

ENVIRONMENTAL ASSESMENT REGISTRATION

454A Bauline Line

Middle Three Island Pond Quarry

Paul Quigley

Northeast Aggregate Ltd.

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Name of Undertaking

Middle Three Island Pond Road Quarry

Proponent

- **Name of Corporate Body**

Northeast Aggregate Ltd.

- **Address**

84 Quigley's Lane

Torbay NL

A1K 1A5

Chief Executive Officer

Paul Quigley

Owner/ Manager of Operations

84 Quigley's Lane

Torbay NL

A1K 1A5

Principle Contact Person

Paul Quigley

84 Quigley's Lane

Torbay NL

A1K 1A5

Cell: (709)682-3844

Email: pquigley@nf.sympatico.ca

The Undertaking

(i) Nature of the Undertaking

The proposed project involves the development of an open pit-style quarry for the purpose of removing sand, gravel, rock, as well as crushed and/or screened material and washed stone, to support land and infrastructure development on the Northeast Avalon Peninsula, primarily Torbay and surrounding communities.

(ii) Purpose

To provide and supply aggregate material for my company related construction projects, as well as for local contractors and residents of surrounding communities and their related projects.

Description of the Undertaking

(i) Geographical Location

The proposed quarry is located in the province of Newfoundland in the municipality of Torbay. **Figure 1.**



Figure 1.

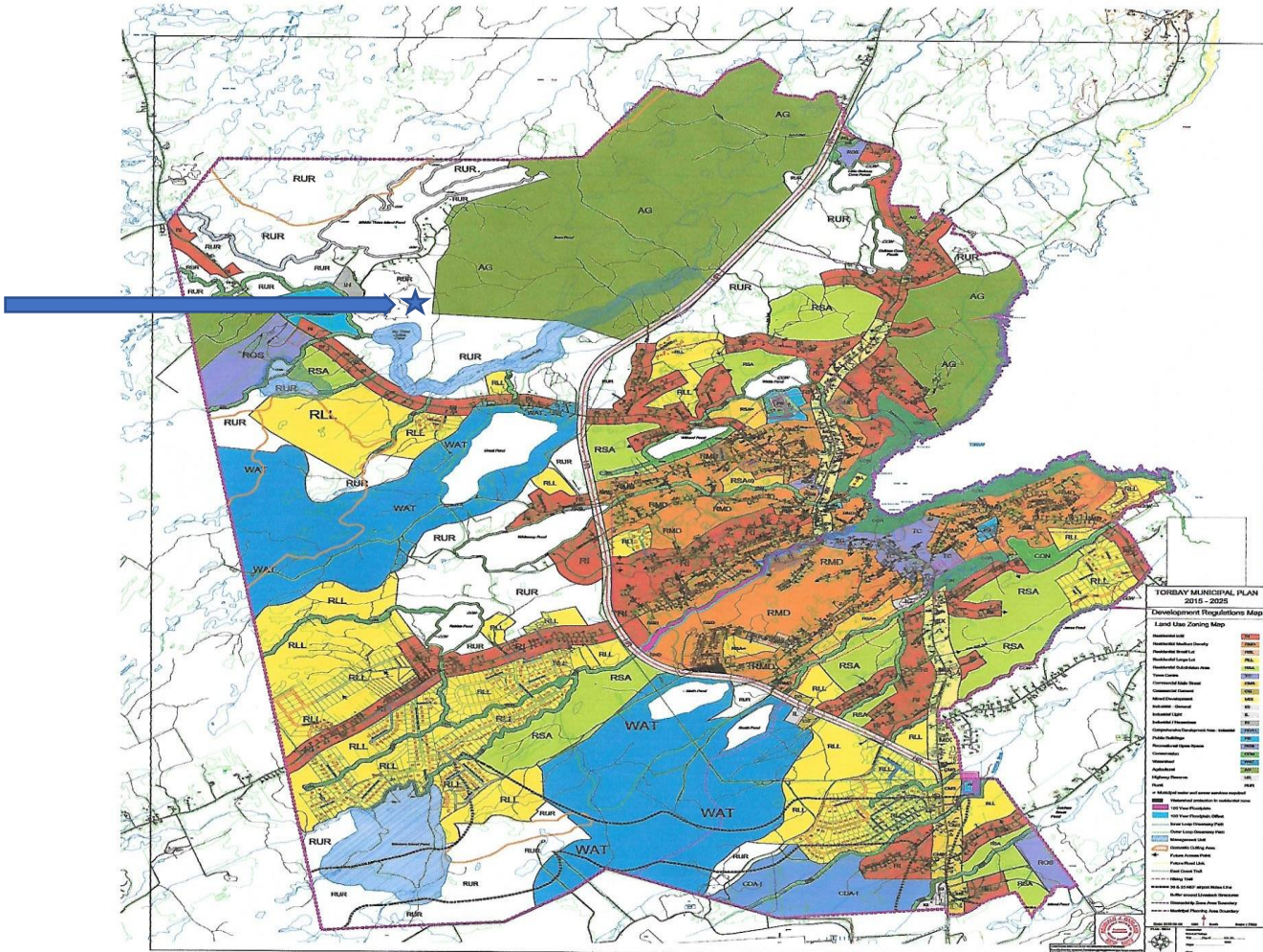
Torbay is located on the Northeast Avalon Peninsula, 12km north of St. John's. **Figure 2.**



