



# ENVIRONMENTAL PREVIEW REPORT

**White Hill Pond JCL Quarry**

**Registration No. 2246**

**Submitted to:**

Minister of Environment and Climate Change

P.O. Box 8700

St. John's, NL A1B 4J6

Attention: Director of Environmental Assessment

**Prepared by:**

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Submitted on November 23, 2023



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## 1.0 NAME OF UNDERTAKING

White Hill Pond JCL Quarry

## 2.0 PROPONENT

### 2.1 Name of Corporate Body

JCL Investments Inc.

### 2.2 Address

80 Hops Street  
Conception Bay South, NL  
A1W 0E8

### 2.3 Chief Executive Officer

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## 3.0 THE UNDERTAKING

### 3.1 Nature of the Project

JCL Investments is seeking a new aggregate (rock and sand) quarry located in Conception Bay South, near JCL's office and Concrete Batch Plant, located at 80 Hops Street. The proposed quarry is 16.0 Ha, measuring approximately 620 meters x 260 meters. The purpose of this undertaking is to produce quality aggregates and concrete sand for use in various construction projects throughout the Avalon and surrounding regions. Site access will be obtained through Larch Grove Road off CBS Bypass, then the proposed Crown Land Application File 161256 providing access to the quarries in the White Hills areas, then through an access road along the set aside boundary access right of way of Butler's approved Quarry Application, to JCL Quarry. Permission to access the quarry through the access road and the quarry has been granted (but not required as it is a stipulation in the Department of Industry, Energy and Technology's quarry / lease permit for a 20m boundary access) which, along with utilizing existing established corridors within the other quarries, will allow us to access the proposed new development area. See Appendix A - Figure 1 for location and orientation of the access roads.

### 3.2 Purpose/Rationale

JCL Investments Inc. currently has an established office, Concrete Batch Plant, and Yard in the general vicinity of the quarry, at 80 Hops Street in Conception Bay South. The Concrete Operation is one of two (2) major concrete operations servicing the Avalon and surrounding regions with concrete and precast. A third concrete operation in the region is mainly for Weir's Construction's own use. For JCL's concrete operation to maintain a viable business it requires an aggregate source(s) in the adjacent vicinity. From the White Hill Pond JCL Quarry, raw insitu materials will be excavated, processed (crushed, screened, washed) to produce aggregates, concrete coarse and fine aggregates, rip rap, armour stone, etc. to be used or sold in ready mix concrete / products, and general construction uses in the local market.



### 3.3 Need for the Undertaking

For JCL Investments to have and maintain a viable, economical, competitive concrete operation in the Avalon region, the business requires multiple sources of rock and granular materials to produce the aggregate for the concrete operation, and to service the construction industry. To do so, JCL has applied for 2 sources – White Hills Pond and Butter Pot -Round Pond. Both sources are required to provide security in aggregate availability, longevity in sources capable of producing rock, sand, and the required other materials to service the Avalon market and Industry.

NOTE: By comparison, the main concrete competitor has hundreds of hectares of potential aggregate sources under permit of which some are in use, some not developed, and some depleted.

The White Hills source has been a long-standing established area for high quality aggregates, and as such an ideal location to commence initial operations as described. The location can be developed relatively quickly and economically with all approvals. Based on the location of the JCL proposed quarry, and prior operations, the operation of the proposed quarry can be operational year-round if required, without seasonal restrictions. From previous quarrying operations, the White Hills raw material is a proven source for high quality concrete aggregates and would be the primary source for JCL's concrete operation.

The Butter Pot – Round Pond source is required as the secondary (back up) source, should White Hills not prove to materialize as predicted. Round Pond has not been proven as a reliable source yet, with only test pits completed sporadically throughout the area under current permit. While indications and the testing to date do show good potential, a tremendous amount of development is required for this location. To develop this location, construction of an approximate 2km access road would be initially required, the quarry location would need to be opened as no existing quarries in the general vicinity, due to the topography additional water management will be required, etc. The major restriction to the Round Pond quarry is the “no-work” between May to September annually due to the operation of Butter Pot Park. It is our



understanding, during this period there is to be no activities in the quarry that would impact the Park. This includes hauling of aggregates.

While Round Pond is in the infancy stages of development and permitting, JCL does wish to pursue the quarry as the rock is compatible with rock required to make concrete. The fine aggregate volumes in Round Pond are limited based on the current test pits, however the rock samples show great potential for aggregate source. When compared to White Hills, White Hills is an immediately available gravel source without signs of rock from test pits, other than naturally occurring cobble, the source is a proven source of fine aggregates. For JCL to be confident in the financial viability of its concrete operations in CBS, both sources will provide the security, availability, and economical sustainability of the business.

	White Hills	Round Pond
Expected Quarry Lifespan	30 years	20 years
Annual Production	40,000 m3	20,000 m3
Seasonal Operation	Potential Year round	Seasonal (September- May)
Materials Produced	Fine / course concrete aggregates, byproducts (armour rocks, silt, gravels, etc.)	Course concrete aggregates, Class A, Class B, rock fill, byproducts (armour rocks, rip rap, etc.)
Operational Differences	Primarily gravel with cobble	Surface fine materials, with rock underlay
Developmental Staging	Immediate, existing quarries and access in place	Potentially 2-year development due to access road construction and quarry development.



## 4.0 DESCRIPTION OF THE UNDERTAKING

### 4.1 Geographic Location / Physical Components / Existing Environment:

Quarry Coordinates: UTM: 22U 345786 E/ 5256713 N

Quarry size: 16 Ha. See Quarry Application in Appendix K – Project Related Documents

Quarry Overview and surrounding area: See Appendix A - Figure 1

The proposed undertaking is located 1.6 Km Southeast of the intersection of Peacekeeper's Way and Route 60 in Seal Cove, on the Avalon Peninsula, located in the Electoral District of Harbour Main. The proposed quarry site is in an area with multiple other approved quarries, areas of undeveloped forest and scrub exist.

The adjacent land to the proposed quarry is other approved quarries of similar usage. The White Hill Pond JCL Quarry falls within the Witless Bay Environs zoned as Rural with Conservation buffer just north and east of the project boundary. To the east, is undeveloped crown land; and to the North there are several approved quarry sites, as shown in Appendix A - Figure 1. The development of this location as a quarry will provide a sufficient supply of raw materials consistent with the production of appropriate coarse aggregates and concrete sand, in an area where similar quarry developments are currently in use and operating. While the quarry development will change the natural topography, the general use of the area for quarrying operations will be of the same nature as the others in the surrounding area.

