

MAY 25 2022

COR-2022-462

Reg. # 2183

Scott Winsor
Director of Engineering
City of St. John's
10 New Gower Street
St. John's NL A1C 5M2
E-mail: swinsor@stjohns.ca

Dear Scott Winsor:

RE: St. John's Long Pond Flood Control Structure

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 Water Resources Management Division of my department requires the City of St. John's, in consultation and partnership of the Water Resources Management Division, to establish two water level monitoring stations at either end of Long Pond. For more information, please contact the Water Resources Management Division at (709) 729-2563.
- 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 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 release letter and to provide additional updates, if requested. Please email 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 Pollution Prevention Division of my Department advises in order to ensure that a quick and effective response to a spill event, spill response equipment should be readily available on site. Response equipment, such as absorbents and open-ended barrels for collection of clean-up debris, should be stored in an accessible location on site. Personnel working on the project should be knowledgeable about response procedures. You should 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 by calling the Environmental Emergencies Telephone Line at 1-800-563-9089. For more information, please contact the Pollution Prevention Division at (709) 729-5782.

The Water Resources Management Division of my Department advise that you must apply for and obtain a permit under the **Water Resources Act**, 2002, specifically Section 48 for any work in or within fifteen (15) metres of a body of water (including wetlands) prior to the start of the work. Any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations. They further advise that the municipal water and sewer infrastructure must not be impacted by this development. For further information, please contact the Water Resources Management Division at (709) 729-1646.

The Occupational Health and Safety Division of DGSNL advises that you must generally ensure that activities associated with the project 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. For further information, please contact the Occupational Health and Safety Division at (800) 563-5471.

The Department of Municipal and Provincial Affairs advises that the subject sites are located in the C.A. Pippy Park land use district and shall be used in accordance with the requirements of the C.A. Pippy Park Commission. An improvement cannot be undertaken on land within Pippy Park without an application to and approval of the C.A. Pippy Park

Commission. For further information, please contact Municipal and Provincial Affairs at (709) 729-3090.

Environment and Climate Change Canada (ECCC) recommends to avoid scheduling high disturbance activities, such as vegetation clearing, during the regional nesting period for migratory birds. The breeding season for most birds within the project area occurs between April 15th and August 15th. ECCC provided a list of avian and non-avian species that are listed on Schedule 1 of the **Species at Risk Act**, and requests that any sightings be reported to ec.scfatldonneesei-cwsatliadata.ec@ec.gc.ca. ECCC request that you provide a GIS file of the project boundaries and study area so that the project may be mapped. For further information, please contact the ECCC at (709) 772-4221.

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.

Transport Canada advises that water control structures can be considered Major Works and you will require an approval from the Navigation Protection Program under the **Canadian Navigable Waters Act**. You may use the online project review tool to determine the requirements under the act. The project review tool website is located at <https://npp-submissions-demandes-ppn.tc.canada.ca/projectreview-outildexamenduprojet>. For further information, please contact Transport Canada at (709) 772-3088.

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. For further information, please email EAProjectComments@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 be "BD", followed by a horizontal line.

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

Cc: Hon. Sarah Stoodley, MHA, Mount Scio
Hon. John Abbott, MHA, St. John's East – Quidi Vidi