Figure 2.

The proposed quarry site is at 454A Middle Three Island Pond Road, off Bauline Line

. **Figure 3.**



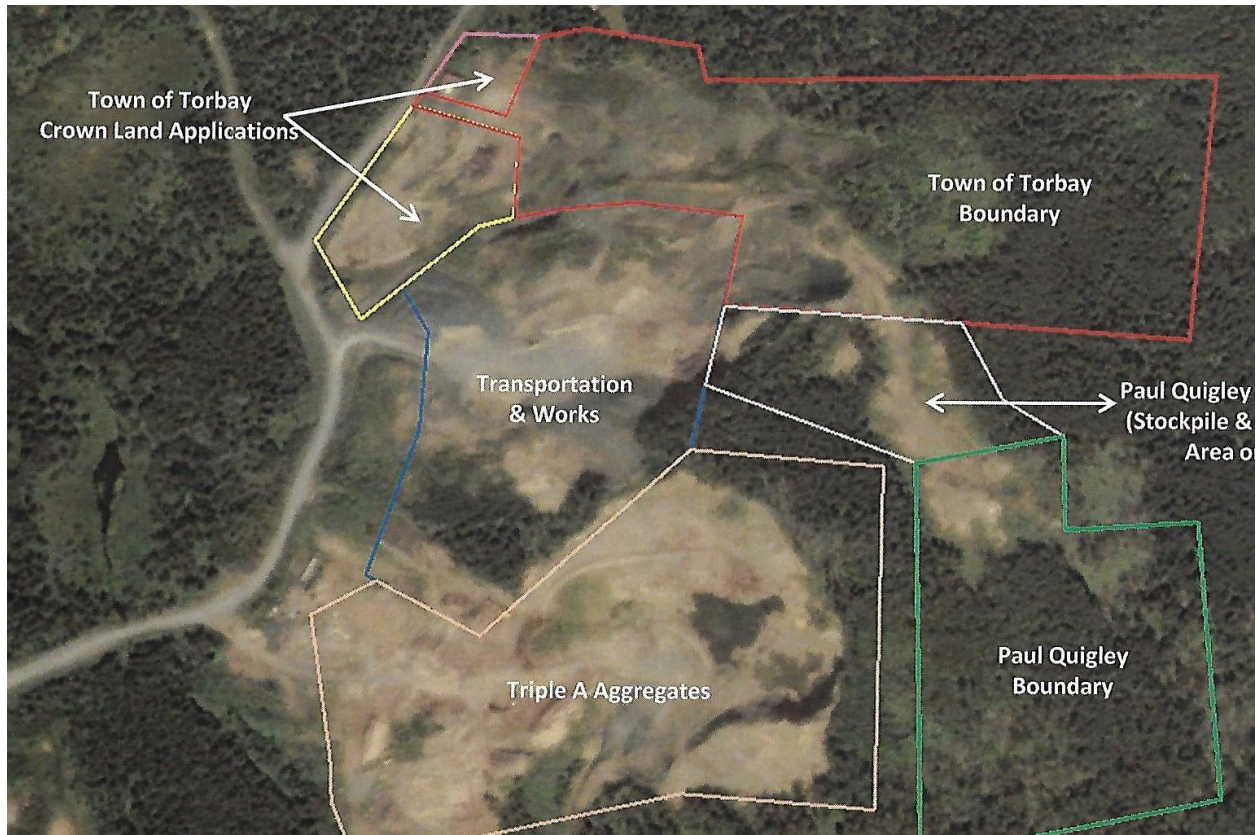
The area is considered “back land”. It is located in the northern western outskirts of the community, approximately 629m east of Bauline Line to **corner 10**. (**figure 5**)

The closest residential home is 579.3m west of **corner 10**. (**figure 5**)

The land is zoned rural, and the intended use is complementary to the permitted use of mineral workings.

