

Attachment B
Regulatory and Technical Advice from Government Departments/Divisions

EA #: 2398 - Exploits River Goodyear's Dam Upgrades (the Project)
Newfoundland and Labrador Hydro (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 to consider provincial climate change projections regarding precipitation for St. Anthony (nearest regional site) in the planning for this undertaking.
- 1.2 Proponent has noted that they will employ standard methods to reduce greenhouse gas emissions. For further information, please contact the Climate Change Branch at (709) 729-1485.

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

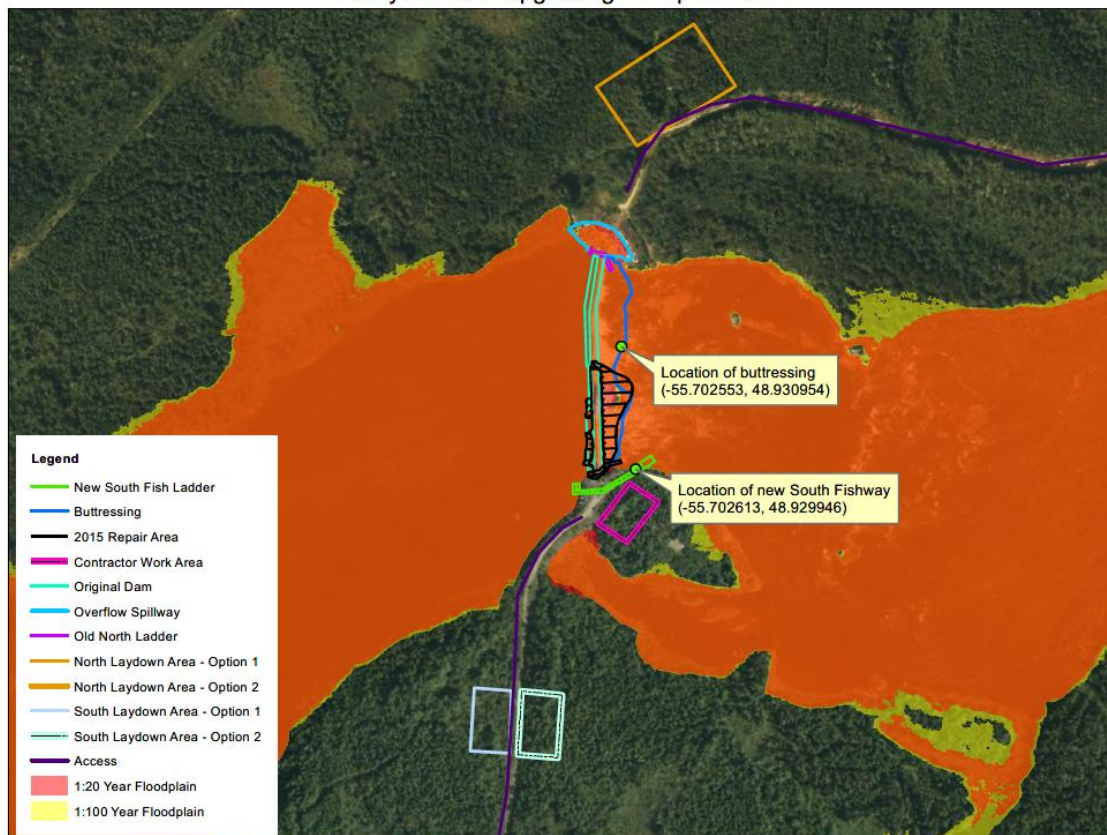
- 2.1 Proponent is advised that activities associated with the Project are subject to the **Environmental Protection Act, Water Resources Act**, and associated regulations.
- 2.2 Proponent is advised that all waste material generated on site during construction and operation must be collected in appropriate refuse containers and removed to a waste disposal facility that is approved to accept the specific type and quantity of waste. All waste shall be considered for reuse, resale, or recycling prior to disposal.
- 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 scheduled salmon rivers. Contracted pest control services must hold a valid Pesticide Operator Licence.
- 2.4 Proponent is advised of the prohibitions of burning waste according to Schedule D of the Air Pollution Control Regulations, under the **Environmental Protection Act**.
- 2.5 Advise the Proponent to consult guidance documents to inform the disposal of treated wood waste, management of excavated soils, concrete rubble and dredged materials, and best practices for the storage of waste dangerous

goods/hazardous waste at business sites. 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 Proponent is to be aware that the buttressing of existing Goodyear Dam, construction of a new south fishway, removal of the deteriorated existing north fishway, and contractor's working camp are located within the designated floodplain and its 15-metre boundary of Exploits River.

