

Attachment B
Regulatory and Technical Advice from Government Departments/Divisions

EA #: 2335 Upper Humber River Residential Subdivision (the Project)
Town of Deer Lake (the Proponent)

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

- 1.1 Proponent is advised to consider provincial climate change projections for Deer Lake (the nearest regional site) in Project planning.
- 1.2 Proponent is advised to follow Section 9.36 of the National Building Code which includes energy efficiency requirements for new buildings.
- 1.3 All heavy-duty equipment used in the Project should be operated in a manner that maximizes fuel efficiency to reduce greenhouse gas emissions that can contribute to climate change. For further information, please contact the CCB at (709) 729-1485.

2 Pollution Prevention Division (PPD), ECC

- 2.1 All waste material generated during construction and operation is to be placed in suitable refuse containers and removed to an approved waste disposal site, with the approval of the site owner/operator. For further information, please contact the PPD at (709) 729-5782.

3 Water Resources Management Division (WRMD), ECC

- 3.1 The Proponent is advised to obtain a permit under Sections 36 and 37 of the **Water Resources Act, 2002** for the construction of any public drinking water or wastewater system infrastructure Prior to commencing project construction.
- 3.2 Proponent is advised to obtain a permit under Section 48 of the Water Resources Act, 2002, for any work in or within 15 metres of a body of water (including wetlands).
- 3.3 Proponent is advised to obtain a water use license under the Water Resources Act, 2002 for the use of water from any water source for any purpose.
- 3.4 Proponent is 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, 2003.
- 3.5 A significant number of residential lots at the southern and south-western boundaries of the residential subdivision are located within the 1:100-year floodplain (yellow-coloured area in below map, Figure 1). Given the risk, extent, and flooding history due to the Humber River in Deer Lake, the WRMD is recommending that the Proponent avoid any residential development within this 1:100-year floodplain. As an alternative, the WRMD recommends that the floodplain be developed as an open space or a recreational area. For further information, please contact WRMD at (709) 729-2563.