### 4.2 Construction

The development of the proposed quarry area will occur in several phases starting within 30 days of receiving all the necessary permits. See Appendix A – Figure 2 Quarry Development Plan for the proposed operational quarry development. JCL provides the main activities to be completed



for the development. These activities will occur in parallel and in conjunction with the other related development aspects.

Initial Access:

- a. Upgrading approximately 600m trail at the end of Larch Grove Road.
- b. Construct a new 400m road from Larch Grove Road to Butler's access road. (Upon Crown Lands Approval) See Appendix A - Figure 1
- c. There will be a road right of way through the quarry to allow access to land south of the quarry. See Appendix A - Figure 2.
- d. As an alternate route, JCL has permission to use the existing access road from Route 60, crossing the bridge over Peacekeepers Way.

Quarry Area:

- a. Surveying of the proposed quarry boundaries. A 20m right of way will be maintained on the north boundary to provide access to other developments.
- b. Cutting / salvaging of the timber on the quarry footprint.
- c. Stripping of vegetation and organic material to be stockpiled on the outside boundaries of the quarry for future rehabilitation. The stockpiles will also serve as a boundary for the development.
- d. Setting up weight scales.
- e. Stockpiling of organic material (including topsoil and grubbing) for rehabilitation and development of laydown areas
- f. Construction of settling pond(s) and sediment control barriers to capture and control runoff and to be used/recycled in a washing operation. (if required)
- g. A 50 m buffer will be maintained adjacent to any waterbody, particularly White Hill Pond.



h. Phased development of quarry operations:

Excavation, drilling, and ripping (if rock encountered), crushing/screening, washing (if required), stockpiling and loading of quarry materials (rock, sand, and gravel).

i. Stockpiling of manufactured products.

j. Transportation of product to market, and to concrete operation in CBS.

Pending approval, site development is expected to commence within 30 days of receipt of the appropriate development permits (e.g., quarry, cutting permits).

Road Accesses:

Access to the proposed quarry will be through 2 access roads: Larch Groove Road, and Route 60 in CBS.

The Primary access road is shown on Appendix A - Figure 1. The current access road involves upgrades to approximately 600m of existing trail at the end of Larch Groove Road, and construction of approximately 400m of new road from Larch Grove Road to the existing access road on the east side of the existing road adjacent to the Mac Mix existing quarry. The access road would continue, heading south along a new access road to be constructed adjacent to the boundary between Butler's and Wier's existing quarry permits. This access provides JCL access to the proposed quarry area.

The Secondary access road is also shown on Appendix A Figure 1. The access leaves route 60 travels south along Granny Tilley's Road, through a small private property section (held by Jessie Ryan), accesses the bailey bridge access the CBS Bypass, travel on through the existing road in adjacent to the Mac Mix existing quarry. The access road would continue, heading south along a new access road to be constructed adjacent to the boundary between Butler's and Wier's existing quarry permits. This access provides JCL access to the proposed quarry area.

A request has been made for a road reservation (north south) and located somewhere across the middle of the proposed quarry. While JCL can accommodate the request, during the



development of the quarry, this access will not be built or maintained by JCL. It is understood that this reservation will form part of the quarry lease, but it is not the responsibility of or cause any impact to the operations of JCL. Appendix A, Figure 2 Quarry Development Plan shows the road reservation to the western side of the quarry development plan, as a requirement but is subject to change.

The proposed Larch Groove access to the JCL Quarry is in the approval process and dependent on this Environmental Preview Report. Route 60 access utilizes the existing roads adjacent to the current quarries, as well as a small section of privately held land. JCL has permission to use this small portion from the landowner, permission letter attached in Appendix H.

Adjacent to the buffer zone on the western end of the proposed quarry is a small pond, White Hill Pond. As previously noted, JCL will maintain a 50-metre buffer to the pond, in which no activities will occur. Based on our investigation of the quarry's location there are no other waterbodies or wetlands in the general vicinity of concern.

#### Construction Timing:

JCL filed an initial application for the proposed quarry in 2021, and has filed several iterations since that time, up to and including the current application from March 2023, attached in Appendix K – Project Related Documents. With Environmental Preview Report approval, and subsequent meetings with the various Departments, JCL are hopeful to commence construction in the spring of 2024 or 30 days after approval to proceed.

Upon approval, JCL will mobilize equipment (excavator(s), dozer(s), loader(s), harvester/mulcher, etc.) to the proposed quarry location to commence the development activities aforementioned in section 4.2 Construction. Initial development, road access, tree cutting, overburden removal, sediment pond construction, etc. is anticipated to take approximately 3 months but will be ongoing throughout the quarry's life. Due to the financial development costs, not all the work will be completed at start up, but rather will be ongoing and absorbed through the entire operation.



As shown in Appendix A – Figure 2 Quarry Development Plan, JCL will commence on the western side of the quarry property which is at the lowest elevation. The planned site phases of the quarry development, over the 30-year proposed life will follow the plans and life cycle sections shown in Appendix C – Quarry Development Plans & Sections. Figure 4 shows preliminary plans to develop the quarry year over year to provide additional stockpiling, layout, and operational area for the crushers / screeners, etc.

### 4.3 Operation and Maintenance

The project area will be regulated under the Quarry Materials Act, 1998 and the Mining Act, 1999. Operations will include, but not limited to, tree clearing with any merchantable timber salvaged for use as firewood, the removal of overburden material to expose raw materials. The raw materials will be excavated, should rock be encountered then drilling / ripping, crushing, screening, and washing as required to meet the specifications for the finish materials. The finished products will be stockpiled on site for future sale /use. Materials that are by-products of the manufacturing process will be used in the development of roads, access, and future rehabilitation of the quarry at the end of life.

As required for resale or in the concrete operation, the stockpiled aggregates will be loaded into various sizes of dump trucks for transportation to market, or our concrete operation at 80 Hops Street in Conception Bay South. Non-licensed dump trucks (e.g., rock trucks) may be used within the quarry development area for grubbing and overburden removal where larger quantities of material are present or where stockpiles are a longer distance from the crusher belts. The Anticipated production per year is approximately 40,000 m<sup>3</sup>, see Table 1 below to be produced year-round depending on concrete and aggregate sales. The primary season for operational work in the quarry will be April through December, with the winter months likely having adverse weather conditions that make quarry operations less favorable and uneconomical. The quarry will be open for sales of aggregates all year round as part of the business plan to make the concrete and aggregate operation economically viable. At the rate of ~40,000 m<sup>3</sup> per the life span



of the quarry is expected to last at least 30 years and maybe longer depending on the nature of materials encountered over the life of quarry. See Appendix C – Figure 2 - Section.

