

**NEWFOUNDLAND AND LABRADOR
REGULATION 54/03**

Environmental Assessment Regulations, 2003
under the
Environmental Protection Act
(O.C. 2003-220)

Amended by:

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(Filed May 23, 2003)

Under the authority of [section 111](#) of the *Environmental Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's , May 21, 2003 .

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

Short title

1. These regulations may be cited as the *Environmental Assessment Regulations, 2003* .

54/03 s1

Definitions

2. In these regulations

- (a) "Act" means the *Environmental Protection Act* ;
- (b) "commenced" and "commencement" mean the point in time when significant work has been carried out on the site of an undertaking;
- (c) "development plan" means
 - (i) a municipal plan, joint municipal plan, regional plan, local area plan, protected area plan or protected road as described in the *Urban and Rural Planning Act* , and
 - (ii) upon the coming into force of the *Urban and Rural Planning Act, 2000* , a plan as defined in that Act;
- (d) "haul road" means a temporary road that is not more than 500 metres from a resource extraction operation for the purpose of conveying the extracted resources to a collection point, processing facility or road;
- (e) "registered" and "registration" mean registered under section 49 of the Act;
- (f) "right of way" means a right of way, easement or allowance existing and maintained for the purpose of
 - (i) a road,
 - (ii) an electric power transmission line or cable,
 - (iii) a telecommunication transmission trunk line or cable,
 - (iv) a railway line, or
 - (v) a trunk pipeline for the transportation of a gaseous or liquid substance; and
- (g) "road" means a highway as defined in the *Highway Traffic Act* and a private place or way over which a four-wheel drive motor vehicle may travel.

54/03 s2

PART I PROCEDURE

Registration information and notices

3. (1) Where an undertaking is registered, the minister may require the proponent of that undertaking to provide to him or her additional information and documentation relating to the undertaking and may require that the registration, additional information or documentation be provided, in whole or in part, by electronic, computerized or other means of telecommunication.

(2) The minister shall announce the registration of an undertaking not more than 7 days after that registration and shall make copies of the registration documentation available to interested members of the public.

(3) A person who wishes to make responses to or comments on registration documentation made available under subsection (2) shall submit those responses or comments to the minister, in writing, not more than 35 days after the announcement is made under that subsection.

54/03 s3

Determination under section 51 of Act

4. (1) The minister shall, in writing, advise the proponent of his or her decision under subsection 51(1) of the Act not more than 45 days after the registration of the undertaking.

(2) Notwithstanding subsection (1), where, under subsection 50(2) of the Act, the minister notifies the Lieutenant-Governor in Council that an undertaking is contrary to law or a policy, the minister shall, in writing, give notice to the proponent of a determination or direction of the Lieutenant-Governor in Council made under that subsection not more than 60 days after an undertaking has been registered and where there is no direction that the undertaking not proceed, the minister shall, in writing give notice to the proponent of his or her decision, under subsection 51(1) of the Act not more than 45 days after receiving the determination or direction of the Lieutenant-Governor in Council.

(3) Not more than 10 days after advice or a notice has been given to a proponent under subsection (1) or (2), the minister shall announce the decision given in that notice.

54/03 s4

Assessment committees

5. (1) A person appointed to a committee shall be an employee of the government of the province or of Canada .

(2) Where a division of a department of the government of the province or of Canada is the proponent of an undertaking, an employee of that division shall not be appointed to a committee advising the minister on that undertaking.

(3) A person appointed to a committee to advise on an undertaking shall not own or have another interest in property located within or adjacent to the area proposed for that undertaking upon appointment to and for the duration of the existence of the committee.

(4) The duties of a committee shall include the

(a) preparation of guidelines for the environmental preview report and the environmental impact statement;

(b) review of reports and studies carried out for the proponent;

(c) review of environmental preview reports, component studies and environmental impact statements;

(d) submission of comments, recommendations and advice to the minister on matters related to paragraphs (a) to (c); and

(e) attendance at meetings with respect to matters referred to in paragraphs (a) to (d).

(5) The chairperson of a committee may, following the appointment of the committee and before the preparation of the guidelines, schedule and hold a meeting of the committee and the proponent.

(6) A meeting held under subsection (5) is to facilitate the mutual understanding of the undertaking, the Act and the regulations, to assist the proponent in designing an environmentally acceptable undertaking and to discuss issues and conflicts that are to be resolved during the environmental assessment of the undertaking.

(7) A committee shall prepare the required guidelines and the minister shall issue those

guidelines to the proponent not more than 60 days after the proponent has been notified of the determination under paragraph 51(1)(a) of the Act and not more than 120 days after the proponent has been notified of the determination under paragraph 51(1)(b) or 54(5)(a) of the Act.

54/03 s5

Public review of guidelines

6. (1) When the minister announces a request under subsection 59(1) of the Act with respect to an environmental impact statement required under paragraph 51(1)(b) or 54(5)(a) of the Act, responses and comments with respect to those guidelines shall be submitted to the minister, in writing, not more than 40 days after that announcement has been made.