Currently, there are 3 other quarries in the vicinity. One held by the town of Torbay, one by the Dept. of Works, Services and Transportation, and the third is privately held by Triple A Excavating Ltd.

Figure 4.



(ii) Physical Features and Vegetation

3.8 hectares of the proposed 5.0-hectare area is forest covered. Primarily black spruce, tamarack (commonly called juniper), and shrubbery.

There are no ponds or streams located within the quarry boundaries. Wetlands in the nearby vicinity are: Middle Three Island Pond, Big Three Corner Pond, and Axes Pond.

The proposed site is 400m south of Middle Three Island Pond, 800m south west of Axes Pond and 65m north east of Big Three Corner Pond.

There are no assigned walking trails, or recreation areas in or around the designated site. The nearest recreation zone, a soft ball field, is 977.9m west of **corner 10**. A local dog park is 804.4m west of **corner 10**. (figure 5)

Local cabins located north of the proposed operation are outside of the 300m buffer zone. The nearest cabin is 343.7m north of **corner 11**. (figure 5)

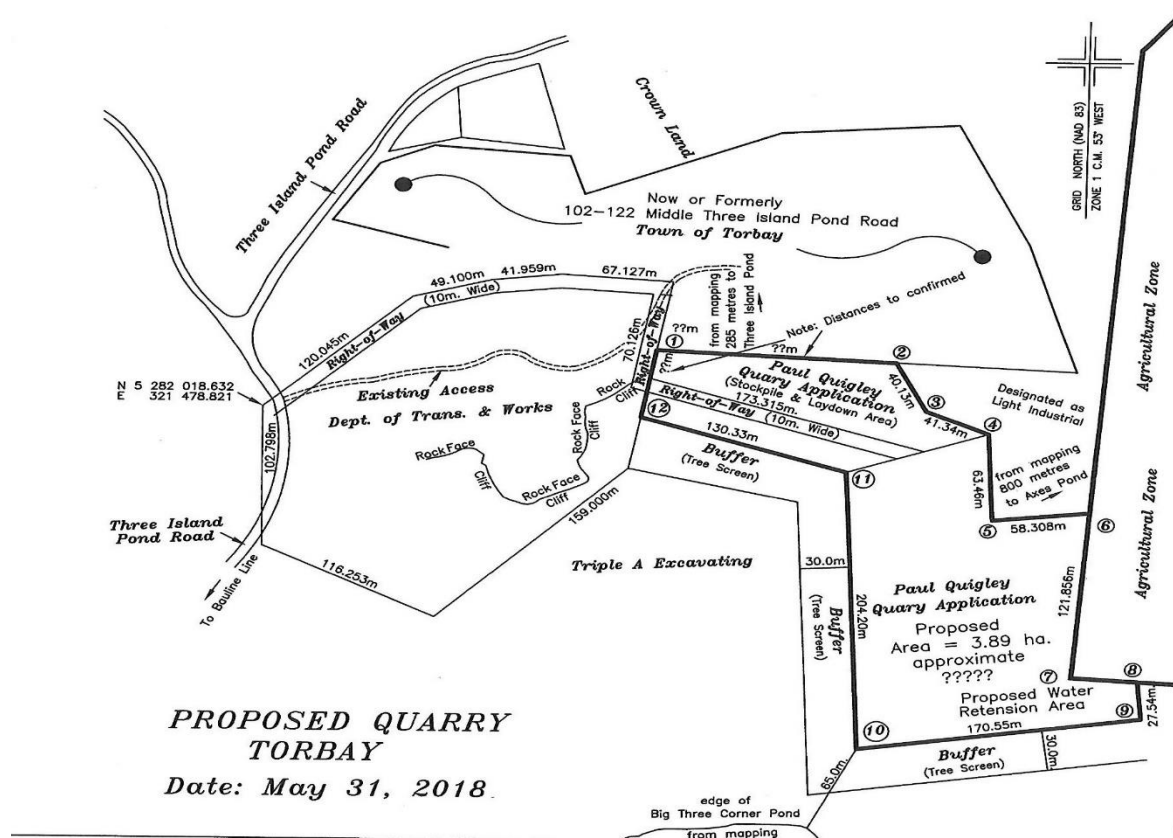
No structures are nor will be constructed within the quarry boundaries.

