

Attachment A

Conditions of Release from Environmental Assessment

Release Date: May 17, 2024

EA #: 2297 Gander Agricultural Development (the Project)

1 Definition

- 1.1 "Act" means the **Environmental Protection Act** (the **Act**).
- 1.2 "Department" means the Department of Environment and Climate Change, and the contact for the Department for this EA Release is:

Director
Environmental Assessment Division
Department of Environment and Climate Change
P.O. Box 8700
St. John's, NL A1B 4J6
Tel. 709-729-0673
- 1.3 "Minister", unless the context indicates otherwise, means the Minister of Environment and Climate and Change.
- 1.4 "Proponent" means a person who carries out or proposes to carry out a Project, or is the owner or person having charge, control or management of a Project.
- 1.5 "Registered" and "registration" mean registered under Section 49 of the **Act**.
- 1.6 "Release" means the release of a Project under Section 51, 54, 67 or 72 of the **Environmental Protection Act** from the further application of the environmental assessment requirements of Part X of the **Act**.
- 1.7 "Undertaking" includes an enterprise, activity, project, structure, work or proposal and a modification, abandonment, demolition, decommissioning, rehabilitation and an extension of them that may, in the opinion of the minister, have a significant environmental effect.

2 Acronyms / Abbreviations

EA	Environmental Assessment
REG	Registration
TCH	Trans-Canada Highway

3 Scope

- 3.1 The EA Release letter relates to the Proponent and their Registration document for Gander Agricultural Development, EA REG # 2297, hereafter referred to as the "Project".
- 3.2 The Proponent shall ensure the Project is carried out in accordance with this EA Release and their Registration document.

4 General

- 4.1 The Proponent shall uphold all commitments made in the EA submission to mitigate the effects of the Project on the environment.
- 4.2 The Proponent shall conduct the Project in accordance with the **Environmental Protection Act**, as amended from time to time.
- 4.3 The Proponent shall provide written notification to the Department on the date of commencement of construction and on the date of commencement of operations of the Project, at a minimum of 30 days prior to each commencement.
- 4.4 The Proponent shall update the Environmental Assessment Division on the status of the Project, including a copy of all permits, licenses, certificates, approvals and other authorizations required for the Project, within one year from the date of this EA Release letter and provide additional updates if required. Please email the Project updates to EAProjectComments@gov.nl.ca.
- 4.5 This EA Release does not exempt a Proponent of a Project from the requirements imposed upon the Project by (a) another Act or regulation of the province or of Canada; or (b) a municipal regulation, by-law or requirement.
- 4.6 A license, permit, approval or other document of authorization pertaining to this Project shall not be issued under another Act until the Project has been exempted or released from EA.

- 4.7 Prior to a proposed change to any aspect of the Project from that proposed in the Registration document, the Proponent must submit the proposal to the Department to review for regulatory requirements, including EA.
- 4.8 No authority is granted by this EA Release to enable the Proponent to commence or continue the Project on lands which are not in the control or ownership of the Proponent. It is the responsibility of the Proponent to ensure that such a contravention does not occur.
- 4.9 The Proponent shall notify the Minister before a transfer, sale or lease of the Project.
- 4.10 Where a timeline is associated with a condition(s) of the EA Release, the Proponent shall fulfil the requirements of the condition(s) within the prescribed timeline, unless otherwise authorized in writing by the Minister.
- 4.11 If there is a discrepancy between the Registration document and the conditions of this EA Release, the conditions of this EA Release shall apply.
- 4.12 The Proponent shall bear all expenses incurred in carrying out the environmental management and monitoring required under the conditions of this EA Release, the **Act** or the Regulations.
- 4.13 The Proponent shall ensure that this EA Release, or a copy, is present at the Project site while personnel are on site and that personnel directly involved in the Project are made fully aware of the conditions which pertain to this EA Release.
- 4.14 Throughout the life of the Project, the Proponent shall conduct any additional studies or monitoring and/or implement additional mitigation measures as required by the Minister.
- 4.15 The Proponent shall advise the EA Division by emailing a written description, documents, and images (where applicable) to demonstrate when the requirements of the conditions of Release have been completed to EAProjectComments@gov.nl.ca. The Minister will then determine whether the conditions have been met.

5 Habitat, Flora and Fauna

- 5.1 Vegetation clearing is not to occur within 800 metres of a bald eagle or osprey nest during the nesting season (March 15 to July 31) or within 200 metres during the remainder of the year. The 200-metre buffer 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 shall be reported to the Wildlife Division. For more information, please contact the Wildlife Division at (709) 637-2950 or wildlifereferrals@gov.nl.ca.
- 5.2 A minimum 50-metre undisturbed riparian buffer is to be maintained from the high-water mark of all wetlands and waterbodies within and adjacent to the Project, 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.

6 Mineral Rights

- 6.1 The Project shall avoid interfering with the operations of holders of existing mineral exploration licences within the Project area. Information on existing mineral exploration licences can be found at <https://geotlas.gov.nl.ca/Default.htm>, or by contacting the Mineral Lands Division at (709) 729-6437.

7 Crown Lands

- 7.1 The area of the Project that is the subject of this release from EA is described under the amended Crown Lands application #162311 map, attached to this document, and includes only the land that occurs north of the Trans-Canada highway. All lands south of the TCH were removed in the amended Crown Lands application.



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