulations are required.
- 4.4 Proponent is advised to maintain a five-metre buffer around all geodetic survey monuments within the project area. The GIS and Mapping Division of the Department of Forestry, Agriculture and Lands must be contacted via email at GMD@gov.nl.ca if project activities have the potential to disturb an existing Control Survey Marker per Section 65 of the **Lands Act**.
- 4.5 Proponent is advised to comply with the **Lands Act** and the Proponent is responsible for identifying any required Crown lands.
- 4.6 Proponent is advised that there may be private land within the Project area that is not recorded with the Crown Lands Office. If work is planned on private property, the Proponent is advised to obtain permission from the landowners.
- 4.7 Proponent is advised that any new road construction or maintenance on Crown land requires the Proponent to obtain the appropriate Crown land title before work begins. A Licence to Occupy for an access road does not grant exclusive use or restrict public access, and all activities must comply with the terms and conditions of any issued Crown land licence.
- 4.8 Proponent is advised that several species are currently being assessed for designation and listing under the **NLESA** and the federal **Species at Risk Act (SARA)**. The Proponent is made aware that if species that are designated and listed under endangered species legislation are found within the Project area, the

NLESA and/or the federal **SARA** will apply, and the Proponent may be required to develop mitigations, in consultation with Wildlife Division, for the protection and recovery of the species.

- 4.9 Proponent is advised that several species of bats are listed as Endangered and protected under the **NLESA**. These species have the potential to occur in areas proposed for clearing. The Proponent must ensure that mitigations are put in place to prevent disturbance, injury, or direct loss of bats or their residences.
- 4.10 Proponent is advised that Bank Swallows are listed as Threatened under the **NLESA** and the federal **SARA**. The Proponent must ensure that mitigations are put in place to prevent disturbance, injury, or direct loss of swallows or their residences.
- 4.11 Proponent is advised 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 location of any raptor nest site must be reported to the Wildlife Division at WildlifeReferrals@gov.nl.ca.
- 4.12 Proponent is advised that an existing Cottage Development Strategy and established cottage developments are located adjacent to the area. Mitigation measures, such as buffers, may be required to minimize potential dust and noise impacts on nearby properties. For further information, please contact Department of Forestry, Agriculture and Lands at (709) 637-2950.

5 Department of Government Services - Government Service Centre

- 5.1 Proponent is advised 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.
- 5.2 The storage, handling, and disposal of used and or waste oil must comply with the Used Oil and Used Glycol Control Regulations.
- 5.3 The Proponent is advised to consider developing a contingency plan specific to the proposed undertaking 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 Government Service Centre by calling the Environmental Emergencies Telephone Line at 772-2083 or 1-800-563-9089. For further information, please contact the Government Service Centre at (709) 637-2369.

6 Department of Government Services - Occupational Health and Safety

- 6.1 Proponent is advised to ensure that activities are conducted in compliance with the **Occupational Health and Safety Act** and related regulations. This includes the responsibility for ensuring that, should contractors be hired to perform work, they also comply with the legislation. For further information, please contact Occupational Health and Safety at (709) 729-7454.

7 Department of Municipal and Community Affairs

- 7.1 Proponent is advised that most of the undertaking is located in areas without formal land use controls, and no municipal or provincial permits are required under the Municipal and Community Affairs legislative framework. While the northern portion of the site and access road may intersect the Trans-Canada Highway building control lines, the proposed work is exempt from the definition of development under the **Urban and Rural Planning Act**. As a result, no permit is required under the Protected Road Zoning Regulations. For further information, please contact Municipal and Community Affairs at (709) 729-3090.

8 Department of Tourism, Culture, Arts and Recreation

- 8.1 Tourism Product Development Division advises careful management of operations to protect the area's sense of arrival and valued natural environment for visitors. Tourism advises the following best practices:

- Minimize visual impacts through strategic site planning, screening, or vegetation buffers,
- Implement erosion and sediment control measures to protect surrounding landscapes,
- Schedule operations to limit noise or dust during peak visitor periods (May - Sep), and
- Develop a rehabilitation plan to restore natural aesthetics post-Project.

For further information, please contact the Tourism Product Development Division at (709) 729-6588.

9 Environment and Climate Change Canada

- 9.1 Proponent is advised to avoid nest destruction and to accommodate the breeding season of migratory birds, operations should consider nesting locations between mid-April and mid-August in this region. Environment and Climate Change Canada requests that species at risk sightings be reported to the Canadian Wildlife Service (CWS) at <http://www.accdc.com/en/contribute.html>.
- 9.2 Proponent is advised to develop the following plans:
- A Contingency Plan that considers potential accidents and malfunctions, and site-specific conditions and sensitivities
 - An Oil Spill Prevention and Response Plan
 - A Wildlife Emergency Response Plan
- 9.3 Proponent is advised to maintain a 30-metre buffer from the high-water mark of any water body (1:100 Flood Zone) to maintain movement corridors for migratory birds.
- 9.4 Proponent is advised to establish vegetated buffer zones and to reduce activities around any active nests discovered during Project activities to reduce the risk of impacting nests or birds caring for pre-fledged chicks at those times.

- 9.5 Proponent is advised to develop and implement measures to diminish the risk of introducing invasive species. For further information, please contact Environment and Climate Change Canada at (709) 772-4313.

10 Fisheries and Oceans Canada

- 10.1 Proponent is advised to refer to the Projects Near Water website for information about how to comply with the **Fisheries Act**, as well as information on the Project review process when conducting work in or near water. The 'Projects Near Water' website is located at <https://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>. For further information, please contact the Fisheries Protection Program at (709) 772-4140.