Table 1: ANTICIPATED ANNUAL PRODUCTION

Month	Approximate Production per Month (m3)
January	0
February	0
March	0
April	5000
May	5000
June	5000
July	5000
August	5000
September	5000
October	5000
November	5000
December	0
<b>Total Annual Production</b>	40,000 m3

This production rate will continue annually maintaining proper grades for drainage so that there are no pools of standing water in the quarry. Ditches will be installed to direct surface water into settlement ponds. This water will be reused in the washing stage of production. Sediment control barriers will be placed at strategic locations near the boundaries to minimize siltation of the surrounding area. The excavated bench/ face height in the quarry shall not exceed five meters and not be higher than can be reached safely with the equipment in use. As sections of the quarry have been exhausted, these areas will then be rehabilitated using the grubbing, topsoil, and waste materials left in the quarry.

As requested, there will be a corridor maintained through the rehabilitated area to access the rest of the quarry. This access will be fluid for the first few years of development as the access may require shifting to advance the quarry operation, until such time as the permanent



controlled corridor can be in place. JCL will control the access to this corridor to prevent public and unwanted visitors to the quarry that could pose safety concerns.

As shown in Appendix C – Figure 1 - Plan, all grubbing, overburden, topsoil (if encountered), and any waste by-products from the operations will be stockpiled on the quarry boundaries for reuse as part of the quarry rehabilitation. The current plan is to have no materials imported to the site at any time. This will reduce and eliminate any chances of invasive species being introduced into the area. See Appendix D - Reclamation Plans & Sections. Rehabilitation of the quarry will occur concurrently with development. As an area of the quarry is depleted of the material resource, the area will be sloped and reclaimed. Quarries are inspected regularly by the Department of Industry, Energy and Technology (DIET) Materials Compliance Officers to ensure compliance with the Quarry Materials Act, 1998 and Mining Act, 1999, and terms and conditions of the quarry permit/lease.

JCL is committed to exploring ways to mitigate any potential adverse effects on the environment, and local area, including Butter Pot Park. JCL will develop the quarry starting on the west side of the site, see Appendix A – Figure 2 - Quarry Development Plan, starting at an elevation of approximately EL 89m. The quarry development will progress southeast creating a natural slope to the south side of the quarry to serve as noise, and visual buffer shielding any potential disturbance towards Butter Pot Park. Butter Pot has a horizontal separation of approximately 4 km to the south of the quarry, for which operational sound will not carry to Butter Pot. See Appendix A - Figure 3 - Separation Distance - JCL Quarry to Butter Pot. In addition to the horizontal separation, there is a vertical separation in elevation that will vary depending on the development plan. Each year the quarry is in operation the quarry will be lowering the existing elevation, thereby increasing the southern slope, blocking and potential sounds from operations in the quarry.

Further to the JCL Quarry Development, the local area has been immersed in quarry and industrial operations for many decades with the operations held by Butler's Sand and Gravel,



Mac Mix, Weirs, and to the east operations by Newcrete, Capital, and Newco around the Black Mountain area, which are generally all within the 4 km horizontal separation distance.

## 5.0 ALTERNATIVES

JCL has reviewed the mapping, consulted with Mineral Lands Division of the Department of Industry, Energy and Technology on sources of potential concrete aggregates in the Eastern Avalon region. In addition, JCL has contacted the local operators of pits and quarries in the vicinity, but the outcome has not produced any viable sources. Much of the Eastern Avalon region is currently under permit from another competitor or is tied up under the permit process by the competition. JCL reviewed the option of initially purchasing the aggregates, but the majority of the pit/quarry operators are under a non-compete agreement with the other major concrete supplier.

With this knowledge, JCL secured the Butter Pot Round Pond area for potential use to have a source, but permitting and annual restrictions of no work from May to September proved the viability of Round Pond would not be the primary source for the Concrete Operation of JCL. The Round Pond source will supplement the Concrete Operation when the operation is up, running, and stable and can support the investment to develop the access road, quarry development, etc.

JCL continued to seek sources / partners for aggregates and worked on an agreement with Butler's Sand and Gravel in 2021 with Butler's existing permits in the White Hills area. The area had a long history of producing concrete aggregates and construction granular materials. JCL continues to work with Butler's on their current quarry permit / lease and through this relationship, JCL has been successful in finding the most viable solution for aggregates.

JCL expanded the area to seek another parcel of land for quarry development, the parcel for which this report is written. JCL has applied for and is working through the Environmental Preview Process, the applications for Quarry Permit / Lease, etc. to secure one of the only viable, known, and economical aggregate sources left on the Eastern Avalon.



As identified in the previous section – Road Accesses, the White Hills location is accessible by the new application for road access through Larch Groove Road, or the existing access through the bailey bridge to Route 60. There could potentially be other accesses but some piece of the existing access of Larch Groove would be incorporated into the new access. JCL has reviewed the access issue, and in our opinion, the best option is Larch Grove Road. JCL continues to follow up with the Government Departments on the approval of this access, which would lessen the traffic on the bailey bridge over Peacekeepers Way, allow traffic to a shorter route to Peacekeepers Way for deliveries through Lawrence Pond Road.

## 6.0 POTENTIAL ENVIRONMENTAL EFFECTS AND MITIGATION:

The White Hills area quarry operations have been ongoing for decades with extended duration, compliance with zoning in the Butter Pot Witless Bay Environs Development Control Regulations. Due to the location, the distance to Seal Cove / Lawrence Pond areas, the nature of the quarrying operations, we do not foresee any adverse environmental issues arising from these existing operations, or any environmental issues arising from the JCL proposed development. Like all quarrying operations, the potential sources of pollution from ongoing site activities include contamination from uncontrolled site drainage, dust, noise, air emissions and potential spills from the equipment on site.

