

Attachment B
Regulatory and Technical Advice from Government Departments/Divisions

EA #: 2428 - Crown Zone 7 Five-Year Forestry Operating Plan (2027-2031)
(the Project)
Department of Forestry, Agriculture and Lands (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. In instances of varying advice from government departments, the more stringent environmental protections will apply unless otherwise instructed by the Minister.

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

- 1.1 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 the Project are subject to the **Environmental Protection Act**, the **Water Resources Act** and associated regulations.
- 2.2 Proponent is advised of the prohibitions on burning waste according to Schedule D of the Air Pollution Control Regulations, under the **Environmental Protection Act**.
- 2.3 Proponent is advised that all pesticide use shall comply with the Pesticides Control Regulations. If pesticides are required, a Pesticide Applicator Licence is necessary and shall follow required buffer zones for pesticide application around scheduled salmon rivers. Contracted pest control services shall hold a valid Pesticide Operator Licence.
- 2.4 Proponent is advised that the storage, handling and disposal of used and/or waste oil/glycol shall comply with the Used Oil and Used Glycol Control Regulations.
- 2.5 Proponent is advised that spill response equipment should be readily available on site and stored in an accessible location. 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 advised to maintain a minimum 15-metre buffer around all streams, waterbodies, wetlands, and floodplain areas during harvesting and silviculture operations within the harvest blocks.
- 3.2 Proponent is advised to obtain a Section 48 under the **Water Resources Act (WRA)** prior to the commencement of operations for any harvesting activities proposed within the 15-metre environmental buffer of a stream, waterbody, wetland, or associated floodplain.
- 3.3 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.
- 3.4 Proponent is advised to maintain a 30-metre buffer around private wells in the Project Area, a 30-metre buffer around all Hydrometric and RTWQ station infrastructure, and a 100-metre undisturbed buffer around unprotected public water supply wells as identified by the Water Resources Management Division.
- 3.5 Proponent is advised that a Section 39 permit under the **WRA** will not be issued for any development activities within Protected Public Water Supply Areas (PPWSA) that are considered sensitive watersheds.
- 3.6 Proponent is advised there are discrepancies between the mapping and the current approved PPWSA boundaries as shown in the Newfoundland and Labrador Water Resources Portal. The proponent should ensure that current and accurate PPWSAs boundaries are incorporated before proceeding.
- 3.7 Proponent is advised that a Section 61 permit under the **WRA** is required for any work, activity or development adjacent to or within a Protected Public Wellhead Water Supply Area as identified by the Water Resources Management Division. 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 used shall be sourced from an approved site with a valid quarry Permit or Lease, a byproduct of an approved development, or from within the legal boundary of the project site in compliance with applicable regulations.
- 4.2 Proponent is advised that appropriate caution should be exercised around the ongoing mining and mineral exploration areas due to potential safety hazards associated with both active operations and abandoned mine infrastructure. For further information, please contact the Department of Energy and Mines at (709) 729-1582.

5 Department of Fisheries and Aquaculture

- 5.1 Proponent is advised to maintain a 500-metre no-cut buffer adjacent to aquaculture operations in accordance with the Aquaculture Policy and Procedures Manual, which is supported under Section 8 of the **Aquaculture Act, 2023**.
- 5.2 Proponent is advised to maintain a 30-metre no-cut buffer around all waterbodies that are identified on the 1:50,000 National Topographic System (NTS) maps under the Environmental Protection Guidelines.
- 5.3 Proponent is advised to exercise the following while dealing with heavy machinery near water:
- Marine coastlines shall comply with the **Fisheries Act**, including preventing any release of deleterious substances into fish-bearing waters.
 - Consult the Department of Fisheries and Oceans Canada's Fish and Fish Habitat Protection Program before conducting heavy machinery operations near water.
 - Consult and notify local fish harvesters in Northwest Atlantic Fisheries Organization Division 3K (directly, through Small Craft Harbour authorities, or via the Fish, Food and Allied Workers Union) before proceeding with activities. For further information, please contact the Department of Fisheries and Aquaculture at (709) 729-1514.

