

NOV 20 2020

COR/2020/04362

Reg. # 2101

Brandon MacDonald, President and CEO  
JCL Investments Inc.  
80 Hops Street  
Conception Bay South NL A1W 0E8  
skennedy@jclinc.ca

Dear Mr. MacDonald:

**Re: Round Pond (South) 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 quarry should be constructed using landscape design techniques that provide adequate tree screening and elevation parameters to which the project is not visible from the Trans-Canada Highway and Butter Pot Park. A viewshed management plan shall be submitted for my approval prior to the start of construction.
- Drilling, blasting and crushing activities in the quarry must not occur between May 1 and September 30 annually, due to the proximity of the quarry to Butter Pot Park.
- 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<sup>th</sup> and August 15<sup>th</sup> in this region. For further information, please contact Environment and Climate Change Canada at 709-772-2126.

- The Department of Fisheries, Forestry and Agriculture requires the following:
  - a minimum 30-metre undisturbed buffer must be maintained along all waterbodies and wetlands that appear on a 1:50,000 topographical 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.
- 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 the Environmental Assessment Division when each of the conditions of release has 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](mailto:EAProjectComments@gov.nl.ca).
- You are required to update the Environmental Assessment Division on the status of the project, including a copy of all permits, licences, certificates, approvals and other authorizations required for the project, within one year from the date of this release letter and to provide additional updates, if requested. Please email project updates to [EAProjectComments@gov.nl.ca](mailto:EAProjectComments@gov.nl.ca).

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

The Water Resources Management Division of my Department advises you to obtain permits for any work in a body of water (including wetland). You must apply for and obtain a water use licence under the Water Resources Act, for the use of water from any water source for any purpose. For further information, please contact the Water Resources Management Division at 709-729-1646.

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

The Local Governance and Land Use Planning Division of my Department advises that the undertaking is located within the Butterpot-Willess Bay Line Environs, an area defined under the Urban and Rural Planning Act, and has provincial Development Control Regulations. In accordance with the Butterpot-Willess Bay Line Environs Development Control Regulations, the quarry application is a discretionary use in the Rural zone, and requires public notification and an opportunity for public input into the development approval process. Development and building permits are required from Service NL. For further information, please contact the Local Governance and Land Use Planning Division at 709-729-3090.

The Forestry Division, Department of Fisheries, Forestry and Agriculture advises that a Commercial Cutting Permit is required prior to any harvesting or timber removal, and an Operating Permit is required prior to the start of any work during the forest fire season. The Crown Lands Division advises that a Licence to Occupy is required for a new portion of the access road or any improvements to the existing portion of road. For further information, please contact the Department of Fisheries, Forestry and Agriculture at 709-729-1140.

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 Newfoundland and Labrador (e.g. physical distancing, handwashing).

The Government Services Centre of the Department of Digital Government and Service NL advises that a development permit is required for the construction of an access road in a protected area, or for any access onto a protected road. The extent of land clearing and grubbing should be restricted such that naturally vegetated areas between the site and surrounding properties and thoroughfares are maintained. A tree screen of 30 metres is to be maintained between the highway right-of-way and this property. Any existing tree screen concealing the operation from public view is to be maintained. For further information, please call the Eastern Region Government Service Centre at 709-945-3109.

Environment and Climate Change Canada requests you provide a GIS file of the project boundaries and study area so that the project can be mapped. For further information, please contact the Canadian Wildlife Service at 709-772-4221.

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. For further information, please email [EAProjectComments@gov.nl.ca](mailto:EAProjectComments@gov.nl.ca).

If you have any questions, please contact Joanne Sweeney, Director (A), Environmental Assessment Division, at 709-729-0673 or [joannesweeney@gov.nl.ca](mailto:joannesweeney@gov.nl.ca).

Sincerely,



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

Enclosures

c: Hon. Helen Conway Ottenheimer, MHA  
Harbour Main