(2) After receipt and consideration of responses and comments submitted within the time permitted under subsection (1) the minister may direct the committee to amend or vary the guidelines before approving them.

(3) Notwithstanding that the minister has approved guidelines for an environmental preview report or an environmental impact statement, he or she may, where new information relevant to the undertaking and the environmental assessment of the undertaking becomes available, amend or vary those guidelines.

54/03 s6

Environmental preview report

7. (1) Upon receipt of an environmental preview report the minister shall give that report to the committee for examination.

(2) The minister shall announce his or her receipt of an environmental preview report not more than 7 days after that receipt and shall make copies of the report available to interested members of the public.

(3) A person who wishes to make responses to or comments on an environmental preview report made available under subsection (2) shall submit those responses or comments to the minister, in writing, not more than 35 days after the announcement is made under that subsection.

(4) The committee shall make a recommendation to the minister indicating whether or not

(a) the environmental preview report is deficient;

(b) an environmental impact statement is required; or

(c) the undertaking may be released.

(5) Where the minister has a requirement under subsection 54(4) of the Act, he or she shall give notice of that requirement to the proponent not more than 45 days after he or she has received the environmental preview report.

(6) Subsections (1) to (4) apply to requirements of the minister under subsection 54(4) of the Act.

(7) Where, under subsection 54(5) of the Act, the minister determines that an environmental preview report complies with the Act and the guidelines and requires no further work, he or she shall, not more than 45 days after his or her receipt of an environmental preview report or an amended or revised environmental preview report that requires no further work advise the proponent, in writing, that an environmental impact statement is required or that the undertaking may be released.

(8) The minister shall announce his or her decision under subsection 54(5) of the Act not more than 10 days after advising the proponent under subsection (7).

54/03 s7

Environmental impact statement guidelines

8. (1) The guidelines required for an environmental impact statement shall include a requirement to

- (a) describe significant environmental effects that are beneficial or harmful that are likely to be caused by the undertaking regardless of the proper application of all control, mitigation and remedial measures to be proposed in the environmental impact statement;
- (b) specifically list and cite all sources of information in the environmental impact statement;
- (c) outline the design of studies necessary to provide additional information for the preparation of an environmental impact statement;
- (d) address the concerns identified in complying with sections 57 and 58 of the Act by including within the environmental impact statement specific responses to those concerns and, where appropriate, specific proposals for measures to deal with them; and
- (e) provide to the minister copies of all reports on studies undertaken in order to satisfy the guidelines and those reports shall be provided to the minister as soon as they are completed.

(2) The minister shall announce and make available to the public the approved guidelines not more than 10 days after those guidelines have been issued to the proponent under subsection 5(7).

54/03 s8

Estimated costs

9. The proponent shall provide to the minister information on the estimated capital costs of the undertaking.

54/03 s9

Proponent consultation with public

10. (1) A proponent shall notify the minister and the public of a meeting scheduled with the public under section 58 of the Act not fewer than 7 days before that scheduled meeting.

(2) Where the guidelines for an environmental preview report require that the proponent meet with the public, the proponent shall notify the minister and the public of the scheduled meeting not fewer than 7 days before that meeting.

(3) The minister may require that he or she be represented at a meeting referred to in subsection (1) or (2).

54/03 s10

Environmental impact statement

11. (1) Upon receipt of an environmental impact statement the minister shall give that statement to the committee for examination.

(2) The minister shall announce his or her receipt of an environmental impact statement not more than 7 days after that receipt and shall make copies of the statement available to interested members of the public.

(3) A person who wishes to make responses to or comments on an environmental impact statement made available under subsection (2) shall submit those responses or comments to the minister, in writing, not more than 50 days after the announcement is made under that subsection.

(4) The committee shall make a recommendation to the minister indicating whether or not the

(a) environmental impact statement is deficient; or

(b) undertaking may be released.

(5) Where the minister has a requirement under section 61 of the Act, he or she shall give notice of that requirement to the proponent not more than 70 days after he or she has received the environmental impact statement.

(6) Subsections (1) to (4) and section 60 of the Act apply to requirements of the minister under section 61 of the Act.

(7) Where, under section 60 of the Act, the minister determines that an environmental impact statement complies with the Act and the guidelines and requires no further work, he or she shall, not more than 70 days after his or her receipt of an environmental impact statement or an amended or revised environmental impact statement that requires no further work advise the proponent, in writing, that the statement complies with the Act and the guidelines and that no further work is required.

(8) The minister shall announce his or her decision under section 60 of the Act not more than 10 days after advising the proponent under subsection (7).

54/03 s11

Component studies

12. (1) The minister may require a proponent to prepare and submit a component study as a part of the environmental impact statement and that component study shall describe and provide data on specific components of the environment as required by the guidelines for the environmental impact statement.

(2) Upon receipt of a component study the minister shall give that study to the committee for examination.

(3) The minister shall announce his or her receipt of a component study not more than 7 days after that receipt and shall make copies of the study available to interested members of the public.

