

Attachment B
Regulatory and Technical Advice from Government Departments/Divisions

EA #: 2340 Crown Zone 1 Five-Year Forestry Operating Plan Amendment District 1 (2022-2026) (the Project)

Department of Fisheries, Forestry and Agriculture (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 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 that waste material should be disposed of at an approved waste disposal facility.

2.3 Registration is required for fuel storage tank systems other than those connected to a heating appliance of a capacity of 2,500 litres or less and may be required for devices or tanks used to separate and remove oily wastes from oil and water mixtures. For further information, please contact PPD at (709) 729-5782.

3 Water Resources Management Division (WRMD), ECC

3.1 Proponent is advised that a Section 48 permit under the **Water Resources Act** is required if any harvesting operation is undertaken in or within 15 metres of streams, waterbodies or wetlands that appear on a 1:50,000 scale National Topographic Systems map or on the topographic layer of the provincial land use atlas. The application forms and requirements for a Section 48 permit can be found at <https://www.gov.nl.ca/ecc/waterres/regulations/appforms/>. For further information, please contact WRMD at (709) 729-2563.

3.2 Proponent is advised that all waters discharged from the proposed site, during construction and operation, are subject to compliance with the Environmental Control Water and Sewage Regulations, 2003.

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

4.1 Proponent is advised that any proposed fuel cache will require approval by DGSNL prior to installation.

- 4.2 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.
- 4.3 Proponent is advised that the extent of land clearing and grubbing should be restricted such that a 30-metre undisturbed buffer is maintained between the site and any surrounding watercourse or water body, and naturally vegetated areas between the site and surrounding properties and throughfares are maintained.
- 4.4 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.

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 related regulations. This includes the responsibility for ensuring that contractors hired to perform work also comply with the legislation. For further information, contact OHS at (709) 729-7454.

6 Department of Fisheries, Forestry and Agriculture (FFA)

- 6.1 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 Species listed under the **Newfoundland and Labrador Endangered Species Act (NLESA)** are known to exist in the area of the proposed Project. Section 16 (1) of the **NLESA** states, “A person shall not disturb, harass, injure, or kill an individual of a species designated as threatened, endangered, or extirpated”.
- 6.3 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.
- 6.4 Proponent is advised that the proposed Fox Marsh commercial cut block contains known occurrences and suitable habitat for listed lichen species. The Proponent is committed to work with the Wildlife Division on appropriate mitigations to avoid negative impacts to these species.
- 6.5 Proponent is advised to avoid effects on existing agriculture operations.
- 6.6 Proponent is advised of a 100 meter no cut buffer on cottage development areas that is required to be maintained. Proponent is recommended to advise title holders in the Project area of proposed Project activities and associated timelines. For further information, please contact FFA at (709) 637-2950.

7 Department of Municipal and Provincial Affairs

7.1 Proponent is advised that there is substantive cottage development in proximity to proposed cut blocks and recommended that Proponent consider buffering of silvicultural activities in proximity to existing rural residential developments.

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

8.1 Proponent is advised that the Project is proposed near 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. Of particular interest, please note that under the **Provincial Parks Act** and Provincial Parks Regulations the following prohibitions are listed:

- (1) A person shall not, except in accordance with a permit for management or scientific purposes, remove, harm, hunt, chase, destroy or cause damage to any object whether animate or inanimate that is contained within the boundaries of a provincial park.
- (2) A person shall not introduce to a provincial park a plant or animal species except in accordance with a permit for management or scientific purposes.

8.2 The Provincial Parks Regulations, Section 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 issued by the Minister of Tourism, Culture, Arts and Recreation. A Construction and Use (C&U) Permit is required if the site is to be accessed from the T'Railway by any means that will disturb the natural state of the park (e.g., driveway, road crossing). TVA and C&U Permits may be requested by contacting the Parks Division at (709) 637-2040 or by emailing trailway@gov.nl.ca. Requests should be received six to eight weeks prior to commencement of the Project.

9 Department of Transportation and Infrastructure (TI)

9.1 Proponent is advised that a permit is required for an access from any TI owned roadway to service these locations.

10 Environment and Climate Change Canada (ECCC)

10.1 Proponent should be aware of the general applicability of Section 36(3) of the **Fisheries Act** which states: "no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substances or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water". Environmental protection and mitigation measures should reflect the need to comply with Section 36(3) of the **Fisheries Act**.

10.2 Proponent is advised to avoid nest destruction and to accommodate the breeding season of migratory birds, operations by considering nesting locations between mid-April and Mid-August in this region. ECCC requests that species-at-risk sightings be reported to the Canadian Wildlife Service (CWS) at

<http://www.accdc.com/en/contribute.html>. For further information, please contact (709) 772-4313.

10.3 Proponent is advised to develop the following plans:

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

10.4 Proponent is advised to develop and implement measures to diminish the risk of introducing invasive species. For further information, please contact (709) 772-4313.

11 Fisheries and Oceans Canada (DFO)

11.1 Proponent is advised to 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 conduction work in or near water. The 'Projects Near Water' website is located at <https://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>. For further information, please contact the Fisheries Protection Program at (709) 772-4140.