

MAR 23 2022

COR/2022/00648

Reg. #2182

Jim Brown, President
Mac-Court Holdings Inc.
P.O. Box 9068
Clareville, NL A5A 2C2
Email: J1contracting@nfld.net

Dear Jim Brown:

RE: Terra Nova Quarry Project

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.
- A Water Resources Management Plan shall 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 shall describe any potential of onsite drainage water or dewatering water to discharge into a natural water body, and the precautionary measures, such as vegetative cover, filter strip, silt curtain, etc. that will be implemented 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) 729-1229, or email mohammadkhayer@gov.nl.ca.
- The Water Resources Management Division of my Department requires that the quarry shall maintain a minimum 30-metre reservation from all waterbodies (including wetlands) that appear on the 1:50,000 scale National Topographical System maps or the topographic mapping layer shown in the Provincial Land Use Atlas. For further information, please contact the Water Resources Management Division at (709) 729-1229.

- The Department of Fisheries, Forestry and Agriculture requires the following:
 - There is to be no vegetation clearing (removal of trees) during the critical nesting and brood rearing period that runs from April 15 to August 15.
 - Any vegetation clearing is to occur outside 800 metres of bald eagle or osprey nests 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). The location of any raptor nest sites shall be reported to the Wildlife Division. Marten or Olive-sided flycatcher (or any species at risk) sightings should also be reported to the Wildlife Division (endenageredpsecies@gov.nl.ca). For more 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) demonstrating that the conditions have been fulfilled to EAProjectComments@gov.nl.ca.

- You are required to update the Environmental Assessment Division 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 advises you to consider developing a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event. Any spill or leak of gasoline or associated product is to be reported immediately to Service NL by calling the Environmental Emergencies Telephone Line at (709) 772-2083 or 1-800-563-9089. For more information, please contact the Pollution Prevention Division at (709) 729-5782.

The Department of Industry, Energy and Technology advises that a quarry permit will be required during the first year of operation and a quarry lease thereafter. For further information, please contact the Mines Branch, Department of Industry, Energy, and Technology, at (709) 729-5748.



The Department of Fisheries, Forestry and Agriculture advises that an active farm, agriculture properties and an Agricultural Development Area are located less than one kilometre away from this proposed quarry. Quarry operations are not to interfere or overlap with the agriculture properties and production in these areas. For further information, please contact Fisheries, Forestry and Agriculture at (709) 637-2353.

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 associated with the protection of workers related to COVID-19.

The Government Services Centre of the Department of Digital Government and Service NL advises that 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. In addition, any existing tree screen concealing the operation from public view is to be maintained. For further information, please contact the Government Services Centre at (709) 729-0248.

The Local Governance and Land Use Planning Division of the Department of Municipal and Provincial Affairs advises that this project is located within the municipal planning area of Terra Nova. A permit is required from the Town before commencing any work on the site. Mineral Working is listed in the subject zone as a discretionary use and Council shall advertise and review all submissions before making a permitting decision. In addition, Mineral Workings shall maintain required separation distances and boundary buffer strips. For more information, please contact Local Governance and Land Use Planning Division at (709) 729-3090.

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 15th and August 15th in this region. However, as some species protected under the **Migratory Birds Convention Act** (MBCA) do nest outside of this period, it is your responsibility to ensure that project activities are in compliance with the MCBA and associated regulations. 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 shall comply with all relevant legislation and obtain all necessary permits and approvals. You are required to inform this Department of any 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. Failure to apply for an extension will result in the expiry of the Minister's decision, and your project will have to be registered again for environmental assessment, should you wish to proceed. For further information, please email EAProjectComments@gov.nl.ca. If you have any questions, please contact Joanne Sweeney, Director, Environmental Assessment Division, at (709) 729-0673 or joannesweeney@gov.nl.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bernard Davis", with a long horizontal line extending to the right.

HON. BERNARD DAVIS, MHA
District of Virginia Waters - Pleasantville
Minister

Enclosures

Cc: Lloyd Parrott, MHA, District of Terra Nova
Town of Terra Nova