(4) A person who wishes to make responses to or comments on a component study made available under subsection (3) shall submit those responses or comments to the minister, in writing, not more than 35 days after the announcement is made under that subsection.

(5) The committee shall make a recommendation to the minister indicating whether or not the component study

(a) is deficient; or

(b) complies with the guidelines and requires no further work.

(6) Where the minister determines that a component study requires further work he or she shall give notice to the proponent of that requirement not more than 50 days after he or she has

received the component study.

(7) Subsections (2) to (5) apply to the requirements of the minister under subsection (6).

(8) Where the minister determines that a component study complies with the guidelines and requires no further work, he or she shall, not more than 50 days after his or her receipt of the component study or an amended or revised study that requires no further work, advise the proponent, in writing, that the study complies with the guidelines and that no further work is required.

(9) The minister shall announce his or her determination under subsection (8) not more than 10 days after advising the proponent under that subsection.

54/03 s12

Board

13. (1) Where, under subsection 63(1) of the Act, the minister advises the Lieutenant-Governor in Council to order public hearings, that advice shall be given to the Lieutenant-Governor in Council not more than 30 days after advising the proponent that the environmental impact statement complies with the Act and the guidelines.

(2) The Lieutenant-Governor in Council may appoint a board under section 63 of the Act not more than 30 days after receipt of advice from the minister under subsection (1).

(3) Where the Lieutenant-Governor in Council has appointed a board, the minister shall announce the persons appointed to and terms of reference for the board not more than 10 days after the appointment of that board.

(4) An announcement under subsection (3) shall contain a proposed date for the start of public hearings, a deadline for receiving notices of an intention to appear and an invitation to the public to advise the chairperson of the board of their intention to appear at those hearings.

(5) The powers, duties and terms of reference of a board shall be determined in accordance with the Act, regulations and as determined by the Lieutenant-Governor in Council at the time of the appointment of that board.

54/03 s13

Hearings

14. (1) Public hearings held by a board shall start not sooner than 30 days and not more than 90 days after an announcement made under subsection 11(8) or 13(3), whichever is later.

(2) The board shall determine a procedure at a hearing.

(3) A proponent shall provide to a board adequate answer to all questions asked at a public hearing that the board considers to be pertinent.

(4) Answers required under subsection (3) shall be provided during the hearings or not more than 30 days after the closing date of the hearings.

(5) Copies of all written briefs submitted to a board and copies of the proceedings of hearings shall be made available to the proponent and to interested members of the public.

(6) Copies of written briefs provided to the board by the proponent shall be supplied in the quantity required by the board.

54/03 s14

Report

15. (1) A board shall submit its report under section 65 of the Act to the minister not more than 45 days after the closing date of the hearings.

(2) Notwithstanding subsection (1), where the minister is of the opinion that it is justified, he or she may extend the time for the submission of a report by the board.

(3) The minister shall announce his or her receipt of a report not more than 7 days after that receipt and shall make copies of the report available to interested members of the public.

54/03 s15

Recommendations

16. The minister shall make a recommendation to the Lieutenant-Governor in Council under section 67 of the Act

(a) not more than 30 days after advising the proponent under subsection 11(7); or

(b) where public hearings have been held, not more than 60 days after receiving the report of the board.

54/03 s16

Term of decision

17. (1) Where, under subsection 51(1) of the Act, the minister has

(a) determined that an environmental preview report is required and a report that complies with the Act and guidelines and requiring no further work has not been submitted;

(b) determined that an environmental impact statement is required and a statement that complies with the Act and guidelines and requiring no further work has not been submitted; or

(c) released the undertaking and the undertaking has not commenced,

that determination or release remains in force for 3 years after the minister has advised the proponent under subsection 4(1) or (2) and after the expiration of the 3 year period that determination or release shall be considered to be void and the undertaking must be registered again.

(2) Where, under subsection 54(5) of the Act, the minister has

(a) determined that an environmental impact statement is required and a statement that complies with the Act and guidelines and requiring no further work has not been submitted; or

(b) released the undertaking and the undertaking has not commenced,

that determination or release remains in force for 3 years after the minister has advised the proponent under subsection 7(7) and after the expiration of the 3 year period that determination or release shall be considered to be void and the undertaking must be registered again.

(3) Where an undertaking has not commenced, a decision of the Lieutenant-Governor in Council to release the undertaking under paragraph 67(3)(a) of the Act with respect to that undertaking remains in force for 3 years after the proponent has been given notice, in writing, of that decision and

after the expiration of the 3 year period that decision shall be considered to be void and the undertaking must be registered again.

(4) Where an undertaking has not commenced, an exemption order of the minister under paragraph 70(a) of the Act with respect to that undertaking remains in force for 3 years after the proponent has been given notice, in writing, of the exemption and after the expiration of the 3 year period that exemption shall be considered to be void and the undertaking must be registered again.

(5) Notwithstanding subsections (1) and (2), the minister may extend the 3-year period referred to in those subsections for not more than 3 periods of one year.

(6) Notwithstanding subsection (3) the Lieutenant-Governor in Council may extend the 3-year period referred to in that subsection for not more than 3 periods of one year.

