

Attachment B
Regulatory and Technical Advice from Government Departments/Divisions

EA #: 2338 Argentia Access Road Agricultural Development (the Project)
Lester Farms Inc. (the Proponent)

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

- 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 Pollution Prevention Division (PPD), ECC

- 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.
- 2.2 Pesticides applications are not permitted within 10 metres of neighboring properties located in residential and cottage areas. For more information, please contact the Pesticides Control Section at (709) 729-6054.
- 2.3 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 Water Resources Management Division (WRMD), ECC

- 3.1 Advised the Proponent must maintain a 15-metre undisturbed buffer around all wetlands and waterbodies located.
- 3.2 Advised a permit is required for work in or within 15 metres of a body of water (including wetlands).
- 3.3 Advised a Water Use Licence is required for the use of water from any water source for any purpose.
- 3.4 Advised if a well is required the Proponent must apply for and obtain a Permit for Constructing a Non-Domestic Well.
- 3.5 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 Government Service Centre (GSC), Department of Digital Government and Service NL (DGSNL)

- 4.1 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.
- 4.2 Proponent is advised any proposed fuel cache will require approval by DGSNL prior to installation.
- 4.3 Proponent is advised 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.
- 4.4 Proponent is advised all manure storage systems must be impervious and should be covered to reduce odour problems.
- 4.5 Proponent is advised composting of manure is recommended. All manure must be spread at regular intervals (at least annually) to avoid accumulations and minimize malodour levels.
- 4.6 Proponent is advised manure may not be spread on the watershed of any community water supply system nor spread on snow covered and/or frozen ground.
- 4.7 Proponent is advised all liquid manure, when transported for spreading, must be in an enclosed vehicle or tank.
- 4.8 Advised the Proponent to 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.
- 4.9 Proponent is advised a permit is required from DGSNL, Government Service Centre 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.
- 4.10 Proponent is advised a tree screen of 30 metres is to be maintained between the highway right-of-way and this property. For further information, please contact the GSC at (709) 729-2008.

5 Occupational Health and Safety (OHS), DGSNL

- 5.1 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 The Crown Lands Division acknowledges that the project area is under an active Crown Lands application 158004. Crown titles must be issued for this undertaking prior to any development and the Proponent must follow all terms and conditions set forth in any issued titles.
- 6.2 The Crown Lands Administration Division advises that the proponent is to operate under the established legislation and regulations of the **Lands Act**. It is the proponent's responsibility to identify Crown lands required for their undertaking.
- 6.3 Proponent is advised any activities that occur within the 15m Shoreline Reserve of any water body must strictly adhere to the regulations in Section 7 of the **Lands Act**.
- 6.4 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.
- 6.5 An operating permit under section 13 of 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. During the forest fire season a permit to burn is required under section 3 of the Forest Fire Regulations to ignite a fire on or within 300 meters of forest land.
- 6.6 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.
- 6.7 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>.
- 6.8 The 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. For further information, please contact FFA at (709) 637- 2950.

7 Department of Industry, Energy and Technology

- 7.1 The Proponent is advised that quarry materials must be obtained from approved sources. For further information, please contact the Mines Branch of IET at (709)729-5748.

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

- 8.1 The Proponent is advised a portion of the Project area is located on the Newfoundland and Labrador T'Railway Provincial Park (T'Railway). All persons using the T'Railway must adhere to the **Provincial Parks Act** and Provincial Parks Regulations.
- 8.2 The Proponent is advised the Provincial Parks Regulations S. 10 prohibits operation of a motor vehicle or a four-wheel drive vehicle in the T'Railway except under the authority of a Temporary Vehicle Access (TVA) permit. A Construction and Use (C&U) permit is required if the site is to be accessed from the T'Railway. Requests should be received six to eight weeks prior to commencement of the project.
- 8.3 The Proponent is advised the T'Railway boundary in this area is 7.62 metres (25 feet) perpendicularly distant and running parallel on each side of the centerline of the old railway line, for a total ROW of 15.24 metres (50 feet). A further 15.24-metre (50 feet) undisturbed buffer must be maintained between any buildings and the T'Railway boundary.
- 8.4 The Proponent is advised crossing of any bridge in the T'Railway with anything other than an off-road vehicle is prohibited without prior written approval of the Parks Division and may require an independent engineering study confirming the bridge's ability to withstand anticipated loads. For further information, please contact TCAR, Parks Division, at Trailway@gov.nl.ca or 637-2040.

9 Department of Transportation and Infrastructure (TI)

- 9.1 Proponent is advised there shall be no encroachment on the property or highways owned by TI without express written consent from the Deputy Minister.
- 9.2 Proponent is advised no development is permitted within 45 metres of the centreline of Route 100. For further information, please contact TI at (709) 729-7713.

10 Environment and Climate Change Canada (ECCC)

10.1 ECCC recommends that the Proponent develop the following plans:

- An oil spill prevention and response plan.
- A contingency plan that considers the potential accidents and malfunctions that take into account site-specific conditions and sensitivities.
- A wildlife emergency response plan.

For further information, please contact ECCC at (709) 772-4313.

11 Fisheries and Oceans Canada (DFO)

- 11.1 Proponent is advised to refer to the Projects Near Water website to get 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.