Appropriate steps to mitigate these risks shall include:

1. All site equipment shall have appropriate manufacturer's emission control measures installed.
2. There will be on site spill prevention and clean up equipment and materials to address any potential hydrocarbon or lubricant spill immediately.
3. As required for JCL operations, watering, calcium chloride, or other dust suppression of the quarry road and access road to provide adequate dust control for quarry operations.
4. Crushing equipment shall be equipped with the appropriate dust control features.
5. Site drainage shall be controlled and managed as per the Water Management Plan.



6. Site access shall be restricted to authorized personnel only and not to the public, with the use of gates, berms, armour rocks, and signage.
7. Limited on-site fuel storage, only within the equipment storage tanks.
8. Noise levels shall be typical of current construction activities in the area. Due to the nature of the work, the berms and the elevations of the work compared to the surrounding topography, there will be a natural sound damping as the operations continue year over year.
9. Access to the site will be controlled using a combination of physical barriers and gates.
10. Litter shall be collected at regular intervals and transported to an approved solid waste disposal site. Waste containers will be onsite for JCL use only and be controlled by locking the containers. Wastage will be collected as required and sent to the local landfill.

JCL has identified in previous sections the main access roads for the proposed quarry location as Larch Groove Road, and through the existing access road over Peacekeepers way to Route 60. As previously noted, the best access for the area is through the Larch Groove Road to alleviate any potential damage issues with the existing bridge over Peacekeepers Way. While there will be some traffic using the bridge, it will be kept to a minimal and only used as a last resort / emergency case.

The nature of the quarry operation will have minimal interference with other legitimate land users / owners. As previously described the general area has been used for quarrying operations for decades without issue. With the introduction of the new access road through Larch Grove Road, there is potential for some interference with local farmers along the road, but the interference will be limited to that of the traffic on Larch Groove Road. Based on discussions with the local farmers, concerns were raised over dust control, which JCL will control with the use of watering / calcium chloride or other form of dust suppression when JCL is performing trucking activities. JCL plan to stay within the boundaries of the quarry, and with no immediate landowners adjacent to the quarry there will be no land vicinity / usage issues. There will be other



quarry operators adjacent to JCL, but at this stage, JCL has no information on their plans of operation or development.

### **Water Management Plan**

As previously identified, the closest waterbody to the proposed quarry is White Hill Pond which is located approximately 50m to the west of the proposed quarry's western boundary. The proposed site drains in a westerly direction towards White Hill Pond and to mitigate any environmental impact on this waterbody JCL shall implement the following:

1. A 50m wide buffer shall be maintained between the nearest quarry boundary and the White Hill Pond. Also, a 20m wide buffer within the quarry boundary shall be maintained as per the quarry lease requirement, thereby providing an approximate 70-meter boundary.
2. All drainage within the quarry shall be controlled via ditches, catchment / settling pond(s) and confined to the site for reuse in the aggregate washing operation. The catchment / settling pond(s) will be sized based on the water volumes witnessed while the operations are starting up and maturing over the years of continuing operation.
3. All water used within the quarrying operations shall be sourced from onsite storage and any resulting discharge shall be channeled back into onsite storage for further reuse. Should the containment of onsite water prove to be insufficient for aggregate washing and quarry operational use, an artesian well will be drilled as a water supply.
4. No contaminated water shall be discharged from the site and shall be stored on site in appropriate settling ponds for use and reuse.
5. JCL will have environmental materials (silt fence, spill boom, peat moss, etc.) on site available in case of an emergency event. These materials will be deployed to control and direct water into the catchment / settling pond(s).



6. Should the requirements of water for washing not be required, JCL will pump or direct excess through ditches with weirs, to the nearby vegetation to ensure dispersion. This is not anticipated but will be employed as required.
7. See Appendix A, Figure 2 Quarry Developmental Plan for initial environmental controls.
8. See Appendix F, Spill Response Plan for contingency plan details in the event of a project spill event.

As a requirement of the quarry development plan, a Visibility Management Plan is required to show the effects of the quarry location on the general topography. JCL has developed a Visibility Management Plan with key landscapes, including:

1. Butter Pot Provincial Park
2. Daniel's Road
3. Lawrence Pond Road
4. The Trans-Canada Highway

Find more information on these locations in Appendix G – Visibility Management Plan.

## 7.0 DECOMMISSIONING AND REHABILITATION:

### **Rehabilitation Plan**

As previously described, the proposed quarry will have grubbing, overburden, topsoil (if encountered), and silt from washing operations stockpiled on the quarry boundaries for rehabilitation. Rehabilitation is not anticipated until approximately year 7, when the quarry is sufficiently matured, with enough working area for stockpiles, laydown, etc. At this initial rehabilitation stage, the materials stockpiled on the boundaries of the quarry will be utilized in strict accordance with the applicable regulations set out in the Department of Industry, Energy



and Technology Quarry Permit. See Appendix D – Reclamation Plans & Sections for the plan and sectional views of rehabilitation.

In general rehabilitation shall include:

- Grading all side slopes to a 3(H): 1(V) using the original grubbing, overburden, and silt stripped from and stockpiled during the quarry operations.
- The working area floor be graded to prevent water ponding.
- All drainage ditches and storage ponds will be directed or redirected as required. Should sediment ponds need to be repositioned closer to the washing operation, the previously used ponds will be pumped and backfilled with onsite material and the area graded for positive containment of stormwater.
- Permanent physical barriers placed along the top slope to deter all access to the quarry, stop illegal dumping or eliminate the public from entering the area.
- Any topsoil and grubbing stockpiled from site will be placed back over the slope to promote vegetative growth after each stage of rehabilitation is completed.
- As much as possible, the materials from the site will be used for the rehabilitation to prevent importing other materials that may introduce invasive species to the area. At this stage JCL does not anticipate the requirement to import materials to complete the rehabilitation.

