

Attachment B
Regulatory and Technical Advice from Government Departments/Divisions

EA #: 2410 – Petty Harbour Breakwater (the Project)
The Department of Fisheries and Oceans Canada, Small Craft Harbours
(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 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) 729-3215.

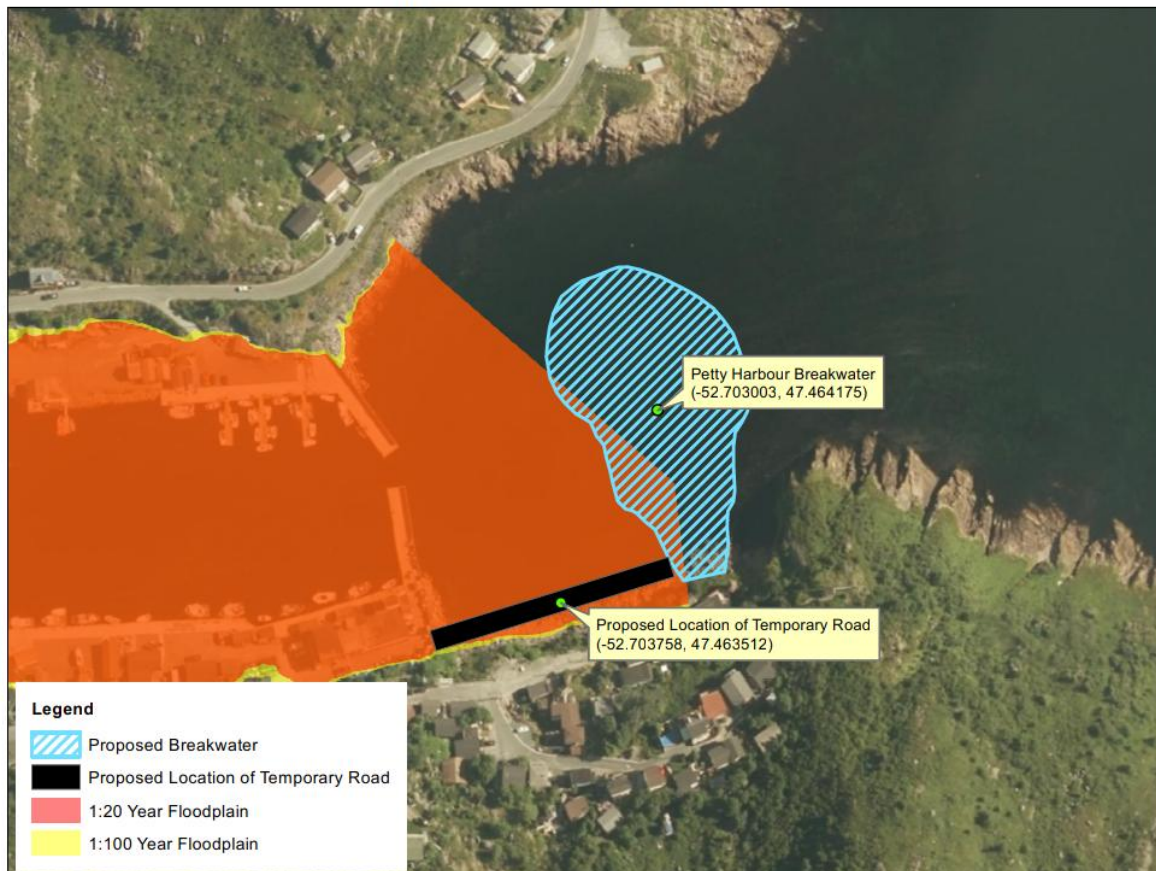
2 Department of Environment, Conservation and Climate Change - Pollution Prevention Division

- 2.1 Proponent is advised waste material should be considered, for reuse, resale or recycling, prior to disposal and dispose of waste at an approved facility.
- 2.2 Proponent is advised of the prohibitions of burning waste according to Schedule D of the Air Pollution Control Regulations, under the **Environmental Protection Act**.
- 2.3 Proponent is advised that the storage, handling and disposal of used and or waste oil/glycol must comply with the Used Oil and Used Glycol Control Regulations.
- 2.4 Proponent is advised that spill response equipment should be readily available on site and stored in an accessible location.
- 2.5 Proponent is advised that all waters discharged from the site during construction and operation are subject to compliance with the Environmental Control Water and Sewage Regulations. 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 that the proposed breakwater is partially located, and the proposed temporary road is entirely located, within the designated floodplain.