The Crown land, East of the proposed operation site, is zoned Agriculture.

The Crown land, North East of the proposed site is zoned Light Industrial.

The Crown land North and South the proposed site is zoned Rural.

Figure 5.



Coordinates

1. 5282062. 3062, 321714. 0475, 0. 0000, ip
2. 5282054. 4059, 321857. 8372, 0. 0000, ip
3. 5282018. 7024, 321876. 1590, 0. 0000, ip
4. 5282002. 2299, 321914. 0711, 0. 0000, ip
5. 5281938. 8501, 321917. 2857, 0. 0000, ip
6. 5281944. 7187, 321975. 2980, 0. 0000, ip
7. 5281823. 1682, 321966. 6790, 0. 0000, ip
8. 5281820. 5333, 322006. 3296, 0. 0000, ip
9. 5281793. 1381, 322009. 1009, 0. 0000, ip
10. 5281769. 4108, 321840. 2083, 0. 0000, ip
11. 5281973. 3446, 321829. 6812, 0. 0000, ip
12. 5282012. 7581, 321705. 4568, 0. 0000, ip

(iii) Access to Proposed site

Prior to any construction of the actual quarry site, a 10m wide and 348.3-metre-long easement, granted by Dept. of Works Services and Transportation, will be excavated. The easement is located along the northern boundary of the WST quarry. There is no vegetation to be removed as this area was previously cleared by WST. Only the extraction of aggregate is required to access the proposed site.

(iv) Construction

Construction of the quarry site and laydown area will consist of cutting and removal of trees and small vegetation to expose the area. All overburden and soil will be stored on site for future restoration.

1.2 hectares of the 5-hectare site will be designated as a stockpile area only.

A 30m tree screen will be left on the western and southern sides of the site.

Conditions imposed by the Torbay Town Council and the Torbay Planning and Development Committee will be strictly followed.

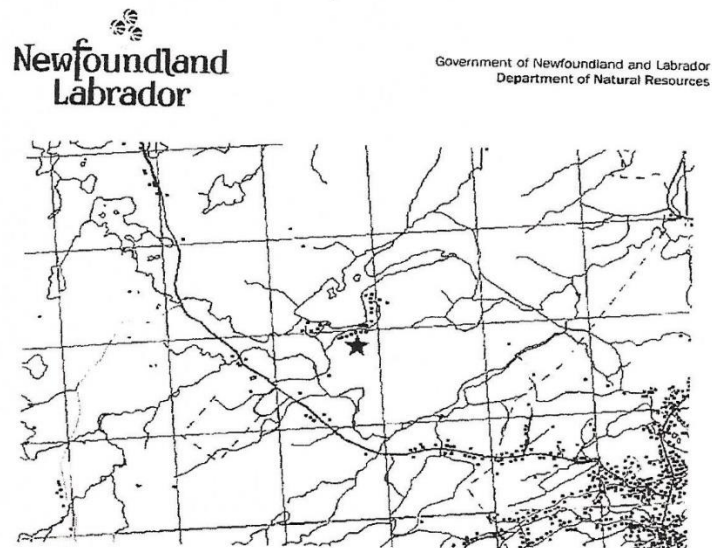
Equipment used for excavation purposes will be excavators and tandem dump trucks. All equipment will be maintained to minimize noise, and emissions will be within regulations.

Fire extinguishers, spill kits, and first aid kits will be kept on the site at all times. Safety vests, hard hats, steel toed footwear, and two-way radios will be a requirement.

Figure 6.



Figure 7.



(v) Operation

The operation will involve the extraction and removal of slate rock from the site. Aggregate will be removed based on the demands of local consumers, contractors, and contracts related to my company. Future endeavors include drilling, blasting, crushing and screening.

Operations will take place primarily from April to November.

Currently there are 3 employees. However, this number could possibly increase depending upon approval of this undertaking, and the demand for aggregate material.

Occupations anticipated for this undertaking according to the National Occupation classification are:

1. Quarry supervisor NOC 8221
2. Heavy Equipment Operators NOC 7521
3. Truck Drivers NOC 7411

Approval of Undertaking

The application was conditionally approved by the Torbay Town council on June 19, 2017

Please see attached documents.

APPLICATION FOR A QUARRY PERMIT

RECEIVED this 27 day of 10 at 10 o'clock AM 1998
 QUARRY MATERIALS (P)

I/We Paul Quigley

Address 84 Quigley's Lane Torbay Postal Code A1K1A5

HEREBY APPLY FOR A QUARRY PERMIT for 5 hectares for 12 months under the terms and conditions of the *Quarry Materials Act, 1998, SNL1998.*

Have you had permits for this site before? No If yes, list permit numbers _____

If you are applying for a permit to the same area you held under permit last year complete this section only.