(7) Notwithstanding subsection (4), the minister, with the approval of the Lieutenant-Governor in Council, may extend the 3 year period referred to in that subsection for not more than 3 periods of one year.

54/03 s17

Class assessment

18. The minister may establish requirements for a class environmental assessment.

54/03 s18

Announcements and notices

19. (1) The minister shall make an announcement required under these regulations by

- (a) issuing a press release; and
- (b) mailing a notice to interested persons.

(2) Where the Lieutenant-Governor in Council has made a decision under subsection 67(3) or (5) of the Act, the minister shall, not more than 10 days after that decision is made, publish a notice of the decision in the *Gazette* .

(3) Where, under section 70 of the Act, the minister exempts an undertaking from the application of the Act, the regulations or a matter provided for in the Act or the regulations, he or she shall publish a notice of the exemption in the *Gazette* .

(4) A notice under subsection (3) shall be published not more than 10 days after the date of the exemption order and shall state the reason for which the undertaking has been exempted and terms and conditions that may apply to that exemption.

(5) A request under section 59 of the Act shall, in addition to a direct request that may be made to interested persons, be made by a press release.

54/03 s19

Time extensions

20. (1) Notwithstanding a time limitation established under these regulations for a determination, decision, response, preparation or submission required under the regulations, the minister and a proponent may agree, in writing, to the extension of a required time limitation.

(2) Subsection (1) shall not apply to a time limitation referred to in [section 17](#).

Copies

21. The minister may require a proponent to provide to the department the number of copies of registration documents, environmental preview reports, environmental impact statements, component studies and other documents that the minister may determine are necessary and the minister may provide those copies to interested members of the public.

Security

22. (1) Where an undertaking is released or exempted under the Act, the minister may require the proponent to provide financial or other security in a form, amount and for a term that the minister considers to be appropriate.

(2) A determination under subsection (1) that financial or other security is required may be for a purpose that includes the need to

- (a) rehabilitate the environmental effect of an accidental or other event with respect to the undertaking; and
- (b) rehabilitate the environmental effect of a failure to comply with the terms and conditions applicable to an undertaking released or exempted under the Act.

(3) The minister may determine the manner, terms and conditions under which financial or other security required under subsection (1) is to be varied, forfeited or returned.

PART II SCREENING

Screening criteria for release

23. (1) Where the minister releases an undertaking because

- (a) there are no environmental or public concerns; or
- (b) the environmental effects of the undertaking will be mitigated under an Act of the province or of Canada ,

he or she, in making a determination under paragraph (a) or (b), may consider

- (c) the comprehensiveness of the description of the undertaking;
- (d) whether or not there is a demonstrated commitment by the proponent to conduct an environmentally sound undertaking;
- (e) the compatibility of the undertaking with other resource use in the area of the undertaking;
- (f) whether or not the undertaking occurs in an environmentally or other sensitive area;
- (g) the defined boundaries of the undertaking and whether or not the undertaking is contained within that area; and

- (h) the technology to be employed for the undertaking and whether or not it is environmentally benign.
- (2) In making a determination under paragraph (1)(b), the minister may consider
 - (a) issues of concern relating to the environmental effects of the undertaking;
 - (b) whether or not licences, certificates, permits, approvals or other documents of authorization required at law will mitigate the environmental effects referred to in paragraph (a);
 - (c) whether or not sufficient detail of the undertaking has been provided to determine the level of the known environmental effects of the undertaking;
 - (d) whether or not the means of determining further information have been identified; and
 - (e) the environmental effect of the technology to be used and mitigating factors of the technology.

54/03 s23

Screening criteria for environmental preview report

24. (1) Where the minister determines that there is insufficient detail to determine the significance of the environmental effects of an undertaking, he or she shall require an environmental preview report for that undertaking.

- (2) In making a determination under subsection (1), the minister may consider
 - (a) the sufficiency of detail with respect to the undertaking to determine interactions of the undertaking with the environment and the environmental effects of the undertaking;
 - (b) whether or not the proponent has adequately demonstrated to the minister and to the public the ability to conduct the undertaking in an environmentally sound manner; and
 - (c) unknown or experimental technology intended to be used with respect to the undertaking.

54/03 s24

Screening criteria for environmental impact statement

25. (1) Where, the minister determines with respect to an undertaking that there

- (a) may be significant negative environmental effects; or
- (b) is significant public concern,

the minister shall require an environmental impact statement.

- (2) In making a determination under paragraph (1)(a), the minister may consider
 - (a) whether or not the environmental baseline information provided with respect to the undertaking is sufficient for predicting environmental effects;
 - (b) whether or not original field data collection is required;
 - (c) whether or not the undertaking would be located in an environmentally sensitive area;

- (d) whether or not hazardous or toxic substances in combination with unknown or experimental technology are intended to be used with respect to the undertaking;
 - (e) whether or not the undertaking emissions, discharges or effluent may exceed limits imposed by law;
 - (f) the environmental effects of the undertaking upon rare or endangered species; and
 - (g) the economic importance of a resource to which the undertaking relates.
- (3) In making a determination under paragraph (1)(b), the minister may consider whether or not
- (a) public acceptability of the undertaking is seriously questioned; and
 - (b) government policy has been established to address public concerns.