Petty Harbour Breakwater Construction



- 3.2 Proponent is advised to obtain a Section 48 permit under the **Water Resources Act** for any work in or within 15 metres of a body of water, including floodplain and wetlands.
- 3.3 Proponent is advised to obtain a Section 36 permit under the **Water Resources Act** for the extension of the sewer outfall into the ocean beyond the breakwater prior to construction.
- 3.4 Proponent must 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. This must be stated for all non-domestic uses with an existing, new, or planned water use from any water source. 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. 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 engage in consultation with local fish harvesters to better understand fisheries' use of the area and to provide advance notification of planned activities. For further information, please contact the Department of Fisheries and Aquaculture at (709) 729-5001.

6 Department of Forestry, Agriculture and Lands

- 6.1 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.
- 6.2 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 **NLSEA** and/or the federal **SARA** will apply and the Proponent may be required to develop mitigations, in consultation with the Wildlife Division, for the protection and recovery of the species.
- 6.3 Proponent is advised to avoid disturbance within 5 metres of geodetic control monuments. The GIS and Mapping Division of FAL must 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**.
- 6.4 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.
- 6.5 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. For further information, please contact the Department of Forestry, Agriculture and Lands at (709) 729-5001.

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. The storage, handling, and disposal of used and or waste oil must comply with the Used Oil and Used Glycol Control Regulations.
- 7.2 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.
- 7.3 Proponent is advised that electrical plans must be submitted to the Government Service Centre for review and approval. For further information, please contact 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 The Proponent, as a federal entity, is not bound by the requirements of the **Urban and Rural Planning Act** or the **Towns and Local Service Districts Act**.
- 9.2 Proponent is advised to apply for and obtain a permit from the town of Petty Harbour-Maddox Cove for the undertaking in the spirit of mutual cooperation. For further information, please contact the Department of Municipal and Community Affairs at (709) 729 3090.

10 Department of Tourism, Culture, Arts and Recreation

- 10.1 Proponent is advised that consultation be undertaken with local tourism operators to help identify and consider any potential impacts on tourism experiences and operations. For further information, please contact the Tourism Product Development Division at (709) 729-0559.

11 Environment and Climate Change Canada

- 11.1 Proponent is advised to comply with and provided regulatory advice on the **Fisheries Act**, **Migratory Birds Convention Act** (MBCA), **Species at Risk Act** (SARA) and the **Canadian Environmental Protection Act**.
- 11.2 Proponent is advised on the applicability of Section 36(3) of the **Fisheries Act** and of the Proponent's responsibility to ensure that all reasonable measures are conducted to prevent the release of substances deleterious to fish from their proposed activities.
- 11.3 Proponent is advised that the **SARA** 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.
- 11.4 Proponent is advised to develop the following plans:
- An oil spill prevention and response plan.
 - A contingency plan that considers potential accidents and malfunctions that consider site-specific conditions and sensitivities.
 - A wildlife emergency response plan.
- 11.5 Proponent is advised to report any sightings of species at risk (e.g., Bank Swallow, Barn Swallow, Bobolink, Canada Warbler, Chimney Swift, Eastern Wood-Pewee, Evening Grosbeak, Harlequin Duck, Hudsonian Godwit, Lesser Yellowlegs, Olive-sided Fly Catcher, Red Crossbill, Red-necked Phalarope,

Rusty Blackbird, Savannah Sparrow, Wood Thrush, Little Brown Myotis and Yellow-banded Bumble Bee) to the Canadian Wildlife Service.

- 11.6 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**.
- 11.7 Proponent is advised on management practices for working on/near waterbodies or riparian environments, practices to minimize dust-related impacts on migratory birds and their habitats, practices to minimize potential impacts from effluent lines and associated infrastructure on migratory birds and their habitats.
- 11.8 Proponent is advised to follow recommended procedures for any stranded seabirds that may be attracted to light throughout construction and operation.
- 11.9 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.

12 Fisheries and Oceans Canada

- 12.1 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 conduction work in or near water. The 'Projects Near Water' website is located at <https://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>.
- 12.2 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.

13 Transport Canada

- 13.1 The Proponent has applied to the Transport Canada's Navigation Protection Program for approval under the **Canadian Navigable Waters Act**. For further information, please contact Transport Canada at (506) 851-3113.