## 8.0 PROJECT RELATED DOCUMENTS:

As JCL are in the initial stages of the quarry development the quarry development documents only include the following found in Appendix K:

- MLD Quarry Permit /Lease Application,
- Application to Crown Lands for Larch Grove Road Access
- Payment for Crown Lands Application
- Letter of Access for Butler’s Sand & Gravel to use for access Quarry Permits
- Letter of Access from Jessie Ryan to use her land adjacent to the Granny Till Road,
- Environmental Assessment Registration Document (May 25, 2023)



- White Hills Pond JCL Quarry Registration Letter from Environment and Climate Change (May 25, 2023)
- White Hills Pond JCL Quarry (the Project) from Environment and Climate Office of the Minister, August 1, 2023
- Registration 2246 Government Screening Agency Comments – White Hills Pond JCL Quarry DIGITAL GOVERNMENT AND SERVICE NL – August 1, 2023
- DIET / MLD Requirements for quarry visibility management plans – August 1, 2023
- Occupational Health and Safety Division – Quarry Operations – August 1, 2023
- EA Bulletin announcement on Friday August 11, 2023, for the Appointment of Assessment Committee – email August 14, 2023
- Public Comment – Kelligrews Ecological Enhancement Program Letter to Minister June 28, 2023
- Letter from the Minister including Environmental Preview Report Guidelines for White Hills Pond JCL Quarry, September 27, 2023
- Announcement in Environmental Assessment Bulletin on 2246 – White Hill Pond JCL Quarry, September 29, 2023
- 71113132 Quarry Referral – Newfoundland Power Response Letter

## 9.0 PUBLIC INFORMATION MEETING:

On October 31, 2023, JCL received additional information from the Department of Environment (See Appendix I for the information received) requiring JCL to hold a public meeting prior to the submission of the EPR. JCL immediately commenced the planning for the Public Session, and scheduled the Meeting for November 16th, 2023, at 2:00pm – 4:00 pm at JCL's office at 80 Hops Street, CBS.

Enclosed in Appendix J is the advertisement posted for the Public Meeting, as well as the minutes taken at the meeting. Attending the meeting were 3 representatives from JCL, 1 representative from Government, and 10 others from the general community and concerned groups. JCL provided the attendees with information regarding the proposed area, access plans, work activities and rehabilitation of the area utilizing several maps for visual reference. Citizens raised concerns regarding increase in traffic volume, dust control, settling ponds and rehabilitation of vegetation. The concerns raised were addressed in the meeting and have been addressed in this EPR document.



## 10.0 APPROVAL OF THE UNDERTAKING:

- Based on JCL's current knowledge and understanding of the permits, approvals required for the JCL quarry undertaking, the following items are required from the various Departments: Quarry Lease Questionnaire, - Department of Industry, Energy and Technology,
- Initial Quarry Permit – Department of Industry, Energy and Technology,
- 5-Year Lease Permit - Department of Industry, Energy and Technology
- Development Permit – Butter Pot Witless Bay Line Environs Development – Department of Digital Government and Service NL,
- Minister's Environmental Release,
- Water Resources Management Plan – Department of Municipal Affairs and Environment,
- Larch Grove Road Access Approval – Crown Lands,
- Forestry Cutting Permit – Department of Fisheries, Forestry and Agriculture.