6 Department of Forestry, Agriculture and Lands

- 6.1 Proponent is advised to operate under the established legislation and regulations of the **Lands Act**, including Section 7 for any activities within the 15-metre Shoreline Reserve. It is the Proponent's responsibility to identify Crown lands required for their undertaking.
- 6.2 Proponent is advised that there may be private land located within this area which may not be on record with the Crown Lands Office. If work is planned on private lands, permission is required from the landowners.
- 6.3 Proponent is advised that the Project overlaps existing Crown land titles. The Proponent should notify title holders, avoid conflicts with existing land uses, maintain appropriate buffers, and ensure continued access and use of titled properties.
- 6.4 Proponent is advised that all constructed resource roads for this project should remain open for public access. The Land Management Division requests consultation before any roads constructed for purposes within the operating plan become decommissioned and/or the removal of infrastructure (roads/culverts).
- 6.5 Proponent is advised that the proposed forestry plan overlaps existing and potential cottage development areas, Crown reserves, open space reserves, and infilling limits. Activities shall avoid encroaching on existing titles and should consider areas with current or future cottage development potential.

- 6.6 Proponent is advised that the Project area partially overlaps Agricultural Development Areas, Areas of Interest, and existing agricultural leases/licences. Activities should not interfere with current or future agricultural uses, and existing title holders retain access, use, and development rights.
- 6.7 Proponent is advised to avoid disturbance within 5 metres of geodetic control monuments. The GIS and Mapping Division can 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**.
- 6.8 Proponent is advised to operate under established legislation and regulations, such as the **Wildlife Act**, the **Migratory Birds Convention Act** and associated regulations, to avoid or minimize adverse impacts.
- 6.9 Proponent is advised that the Environmental Protection Guidelines for Forestry Operations in Newfoundland and Labrador apply to all operating areas.
- 6.10 Proponent is advised that the project area contains species listed under the **Newfoundland and Labrador Endangered Species Act (NLESA)** and species protected or considered under the federal **Species at Risk Act (SARA)**. Activities shall avoid disturbing, harming, or otherwise affecting these species and their habitats.
- 6.11 Proponent is advised that several species are currently being assessed for designation and listing under the **NLESA** and the federal **SARA**. The Proponent should be 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** shall apply and the Proponent may be required to develop mitigations, in consultation with the Wildlife Division, for the protection and recovery of the species.
- 6.12 Proponent is advised to consult with the Town of Springdale and the Wildlife Division regarding potential forestry activity within the Town's Habitat Stewardship Agreement Areas.
- 6.13 Proponent is advised to work with the Wildlife Division during the development of annual operating plans to develop mitigation measures to avoid maternal roosting sites of the Little Brown Myotis and the Northern Myotis.
- 6.14 Proponent is advised to work with the Wildlife Division during the development of annual operating plans to develop mitigation measures to avoid incidental take of Black Ash and Red Pine.
- 6.15 Proponent is advised to work with the Wildlife Division in developing mitigation measures for harvesting areas and road segments that overlap caribou core areas. For further information, please contact the Department of Forestry, Agriculture and Lands at (709) 637-2950.

7 Department of Government Services - Government Service Centre

- 7.1 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.
- 7.2 Proponent is advised that any spill or leak of gasoline or associated 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. For further information, contact the Government Service Centre at (709) 729-2008.

8 Department of Government Services - Occupational Health and Safety

- 8.1 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.

9 Department of Municipal and Community Affairs

- 9.1 Proponent is advised to assess permitting requirements under applicable municipal by-laws for forestry activities proposed within a municipal boundary and to obtain any required permits or approvals from the relevant Municipal Authority in accordance with the **Towns and Local Service Districts Act**.
- 9.2 Proponent is advised to submit development application(s) to the relevant Municipal Authorities and obtain any required development approvals and permits prior to commencing activities within a Municipal Planning Area in accordance with the **Urban and Rural Development Act**.

Proponent is advised to make application to the appropriate Authority and obtain any required approvals and permits for activities within a Protected Road Zone with building control lines established under the **Urban and Rural Development Act, 2000** in accordance with the Protected Road Zoning Regulations, 996/96. For further information, please contact Municipal and Community Affairs at (709) 729-3090.

