

Attachment B
Regulatory and Technical Advice from Government Departments/Divisions

EA #: 2369 - 150 MW (Nominal) Bay d'Espoir Hydroelectric Generating Unit (the Project)
Newfoundland and Labrador Hydro (the Proponent)

1 Pollution Prevention Division (PPD), ECC

- 1.1 Proponent is advised that all waste material generated on site shall be removed and disposed of at an approved waste disposal facility.
- 1.2 Proponent is advised the Project is subject to the Air Pollution Control Regulations.
- 1.3 A Pesticides Applicator License is required for the application of a pesticide, and any 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.
- 1.4 Proponent is advised that all fuel storage tank systems connected to a heating appliance of a capacity of 2,500 litres or less must comply with the Heating Oil Storage Tank System Regulations.
- 1.5 Proponent is advised all fuel storage systems must meet the Storage and Handling of Gasoline and Associated Products Regulations.
- 1.6 Proponent is advised the storage, handling and disposal of used and or waste oil/glycol must be in compliance with the Used Oil and Used Glycol Control Regulations.
- 1.7 Proponent is advised the use of halocarbons or other related substances in fire suppression, air conditioning or refrigeration systems associated with the Project are subject to the Halocarbon Regulations. For further information, please contact PPD at (709) 729-5782.

2 Water Resources Management Division (WRMD), ECC

- 2.1 Proponent must apply for and obtain a permit under Section 48 of the **Water Resources Act** for any work in or within fifteen (15) metres of a body of water (including wetlands) prior to the start of construction.
- 2.2 Proponent is advised to apply for and obtain a Water Use Licence under the **Water Resources Act** prior to the start of construction.
- 2.3 Any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations.
- 2.4 A Permit for Constructing a Non-Domestic Well is required for any dewatering or drinking water wells, under the **Water Resources Act**. For further information, please contact the WRMD at (709) 729-2563.

3 Department of Fisheries, Agriculture and Lands (FAL)

- 3.1 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.
- 3.2 A Research Permit is required under Section 28 of the **Newfoundland and Labrador Endangered Species Act (NLESA)** for any species at risk surveys that could potentially disturb the species.
- 3.3 Proponent is advised species listed under the **NLESA** are known to exist in the area, it is prohibited to disturb, harass, injure or kill an individual of a species designated as threatened, endangered or extirpated under Section 16(1) of the **NLESA**.
- 3.4 A Cutting Permit is required prior to any harvesting or timber removal in the area.
- 3.5 An Operating Permit is required under the Forest Fire Regulations prior to the start of any work during forest fire season.
- 3.6 A Permit to Burn is required to ignite a fire on or within 300 metres of forest land during the forest fire season.
- 3.7 Proponent is advised that undertakings proposed must adhere to the terms and conditions of their current Crown lands approvals and title document.
- 3.8 Any activities proposed within the 15 metre Shoreline Reserve of any waterbody must adhere Section 7 of the **Lands Act**.
- 3.9 FFA advises several species of bats are listed as Endangered and protected under the Newfoundland and Labrador **Endangered Species Act**. These species have the potential to occur in areas proposed for clearing. The proponent shall ensure that mitigations are put in place to prevent disturbance, injury, or direct loss of bats or their residences.
- 3.10 Proponent is advised to obtain appropriate Crown title if new road construction is planned on Crown land prior to commencement of construction. All resource roads built for this Project are to remain open to ensure continued public access to agricultural lands, cottages, forestry, mineral exploration, and other areas of interest.
- 3.11 Proponent is advised that no vegetation clearing is to occur within the following buffers:
 - 800 metres of a bald eagle or osprey nest during the nesting season (March 15 to July 31) and 200 metres during the remainder of the year.
 - 200 metres of all other raptor nests from March 15 to July 31.
 - 800 metres of short-eared owl nests between May 15 and August 15. Additionally, no ground disturbance is to occur within this short-eared owl nest buffer during these dates.

- 3.12 The location of any raptor nest sites should be reported to the Wildlife Division at wildlifereferrals@gov.nl.ca. For further information, please contact FFA at (709) 729-1582.

4 Government Service Centre (GSC), Department of Government Services (GS)

- 4.1 Proponent is advised all fuel storage 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 Any proposed fuel cache will require approval by GMSD prior to installation.
- 4.3 The storage, handling, and disposal of used and or waste oil must be in compliance with the Used Oil and Used Glycol Control Regulations.
- 4.4 Floor drains from service bays or other areas handling used or waste oils are to be routed through an oil water separator to remove oily waste before being discharged. Plans and specifications must be submitted for review and approval by GMSD prior to installation.
- 4.5 Proponent is advised to have spill response equipment readily available on-site to enable a quick and effective response to a spill event, and any spill or leak of Gasoline or associate product is to be reported immediately to GMSD by calling the Environmental Emergencies Telephone Line at (709) 772-2083 or 1-800-563-9089.
- 4.6 Water and Sewerage systems in excess of 4546 litres must comply with the Environmental Control Water and Sewage Regulations and the Guidelines for the Design, Construction and Operation of Water and Sewerage Systems and require a certified engineering drawings and specifications.
- 4.7 Water and Sewerage systems less than 4546 litres must conform with the Sanatation Regulations and Private Sewage Disposal and Water Supply Standards and be prepared by an approved designer.
- 4.8 Proponent is advised application shall be made to the GSC for Fire/Life Safety review and approval as well as Building Accessibility review and approvals.
- 4.9 Proponent is advised all propane system installations exceeding 211,000 kilojoules (200,000 BTU) require approval under the Boiler, Pressure Vessel and Compressed Gas Regulations and **Public Safety Act**. For further information, please contact the GSC at (709) 729-2008.

5 Occupational Health and Safety (OHS), GS

- 5.1 Proponent must ensure all activities are conducted with compliance with the **OHS Act** and Regulations. This includes the responsibility for ensuring that contractors hired to perform work also comply with this legislation, as per **OHS Act** section 10. For further information, please contact OHS at 1 (800) 563-5471.

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

- 6.1 The Proponent is advised of the obligation to operate under the **Historic Resources Act** and related regulations, with observance to Section 10 of the **Historic Resources Act** relating to chance findings of archaeological objects and the duty to report findings to the Minister of the Department of Tourism, Culture, Arts and Recreation. For further information, please contact the Provincial Archaeology Office at (709) 729-2462.

7 Environment and Climate Change Canada (ECCC)

- 7.1 ECCC recommends the Proponent to develop the following plans:
- A management plan that includes appropriate preventive measures to minimize the risk of impacts on migratory birds.
 - An oil spill prevention and response plan.
 - A contingency plan that considers potential accidents and malfunctions that take into account site-specific conditions and sensitivities
- 7.2 ECCC advises that in order to avoid nest destruction and to accommodate the breeding season of migratory birds, operations should consider 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 ec.scfatldonneesei-cwsatliadata.ec@ec.gc.ca. For further information, please contact the ECCC-CWS at (709) 772-4313.

8 Fisheries and Oceans Canada (DFO)

- 8.1 Proponent is advised to submit a Request for Review through the 'Projects Near Water' website to receive information on how to comply with the **Fisheries Act** and information on the Project review process when conducting 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.

9 Transport Canada (TC)

- 9.1 Proponent is advised that several Project components may implicate navigable waters. The Proponent will need to consider that an authorization(s) under the **Canadian Navigable Waters Act (CNWA)** may be required for this Project. Contact the TC, Navigation Protection Program at (506) 851-3113.