File # _____ Previous Permit # _____

I certify that there are no changes or modifications to the size, boundary or location of the existing quarry permit area, or to the method of removal or processing planned at the location.

Note: If there are any changes to the size of the quarry, the method of removal or processing, a new application must be completed for the site.

Date: _____ Name: _____
 Signature: _____
 Position: _____

Complete this section if the material is needed for a specific contract.

Agency awarding contract _____
 Address _____ Phone No. _____
 Contract No. _____ Tender closing date _____
 Anticipated starting date _____ Anticipated completion date _____
 Amount of material req'd: Class "A" _____ Class "B" _____
 Asphalt aggregate _____ Other (specify) _____

Proposed end use of material Residential / Commercial Development
 Location of end use material Torbay / Northeast Avalon

<p>FOR THE PURPOSE OF REMOVING:</p> <p><input type="checkbox"/> Sand <input checked="" type="checkbox"/> Gravel <input checked="" type="checkbox"/> Rock <input type="checkbox"/> Borrow Material <input type="checkbox"/> Fuel Peat <input type="checkbox"/> Horticulture Peat <input checked="" type="checkbox"/> Stockpiled Material <input type="checkbox"/> Other (Specify) _____</p>	<p>THE QUARRY OPERATION WILL INVOLVE:</p> <p><input checked="" type="checkbox"/> Drilling and Blasting <input checked="" type="checkbox"/> Ripping <input checked="" type="checkbox"/> Crushing <input checked="" type="checkbox"/> Screening <input checked="" type="checkbox"/> Washing <input type="checkbox"/> Use of Settling Ponds <input checked="" type="checkbox"/> Pit run removal <input type="checkbox"/> Asphalt Batch Plant <input type="checkbox"/> Concrete Batch Plant <input type="checkbox"/> Other (Specify) _____</p>
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Ownership of land to the best of your knowledge Crown Private

If Private, complete the following and attach a letter from the owner authorizing you to occupy the property for the purpose of removing quarry material; confirmation of title and ownership must be included.

Name of Owner _____
 Address _____
 Phone No. _____

Form of Title
 Crown Grant _____, Date Issued _____, Volume _____, Folio _____
 Crown Lease _____, Date Issued _____, Number _____
 Other (Specify) _____

At the time of application, the site being applied for must be clearly marked on the ground using 2 x 4 posts, with a company sign and flagging to mark the corners, and to outline the area.

Is the site visible from nearby highways or main roads? No
 Is there an existing access to the quarry site? No
 Describe the type of vegetation cover over the area to be quarried (forest, scrub, barren, etc.) Forest + Scrub
 Describe marking if any in addition to the above required markings _____

Is the site being applied for an existing quarry? No If yes, what are the dimensions of the quarry?
 Width _____ Length _____ Average height of quarry faces 8m
 Are there any structures (house, fence, pole line, etc.) within the boundaries of the quarry site? No
 If yes, describe the structures and give their distance from the site. _____

Are there any brooks, rivers, ponds or streams within the boundaries of the quarry site? No
 If yes, specify type of water body _____

Are there any brooks, rivers, ponds or streams within a 200 metre radius of the boundaries of the quarry site? No
 If yes, specify type of water body and give its distance from the site _____

Is any of the land within a 300 metre radius of the boundaries of the quarry site being used? Yes
 If yes, describe the land use and give the distance from the site Adjacent quarries, Town of Torbay, Works Services + Transportation, Triple A Excavating