Goodyear Dam Upgrading in Exploits River



- 3.2 Proponent is advised to obtain a permit under Section 48 of the **Water Resources Act** for any work in or within 15 metres of a body of water (including floodplain and wetlands) prior to the start of the work. This includes any upgrades to the existing road that crosses two streams.
- 3.3 Proponent is advised to obtain a Water Use Licence under the **Water Resources Act** prior to the start of construction for the use of water from any source for any purpose.
- 3.4 Proponent is advised that any effluent leaving the site will be required to conform to the Environmental Control Water and Sewage Regulations. For further

information, please contact the Water Resources Management Division at (709) 729-2563.

4 Department of Energy and Mines

- 4.1 Proponent is advised that quarry materials required during construction or operation must be obtained from approved sources.
- 4.2 Proponent is advised that quarry materials may not be legally removed offsite unless they are a by-product of an approved development and that grubblings are not considered quarry materials except when topsoil or subsoil are obtained by screening grubblings. For further information, please contact the Mines Branch of the Department of Energy and Mines at (709) 729- 5748.
- 4.3 Proponent is encouraged to implement hiring and procurement practices for the project that ensure provincial residents and provincial suppliers are given full and fair opportunity and first consideration for employment and procurement opportunities on a competitive basis.
- 4.4 Proponent is advised to consult with the Department of Transportation and Infrastructure for any industrial benefits requirements they may have that would apply to this project. For further information, please contact the Department of Energy and Mines at (709) 729-1582.

5 Department of Forestry, Agriculture and Lands

- 5.1 The Proponent is advised to operate under the established legislation and regulations of the **Lands Act** and it is the Proponent's responsibility to identify Crown lands required for the undertaking. Development on private lands requires landowner permission. Activities within the 15 metre Shoreline Reserve must comply with Section 7 of the **Lands Act**.
- 5.2 Proponent is advised to adhere to Section 3 of the Timber Cutting Regulations under the **Forestry Act**. A Cutting Permit is required prior to any harvesting or timber removal in the area.
- 5.3 Proponent is advised an Operating Permit is required under Section 13 of the Forest Fire Regulations prior to the start of any work during the forest fire season and a Permit to Burn is required under Section 3 of the Forest Fire Regulations to ignite a fire on or within 300 metres of forested land during the forest fire season.
- 5.4 Proponent is advised to avoid disturbance within a 5 metre radius of any geodetic control monuments and that the GIS and Mapping Division of the Department of Forestry, Agriculture and Lands is required to be contacted at GMD@gov.nl.ca if development within the proposed Project area has the potential to disturb an existing Control Survey Marker per Section 65 of the **Lands Act**.
- 5.5 Proponent is advised to operate under established legislation and regulations, such as the **Wild Life Act** and Wild Life Regulations, to avoid or minimize adverse impacts.

- 5.6 Proponent is advised that the location of any raptor nest sites shall be reported to the Wildlife Division at wildlifereferrals@gov.nl.ca and no vegetation clearing is to occur within:
- a) 800 metres of a Bald Eagle or Osprey nest between March 15 and July 31; 200 metres during the remainder of the year.
 - b) 800 metres of a Short-Eared Owl (ground) nest between May 15 to August 15.
 - c) 200 metres of any other raptor nests between March 15 and July 31.
- 5.7 Proponent is advised that several species are currently being assessed for designation and listing under the **Newfoundland and Labrador Endangered Species Act (NLSEA)** and the federal Species at Risk Act. The Proponent should be aware that if species that are designated and listed under endangered species legislation are found within the project area, the **Endangered Species Act** and/or the federal **Species at Risk Act** will apply and the Proponent may be required to develop mitigations, in consultation with FAL-Wildlife Division, for the protection and recovery of the species. For further information, please contact Forestry, Agriculture and Lands at (709) 637-2950.