# APPENDICES

APPENDIX A

Figure 1: Overview of the Proposed Area

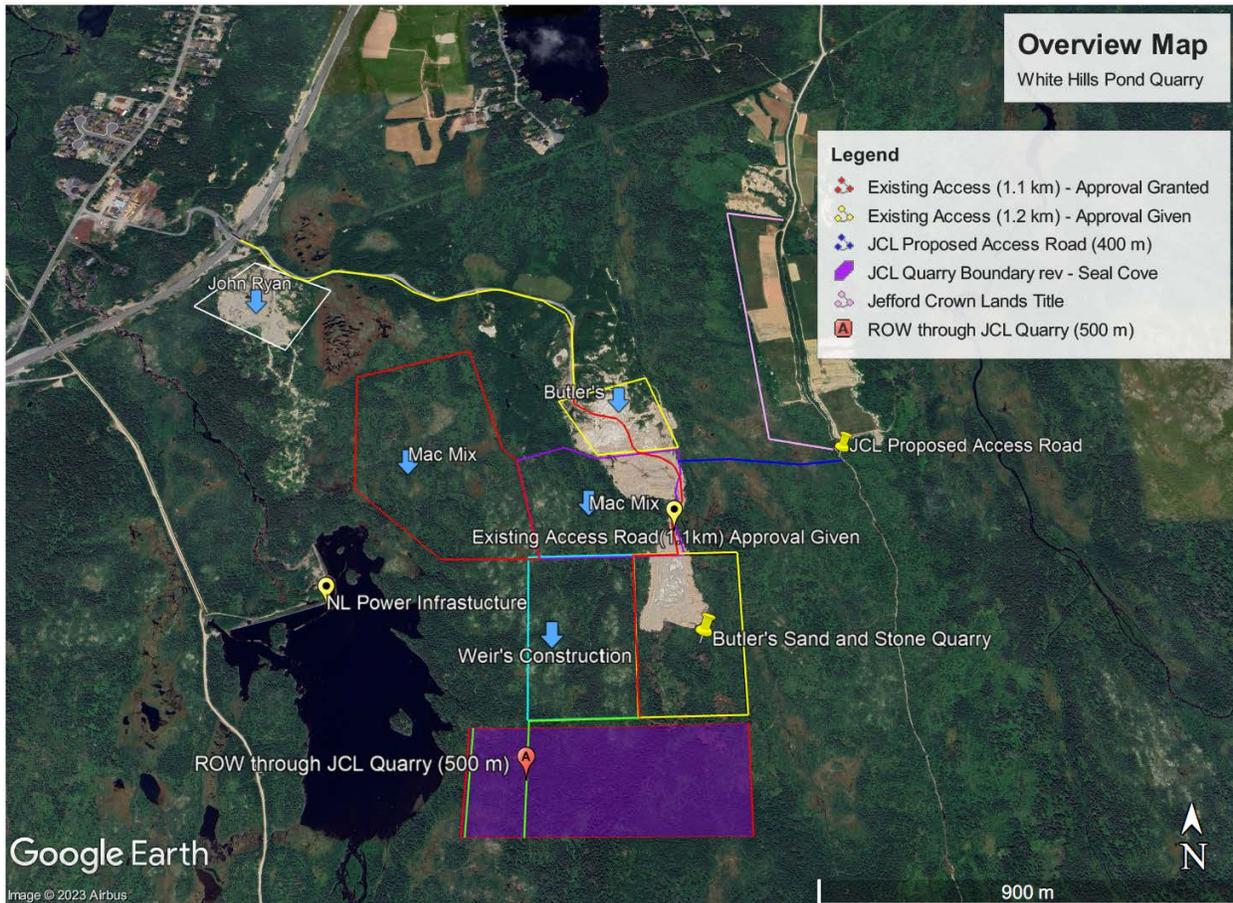




Figure 3: Separation Distance - JCL Quarry to Butter Pot Park

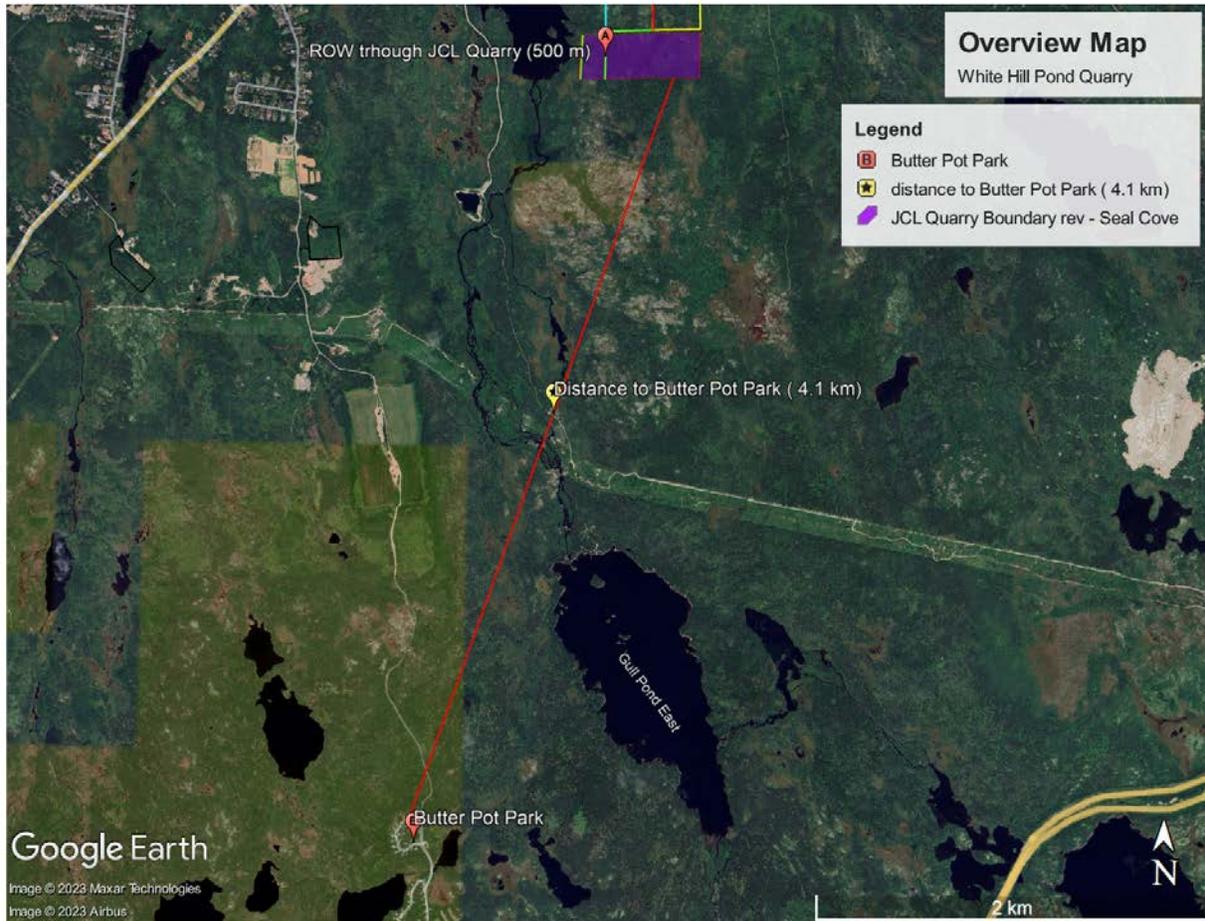
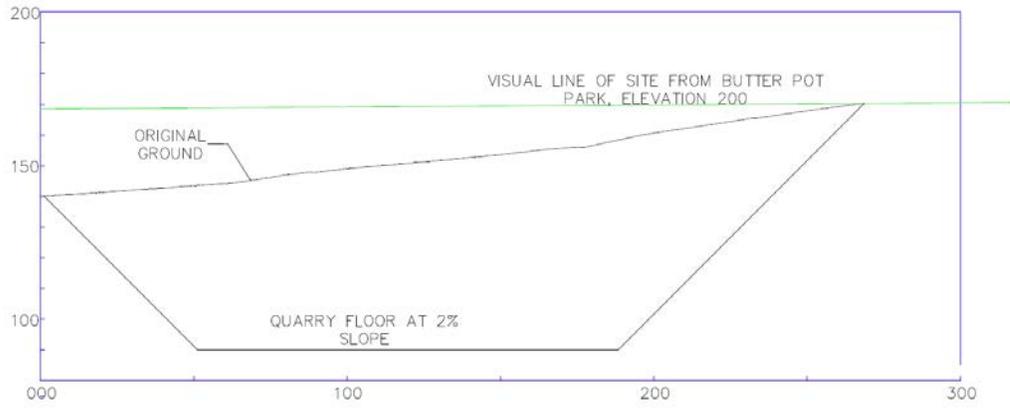


