

EA 2298 - Attachment A
Conditions of Release from Environmental Assessment

EA #: 2298

New Harbour Agriculture 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 Sections 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 |
| FFA | Department of Fisheries, Forestry and Agriculture |

3 Scope

- 3.1 The EA Release letter relates to the Proponent and their Registration document for New Harbour Agriculture Development, EA REG # 2298, 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 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 EAPProjectComments@gov.nl.ca.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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. Failure to retain said authorization may result in this EA Release being cancelled or suspended.
- 4.8 The Proponent shall notify the Minister before a transfer, sale or lease of the Project.
- 4.9 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.

- 4.10 If there is a discrepancy between the Registration document and the conditions of this EA Release, the conditions of this EA Release shall apply.
- 4.11 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.
- 4.12 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.
- 4.13 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.
- 4.14 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 Fisheries, Forestry and Agriculture

- 5.1 No vegetation clearing is to occur within 800 metres of a bald eagle or osprey nest during the nesting season (March 15 to July 31) and 200 metres during the remainder of the year. The 200m 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 those raptor nest sites must be reported to the Wildlife Division
- 5.2 The Proponent shall maintain a minimum 50-metre undisturbed riparian buffer from the high-water mark of all wetlands and waterbodies 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 habitat.



HON. BERNARD DAVIS, MHA
District of Virginia Waters - Pleasantville
Minister
Date: MAY 27 2024