

Attachment B
Regulatory and Technical Advice from Government Departments/Divisions

EA #: 2352 Cox's Cove Breakwaters (the Project)
Town of Cox's Cove (the Proponent)

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

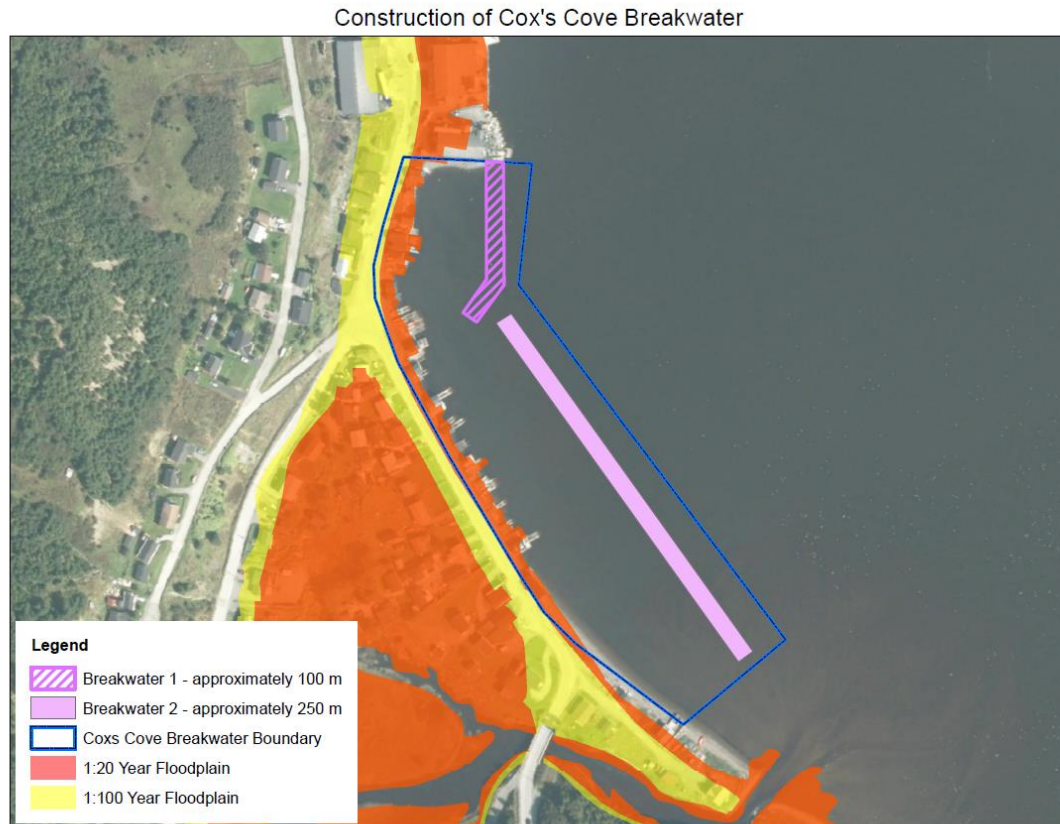
- 1.1 Proponent is advised to operate heavy equipment in a manner that maximizes fuel efficiency, thereby reducing greenhouse gas emissions that could contribute to climate change. For further information, please contact the CCB at (709) 729-1485.

2 Pollution Prevention Division (PPD), ECC

- 2.1 Proponent is advised that waste material should be disposed of at an approved waste disposal facility.
- 2.2 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.
- 2.3 Proponent was provided with guidance documents for Treated Wood Waste and for Management of Excavated Soils, Concrete Rubble and Dredged Materials. For further information, please contact PPD at (709) 729-5782.

3 Water Resources Management Division (WRMD), ECC

- 3.1 Proponent is advised that the proposed breakwater is located within the 1-in-20-year designated floodplain for the Town of Cox's Cove. The flood plain zones are illustrated below:



- 3.2 Proponent is advised to apply for and obtain a Section 48 Permit under the **Water Resources Act**, 2002, for any work in or within 15 metres of a body of water (including wetlands) and in a designated floodplain prior to the start of construction.
- 3.3 Proponent is advised to apply for and obtain a Water Use License under the **Water Resources Act** prior to the start of construction.
- 3.4 Proponent is advised 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 Government Modernization and Service Delivery (GMSD)**
- 4.1 Proponent is advised that all fuel storage tank systems, other than those connected to a heating appliance of capacity of 2,500 litres or less, require registration prior to installation.
- 4.2 Proponent is advised to consider developing a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event. Any spill or leak of gasoline or associate product is to be reported immediately to GMSD by calling the Environmental Emergencies Telephone Line at 772-2083 or 1-800-563-9089.

