

OCT 21 2020

Reg. #2087

Hickey's Contracting (1989) Ltd.
P.O. Box 8
Fortune Bay, NL
A0E 2X0

Dear Mr. Hickey:

Re: Piper's Hole Sand and Gravel Quarries

Your proposal has been reviewed by an interdepartmental environmental assessment screening committee and an opportunity to comment has been provided to the public as required by Part X of the Newfoundland and Labrador Environmental Protection Act, SNL 2002, cE-14.2. **Please be advised that this undertaking is released from further environmental assessment subject to the following conditions:**

- You are required to uphold all commitments made in your environmental assessment submission to mitigate the effects of the project on the environment.
- You are required to submit a brief Water Resources Management Plan to my department for approval prior to commencing any work related to this project. The Water Resources Management Plan should address the following concerns:
 - if there are any brooks, rivers, ponds, streams or wetlands, present in or within 30 metres of the boundaries of the project site, then please provide the type of water body and its distance from the site;
 - if any of the above-mentioned water bodies are impacted by site operation, describe how the water body will be impacted. A permit/licence from the Water Resources Management Division, may be required; and,
 - if there is any potential of onsite drainage water or dewatering water to discharge into a natural water body, describe what precautionary measures, such as vegetative cover, filter strip, silt curtain, etc., are to be deployed to ensure the effluent or runoff meets the requirement of the Environmental Control Water and Sewage Regulations, 2003.

For further information, please contact the Water Resources Management Division at 709-729-1646.

- The Department of Fisheries, Forestry and Agriculture requires you to maintain the following buffers:
 - a minimum 30-metre undisturbed buffer must be maintained along all waterbodies and wetlands that appear on a 1:50,000 topographic map to protect sensitive riparian and aquatic species, and their habitat; and,
 - no vegetation clearing is to occur within 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; the 200-metre buffer also applies to all other raptor nests (e.g. Northern Goshawk, Sharp-shinned Hawk, Merlin, American Kestrel, Great-horned Owl, Boreal Owl, Northern Saw-whet Owl); and, the location of any raptor nest site must be reported to the Wildlife Division. For further information, please contact the Wildlife Division at 709-637-2025.

- You are required to advise me when the conditions of release have been met, by emailing a written description, documents, and images (where applicable) to demonstrate that the conditions have been fulfilled, to EAProjectComments@gov.nl.ca.

- You are required to update me on the status of your project, including a copy of all permits, licences, certificates, approvals and other authorizations required for your project, one year from the date of this release letter and to provide additional updates if required. Please email your project updates to EAProjectComments@gov.nl.ca.

Federal and provincial government departments and agencies that reviewed your project during the environmental assessment provide the following advice:

The Pollution Prevention Division of my department reminds you that all water discharged from the proposed site during construction and operation is subject to compliance with the *Environmental Control Water and Sewage Regulations, 2003*, under the *Water Resources Act*. For further information, please contact the Pollution Prevention Division at 709-729-5782.

The Water Resources Management Division of my department requires you to apply for and obtain a permit for any work in any body of water (including wetlands), any work in the Shore Water Zone, and any infilling work within 15 metres of a waterbody, prior to the start of

construction. For further information, please contact the Water Resources Management Division at 709-729-1671.

The Department of Industry, Energy, and Technology requires you to obtain a quarry permit, and to abide by the terms and conditions, and the special terms and conditions of that permit. For further information, please contact the Department of Industry, Energy and Technology at 709-729-6447.

The Department of Industry, Energy and Technology has revised the boundaries for both quarries to accommodate the required 30-metre buffer around wetlands. You are to locate your quarry as per the revised boundaries in the attached aerial image. For further information, please contact the Department of Industry, Energy and Technology at 709-729-6447.

The Government Service Centre of the Department of Digital Government and Service NL recommends that you develop a contingency plan specific to the proposed undertaking, and have spill response equipment readily available on-site to ensure a quick and effective response to a potential spill event. This department advises that a minimum tree screen of 30 metres is to be maintained between the highway right of way and the quarry boundaries. For further information, please contact the Department of Digital Government and Service NL at 709-729-2104 or 709-945-3109.

The Occupational Health and Safety Division of the Department of Digital Government and Service NL advises you to ensure that the activities associated with the development 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. The Occupational Health and Safety Division reminds you to consider procedures associated with the protection of workers related to COVID-19. Procedures must follow the requirements set forth by the Chief Medical Officer of Newfoundland and Labrador (e.g. physical distancing, handwashing).

The Department of Fisheries, Forestry and Agriculture informs that Site A , as indicated in your registration document, overlaps a Crown title (CL# 87515) for Bell Canada, and advises you to contact Bell Canada for further information regarding this title.

Environment and Climate Change Canada recommends that in order to avoid nest destruction and to accommodate the breeding season of migratory songbirds and waterfowl, operations should consider nesting locations between April 15 and August 15 in this region.

Environment and Climate Change Canada advises that runoff from development should be directed away from wetlands, and requests that you provide a GIS file of the project boundaries and study area so that the project can be mapped. For further information, please contact Environment and Climate Change Canada at 709-772-2126.

The Department of Fisheries and Oceans advises that the modernized *Fisheries Act* includes fish and fish habitat protection provisions which came into effect on August 28, 2019. If you are conducting work in or near water you should refer to the Projects Near Water website to get information about how to comply with the Fisheries Act and as well as information on the project review process. 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.

Although the undertaking, as proposed, is released from further environmental assessment, it is still subject to other legislative requirements. A summary of the comments received from government agencies during the review is attached to provide an indication of likely applicable permits, approvals and legislative requirements. Please note that you must comply with all relevant legislation and obtain all necessary permits and approvals. You are required to inform this Department of any proposed significant changes to the undertaking.

Please note that in accordance with Section 17 of the Environmental Assessment Regulations, the Minister's decision is valid for a period of three years from the date of this letter. If you have not commenced your project within this three-year period, you may apply to extend the three-year period for a maximum of three one-year periods, if needed. If you have any questions concerning these matters, please contact Joanne Sweeney, Director (A), Environmental Assessment Division, at 709-729-0673 or joannesweeney@gov.nl.ca.

Sincerely,

A handwritten signature in blue ink that reads "Derek Bennett".

DEREK BENNETT, MHA
Minister
District of Lewisporte – Twillingate

Enclosures

cc: Jeff Dwyer, MHA Placentia West-Bellevue

2087

Original application in yellow
Proposed modified quarry areas in red.

Legend



Google Earth