54/03 s25

PART III DESIGNATED UNDERTAKINGS AND EXCEPTIONS

Designated undertakings

26. Sections 27 to 52 shall not be construed to mean that registration under the Act is not required for an undertaking that is not referred to in those sections.

54/03 s26

Decommissioning

27. The minister may determine that an undertaking that will be a decommissioning or rehabilitation of a site is not required to be registered.

54/03 s27

Salmon river

28. An undertaking that will occur within 200 metres of the high water mark of a river that is a scheduled salmon river under the *Fisheries Act* (Canada) shall be registered.

54/03 s28

Aquaculture

29. An undertaking that will be engaged in farm raising fish or shellfish where that undertaking will intervene in the rearing process to enhance production by keeping the animals in captivity, stocking and feeding the animals and protecting the animals from predators including

- (a) fish or shellfish farming in salt water or fresh water ; and
- (b) fish or shellfish breeding and propagating or hatchery services,

where the undertaking will include the construction of shore based facilities other than wharves and storage buildings and

- (c) permanent marine trap or weir fisheries,

shall be registered.

54/03 s29

Forestry and logging

30. (1) An undertaking that will be engaged in the

- (a) aerial application of a pesticide to a forested area; and
- (b) establishment of a forest in a previously unforested area,

shall be registered.

(2) A 5 year operating plan, shall be registered as an undertaking for each forest management district and shall include

- (a) a description of public consultations carried out by the proponent while developing a 5 year operating plan in accordance with the ecosystem management strategy for each forest management district;
- (b) existing and proposed primary forest access roads;
- (c) operating areas designated for timber harvesting;
- (d) timber harvesting methods and rehabilitation plans;
- (e) an estimate of the total allowable harvest; and
- (f) operating areas designated for silviculture.

(3) Notwithstanding paragraph (1)(a), an undertaking that will be engaged in the aerial application of *Bacillus thuringiensis* or glyphosate is not required to be registered.

(4) Notwithstanding subsection (2), where an undertaking that is a 5 year operating plan has been released or exempted under the Act, the following modifications to that undertaking are not required to be registered:

- (a) within one kilometre of an operating area described in paragraph (2)(c), an additional area for timber harvesting that is, in total, not more than 50 hectares in each year of the plan;
- (b) within a forest management district, an additional area for silviculture treatment of not more than 20% of the total operating area described in paragraph (2)(f) over the 5 year term of the plan;
- (c) within an operating area described under paragraph (2)(c), not more than one kilometre, in total, of new primary forest access road in addition to roads described under paragraph (2)(b) in each year of the plan; and
- (d) adjacent to an operating area described under paragraph (2)(c), not more than half a kilometre, in total, of new primary forest access road in each year of the plan.

(5) A proponent shall submit to the minister copies of the annual operating plan associated with a released or exempted 5 year operating plan before the commencement of that plan.

(6) A 5 year operating plan shall be registered not fewer than 180 days before the proposed commencement of that plan.

(7) For the purpose of this section and [section 31](#), the terms "annual operating plan", "5 year operating plan" and "forest management district" have the same meanings as in the [Forestry Act](#) .

(8) In this section "primary forest access road" means a road that provides access to proposed areas designated for forest harvesting or silviculture activities which has a minimum driving surface of 6.0 metres in width, is designed, constructed and maintained to support loaded tractor trailer traffic and has a minimum life expectancy of 3 years.

54/03 s30

Exception

31. (1) Notwithstanding [section 30](#), where the harvesting of timber has commenced in a forest management district for which there is no 5 year operating plan, that harvesting is not required to be registered until a 5 year operating plan exists for that district.

(2) The minister, in consultation with the Minister of Forest Resources and Agrifoods shall determine the date by which a 5 year operating plan shall be registered.

54/03 s31

Oil and Gas extraction

32. An undertaking that will be engaged in crude oil, natural gas or petroleum production facilities shall be registered.

54/03 s32

Mining

33. (1) An undertaking that will be engaged in the

- (a) mining of bituminous coal, anthracite and lignite by underground, auger, strip, culm bank or surface mining; and
- (b) breaking, washing, grading or otherwise beneficiating of coal,

shall be registered.

(2) An undertaking that will be engaged in the mining, beneficiating and preparing of a mineral as defined in the [Mineral Act](#) whether or not these operations are to be performed in conjunction with a mine or at mills that will be operated separately shall be registered.

(3) An undertaking that will be engaged in the mining or quarrying of a quarry material as defined in the [Quarry Materials Act](#) , 1998 and of dimension stone where that mining or quarrying operation covers an area that is more than 10 hectares shall be registered.

(4) Notwithstanding subsection (3), an undertaking that will be engaged in the extraction and collection of peat where that undertaking will cover an area that is more than 2 hectares shall be registered.

