

JUN 16 2021

COR/2021/01535

Reg. # 2134

Mr. Kerry Noble
ANW Construction Ltd.
220 Baird Avenue
Gander, NL A1V 1W6

Dear Mr. Noble:

Re: Grant's Pit Quarry

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.
- The Department of Fisheries, Forestry and Agriculture advises of the following requirements with respect to Red Pine, a species of conservation concern found within the project area:
 1. Avoidance of Red Pine: you must avoid all Red Pine in the proposed quarry by
 - re-routing the proposed access road in a manner that leaves a minimum 10-metre, undisturbed buffer around Red Pine seedlings located adjacent to the access road.
 - considering the removal of the eastern end of the proposed area due to Red Pine presence, or, maintaining a minimum 10-metre, undisturbed buffer around the two taller Red Pine trees located in the eastern side of the proposed quarry.

2. Where avoidance is not possible:
 - If the road cannot be re-routed, any identified seedlings must be transplanted to a suitable location outside of the actual quarry. The Wildlife and Forestry Branch shall provide details on timing and suitable transplant site.
 - Compensation is required when removing mature trees. This will involve planting native Red Pine seedlings in a suitable location outside of the quarry boundary, including site preparation and approval of the seed stock to be used. The Wildlife and Forestry Branch will provide details on the number of seedlings and spacing. For further information, please contact (709) 637-2025.
 3. You are required to work with the Wildlife and Forestry Branch in the implementation of the above conditions.
- The Parks Division of the Department of Tourism, Culture, Arts and Recreation requires the following:
 - the existing 14-meter undisturbed buffer between the Newfoundland T'Railway Provincial Park and the project area is maintained; and,
 - No blasting or drilling activities are to occur between May 1 and September 30 annually. For further information please contact the Parks Division at (709) 637-2040.
 - A Water Resources Management Plan must be submitted to the Water Resources Management Division of my Department for approval, prior to commencing any work related to this project. The Water Resources Management Plan should answer the following questions:
 - 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 waterbody 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.
 - 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, or email at leahburry@gov.nl.ca.

- You are required to advise me when the conditions of release have been met, by emailing a written description, documents, and images (where applicable) demonstrating 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 by me. 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 advises that the quarry must maintain a 30-metre reservation from all waterbodies (including wetlands). Permits are required for the following activities, prior to the start of construction: alteration of a body of water; work in any body of water (including wetland); work in shore water zones; and for any infilling work within fifteen (15) metres of a body of water. You are also required to apply for and obtain a water use license for the use of any water source for any purpose. For further information, please contact the Water Resources Management Division at (709) 729-1671.

The Department of Digital Government and Service NL advises that a development permit will be required under the *Protected Road Zoning Regulations* for any construction within 400 metres of the centreline of the TCH. For further information, please contact (709) 256-1109.

The Department of Fisheries, Forestry and Agriculture advises that 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 200m 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). The location of those raptor nest sites must be reported to the Wildlife Division. Fisheries, Forestry and Agriculture further notes that new road construction across wetlands is required to access the site, and an application for Crown land must be submitted and approved before road construction is to begin. The application and related information can be found at: <https://www.gov.nl.ca/ffa/lands/applications/>. For further information, please contact the Wildlife Division at (709) 637-2025.

A Commercial Cutting Permit is required prior to any harvesting or timber removal in the area. An Operating Permit is required prior to the start of any work during the forest fire season and can be obtained from the local Forest Management District Office. During the forest fire season a permit to burn must be obtained to ignite a fire on or within 300 meters of forest land. For further information, please contact the Forestry Division at (709) 637-2025.

The boundary of the Department of Transportation and Infrastructure depot in Grants Pit is unknown at the time of this review. The applicant is required to work with TI to determine the boundaries, as the proposed tree line may not be a true representation. For further information, please contact Transportation and Infrastructure at (709) 729-5493.

The Department of Industry, Energy and Technology advises that the proposed operation requires a quarry lease as per section 8(9) of the Quarry Materials Act, 1998. For further information, please contact the Mines Branch at (709) 729-5748. Industry Energy and Technology further informs of the presence of a Newfoundland Power transmission line running along the TCH, on the same side of the highway as the proposed development. As such, it is recommended that you consult with Newfoundland Power.

The Land Governance and Land Use Planning Division of the Department of Municipal and Provincial Affairs advises you to apply for a development permit from Digital Government Service NL and to adhere to the following conditions of the Protected Road Zoning Regulations related to mining and quarry use:

- (1) Any development associated with mineral extraction may be permitted in a rural conservation zone.
- (2) All developments of this nature shall be maintained at a distance of 90 metres from the highway centre line, and shall be screened from highway view to the satisfaction of the authority.
- (3) Upon conclusion of operations all refuse shall be removed, rough landscaping carried out and all accesses removed.

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 this legislation. The Occupational Health and Safety Division reminds you to consider procedures related to the protection of workers related to COVID-19. Procedures must follow the requirements set forth by the Chief Medical Officer of Health for Newfoundland and Labrador (e.g. physical distancing, handwashing).

The Parks Division of the Department of Tourism, Culture, Arts, and Recreation reminds you that the NL T’Railway runs parallel with the development. If for any reason, the NL T’Railway will need to be used during the upgrade, please contact the Parks Division at Trailway@gov.nl.ca or (709) 637-2040, as special permits are required.

Environment and Climate Change Canada advises you to develop and implement a management plan that includes appropriate preventative measures to minimize the risk of impacts on migratory birds; operations should consider nesting locations between April 15 and August 15 in this region. Environment and Climate Change Canada 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.

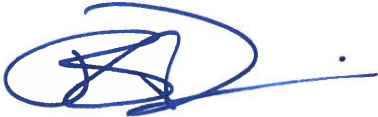
The Department of Fisheries and Oceans advises that the modernized *Fisheries Act* includes fish and fish habitat protection provisions which came into effect on August 28, 2019. If you are conducting work in or near water you should refer to the Projects Near Water website to get information about how 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. 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 email joannesweeney@gov.nl.ca.

Sincerely,

A handwritten signature in blue ink, appearing to be "Bernard Davis", with a large flourish extending to the right.

BERNARD DAVIS, MHA
District of Virginia Waters- Pleasantville
Minister

Enclosures

cc: Hon. John Haggie
MHA – Gander