6 Department of Government Services - Government Service Centre

- 6.1 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. The storage, handling, and disposal of used and or waste oil must comply with the Used Oil and Used Glycol Control Regulations.
- 6.2 Proponent is advised that any spill or leak of gasoline or associate product is to be reported immediately to Government Service Centre by calling the Environmental Emergencies Telephone Line at (709) 772-2083 or 1-800-563 9089.
- 6.3 Proponent is advised should the development require the construction or renovation of on-site service buildings; application must be made for Fire/Life Safety and Building Accessibility review and approvals.
- 6.4 Proponent is advised that floor drains from service bays or other areas handling used or waste oils are to be routed through an oil water separator to remove oily waste before being discharged. Plans and specifications must be submitted for review and approval by Government Service Centre prior to installation.
- 6.5 Proponent is advised that gasoline and associated products used during fire training exercises are to be confined in a liquid tight fireproof containment area, for collection by an approved waste oil collector, or be routed through an approved oil water separator before discharge to the environment.
- 6.6 Electrical plans must be submitted to the Department of Government Services for review and approval.
- 6.7 Proponent is advised that land clearing and grubbing should be restricted such that naturally vegetated areas between the site and surrounding properties and thoroughfares are maintained. A tree screen of 30 m is to be maintained between the highway right-of-way and this property.

- 6.8 Proponent is advised that propane system installations exceeding 211,000 kilojoules (200,000 BTU) are subject to the Boiler, Pressure Vessel and Compressed Gas Regulations under the **Public Safety Act** and will require approval prior to installation. For further information, please contact Government Service Centre at (709) 729-2008.

7 Department of Government Services - Occupational Health and Safety

- 7.1 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 contractors hired to perform work also comply with the legislation. For further information, please contact Occupational Health and Safety at (709) 729-7454.

8 Department of Municipal and Community Affairs

- 8.1 Proponent is advised to consult with the town of Grand Falls-Windsor prior to development commencing.
- 8.2 Proponent may choose to obtain a development permit from the local Authority (Town of Grand Falls-Windsor). For further information, please contact Municipal and Community Affairs at (709) 729-3090.

9 Environment and Climate Change Canada

- 9.1 Proponent is advised of the applicability of Section 36(3) of the **Fisheries Act** that prevents the deposition of deleterious substances in waters frequented by fish. Proponent is responsible for taking appropriate measures to prevent the release of deleterious substances to fish.
- 9.2 Proponent is encouraged to develop the following plans:
- a) A wildlife emergency response plan;
 - b) An oil spill prevention and response plan; and
 - c) A contingency plan that considers potential accidents and malfunctions for site specific activities.
- 9.3 The Proponent is advised that to avoid nest destruction and accommodate the breeding season of migratory birds, operations should consider nesting locations between mid-April and mid-August in this region in accordance with the **Migratory Birds Convention Act**. Environment and Climate Change Canada requests that species at risk sighting be reported to the Canadian Wildlife Service (CWS) at <http://www.accdc.com/en/contribute.html>.
- 9.4 Proponent is advised that the **Species at Risk Act** "General Prohibitions" apply to this Project. No person shall kill, harm, harass, capture or take an individual of a listed species: possess, collect, buy, sell, or trade any individual or its parts; or damage or destroy the residence of one or more individuals.
- 9.5 Proponent is advised to report any sightings of species at risk (e.g., Bank Swallow, Red Crossbill, Olive-sided Flycatcher, Evening Grosbeak, Rusty

Blackbird, Short-eared Owl, Little Brown Myotis, Northern Myotis, Tri-colored Bat, Yellow-banded Bumble Bee) to the Canadian Wildlife Service.

- 9.6 Proponent is advised to follow recommendations for work near waterbodies and riparian areas. For further information, please contact the Environment and Climate Change Canada – Canadian Wildlife Service at (709) 777-4221.
- 9.7 Proponent should develop mitigation measures to reduce noise disturbance and implement measures to diminish the risk of introducing invasive species. For further information, please contact the Department of Environment and Climate Change Canada at (709) 772-4313 or (709) 853-1304.

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.

11 Transport Canada

- 11.1 Proponent is advised that approval may be required under the **Canadian Navigable Waters Act (CNWA)**. More information on this process can be found at <https://tc.canada.ca/en/marine/about-canadian-navigable-waters-act>. For further information, please contact Transport Canada at (709) 351-3200 or contact the Navigation Protection Program directly at (506) 851-3113 or NPPATL PPNATL@tc.gc.ca.