- 4.3 Any proposed fuel cache will require approval by GMSD prior to installation. For further information, please contact the GSC at (709) 729-2008.

5 Occupational Health and Safety (OHS), GMSD

- 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, please contact OHS at (709) 729-7454.

6 Department of Fisheries, Forestry and Agriculture (FFA)

- 6.1 Proponent is advised that a crown title must be issued prior to the commencement of Project construction.
- 6.2 Proponent is advised to operate under the **Wild Life Act, Migratory Birds Convention Act**, and the **Fisheries Act** and associated regulations to avoid or minimize adverse impacts.
- 6.3 Proponent is advised that several species are currently being assessed for designation and listing under the **Newfoundland and Labrador Endangered Species Act (NLESA)** and the federal **Species at Risk Act (SARA)**. The Proponent should be aware that if species that are designated and listed under endangered species legislation are found within the Project area and the **NLESA** and/or the federal **SARA** 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 to consult with local fish harvesters, specifically in Northwest Atlantic Fisheries Organization (NAFO) Division 4R, for information regarding fisheries in the area and to notify harvesters of their plans. Harvesters can be consulted directly, by way of local Small Craft Harbour authorities or through the Fish, Food and Allied Workers Union (FFAW).
- 6.5 Proponent is advised to follow recommended best practices and guidelines to prevent the spread of Aquatic Invasive Species both into and out of the bay. For further information, please contact the FFA at (709) 637-2950.

7 Department of Industry, Energy and Technology (IET)

- 7.1 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.
- 7.2 Proponent is advised that the Project site falls within the service area of Newfoundland Power and recommend consultation with Newfoundland Power to ensure there is no conflict with existing or planned electricity infrastructure.
- 7.3 Proponent is advised that the Project site falls within a hydrocarbon basin and that the area has oil and gas potential. For further information, please contact IET at (709) 729-1582.

8 Department of Municipal Affairs and Community Engagement (MACE)

- 8.1 Proponent is advised that the structure of the Breakwater that is moored to land, within the municipal boundary is subject to development approval under the Town of Cox's Cove municipal plan and development regulations. For further information, please contact MACE at (709) 729-3090.

9 Department of Transportation and Infrastructure (TI)

- 9.1 Proponent is advised a Right of Way Permit is required as per the Building Near Highways Regulations under the **Works, Services and Transportation Act**. Application can be made through GMSD. For further information, please contact TI at (709) 729-7713.

10 Environment and Climate Change Canada (ECCC)

- 10.1 ECCC advises that avoid nest destruction and to accommodate the breeding season of migratory birds, operations should consider nesting locations between mid-April to mid-August in this region. ECCC requests that species at risk sighting be reported to the Canadian Wildlife Service (CWS) at <http://www.accdc.com/en/contribute.html>.
- 10.2 Proponent is advised to develop the following plans:
- A Contingency Plan that considers potential accidents and malfunctions, and site-specific conditions and sensitivities.
 - An Oil Spill Prevention and Response Plan.
 - A Wildlife Emergency Response Plan.
- 10.3 Proponent is advised to develop and implement measures to diminish the risk of introducing invasive species. For further information, please contact ECCC at (709) 772-4313.

11 Fisheries and Oceans Canada (DFO)

- 11.1 Proponent is advised to reach out to DFO early in the planning stages of the project to ensure proper timelines for review can be met and align with proposed construction dates.
- 11.2 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>.
- 11.3 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, the proponent is asked to submit a Request for Review to the NL Region-FFHPP at DFO.NLFFHPP-PPHTNL.MPO@dfo-mpo.gc.ca. For further information, please contact the Fisheries Protection Program at (709) 772-4140.

12 Transport Canada (TC)

- 12.1 Proponent is advised that an application will be required under the **Canadian Navigable Waters Act** for the proposed project. For further information, please contact TC at (506) 851-3113.