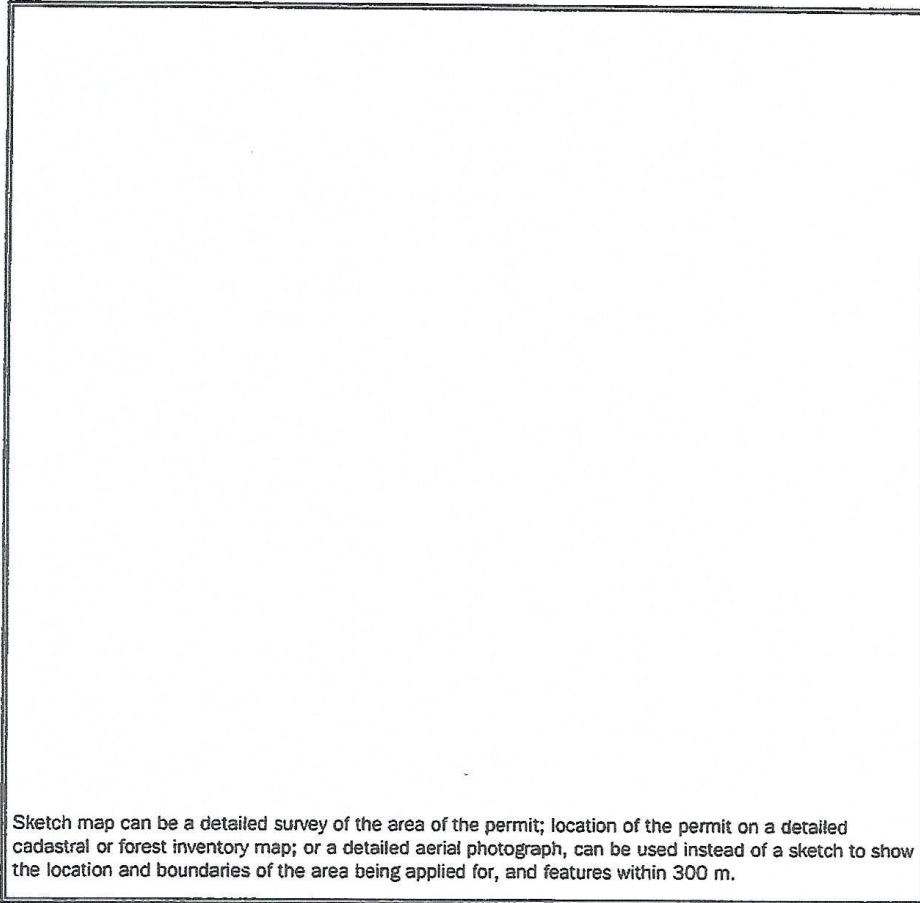
Describe the location of the proposed Quarry with reference to the UTM grid (NAD 1927) on the 1:50,000 Topographic Map. Description must include NTS Map Sheet, zone and the co-ordinates. The UTM co-ordinate should be taken at the entrance to the quarry.
366783 E 5281835 N Zone _____ Map Sheet 1N/10

Describe the location of the proposed Quarry with reference to nearby prominent landmarks (road intersections, bridges, etc.) to nearest tenth of a kilometre 400m SOUTH OF MIDDLE TURGE ISLAND ROAD

The information in this section can be completed by using a Global Positioning System. Inaccurate information will cause delays.

SKETCH OF QUARRY SITE

In the space below, draw a sketch showing the boundaries and distance between corners of the site being applied for, outline of existing quarry if one exists, distances of all features within the quarry site and all features within a 300 metre radius of the boundaries of the quarry site. That is, the location of the features listed in Section 7 of this application. Also, show the proposed access to the site, the distance the quarry site is setback from the highways or main roads. The location where the UTM co-ordinates was taken should be shown.



Sketch map can be a detailed survey of the area of the permit; location of the permit on a detailed cadastral or forest inventory map; or a detailed aerial photograph, can be used instead of a sketch to show the location and boundaries of the area being applied for, and features within 300 m.

I certify that the information contained in this application is correct.

Name: Paul Quigley

Phone No. Business: 682-3844

Signature: Paul Quigley

Fax No.: 437-1854

Position: owner/operator

E-mail Address: pquigley@nf.sympatico.ca

Date: 08/27/15

Mineral Lands Division

REFERRAL LETTER

File Number: 71111195

Permit Number: 132200

Referred: 17-Nov-2015

I have been directed by the Honourable Minister of Natural Resources to submit to you for your concurrence or otherwise, the following application:

Applicant: Paul Quigley
 Quarry Location: 400m south of Middle Three Island Pond
 Quarry Materials: Gravel, Rock, Stockpiled Material
 Area of site: 5
 NTS map sheet: 01N/10
 Electoral District: Cape St. Francis

The site is shown on the attached map. To minimize delay in the processing of this application, we request that any objections be forwarded within 2 weeks of the date of this letter.

If no reply is received by December 1, 2015 your concurrence will be assumed.

Would you kindly complete your reply below and return it to this division. Please attach additional sheets if necessary.

Gerald Kennedy
Manager, Quarry Materials

This application is:

- _____ Approved.
 _____ Approved subject to the stipulations below.
 _____ Not approved, reasons given below.