54/03 s33

Utilities

34. (1) An undertaking that will be engaged in electric power generation and the provision of structures related to that power generation, including

- (a) the construction of dams and associated reservoirs where the area to be flooded is more than 50 hectares;
- (b) the excavation of reservoirs where the area to be flooded is more than 50 hectares;
- (c) inter-basin or intra-basin water transfers;
- (d) the construction of hydroelectric power developments with a capacity of more than one megawatt;
- (e) diesel electric power generating plants with a capacity of more than one megawatt;
- (f) gas turbine electric power generating plants with a capacity of more than one megawatt; and
- (g) nuclear electric power generating plants,

shall be registered.

(2) An undertaking that will be engaged in the construction of new electric power transmission lines or the relocation or realignment of existing lines where a portion of a new line will be located more than 500 metres from an existing right of way shall be registered.

(3) An undertaking that will be engaged in the construction of new telephone lines or the relocation or realignment of existing trunk lines where a portion of a new line will be located more than 500 metres from an existing right of way shall be registered.

54/03 s34

Prime contracting

35. (1) An undertaking that will be engaged in construction projects other than buildings that involve the

- (a) construction of pipelines for the transmission of oil, natural gas and other related products from the source to the point of distribution where a portion of the pipeline is to be located more than 500 metres from an existing right of way; and
- (b) construction of roads or the relocation or realignment of existing roads where a portion of the road will be more than 500 metres from an existing right of way,

shall be registered.

(2) An undertaking that will be engaged in the construction of a

- (a) trunk pipeline for the transmission of water from a source to a point of distribution; and
- (b) trunk sewer pipeline,

where a portion of that pipeline will be more than 500 metres from an existing right of way shall be registered.

(3) An undertaking that will be engaged in the construction of a trunk sewer pipeline outfall shall be registered.

(4) An undertaking that will be engaged in

- (a) the construction of a breakwater structure where the breakwater will be more than 100

metres in length;

- (b) the construction of a dyke, levee or other flood control structure;
- (c) the construction of a canal or other artificial waterway where the width of the canal or artificial waterway will be more than 3 metres as measured at the ground surface;
- (d) inter basin or intra-basin water transfers;
- (e) draining of land where the area of land to be drained will be more than 50 hectares;
- (f) land reclamation or land filling of an underwater area where a portion is to be located within an estuary or the area to be reclaimed or filled is more than 5 hectares;
- (g) the construction of a new railway line or the realignment of an existing railway line where a portion of that line will be more than 500 metres from an existing right of way;
- (h) the construction of a railway yard;
- (i) the construction of a service depot or equipment storage yard; and
- (j) the excavation of a tunnel, shaft, portal or cavern where a quantity of material more than 1000 cubic metres is to be extracted,

shall be registered.

54/03 s35

Construction servicing

36. (1) An undertaking that will be engaged in

- (a) developing or servicing land for subsequent sale, transfer or lease where the total area of the land being developed or serviced will be more than 10 hectares;
- (b) land clearing where the total area of land to be cleared will be more than 50 hectares; and
- (c) the modification of a watercourse where a total of more than one kilometre of the length of the watercourse will be involved,

shall be registered.

(2) Notwithstanding subsection (1) and [section 35](#), an undertaking that

- (a) will be a haul road used for logging, mining or quarrying purposes;
- (b) will be a road designated within a development plan;
- (c) will be a breakwater constructed entirely on or immediately adjacent to a natural shoreline;
- (d) will be a railway yard located entirely within an area designated for that purpose in a development plan;
- (e) will be a service depot or equipment storage yard located entirely within an area designated for that purpose in a development plan;
- (f) is land that will be developed entirely within an area designated for that purpose in a

development plan; and

- (g) is land that will be cleared entirely within an area designated for that purpose in a development plan,

is not required to be registered.

54/03 s36

Food and beverage manufacturing

37. (1) An undertaking that will be

- (a) engaged in food and feed manufacturing for animals;
- (b) engaged in meat and poultry product manufacturing including animal slaughtering;
- (c) an abattoir or a meat, poultry fat or oil processing facility;
- (d) engaged in seafood product preparation and packaging; and
- (e) engaged in beverage manufacturing, including
 - (i) brewing beer, ale or malt liquors, and
 - (ii) manufacturing wine or brandy from grapes or other fruits including growing or purchasing fruit to manufacture and blend wine or distil liquor,

shall be registered.

(2) Notwithstanding paragraph (1)(d), an undertaking that is a portable seafood processing facility or a secondary seafood processing facility is not required to be registered.

(3) Notwithstanding subsection (1), that subsection shall not apply to an undertaking that is carried out by a natural person for his or her personal use.

54/03 s37

Textiles and leather

38. An undertaking that will be engaged in

- (a) manufacturing yarn or textile fabrics;
- (b) finishing yarn and thread, textile fabrics or textile products, except carpets and rugs;
- (c) the bleaching, dying, printing, chemical finishing or mechanical finishing of fabric;
- (d) manufacturing coated or laminated fabrics and finishing fabrics or clothing by sizing, bleaching, dying, printing, chemically treating, coating, laminating, rubberizing, varnishing, waxing or other similar process;
- (e) manufacturing and finishing non clothing textile products, including carpets, rugs, curtains, draperies and linens in a manner referred to in paragraphs (a) to (d); and
- (f) tanning, currying, colouring, processing and finishing hides and skins into leather,

shall be registered.