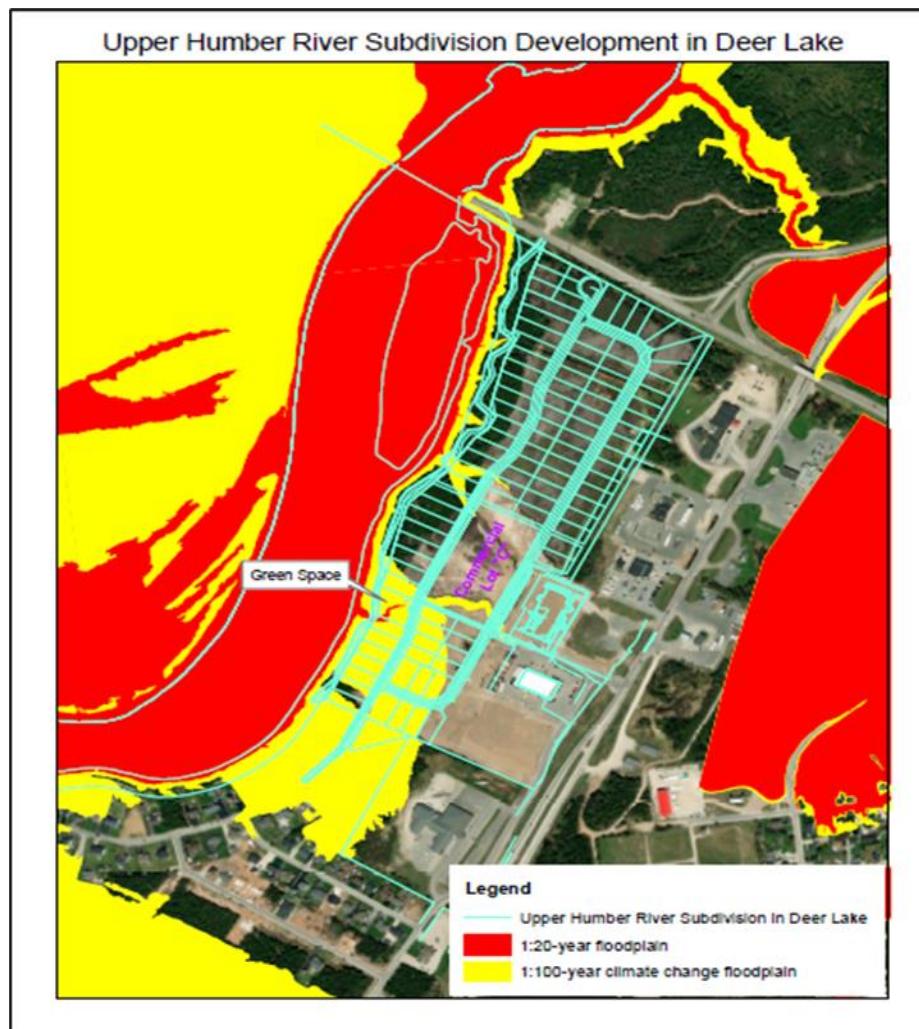


Figure 1: WRMD's Flood Risk Map for the Project

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

- 4.1 Advised that any future development on-site is not to be occupied until it is connected to the municipality's water supply and sewage disposal system.
- 4.2 Advised that derelict vehicles, scrapped equipment and other debris is not to be stored on site. This material must be disposed of at an approved waste disposal site or scrap yard on a regular basis, with the prior approval of the site owner/operator.
- 4.3 Advised that the site is to be kept neat and tidy at all times.
- 4.4 Advised that spill response equipment should be readily available on-site, stored in an accessible location and that the Proponent should consider developing a Project-specific contingency plan to deal with spill events. 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.

- 4.5 Electrical plans for the Project must be submitted to GSC for review and approval. An electrical permit is required for each meter.
- 4.6 Advised that applications have to be submitted to DGSNL for Fire/Life Safety and Building Accessibility approvals for the construction or renovation of on-site service buildings.
- 4.7 Advised that a development permit will be required from DGSNL under the Protected Road Zoning Regulations for any construction within 400 metres of the centre line of the Trans-Canada Highway (TCH). This would include access to the TCH.
- 4.8 Advised that a permit is required from DGSNL in accordance with the **Urban and Rural Planning Act** for the construction of an access road in a protected area, or for any access onto a protected road. For further information, please contact GSC at (709) 637-2369.

5 Occupational Health and Safety (OHS), DGSNL

- 5.1 Proponent is advised that activities are conducted in compliance with the **Occupational Health and Safety Act (OHS Act)** and its Regulations. This includes the responsibility for ensuring that contractors hired to perform work also comply with this legislation, as per Section 10 of the **OHS Act**. For further information, please contact OHS at (800) 563-5471.

6 Department of Fisheries, Forestry and Agriculture (FFA)

- 6.1 The Proponent 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.
- 6.2 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 additional information visit:
<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html>.
- 6.3 The Proponent is advised that the Project area is under active Crown lands grant applications 155409 and 154399, and development activities are not permitted until/unless Crown title is issued.
- 6.4 The Proponent is advised to operate under the established legislation and regulations of the **Lands Act**. It is the Proponent's responsibility to identify Crown lands required for the proposed undertaking.
- 6.5 The Proponent is advised that Black Ash are listed as Threatened under the **Newfoundland and Labrador Endangered Species Act (NLESA)** and occur within the Upper Humber River Management Unit bordering the remaining undisturbed Project footprint towards the Humber River. The Proponent must ensure that Project activities do not result in disturbance, injury, or direct loss of Black Ash

or its residence. FFA notes that species identification information can be provided by the Wildlife Division upon request at WildlifeReferrals@gov.nl.ca.

- 6.6 The Proponent is advised that several species are currently being assessed for designation and listing under the **NLESA** and the federal **Species at Risk Act**. The Proponent should be aware that if species that are designated and listed under endangered species legislation are found within the Project area, the **Endangered Species Act** and/or the federal **Species at Risk Act** will apply and the Proponent may be required to develop mitigations, in consultation with FFA-Wildlife Division, for the protection and recovery of the species. For further information, please contact FFA at (709) 637-2950.

