

Attachment B
Regulatory and Technical Advice from Government Departments/Divisions

EA #: 2431 - Happy Valley-Goose Bay Peat Moss Quarry (the Project)
JJ's Trucking (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 all heavy-duty equipment used in the construction and operating 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 Climate Change Branch at (709) 729-1485.

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

- 2.1 Proponent is advised activities associated with the Project are subject to the **Environmental Protection Act**, the **Water Resources Act** and associated regulations.
- 2.2 Proponent is advised to ensure that wastes are disposed of at a waste disposal facility or facilities approved to accept the type and projected 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 The storage, handling, and disposal of used and or waste oil shall comply with the Used Oil and Used Glycol Control Regulations.
- 2.5 Proponent is advised to consider developing a Contingency Plan specific to the proposed Project 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 Environmental Emergencies Telephone line at 1-800-563-9089. 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 obtain a Section 48 Permit under the **Water Resources Act** 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.

- 3.2 Proponent shall 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 prior to construction.
- 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. 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 either a quarry permit or a quarry lease will be required under the **Quarry Materials Act**, 1998. The Department will assess the quarry proposal during the quarry permit application review process to determine whether a quarry lease may be required as per section 8(9) of the **Quarry Materials Act**.
- 4.2 Proponent is advised that release from environmental assessment does not guarantee issuance of a quarry permit or quarry lease, and that additional information related to regulatory compliance, site development, rehabilitation, access management, visual screening, and other operational requirements may be required during the permitting review process. For further information, please contact the Mines Branch of the Department of Energy and Mines at (709) 729 5748.

5 Department of Forestry, Agriculture and Lands

- 5.1 Proponent is advised to operate under the established legislation and regulations of the **Lands Act**. It is the Proponent's responsibility to identify Crown lands required for their undertaking and to obtain the appropriate Crown title before work begins.
- 5.2 Proponent is advised that there may be private land in the area not on record with the Crown Lands Office and that permission is required from the landowners prior to conducting any work planned on private lands.
- 5.3 Proponent is advised to avoid disturbance within 5 metres of geodetic control monuments. The GIS and Mapping Division 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**.
- 5.4 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. Royalties on wood harvested may be required as per the Timber Royalties Regulations under the **Forestry Act**. 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 operate under established legislation and regulations, such as the **Wild Life Act**, the **Migratory Birds Convention Act** and associated regulations, to avoid or minimize adverse impacts.
- 5.6 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 (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.
- 5.7 Proponent is advised that a minimum 30-metre undisturbed buffer shall be maintained along all waterbodies that are identified on either the 1:50,000 scale National Topographic System maps or the topographic mapping layer shown in the Provincial Land Use Atlas, to protect sensitive riparian and aquatic species and their habitats.
- 5.8 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 and July 31) and 200 metres during the remainder of the year.
 - 800 meters of a short-eared owl (ground) nest between May 15 to August 15.
 - 200 meters of any other raptor nests between March 15 and July 31.

The location of any raptor nest site shall be reported to the Wildlife Division via emailing WildlifeReferrals@gov.nl.ca.

- 5.9 Proponent is advised to engage with the Wildlife Division at WildlifeReferrals@gov.nl.ca to discuss any future expansion beyond this application to be evaluated based on the condition, ecological integrity, and functional capacity of the remaining wetland complex, in terms of wildlife and wildlife habitat. For further information, please contact the Department of 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 shall comply with the Used Oil and Used Glycol Control Regulations.
- 6.2 Proponent is advised to appropriately rehabilitate the site upon closure of the operation and to ensure that all material, equipment, buildings and waste is to be removed from the site and disposed of in accordance with Part IV of the **Environmental Protection Act**.
- 6.3 Proponent is advised that on-site stockpiles of timber are to be stored such that they are not in direct contact with the ground.

- 6.4 Proponent is advised that electrical plans shall be submitted to the Government Service Centre for review and approval. 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 that all development within the protected road Route 500 shall be approved and permitted in accordance with the Trans-Labrador Highway Protected Road Zoning Plan Happy Valley-Goose Bay to Quebec Border, 2006. Further information, please contact the Department of Municipal and Community Affairs at (709) 729-3090.

9 Department of Transportation and Infrastructure

- 9.1 Proponent is advised to consult with the Department of Transportation and Infrastructure for plans that could alter drainage patterns around Route 500 of the Trans Labrador Highway.
- 9.2 Proponent is advised that any component of the Project involving the Department's roadways or infrastructure will have to be approved and permitted by the Department. For further information, please contact the Department of Transportation and Infrastructure at (709) 729-5972.

10 Environment and Climate Change Canada

- 10.1 Proponent is advised to comply with the **Fisheries Act**, **Migratory Birds Convention Act** (MBCA), **Species at Risk Act** (SARA) and the Canadian Environmental Protection Act.
- 10.2 Proponent is advised to avoid vegetation clearing during the migratory bird nesting season (early-May to mid-August) to prevent disturbance or destruction of nests and eggs protected in accordance with the **Migratory Birds Convention Act**. However, some species protected under the **MBCA** nest outside of this time period.
- 10.3 Proponent is advised to report any sightings of species at risk (e.g., Bank Swallow, Barrow's Goldeneye, Canada Warbler, Common Nighthawk, Evening Grosbeak, Harlequin Duck, Lesser Yellowlegs, Olive-sided Flycatcher, Red Crossbill, Rusty Blackbird, Short-eared Owl, Little Brown Myotis, Northern Myotis, Tri-colored Bat, Woodland Caribou) to the Canadian Wildlife Service. The Proponent is encouraged to consult the relevant fact sheets for each of the listed species that may occur in the Project area.

10.4 Environment and Climate Change Canada recommend the Proponent to develop the following plans:

- A Management Plan that includes appropriate preventive measures to minimize the risk of impacts on migratory birds.
- An Oil Spill Prevention and Response Plan.
- A Contingency Plan that considers potential accidents and malfunctions that take into account site-specific conditions and sensitivities.

10.5 Proponent is advised to maintain a 30-metre buffer from the high-water mark of any water body or wetland (1:100 Flood Zone) and to use best management practices for working on/near waterbodies or riparian environments to reduce impacts on migratory birds and their habitats.

10.6 Proponent is advised to follow best management practices related to revegetation, invasive species, noise disturbance, environmental emergencies, and drainage control. For further information, contact Environment and Climate Change Canada at (709) 772-4313 or (709) 853-1304.

11 Fisheries and Oceans Canada

11.1 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>.

11.2 In cases where impacts to fish and fish habitat cannot be avoided, the Project is within waterbodies where a Fish and Fish Habitat Protection Program (FFHPP) review is required and the scope of the Project is not covered under standards and codes of practice, the Proponent is asked to submit a Request for Review to the NL Region-FFHPP at DFO.NLFFHPP-PPPHTNL.MPO@dfo-mpo.gc.ca. For further information, please contact the Fisheries Protection Program at (709) 772-4140.