Comments:

Signed by: _____

Works, Services and Transportation - St. John's
 Historic Resources
 Government Service Centre - St. John's
 Water Resources Division - St. John's
 Crown Lands - St. John's
 Inland Fish & Wildlife Division, Dept of Environment & Conservation

Forestry - Unit 1 - Paddys Pond
 Dept of Municipal & Prov Affairs - Prov. Planning
 Dept Tourism, Culture & Recreation (Eastern)
 The Town of Torbay
 Dept of Natural Resources, Andrea Devereaux



May 17, 2018

Paul Quigley
84 Quigley's Lane
Torbay, NL
A1K 1A5

Dear Mr. Quigley:

RE: Quarry Application, 454A Bauline Line (Back Land) Middle Three Island Pond Area

Your development application dated February 10, 2016 to develop the above noted property for the propose of starting a quarry operation was considered at the Regular Public Meeting of Council on June 19, 2017 and conditionally approved. As per my covering letter, the decision was appealed and as result item 4 on the original approval letter is now. **REVISED APPROVAL IN PRINCIPLE** is hereby granted subject to the following conditions:

1. The development shall conform to the requirements of the Rural (RUR) Land Use Zone of the Torbay Development Regulations (regulations are available on the Town of Torbay's website at www.torbay.ca).
2. A legal survey and property description of the subject property is required showing the access easement.
3. Access to the site shall be through an access easement that is being granted by the Department of Transportations and Works.
4. A Complete site plan showing the proposed layout of the site to reflect the requirements relative to buffer and slope restrictions contained in the Mineral Workings Regulations and the Municipal Plan is required.
5. An annual quarry permit fee in the amount of \$1000.00 is required as per the current Tax and Fee structure and must be paid prior to final approval.
6. This approval is subject to an approval of the proposed quarry by the Department of Natural Resources.
7. All items listed in the Towns Mineral working conditions Revision 5 shall apply to the approval (copy attached for your reference).
8. The applicant shall provide a Storm Water Management Plan (SWMP) for the quarry that achieves zero net run off. This plan will be reviewed and approved by the Town's Consulting Engineer prior to final approval being granted.

1288 Torbay Road P.O. Box 1160 Torbay, NL A1K 1K4

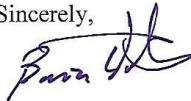
t. 709-437-6532 f. 709-437-1309 e. info@torbay.ca

9. There shall be no excessive storage of equipment on the site; all equipment on site shall be operational.
10. There shall be no structures constructed on the site.
11. As per item 19 in the Mineral Working Conditions "Failure to adhere to these requirements shall result in the Town revoking its approval of the operation and the issuing of a Stop Work Order on the property. Any work left uncompleted shall be completed by the Town and invoiced back to the quarry operator."
12. A review and written approval of all plans will be completed by the Town's Consulting Engineers prior to final approval being granted.
13. There shall be no construction activity on the site until all items above have been addressed and agreed to.
14. The applicant hereby acknowledges the receipt of this Approval in Principle letter, and agrees to comply with the conditions as contain therein. Failure to comply with said conditions will result in the Town's withdraw of the Development Permit. Please sign below to acknowledge the above.

You have the right to appeal this decision or any conditions thereto. The appeal and appeal fee of \$200.00 plus HST (\$230.00 total) must be submitted to the Secretary of the Appeal Board at the Department of Municipal Affairs, 1st Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, NF A1B 416, within 14 days of the day that you receive this decision. If the appeal and fee are not submitted within this time limit, your right to appeal is considered to be forfeited. You should note that any interested person also has the right to appeal the decision regarding your application within the 14 day appeal period.

This letter does not relieve the applicant from obtaining the necessary permits or approvals under any other regulation or statute prior to commencing the development.

