

OCT 14 2020

COR/2020/03742

Reg. # 2096

Mr. Jamie Oldford  
Oldford's Sand & Gravel Ltd.  
53 Main Road  
Indian Bay, NL  
A0G 2V0  
[brandyjamieoldford@hotmail.com](mailto:brandyjamieoldford@hotmail.com)

Dear Mr. Oldford:

**Re: Indian Bay 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.

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- The Department of Fisheries, Forestry and Agriculture requires the following:
  - 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,
  - a minimum 30-metre undisturbed buffer along all waterbodies and wetlands that appear on a 1:50,000 topo map to protect sensitive riparian and aquatic species, and their habitat.

For further information, please contact the Wildlife Division at 709-637-2025.

- A brief Water Resources Management Plan must be prepared and submitted to the Water Resources Management Division for review and 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 operations, 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 for onsite drainage water or dewatering water to discharge into a natural water body, describe the measures that are to be deployed, such as the establishment of vegetative cover, filter strip or silt curtain to ensure the effluent or runoff meets the requirements of the Environmental Control Water and Sewage Regulations, 2003.

For further information, please contact the Water Resources Management Division at 709-729-1646, or via email at [leahburry@gov.nl.ca](mailto: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](mailto: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](mailto:EAProjectComments@gov.nl.ca).

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 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 Occupational Health and Safety Division of the Department of Digital Government and Service NL advises you to ensure that activities associated with a quarry operation, including those of contractors, are conducted in compliance with the Occupational Health and Safety Act and its Regulations. The Occupational Health and Safety Division further advises you to consider procedures regarding the protection of workers related to COVID-19. Procedures must follow the requirements set forth by the Chief Medical Officer of Health for the province of Newfoundland and Labrador.

The Department of Industry, Energy and Technology notes that you have applied for a quarry permit for the proposed site. Should issues or concerns arise that could be better addressed by having the site permitted under a quarry lease as per section 8(9) of the *Quarry Materials Act, 1998*, then the department reserves the discretion to make the determination that a quarry lease is required. For further information, please contact the Department of Industry, Energy and Technology at 709-729-5748.

The Department of Fisheries, Forestry and Agriculture advises that access to the site, as indicated in the submission, requires upgrading of an existing road. The existing road does not provide access to the quarry site, and needs approximately 1000 metres of new construction to reach the quarry site. You are required to submit an application for the road to the Gander Crown Lands Office.

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. However, as some species protected under the *Migratory Birds Convention Act (MBCA)* do nest outside of this time period, it is your responsibility to ensure that project activities are in compliance with the *MCBA* and associated regulations. Environment and Climate Change Canada notes that no high disturbance activities such as blasting should occur within one kilometre of an active Common Loon Nest during nesting season (May, June & July). For further information, please contact Environment and Climate Change Canada at 709-772-4221.

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->

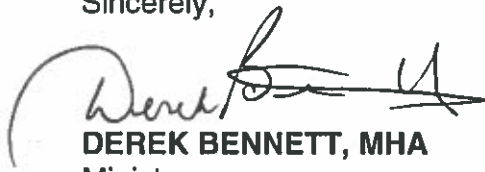
[mpo.gc.ca/pnw-ppe/index-eng.html](http://mpo.gc.ca/pnw-ppe/index-eng.html). For further information, please contact the Fisheries Protection Program at 709 - 772-4140.

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](mailto:joannesweeney@gov.nl.ca).

Sincerely,



**DEREK BENNETT, MHA**  
Minister  
District of Lewisporte – Twillingate

Enclosures

c: Hon. Derrick Bragg, MHA - Fogo Island-Cape Freels