

Attachment B
Regulatory and Technical Advice from Government Departments/Divisions

EA #: 2399 - Thorburn Lake Forest Access Road Quarry (the Project)
L'Tuek Construction Inc (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 for Gander in the planning for this undertaking.
- 1.2 Proponent is advised to operate all heavy-duty equipment in a manner that maximizes fuel efficiency, thereby reducing greenhouse gas emissions that could contribute to climate change. For further information, 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**, the **Water Resources Act** and their associated regulations.
- 2.2 All waste material generated during construction and operation should be considered for reuse, resale, or recycling prior to disposal. Waste requiring disposal shall be stored in suitable containers and removed to an approved waste disposal facility authorized to accept the type and quantity of waste.
- 2.3 Proponent is advised of the prohibitions of burning waste according to Schedule D of the Air Pollution Control Regulations, under the **Environmental Protection Act**.
- 2.4 Proponent is advised that pesticide use is subject to the Pesticides Control Regulations. A Pesticide Applicator Licence is required for the application of pesticides. Where the slope of the terrain is less than or equal to 20 degrees, herbicide application is not permitted within 30 metres of a scheduled salmon river. Where the slope of the terrain is greater than 20 degrees, herbicide application is not permitted within 50 metres of a scheduled salmon river.
- 2.5 Proponent is advised to ensure appropriate spill prevention, response, and reporting procedures are in place in accordance with provincial requirements.

For further information, 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 advised to obtain a Water Use Licence under the **Water Resources Act** prior to the start of Project construction for the use of water from any source for any purpose.
- 3.2 Proponent is advised that any effluent or runoff leaving the Project site shall comply with the Environmental Control Water and Sewage Regulations.

4 Department of Energy and Mines

- 4.1 Proponent is advised that a Quarry Permit or Quarry Lease is required under the Quarry Materials Act, 1998, prior to the commencement of the Project. A release from environmental assessment does not guarantee approval. Energy and Mines may require the Proponent to submit additional information in support of the application. For further information, please contact the Mines Branch at (709) 729-5748.

5 Department of Forestry, Agriculture and Lands

- 5.1 Proponent is advised to operate in accordance with the **Lands Act**, the **Wild Life Act** and associated regulations.
- 5.2 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.
- 5.3 Proponent is advised to minimize noise and ensure the safety of nearby cottages during quarry activities.
- 5.4 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.
- 5.5 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 shall 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**.
- 5.6 Proponent is advised that several species are currently being assessed for designation and listing under the **Newfoundland and Labrador Endangered Species Act** (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.

- 5.7 Proponent is advised that Endangered bat species protected under provincial legislation may be present in the clearing areas, and the Proponent is required to implement mitigation measures to avoid disturbing, injuring, or harming bats or their habitats.
- 5.8 Proponent is advised that Bank Swallows, are protected as Threatened under both provincial and federal legislation. The proponent must implement mitigation measures to prevent disturbance, injury, or harm to the birds or their nesting burrows.
- 5.9 Proponent is advised that the proposed area lies within the core habitat of the Newfoundland Marten, listed as Vulnerable under the Newfoundland and Labrador **Endangered Species Act** (NLESA). The Proponent is advised to avoid clearing of vegetation and/or excessive noise from April 15 to June 15 to prevent disturbance.
- 5.10 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. For further information, contact the Department of Forestry, Agriculture and Lands at (709) 637-2950.

6 Department of Government Services - Government Service Centre

- 6.1 The storage, handling, and disposal of used and or waste oil must comply with the Used Oil and Used Glycol Control Regulations.
- 6.2 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.

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

8 Department of Tourism, Culture, Arts and Recreation

- 8.1 Proponent is advised to implement dust and noise suppression measures to minimize impacts on tourism operations.

- 8.2 Proponent is advised to proactively consult with local outfits operating in the area to identify and mitigate potential impacts of the 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 vegetation clearing during the migratory bird nesting season (mid-April to mid-August) to prevent disturbance or destruction of nests and eggs protected in accordance with the **Migratory Birds Convention Act**.
- 9.2 Environment and Climate Change Canada-Canadian Wildlife Services recommend the Proponent to develop the following plans:
- A Contingency Plan that considers potential accidents and malfunctions, and site-specific conditions and sensitivities.
 - An Oil Spill Prevention 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. For further information, please contact Environment and Climate Change Canada at (709) 772-4313.

10 Fisheries and Oceans Canada

- 10.1 Proponent is responsible for understanding the potential impacts of the project on fish and fish habitat, implementing measures to avoid and mitigate those impacts and obtaining authorization from the Minister of the Department of Fisheries and Oceans where avoidance and mitigation are not possible.
- 10.2 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 more information, please contact the Fisheries Protection Program at (709) 772-4140.