

COR/2021/04230

Reg. # 2173

Jason MacDonald
Land Management Specialist
Department of Fisheries, Forestry and Agriculture
192 Wheelers Road
Corner Brook, NL A2H 6J8
Email: jasonmacdonald@gov.nl.ca

Dear Mr. MacDonald:

Re: Cormack Agriculture AOI #40 Land Clearing

Your proposal has been reviewed by an interdepartmental environmental assessment screening committee and an opportunity to comment has been provided to the public as required by Part X of the Newfoundland and Labrador **Environmental Protection Act, SNL 2002, cE-14.2**. Please be advised that this undertaking is **released** from further environmental assessment subject to the following conditions:

- You are required to uphold all commitments made in your environmental assessment submission to mitigate the effects of the project on the environment.
- The Department of Fisheries, Forestry and Agriculture requires the following:
 - No vegetation clearing is to occur within 800 meters of a bald eagle or osprey nest during the nesting season (March 15 to July 31) and 200 meters during the remainder of the year. The 200-metre buffer also applies to all other raptor nests (e.g. Northern Goshawk, Sharp-shinned Hawk, Merlin, American Kestrel, Great-horned Owl, Boreal Owl, Northern Saw-whet Owl). The location of any raptor nest site must be reported to the Wildlife Division. For more information, please contact the Wildlife Division at (709)637-2025)
 - For slopes less than 30 percent, a minimum 30-metre naturally vegetated riparian buffer zone shall be established from the high water mark around all waterbodies and wetlands 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. Land use activities involving grubbing, ground or soil disturbance and timber harvesting activities shall not take place in this zone.
 - For slopes greater than 30 percent, a naturally vegetated riparian buffer zone shall be maintained and shall be calculated using the following formula: 30 metres + 1.5 metres x slope (%). Land use activities involving grubbing, ground or soil disturbance and timber harvesting activities shall



not take place in this zone. For more information, please contact the Wildlife Division at (709) 637-2025.

- You are required to advise the Environmental Assessment Division when the conditions of release have been met, by emailing a written description, documents, and images (where applicable) to demonstrate that the conditions have been fulfilled to EAProjectComments@gov.nl.ca.
- You are required to update the Environmental Assessment Division on the status of your project, including a copy of all permits, licences, certificates, approvals and other authorizations required for your project, one year from the date of this release letter and to provide additional updates if required. Please email your project updates to EAProjectComments@gov.nl.ca.

Federal and provincial government departments and agencies that reviewed your project during the environmental assessment provide the following advice:

The Water Resources Management Division of my Department notes that the road network has number of stream crossings and there are multiple waterbodies (including wetlands) within the land parcel, including Little Falls Brook and two unnamed streams. A permit is required for any work in any body of water (including wetlands) prior to the start of construction. The Water Resources Management Division further advises that a water use license is required for the use of water from any water source for any purpose, and future farmers should be made aware of this requirement. Permits are required for any infilling within 15 metres of a body of water and for work in shore water zones. You are to comply with the Department's policies on Development in Shore Water Zones and Infilling Bodies of water, which can be found online at <https://www.gov.nl.ca/ecc/waterres/regulations/policies/>. For more information, please contact the Water Resources Management Division at (709) 729-1646.

The Government Service Centre of the Department of Digital Government and Service NL advises that a 30-metre buffer of natural forage shall be maintained between the agriculture land and any watercourse or waterbody. The Government Service Centre further advises that manure shall not be spread or stored within 30 meters of the nearest waterbody/watercourse (pond, lake or stream) or within 75 meters of any well or water supply used for drinking purposes when the draining of the land is towards the water supply. Future farmers should be made aware of these buffer zones. For more information, please contact the Government Service Centre at (709) 637- 2204.

The Department of Fisheries, Forestry and Agriculture notes that the southern portion of the proposed land in combination with surrounding wetland areas is an established and well-used caribou area. The Wildlife Division advises that farm development and activities associated with root crop production will increase conflict with the foraging behaviour of



wildlife, and in particular caribou. Caribou are not covered under the nuisance wildlife policies in relation to farms and the Wildlife Division advises that appropriate wildlife friendly measures should be put in place to mitigate for this recognized potential conflict. For more information, please contact the Wildlife Division at (709) 637-2025.

The Parks Division of the Department of Tourism, Culture, Arts and Recreation requests that commercial harvesting is not to occur within 100 metres and new road or trail construction is not to occur within 500 metres of Parks property. In accordance with an Interdepartmental Land Use Committee review in 2018, the Parks Division is to be referred on any development within 1 kilometre of Parks property. For more information, please contact the Parks Division at (709) 686-2071.

The Occupational Health and Safety Division of the Department of Digital Government and Service NL advises you to ensure that the activities associated with the development are conducted in compliance with the **Occupational Health and Safety Act** and its regulations. This includes the responsibility for ensuring that contractors hired to perform work also comply with this legislation. The Occupational Health and Safety Division reminds you to consider procedures associated with the protection of workers related to COVID-19. Procedures must follow the requirements set forth by the Chief Medical Officer of Newfoundland and Labrador (e.g. physical distancing, handwashing).

Environment and Climate Change Canada recommends that in order to avoid nest destruction and to accommodate the breeding season of migratory songbirds and waterfowl, operations should consider nesting locations between April 15 and August 15 in this region. Environment and Climate Change Canada provided a list of avian, and non-avian species that are listed on Schedule 1 of the **Species at Risk Act**, and request that any sightings be reported to ec.scfatldonneesi-cwsatlidata.ec@ec.gc.ca. The list is included in the "Comments for the Proponent" attached to this letter. Environment and Climate Change request that you provide a GIS file of the project boundaries and study area so that the project can be mapped. Environment and Climate Change Canada further recommend that you develop an Oil Spill Prevention and Response Plan, as well as a Contingency Plan that considers potential accidents and malfunctions. All spills or leaks, such as those from machinery or storage tanks, should be promptly contained and cleaned up, and reported to the 24-hour environmental emergencies reporting system at 1-800-563-9089. For further information, please contact Environment and Climate Change Canada at (709) 772-2126.

The Department of Fisheries and Oceans advises that the modernized **Fisheries Act** includes fish and fish habitat protection provisions which came into effect on August 28, 2019. If you are conducting work in or near water you should refer to the Projects Near Water website to get information about how to comply with the **Fisheries Act** and as well as information on the project review process. The "Projects Near Water" website is



located at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>. For further information, please contact the Fisheries Protection Program at (709) 772-4140.

Although the undertaking as proposed is released from further environmental assessment, it is still subject to other legislative requirements. A summary of the comments received from government agencies during the review is attached to provide an indication of likely applicable permits, approvals and legislative requirements. You must comply with all relevant legislation and obtain all necessary permits and approvals. You are required to inform this Department of any proposed significant changes to the undertaking.

Please note that in accordance with Section 17 of the Environmental Assessment Regulations, the Minister's decision is valid for a period of three years from the date of this letter. If you have not commenced your project within this three year period, you may apply to extend the three-year period for a maximum of three one-year periods, if needed. Failure to apply for an extension will result in the expiry of the Minister's decision, and your project will have to be registered again for environmental assessment, should you wish to proceed. For further information, please email EAPProjectComments@gov.nl.ca.

If you have any questions, please contact Joanne Sweeney, Director, Environmental Assessment Division, at (709) 729-0673 or joannesweeney@gov.nl.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read "BERNARD DAVIS".

HON. BERNARD DAVIS, MHA
District of Virginia Waters – Pleasantville
Minister

Cc: Hon. Dr. Andrew Furey, Premier