

Attachment B
Regulatory and Technical Advice from Government Departments/Divisions

EA #: 2388 – Lab West Cowboy Creek Sand & Gravel Quarry (the Project)
Allard Distributing Ltd. (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 Wabush (nearest regional site) in the planning for this undertaking.
- 1.2 Proponent is advised the clearing of trees and brush contribute to climate change.
- 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 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 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 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. 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 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.
- 3.2 Proponent is advised that any effluent leaving the site will be required to conform to the Environmental Control Water and Sewage Regulations.
- 3.3 Proponent is advised that if the settling ponds meet the definition of a dam or very small dam, a permit under Section 48 of the **Water Resources Act** would be required prior to their construction. For further information, please contact Water Resources Management Division at (709) 729-2563.

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 commencement of Project. A release from environmental assessment does not guarantee approval. Further, Energy and Mines may require the Proponent to submit additional information in support of the application. For further information, please contact the Mines Branch of Energy and Mines at (709) 729-5748.

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 their 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 the **Wild Life Act** and **Migratory Birds Convention Act** and associated 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 (NLESA)** and the federal **Species at Risk Act**. The Proponent should be aware that if species that are designated and listed under this legislation are found within the Project area, the Proponent may be required to develop mitigations, in consultation with the Wildlife Division and must obtain a Section 18 Permit of the **NLESA** for any Species at Risk (SAR) surveys that could potentially disturb the species.
- 5.8 Proponent is advised that several species 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 any Endangered or protected species or their residences. 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 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 that land clearing and grubbing should be restricted such that an undisturbed buffer between the site and surrounding properties and thoroughfares are maintained. A tree screen of 30 metres is to be maintained between the highway right-of-way and this property.
- 6.4 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.

- 6.5 Electrical plans must be submitted to the Department of Government Services 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 (OHS 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.

8 Department of Labrador Affairs

- 8.1 Proponent is recommended to engage/advise stakeholders, residents and cabin owners in the area to ensure they are aware of the expansion process and construction zones. Labrador Affairs may assist with identifying potential stakeholders, if needed. For more information, please contact The Labrador Affairs at (709) 896-1780.

9 Environment and Climate Change Canada

- 9.1 Proponent is advised about the potential applicability of the **Canadian Environmental Protection Act**.
- 9.2 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.
- 9.3 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.
- 9.4 ECCC advises that 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 in accordance with the **Migratory Birds Convention Act**. ECCC requests that species at risk sighting be reported to the Canadian Wildlife Service (CWS) at <http://www.accdc.com/en/contribute.html>.
- 9.5 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.
- 9.6 Proponent is advised to report any sightings of species at risk (e.g., Bank Swallow, Olive-sided Flycatcher, Common Nighthawk, Rusty Blackbird, Short-

eared Owl, Little Brown Myotis, Northern Myotis, Tri-colored Bat) to the Canadian Wildlife Service. For further information, please contact ECCC at (709) 772-4313.

- 9.7 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.
- 9.8 Proponent should develop mitigation measures appropriate for migratory birds with different nesting strategies 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.