Wood products and paper

39. (1) An undertaking that will be engaged in the manufacturing of products from wood including

- (a) sawing logs into lumber and other products that will have more than a 1200 cubic metre annual production;
- (b) treating lumber, plywood, poles and wood with preservatives and pressure treating to prevent decay and to protect against fire or insects;
- (c) manufacturing soft wood and hardwood veneer, plywood and structural wood members and reconstituted wood panel products; and
- (d) manufacturing waferboard, particleboard and fibreboard mills,

shall be registered.

(2) An undertaking that will be engaged in the manufacturing of newsprint, paper, paper products, paperboard, paperboard containers or pulp, whether by mechanical or chemical means and including de-inking facilities shall be registered.

Petroleum and coal products

40. (1) An undertaking that will be engaged in refining or manufacturing crude petroleum, petroleum, coal products, asphalt paving, roofing and saturated materials, asphalt shingle and coating materials shall be registered.

(2) Notwithstanding subsection (1), an undertaking that is a portable asphalt manufacturing plant is not required to be registered.

Chemical manufacturing

41. An undertaking that will be engaged in manufacturing

- (a) chemicals and chemical preparations from organic and inorganic raw materials;
- (b) petrochemicals;
- (c) industrial organic and inorganic gases in compressed , liquid and solid forms;
- (d) inorganic or organic chemicals;
- (e) resin and synthetic rubber, artificial and synthetic fibres and filaments from organic polymers and petrochemicals;
- (f) pesticide, fertilizer and other agricultural chemicals whether natural organic or chemical in origin and mixtures of these;
- (g) pharmaceutical products, medicine and drugs for human or animal use;
- (h) paint, varnish, filler, stain or other coatings including mixing pigment, solvent and binder

into paint, varnish, filler, stain and other coatings;

(i) glue, adhesives and related products;

(j) soap and cleaning compounds including toilet preparations, room fresheners, detergents, polishing preparations, drain pipe solvents, dry-cleaning preparations, fabric softeners, finishing agents, soap, surfactants, toothpaste, tooth powder and waxes;

(k) printing inks and ink jet inks ;

(l) explosive preparations, detonators and explosive devices; and

(m) compounds or other chemical products including photographic films or plates,

shall be registered.

54/03 s41

Plastic and rubber products

42. (1) An undertaking that will be engaged in the manufacturing of plastic or rubber products by processing raw rubber or plastics materials or by recycling these materials

(a) by compression, extrusion, injection or blow moulding or casting;

(b) by converting plastic resins into unsupported plastic films, sheets and bags ;

(c) into plastic pipe, pipe fittings, tubing, unsupported profile shapes, laminated plastic plate, sheets, rods and shapes, polystyrene foam products, urethane foam products, resilient floor coverings, plastic bottle and other plastic products;

(d) by processing natural, synthetic or reclaimed rubber into tubing, tires or rubber hose;

(e) into tires; and

(f) into rubber and plastic hose and belting and other rubber products,

shall be registered.

(2) Notwithstanding paragraph (1)(e), an undertaking that will be engaged in the retreading or rebuilding of tires is not required to be registered.

54/03 s42

Non metallic mineral product

43. (1) An undertaking that will be engaged in the manufacturing of structural clay products shall be registered.

(2) An undertaking that will be engaged in the manufacturing of cement and concrete products including the

(a) production of hydraulic cement; and

(b) manufacturing of concrete pipe, brick and block from a mixture of cement, water and aggregate,

shall be registered.

(3) An undertaking that will be engaged in the manufacturing of

(a) quicklime, hydrated lime and dead burned dolomite by crushing, screening and roasting of limestone, dolomite shells or other sources of calcium carbonate; and

(b) products composed wholly or chiefly of gypsum,

shall be registered.

(4) An undertaking that will be engaged in manufacturing

(a) abrasive grinding wheels, abrasive coated materials and other abrasive products; and

(b) other non-metallic mineral products including refractory, asbestos, gypsum, fibrous glass, mineral wool and drilling muds materials,

shall be registered.

54/03 s43

Primary metals and metal manufacturing

44. (1) An undertaking that will be engaged in

(a) smelting and refining ferrous and non ferrous metals from ore, pig or scrap in blast or electric furnaces, making metal alloys by adding chemical elements to the process and producing sheet, strip, bars, rods, wires, castings and other basic metal products;

(b) manufacturing iron and steel pipe and tube, drawing steel wire and rolling steel shapes from purchased steel;

(c) extracting alumina from bauxite ore, producing aluminium from alumina, refining aluminium by any process and rolling, drawing, extruding and alloying aluminium and aluminium-based alloy shapes and recovering aluminium from scrap;

(d) smelting, refining, rolling, drawing, extruding and alloying non ferrous metal other than aluminium; and

(e) pouring molten metal into moulds or dies to form castings,

shall be registered.