Sincerely,



Brian Winter, CET
 Director of Planning and Development

Copy: Mayor C Scott
 D. Chaplin, CAO

 Applicant

 Date



CONDITIONS REQUIRED FOR MINERAL WORKING

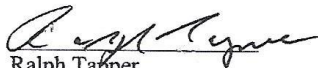
- 1) When a subordinate permit is issued, the Town shall be notified within 7 working days by the authority issuing the permit and a copy of the permit shall be provided to the Town.
- 2) After a subordinate permit is issued and the Town is notified, there shall be no blasting for at least 7 working days.
- 3) A pre-blast survey shall be completed on all structures within a 200 meter radius of the blast area. A copy of the entire pre-blast survey shall be provided to the Town prior to the blasting.
- 4) The permit holder shall hand deliver notices of proposed blasting operations to residents located within approximately 1 km radius of the quarry boundaries at least 2 days prior to blast. If the resident is not home, the notice is to be left at the residence in a manner that ensures it will be seen by that resident upon return. A complete list of properties contacted shall be provided to the Town.
- 5) The permit holder shall provide notification over local radio stations for two days leading up to the blast, and the day of the blast.
- 6) The permit holder shall provide written notification of the proposed blast to the Town of Torbay and Department of Natural Resources (Mineral Lands Division) a minimum of 5 days prior to the proposed blast.
- 7) The permit holder shall notify St. John's Airport Tower prior to blast.
- 8) Blasting is to occur between the hours of 12 Noon and 3:00 pm Monday to Saturday. No blasting is to occur on Sundays.
- 9) Should damage occur to a property or structure, the Town shall be notified immediately and a complete report on the damage shall be provided to the Town within 7 working days.
- 10) Dust control for access to site and the quarry itself shall be provided.
- 11) Work at the quarry site shall be limited to 7:00 am – 6:00 pm Monday to Saturday.
- 12) Trucking from the quarry sites shall be limited to 8:30 am - 6:00 pm Monday to Saturday.

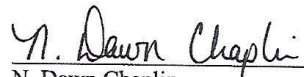
NDC
M

- 13) An undisturbed buffer strip shall be maintained at least 30 meters wide between the final perimeter of the quarry and the boundary of the lot on which it is located. In areas where a management unit or conservation area is identified, the buffer shall be increased to 60 meters.
- 14) The site may be required to be fully or partially enclosed by a fence designed and constructed to Council's specifications.
- 15) The peak particle velocity is to be less than 25 mm/sec at the closest point to any building, structure or utility structure. A minimum of three (3) self-triggering seismographs shall be maintained and operated on site to monitor all blasting operations. Proof of proper unit calibration shall be provided to the Town prior to any blasting operations proceeding. Seismic results shall be provided to the Town immediately following each blast. A summary of all seismic results shall be provided to the Town upon completion of all blasting operations.
- 16) No blasting shall be carried out that results in an air blast which exceeds 128 decibels within 7 meters of the nearest structure.
- 17) Rehabilitation of the site shall be an ongoing process. Final rehabilitation shall be completed as per Natural Resources requirements.
- 18) In addition to the above noted conditions, requirements from the Town's Development Regulations shall also apply.
- 19) Failure to adhere to these requirements shall result in the Town revoking its approval of the operation and the issuing of a Stop Work Order on the property. Any work left uncompleted shall be completed by the Town and invoiced back to the quarry operator.

These conditions for mineral working in the Town of Torbay are adopted by Resolution of Council, this 4th day of July, 2016.

Resolution No. # 266-16.


Ralph Tapper
Mayor


N. Dawn Chaplin
Chief Administrative Officer / Town Clerk

REVISION HISTORY:

Revision:	Author:	Change Made:	Date

Objections to Proposed Undertaking

An appeal was filed by the Bauline Line Local Residents Group to Regional Appeal Board after the Town of Torbay granted a conditional approval. The Regional Appeal Board concluded that condition #4 of 14 conditions, be revised, and that the Town's discretionary decision to approve the quarry, be upheld.

Schedule

Initial development of the Right of Way would commence in the fall of 2018, upon approval, in preparation for the excavation/ construction of the proposed site the following year.

Funding

All funding required will be supplied by Paul Quigley and/or Northeast Aggregate Ltd.

Environmental Safe Guards

A 30m tree screen will be designated on the western and southern side as to minimize erosion, water run off, as well as obscure any view from the Bauline Line. The tree screen will also help with noise reduction from equipment and blasting.

Actual quarry operations will be on the east side of the hill, behind the tree screen, and **not** visible from Bauline Line or to the local residents.

A water retention area will be installed to ensure 0 net run off and will be signed off by the Town of Torbay's engineering consultant. Water will be diverted away from adjacent wetlands.

Earth berms will be constructed on slopes to minimize soil erosion and water run off.

Calcium will be used on the access road to control dust and/or fine debris.

Spill kits will be on site at all times.

Wood cutting permits will be obtained from Department of Forestry.

Petroleum products will not be stored on site.

Equipment will have appropriate emission controls, inspected regularly, and maintained to minimize noise.

Main source of pollutants during the process will be emissions from equipment, hydrocarbons, air/noise pollution and possible petroleum leaks, which will be cleaned and disposed of immediately.

Potential domestic waste will be collected and disposed of as per Waste Management Regulations.

