

Attachment B

Regulatory advice

EA # 2298 – New Harbour Agriculture Development

Proponent: Melissa Williams

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

- 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. ECC - Pollution Prevention Division (PPD)

- 2.1 Proponent is advised that a pesticide Applicator License is required for the application of a pesticide, and a contractor hired to perform that service must have a valid Pesticide Operator License. For more information, please contact the Pesticides Control Section at (709) 729-6054.
- 2.2 Proponent is advised to develop a contingency plan specific to the Project and to have spill response equipment readily available on-site 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 the Environmental Emergencies Telephone Line at 1-800-563-9089. For further information, please contact the PPD at (709) 729-5782.

3. ECC - Water Resources Management Division (WRMD)

- 3.1.1. Advised a permit is required for work in or within 15 metres of a body of water (including wetlands).
- 3.1.2. Advised a Water Use Licence is required for the use of water from any water source for any purpose.
- 3.1.3. Advised if a well is required the Proponent must apply for and obtain a Permit for Constructing a Non-Domestic Well.
- 3.1.4. Advised that any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and

Sewage Regulations. For further information, please contact the WRMD at (709) 729-2563.

4. Department of Digital Government and Service NL (DGSNL) - Government Service Centre (GSC)

- 4.1.1.** Proponent is advised that all fuel tank system installations other than those connected to a heating appliance of a capacity of 2,500 litres or less are subject to the Storage and Handling of Gasoline and Associated Products Regulations and will require registration prior to installation.
- 4.1.2.** Any proposed fuel cache will require approval by DGSNL prior to installation.
- 4.1.1.** Manure shall not be spread or stored within 30 metres of the nearest waterbody/watercourse (pond, lake or stream) or within 75 metres of any well or water supply used for drinking purposes when the draining of the land is towards the water supply.
- 4.1.2.** All manure storage systems must be impervious and should be covered to reduce odour problems.
- 4.1.3.** Composting of manure is recommended. All manure must be spread at regular intervals (at least annually) to avoid accumulations and minimize malodour levels.
- 4.1.4.** Manure may not be spread on the watershed of any community water supply system.
- 4.1.5.** Manure must not be spread on snow covered and/or frozen ground.
- 4.1.6.** All liquid manure, when transported for spreading, must be in an enclosed vehicle or tank.
- 4.1.7.** Advised the Proponent must submit a copy of the farm's five-year plan to DGSNL outlining the proposed number of animal units and the land acreage available for manure spreading. Livestock operation in excess of five animal units an application is required to be submitted to DGSNL. A Certificate of Approval may be required before any such facility is put into operation. For further information, please contact the GSC at (709) 729-2008.

5. **DGSNL - Occupational Health and Safety Division (OHS)**

- 5.1.1. Proponent is advised to ensure that activities 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 the legislation. For further information, please contact OHS at 1 (800) 563-5471.

6. **Department of Fisheries, Forestry and Agriculture (FFA)**

- 6.1.1. Proponent is advised that no buildings are permitted on this site without the prior written consent of the Agriculture and Lands Branch.
- 6.1.2. Advised the Proponent must adhere to section 3 of the Cutting of Timber Regulations under the **Forestry Act**. A cutting permit is required prior to any harvesting or timber removal in the area. An Operating Permit under the Forest Fire Regulations is required prior to the start of any work during the forest fire season and can be obtained from the local forest management district office, and a permit to burn is required to ignite a fire on or within 300 meters of forest land.
- 6.1.3. Advised that approval of this development must not restrict access to domestic cutting areas.
- 6.1.4. Advised that the land is not to be occupied until a fully executed title document is issued.

7. **FFA - Wildlife Division**

- 7.1.1. The applicant is advised to operate under established legislation and regulations, such as the **Wild Life Act** and Wild Life Regulations, to avoid or minimize adverse impacts. Also, the **Migratory Birds Convention Act, 1994, Migratory Bird Regulations, Wild Life Act** and **Wild Life Regulations** protect birds and prohibit the disturbance or destruction (including incidental ones) of bird nests and eggs in Newfoundland & Labrador. For more information on avoiding harm to avifauna, visit: <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html>. For further information, please contact FFA at (709) 637-2353.

8. Department of Industry, Energy and Technology (IET)

8.1.1. Proponent is advised that any quarry materials required from the Project must be obtained from approved sources.

8.1.2. Proponent is advised to notify Newfoundland Power of the Project. For further information, please contact IET at (709) 729-5748.

9. Department of Transportation and Infrastructure (TI)

9.1.1. Proponent is advised the development is to be accessed by an existing road and no new access will be approved.

9.1.2. Proponent is to ensure drainage does not impact TI roadways. For further information, please contact TI at (709) 729-5339.

10. Environment and Climate Change Canada (ECCC)

ECCC recommends that you develop the following plans:

10.1.1. A management plan that includes appropriate preventative measures to minimize the risk of impacts on migratory birds.

10.1.2. An oil spill prevention and response plan.

10.1.3. A contingency plan that considers potential accidents and malfunctions that take into account site-specific conditions and sensitivities.

10.1.4. ECCC further advises that in order to avoid nest destruction and to accommodate the breeding season of migratory birds, operations should consider nesting locations between April 15 and August 15 in this region. ECCC requests that species-at-risk sightings be reported to the Canadian Wildlife Service (CWS) at <http://accdc.com/en/contribute.html>. For further information, please contact the ECCCCWS at (709) 777-4221.

11. Department of Fisheries and Oceans (DFO)

11.1.1. Proponent is advised that the modernized **Fisheries Act** includes fish and fish habitat protection provisions which came into effect on August 28, 2019. Proponent should refer to the Projects Near Water

website to get information about how to comply with the **Fisheries Act** and information on the project review process when conducting work in or near water. 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