

Attachment B
Regulatory Advice from Government Screening Departments/Divisions

EA #: 2337 Brian's Feeder River Crossing (the Project)
Infini Newfoundland and Labrador Inc. (the Proponent)

1 Pollution Prevention Division (PPD), ECC

- 1.1 Proponent is advised 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.
- 1.2 Proponent is advised that all waste generated on site, without exception, shall be removed at the termination of fording and exploration activities. For further information please contact the PPD at (709) 729-5782.
- 1.3 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 Water Resources Management Division (WRMD), ECC

- 2.1 Proponent is advised that a Section 48 Fording Permit is required under the **Water Resources Act**, prior to the commencement of Project construction, to cross Brian's Feeder River, a scheduled salmon river under the **Fisheries Act**.
- 2.2 Proponent is advised to apply for and obtain a Water Use License under the **Water Resources Act**, 2002 for the use of water from any source for any purpose, prior to the start of construction.
- 2.3 Proponent is advised that a Section 48 permit is required under the **Water Resources Act**, prior to the commencement of Project construction, for any work in or within 15 m of a body of water (including wetlands).
- 2.4 Proponent is advised that any effluent or runoff leaving the site must conform to the Environmental Control Water and Sewage Regulations, 2003. For further information, please contact the WRMD at (709) 729-2563.

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

- 3.1 Proponent is advised that an approval from the GSC is required for establishing a fuel cache. For further information, please contact the DGSNL at (709) 729-0248.

4 Occupational Health and Safety (OHS), DGSNL

- 4.1 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 (709) 729-7454

5 Department of Fisheries, Forestry and Agriculture (FFA)

- 5.1 Proponent is advised to operate under the established legislation and regulations of the **Lands Act**.
- 5.2 Proponent is advised of their responsibility to identify Crown lands required for the undertaking and submit an application and obtain approval for development, including trail development, prior to the commencement of Project construction.
- 5.3 Proponent is advised that there may be private land located within the Project area that may not be on record with the Crown Lands Office. Permission is required from the landowners for any planned work on private lands.
- 5.4 Proponent is advised that any activities that occur within the 15-metre Shoreline Reserve of any water body must strictly adhere to the regulations in Section 7 of the **Lands Act**.
- 5.5 Proponent is advised that a Cutting Permit is required under the Cutting of Timber Regulations of the **Forestry Act**, prior to any harvesting or timber removal. An Operating Permit is required under Section 13 of the Forest Fire Regulations prior to the start of any work during the forest fire season, and a Permit to Burn is required under Section 3 of the Forest Fire Regulations to ignite a fire on or within 300 metres of forest land during the forest fire season.
- 5.6 Proponent is advised that the Project area falls within the Hawke's Bay Crown Land Allocation Plan which was established to control cottage development, and future cottage development may take place within the boundaries of the cottage planning area.
- 5.7 Proponent is advised to operate under the **Wild Life Act** and **Migratory Birds Convention Act** and associated regulations with respect to wildlife and its habitat (e.g. birds and nesting birds, caribou, waterfowl, wetlands, inland fish, rare plants, riparian buffers) to avoid or minimize adverse impacts.
- 5.8 Proponent is requested to report the location of any raptor nest sites to the Wildlife Division of FFA at wildlifereferrals@gov.nl.ca.
- 5.9 Proponent is advised that several species are currently being assessed for designation and listing under the **Newfoundland and Labrador Endangered Species Act** 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.
- 5.10 Proponent is advised that caribou on the Island are of conservation concern to the Wildlife Division. The Project is located within identified core range/habitat for a caribou herd that is at risk due to low recruitment combined with existing and

increasing linear features within the range. Any new footprint (e.g. trails, drill patches) within this sensitive caribou area must be kept to a minimum.

5.11 Proponent is advised that trail building without remediation often leads to uncontrolled off-shoot trail development into remote wildlife regions, wildlife habitat fragmentation, destruction of sensitive wildlife habitats such as barrens/ lichen covered grounds and wetlands, and crossings of fish-bearing watercourses. Any long-term indirect effects on caribou and fish habitat must be mitigated by avoiding any unnecessary disturbances to important habitats, maintaining large, vegetated wetland buffers, and restoring riverbeds and banks. For further information, please contact FFA at (709) 637-2950.

5.12 Mitigations for water crossings must be in accordance with the following:

- **NL Off-Road Vehicles Act** and associated Regulations (www.assembly.nl.ca/legislation/sr/statutes/o05-1.htm),
- GNL's Guidelines for Water Course Crossings (www.gov.nl.ca/ecc/files/waterres-regulations-appforms-guide-applyingalterbodywater.pdf),
- Fisheries and Oceans Canada's Information on Projects Near Water (www.dfo-mpo.gc.ca/pnw-ppe/ffhpp-ppph/publications/nfl-freshwater-protection-eau-douce-tnl-eng.html#) and
- Best Management Practices for the Protection of Freshwater Fish Habitat in Newfoundland and Labrador (<https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/41030217.pdf>).

6 Department of Industry, Energy and Technology (IET)

6.1 Proponent is advised that mineral exploration work shall adhere to the terms and conditions of the exploration approvals issued under the **Mineral Act** and the Environmental Guidelines for Mineral and Quarry Materials Exploration which specifically addresses the planning, preparation, use, and rehabilitation of mineral exploration access trails. The Guidelines are available at <https://www.gov.nl.ca/iet/mines/exploration/guidelines/>.

6.2 Proponent is advised that Portland Creek has been identified by Newfoundland and Labrador Hydro as a potential hydroelectric generation site and to consult with Newfoundland and Labrador Hydro to ensure there is no impact on existing or planned electrical infrastructure. For further information, please contact IET at (709) 729-5748.

7 Environment and Climate Change Canada (ECCC)

7.1 Proponent is advised under the **Species at Risk Act** that no person shall harm, kill, capture, take, possess, collect, buy, sell or destroy an individual of a Species at Risk or any part or derivative. Additionally, there is to be no damage or destruction of the residence of one or more individuals. These prohibitions automatically apply to federal lands, aquatic species, and migratory birds protected under the **Migratory Birds Convention Act**. For further information, please contact ECCC at (709) 772-4313.

8 Fisheries and Oceans Canada (DFO)

8.1 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 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 <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>. For further information, please contact the Fisheries Protection Program at (709) 772-4140.