10 Department of Tourism, Culture, Arts and Recreation

- 10.1 Proponent is advised to adhere to the **Provincial Parks Act** and associated Regulations, including provisions related to the T'Railway Provincial Park. The Proponent should note that Cut Block CK09546 overlaps Flatwater Pond Provincial Park and that the boundary of Cut Block CK09549 overlaps or follows the centreline of the T'Railway Provincial Park.
- 10.2 The Proponent shall maintain a 100-metre no-cutting buffer for commercial forest harvesting and shall not construct any new roads or forest extraction trails within 500 metres of a provincial park property, including park reserves and

camping parks. The Proponent shall refer any proposed forestry development within 1 kilometre of ParksNL properties to ParksNL for review.

- 10.3 Proponent is advised that should contractors or subcontractors need to travel along the T'Railway in a motor vehicle other than an All-Terrain Vehicle or Utility Terrain Vehicle, a Temporary Vehicular Access permit would be required. For further information, please contact the Provincial Parks Division at (709) 637-2411.
- 10.4 Proponent is advised to continue early and ongoing engagement with tourism stakeholders, including outfitters and adventure tourism operators, to identify and address potential conflicts.
- 10.5 Proponent is advised to maintain regular coordination with local outfitters and the Newfoundland and Labrador Outfitters Association, particularly where forestry harvesting and new access roads may affect hunting, angling, and tourism activities.
- 10.6 Proponent is advised to schedule and coordinate forestry operations to minimize impacts during key hunting and outfitting seasons (September 15 to December 31 and May 1 to July 15).
- 10.7 Proponent is advised to minimize visual impacts of forestry developments near the Trans-Canada Highway through appropriate landscape design and screening measures to preserve scenic views and visitor experiences.
- 10.8 Proponent is advised to protect wildlife populations, hunting opportunities, and wilderness values that support tourism and outfitting activities.
- 10.9 Proponent is advised to decommission new project roads where assessments indicate adverse effects on tourism or outfitting operations, helping maintain controlled access and preserve tourism experiences. For further information, please contact the Tourism Product Development Division at (709) 729-0559.

11 Department of Transportation and Infrastructure

- 11.1 Proponent is advised to obtain approval from the Department of Transportation and Infrastructure under the **Works, Services and Transportation Act** for any work within the Department's highway right-of-way, including timber harvesting, and for any new access or changes to existing access to a provincial highway. The Proponent is responsible for reviewing and ensuring compliance with the Department's Highway Access Policy. For further information, please contact the Department of Transportation and Infrastructure at (709) 729-5972.

12 Environment and Climate Change Canada

- 12.1 Proponent is advised to comply with and is provided regulatory advice on the **Fisheries Act, Migratory Birds Convention Act (MBCA), SARA** and the **Canadian Environmental Protection Act**.

- 12.2 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 **MBCA**.
- 12.3 Proponent is advised to report any sightings of species at risk (e.g., Red Crossbill, Evening Grosbeak Olive-sided Flycatcher, Common Nighthawk, Harlequin Duck, Barrow's Goldeneye, Short-eared Owl, Rusty Blackbird, Little Brown Myotis, Northern Myotis, Caribou) to the Canadian Wildlife Service.
- 12.4 ECCC-Canadian Wildlife Service recommends that the Proponent 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 Management Plan that includes appropriate preventative measures to minimize the risk of impacts on migratory birds.
- 12.5 Proponent is advised to develop mitigation measures specific to forestry practices that are appropriate for migratory birds with different nesting strategies and implement measures to diminish the risk of introducing invasive species.
- 12.6 Proponent is advised on management practices for working on/near waterbodies or riparian environments to reduce impacts on migratory birds and their habitats.
- 12.7 Proponent is advised to maintain a 30-metre buffer from the high-water mark of any water body or wetland (1:100 Flood Zone) to maintain movement corridors for migratory birds. For further information, please contact the Department of Environment and Climate Change Canada at (709) 772-4313 or (709) 853-1304.

13 Fisheries and Oceans Canada

- 13.1 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.

14 Transport Canada

- 14.1 Proponent is advised that proposed access roads and crossings appear to potentially involve non-scheduled waterways per the **Canadian Navigable Waters Act (CNWA)** and that approval may be required under the **CNWA**. For further information, please contact Transport Canada at (506) 851-3113.