

Attachment B
Regulatory and Technical Advice from Government Departments/Divisions

EA #: 2357 Chapel's Cove Breakwater (the Project)
Town of Harbour Main-Chapel's Cove-Lakeview (the Proponent)

1 Climate Change Branch (CCB), Department of Environment and Climate Change (ECC)

- 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 CCB at (709) 729-1485.

2 Pollution Prevention Division (PPD), ECC

- 2.1 Proponent is advised that waste material should be disposed of at an approved waste disposal facility.
- 2.2 Proponent is advised to follow guidance documents for Treated Wood Waste available at <https://www.gov.nl.ca/ecc/files/env-protection-waste-guidancedocs-gd-ppd-075.1treated-wood-waste-disposal-.pdf> and for Management of Excavated Soils, Concrete Rubble and Dredged Materials available at <https://www.gov.nl.ca/ecc/files/env-protection-waste-guidancedocs-excsoilsconcreterubbledredgedmaterials.pdf>. For further information, please contact PPD at (709) 729-5782.

3 Water Resources Management Division (WRMD), ECC

- 3.1 Proponent is advised to apply for and obtain a Section 48 Permit under the **Water Resources Act**, 2002, for any work in or within 15 metres of a body of water (including wetlands) prior to the start of construction.
- 3.2 Any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003 - <http://assembly.nl.ca/Legislation/sr/regulations/rc030065.htm>. For further information, please contact the WRMD at (709) 729-2563.

4 Government Service Centre (GSC), Department of Government Modernization and Service Delivery (GMSD)

- 4.1 Proponent is advised to consider developing a contingency plan specific to the proposed undertaking 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 GMSD by calling the Environmental Emergencies Telephone Line at 772-2083 or 1-800- 563-9089.
- 4.2 Proponent is advised that the extent of land clearing and grubbing should be restricted such that naturally vegetated areas between the site and surrounding properties and thoroughfares are maintained. For further information, please contact the GSC at (709) 729-2008.

- 4.3 Proponent is advised to maintain a tree screen of 30 metres between the highway right-of-way and the Project.

5 Occupational Health and Safety (OHS), GMSD

- 5.1 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 OHS at (709) 729-7454.

6 Department of Fisheries, Forestry and Agriculture (FFA)

- 6.1 Proponent is advised to operate under the **Wild Life Act**, **Migratory Birds Convention Act**, and the **Fisheries Act** and associated regulations to avoid or minimize adverse impacts.
- 6.2 Proponent is advised to comply with the **Lands Act** and is responsible for identifying any Crown lands required for the Project. Since no existing land title exists for the proposed area, the Proponent must consult Crown Lands before starting development. A Crown lands application may be required to construct and maintain the breakwater.
- 6.3 Proponent is advised that any development within 15 metres of a water body must comply with Section 7 of the **Lands Act**. A notice of intent is required before initiating any such activity within the shoreline reservation zone.
- 6.4 Proponent is advised to consult with local fish harvesters, specifically in Northwest Atlantic Fisheries Organization (NAFO) Division 3L, for information regarding fisheries in the area and to notify harvesters of their plans. Harvesters can be directly consulted by way of local Small Craft Harbour authorities or through the Fish, Food and Allied Workers Union (FFAW).
- 6.5 Proponent is advised to follow recommended best practices and guidelines to prevent the spread of Aquatic Invasive Species both into and out of the bay. For further information, please contact the FFA at (709) 637-2950.

7 Department of Industry, Energy and Technology (IET)

- 7.1 Proponent is advised that quarry materials must be obtained from approved sources. For further information, please contact the Mines Branch of IET at (709) 729-5748.
- 7.2 Proponent is advised that quarry permit applications can be complex, time-consuming, and uncertain, so the Proponent should factor in potential delays and the possibility of partial or denied approvals when evaluating project bids.

8 Department of Municipal Affairs and Community Engagement (MACE)

- 8.1 Proponent is advised that the Project lies within the municipal boundary and planning area, specifically in an open space recreation zone, for the Town of Hr. Main-Chapel's Cove-Lakeview and requires a development permit from the Town

in order to proceed. The proposed breakwater use is not explicitly listed in the permitted or discretionary uses under this zoning. MACE advises that it may be interpreted under the Transportation Use Class, which includes docks and harbours. If so, the Town must amend its municipal plan and development regulations to permit the use. If the breakwater is not considered part of the Transportation Use Class, the Town would need to create a new use class for breakwaters and amend its planning documents accordingly before issuing a development permit. For further information, please contact MACE at (709)-729-3090.

9 Department of Transportation and Infrastructure (TI)

- 9.1 Proponent is advised that construction is to follow TI's **Works, Services and Transportation Act**, Building near Highways Regulations and all departmental policies.
- 9.2 The Proponent is responsible for protecting and repairing any damage to TI infrastructure, and disturbed areas must be stabilized and revegetated.
- 9.3 Proponent is advised to follow TI's Traffic Control Manual during the construction phase, which is available at - <https://www.gov.nl.ca/ti/files/publications-traffic-control-2018.pdf>. Proper signage and traffic control measures shall be taken.
- 9.4 Proponent is advised that an Acces Permit is required if road access is needed.
- 9.5 Proponent is advised that existing roadside ditches and storm sewers are to be maintained, and there is to be no infilling or steepening of ditches along TI roads.
- 9.6 Proponent is advised that a permit is required from TI before starting any work within the TI right-of-way.
- 9.7 Proponent is advised that a Right of Way Permit is required as per the Building Near Highways Regulations under the **Works, Services and Transportation Act**. An application can be made through GMSD. For further information, please contact TI at (709) 729-7713.

10 Environment and Climate Change Canada (ECCC)

- 10.1 ECCC advises that to avoid nest destruction and to accommodate the breeding season of migratory birds, operations should consider nesting locations between mid-April to mid-August in this region. ECCC requests that species at risk sightings be reported to the Canadian Wildlife Service (CWS) at <http://www.accdc.com/en/contribute.html>.
- 10.2 Proponent is advised to develop the following plans:
 - An oil spill prevention and response plan.
 - A contingency plan that considers potential accidents and malfunctions, and site-specific conditions and sensitivities.
 - A wildlife emergency response plan.

- 10.3 Proponent is advised to develop and implement measures to diminish the risk of introducing invasive species. For further information, please contact ECCC at (709) 772-4313.

11 Fisheries and Oceans Canada (DFO)

- 1.1 Proponent is advised to contact DFO early in the planning stages of the Project to ensure proper timelines for review can be met and align with proposed construction dates.
- 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.

12 Transport Canada (TC)

- 12.1 Proponent is advised that an application is required under the **Canadian Navigable Waters Act** for the proposed Project. For further information, please contact TC at (506) 851-3113.