Figure 4: Quarry Cross Section View





## APPENDIX B

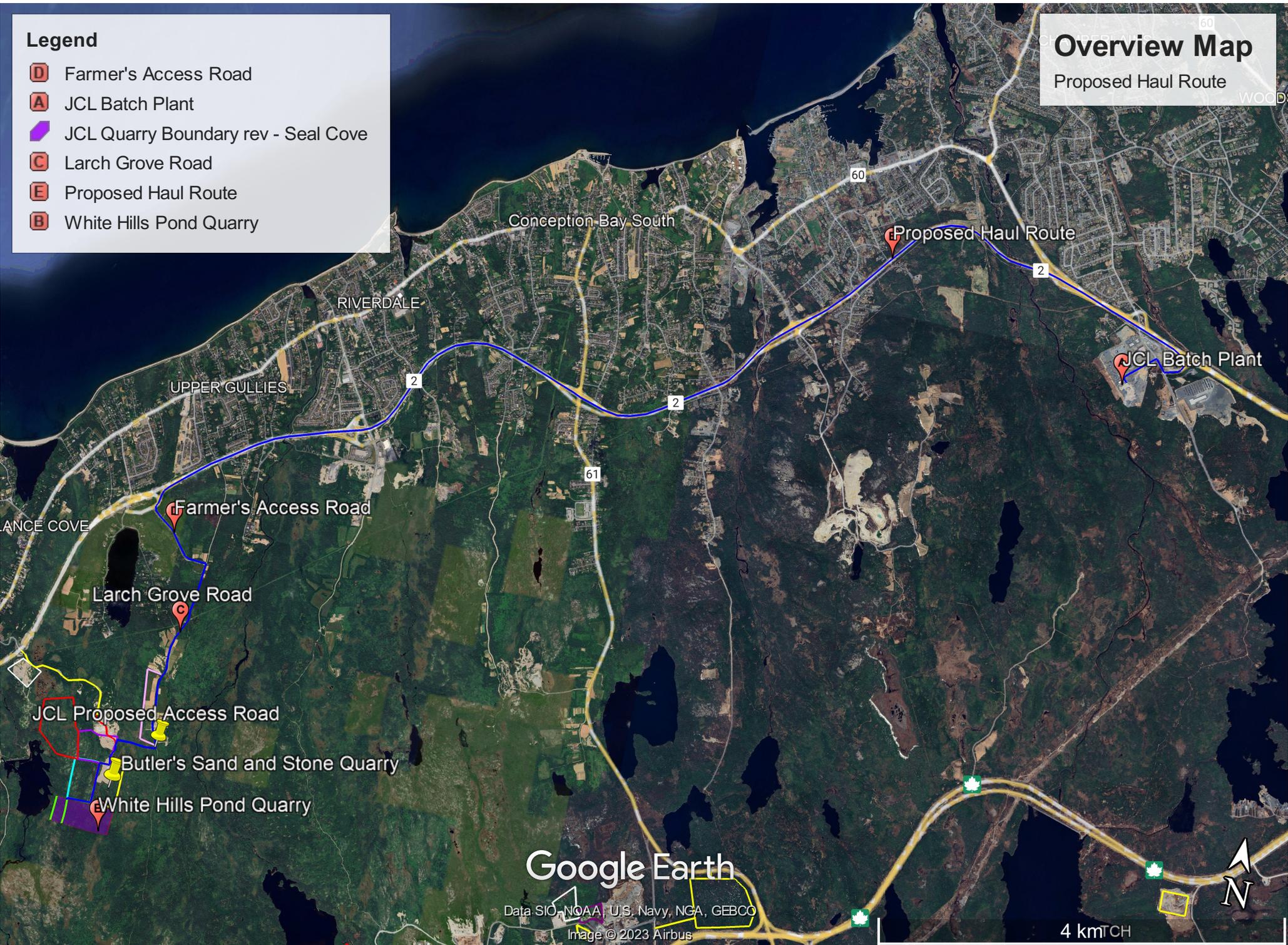
### Proposed Access Road

# Legend

- D** Farmer's Access Road
- A** JCL Batch Plant
- JCL Quarry Boundary rev - Seal Cove**
- C** Larch Grove Road
- E** Proposed Haul Route
- B** White Hills Pond Quarry

# Overview Map

Proposed Haul Route



Google Earth

Data SIO, NOAA, U.S. Navy, NGA, GEBCO

Image © 2023 Airbus

4 kmTCH



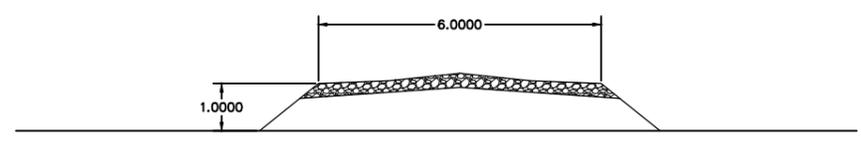
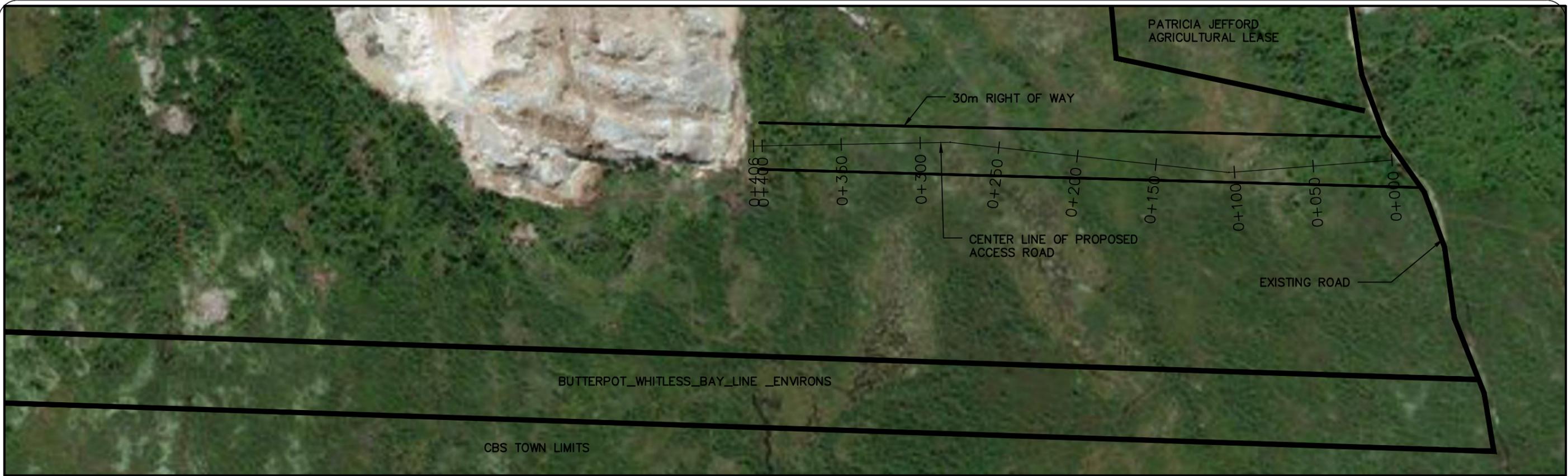
# Proposed Access Road