7 Health and Community Services (HCS)

- 7.1 HCS advises that community design can have impacts on human health and as such, HCS provided the following suggestions for consideration of the Proponent:

- The proposed residences would experience noise disturbances being located close to commercial spaces therefore, the design of the subdivision should consider establishing natural sound barriers with trees and shrubbery, and the houses be built with soundproof materials.
- The proposed Commercial Lot A shown in the subdivision concept plan should consider the potential traffic flow increase and appropriate traffic control measures such as speed bumps, crosswalks and well-marked pedestrian zones.
- A mixed-use layout is recommended to improve accessibility.
- HCS advises that two routes of entry pose the risk of congestion and bottlenecking particularly during peak hours therefore, creating an additional entry route may improve traffic flow. HCS recommends that the subdivision entry routes be designed with active transportation users in mind and provided examples to encourage walking and biking. For further information, please contact HCS at (709) 729-3422.

8 Department of Industry, Energy and Technology (IET)

- 8.1 Proponent is advised that any quarry materials (e.g., aggregate, fill, rock, stone, boulders, gravel, sand, clay, borrow material, etc.) required for the Project must be obtained from approved sources.
- 8.2 The Proponent is advised that the Project is in an area having oil and gas potential, and future petroleum exploration may occur. For further information, please contact IET at (709) 729-1582.

9 Department of Tourism, Culture, Arts and Recreation (TCAR)

- 9.1 Proponent is advised that the proposed development is located in a high-traffic tourism area and to minimize impacts on the tourism industry, as follows:
- Schedule any blasting required for construction during off-peak tourism seasons to minimize disturbances to tourism businesses and visitors; and

- Maintain ongoing consultation with tourism operators by sharing project timelines and gathering feedback regularly to address concerns and ensure development aligns with tourism interests. For further information, please contact the Tourism Product Development Division of TCAR at (709) 729-4518.

10 Transportation and Infrastructure (TI)

10.1 Proponent is advised that there shall be no encroachment on property or highways owned by TI without express written consent from the Deputy Minister. The Proponent shall be fully responsible for identifying property and highways owned by TI.

11 Environment and Climate Change Canada (ECCC)

11.1 ECCC recommends that the Proponent to develop the following plans:

- A management plan that includes appropriate preventative measures to minimize the risk of impacts on migratory birds.
- An oil spill prevention and response plan.
- A contingency plan, incorporating a Wildlife Emergency Response Plan, that considers potential accidents and malfunctions and scenarios that may impact avifauna directly or indirectly. For additional information, visit: <https://www.canada.ca/en/services/environment/wildlife-plants-species/national-wildlife-emergency-framework.html>.

11.2 Proponent is advised to undertake refueling and maintenance activities on level terrain, at a suitable distance from environmentally sensitive areas including watercourses, and on a prepared impermeable surface with a collection system.

11.3 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 ECCC-CWS at (709) 777-4221.

12 Fisheries and Oceans Canada (DFO)

12.1 DFO advised about the modernized Fisheries Act (2019) which includes fish and fish habitat protection provisions which came into effect on August 28, 2019. For doing any work in or near water, the Proponent should refer to the Projects Near Water website <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>.

12.2 DFO noted that the Proponent is responsible for the following:

- Understanding the impacts the Project will likely have on fish and fish habitat;
- Taking measures to avoid and mitigate impacts to fish and fish habitat;
- Requesting authorization from the DFO Minister and abiding by the conditions of the authorization when it is not possible to avoid and mitigate Project impacts on fish and fish habitat; and
- Ensuring compliance with all statutory instruments, including federal legislations/requirements.

12.3 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. DFO advised the Proponent to submit a Request for Review to the NL Region-FFHPP at DFO.NLFFHPP-PPPHTNL.MPO@dfo-mpo.gc.ca.