(2) An undertaking that will be engaged in forging, stamping, forming, turning and joining processes to produce ferrous and non-ferrous metal products shall be registered.

(3) An undertaking that will be engaged in

(a) operating a dry-dock or shipyard, manufacturing, constructing, repairing, altering or converting ships or boats of more than 4.54 tonnes displacement including marine production platforms for petroleum, natural gas or mineral resource extraction; and

(b) the establishment or expansion of commercial facilities to be involved in the application of paint, varnish, lacquer, primer, resin and fibreglass with respect to a ship, boat or marine production platform,

shall be registered.

(4) Notwithstanding subsection (3), an undertaking that will be located on property owned by

a natural person where the purpose of that undertaking is to build or repair his or her fishing vessel, is not required to be registered.

54/03 s44

Petroleum product and other wholesaler-distributors

45. (1) An undertaking that will be engaged in wholesaling crude oil, liquefied petroleum gases, heating oil and other refined petroleum products where the total storage capacity will be more than 2,000,000 litres shall be registered.

(2) An undertaking that will be engaged in the assembling, breaking up, sorting or wholesale trading of scrap, junk or waste material of any type shall be registered.

(3) Notwithstanding subsection (2), an undertaking that will be engaged in the wholesale trading of waste materials designated for reuse or recycling is not required to be registered.

54/03 s45

Air transportation

46. An undertaking that will be engaged in the establishment and operation of permanent airports on land or water shall be registered.

54/03 s46

Waste management

47. (1) An undertaking that will be engaged in the

(a) establishment of a waste disposal site where the population to be served by the site is more than 5000; and

(b) collection, storage or disposal of hazardous waste materials,

shall be registered.

(2) Notwithstanding subsection (1), an undertaking that will be engaged in the collection and temporary storage of hazardous waste materials destined for recycling is not required to be registered.

54/03 s47

Spectator sports and recreation industries

48. (1) An undertaking that will be engaged in the establishment or operation of

(a) a horse racetrack;

(b) a motorized vehicle racetrack;

(c) downhill or cross country skiing facilities, including trails, where the

(i) area of land to be developed will be more than 10 hectares, or

(ii) total length of the trails will be more than 10 kilometres;

(d) a marina;

- (e) inclined railways, aerial lifts and tows;
- (f) trails and facilities for motorized recreational vehicles;
- (g) a golf course where
 - (i) the total area to be cleared is more than 50 hectares, or
 - (ii) a portion of the land to be cleared is within 200 metres of a high water mark; and
- (h) trails where the length of a trail will be more than 10 kilometres,

shall be registered.

- (2) Notwithstanding subsection (1), an undertaking that will be a
 - (a) marina operation located entirely within an area designated for that purpose within a development plan;
 - (b) trail designated or approved for use under the *Off-Road Vehicles Act* ; and
 - (c) trail located entirely within an area designated for that purpose in a development plan or in a provincial park established under the *Provincial Parks Act* ,

is not required to be registered.

54/03 s48; 2021 cO-5.1 s46

Accommodation services

49. (1) An undertaking that will be engaged in the establishment and operation of a

- (a) camping ground;
- (b) travel trailer park; and
- (c) recreation or vacation camp,

where the area of the land to be developed is more than 10 hectares, shall be registered.

(2) Notwithstanding subsection (1), where the area of land to be developed for an undertaking referred to in that subsection is located entirely within an area designated for that purpose in a development plan, that undertaking is not required to be registered.

54/03 s49

Application of paint, varnish, etc.

50. An undertaking that will be engaged in the establishment of or expansion of a commercial facility that will be involved in the application of paint, varnish, lacquer, primer, resin, coating or fibreglass shall be registered.

54/03 s50

Provincial administration

51. (1) An undertaking that will be engaged in the administration of a provincial government

program that will

- (a) introduce an exotic species of animal or plant into the province;
- (b) introduce a species of animal or plant that is native to an area of the province into another area of the province where, actually and historically, that species does not occur or is not known to occur; and
- (c) designate Crown land for cottage development or other recreational development where the total area will be more than 10 hectares,

shall be registered.

(2) Notwithstanding paragraph (1)(c) an undertaking that is referred to in that paragraph that will be located within an area designated for that purpose in a development plan is not required to be registered.

54/03 s51

Limitation

52. Notwithstanding that an undertaking is not required to be registered because it is smaller than a specified limitation with respect to time, area, length, volume, size or output, where

- (a) there is an extension of or a new undertaking adjacent to that existing undertaking; and
- (b) the total size of the extended or new undertaking added to the existing undertaking will exceed the specified limitation with respect to time, area, length, volume, size or output,

that extended or new undertaking shall be registered.

54/03 s52

NLR 48/00 Rep.

**53. The *Environmental Assessment Regulations, 2000* ,
Consolidated Newfoundland and Labrador Regulations 48/00, are repealed.**

54/03 s53