Plan and Profile

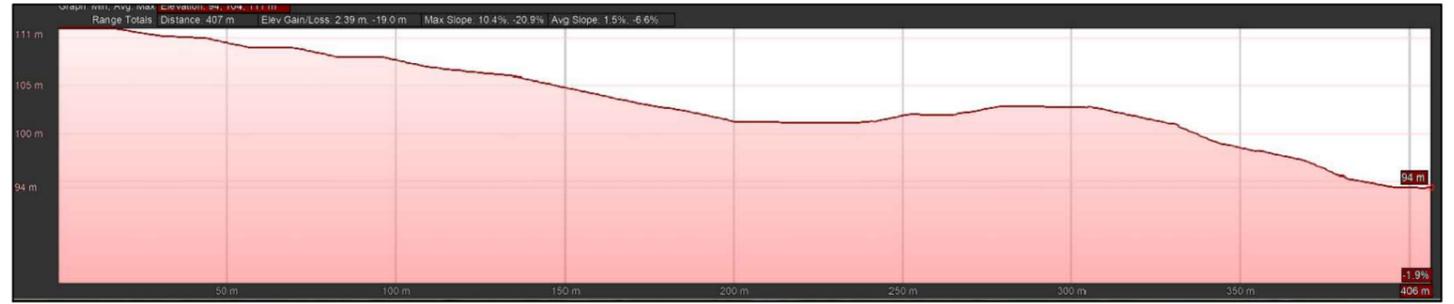
## Legend

- Butterpot\_Witless\_Bay\_Line\_Environs
- CBS/ St. John's Boundary
- Proposed Access Road
- ROW Boundary





TYPICAL ROAD CROSS SECTION



PROPOSED ACCESS ROAD PROFILE

NOTES :

XXXXXXXXXXXXXXXXXXXX

ENGINEERING STAMP/PERMIT :

\_\_\_\_\_

DRAWING TITLE :

**PROPOSED ACCESS ROAD PLAN AND PROFILE**

PROJECT :

**CROWN LANDS APPLICATION - PROPOSED ACCESS ROAD**

SCALE : NTS

PROJECT No. \_\_\_\_\_

DRAWING No. \_\_\_\_\_

REVISIONS :

NO.	DATE	DESCRIPTION	BY

APPROVED BY :	DATE :
CD	05/10/2023
CHECKED BY :	REV :
CD	0
DRAWN BY :	SHEET :
CD	C1



## APPENDIX C

### Quarry Development

- Figure 1 – Plan
- Figure 2 - Sections







## APPENDIX D

### Reclamation

- Figure 1 – Plan
- Figure 2 - Sections







## APPENDIX E

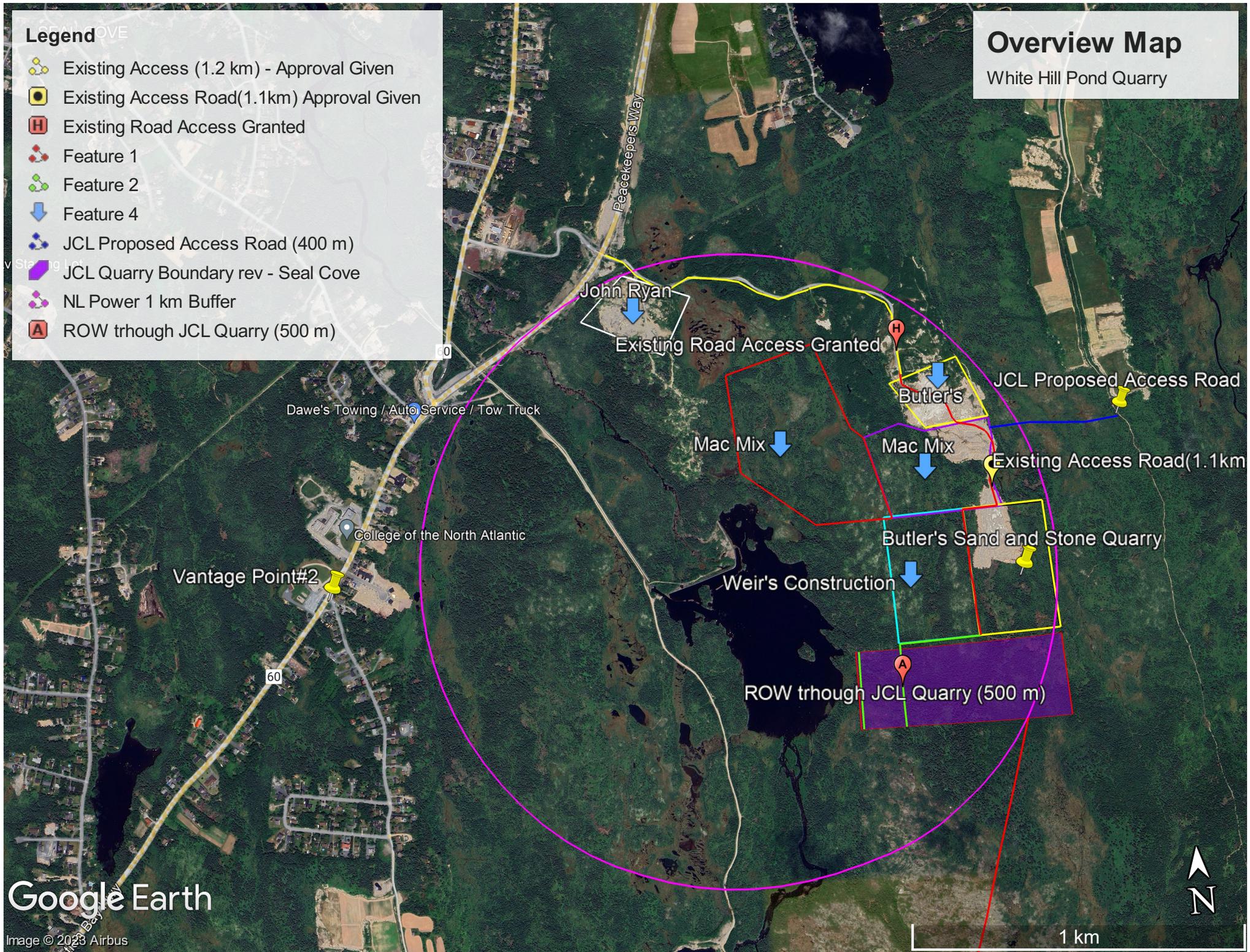
### NL Power Buffer

### Legend

- Existing Access (1.2 km) - Approval Given
- Existing Access Road(1.1km) Approval Given
- Existing Road Access Granted
- Feature 1
- Feature 2
- Feature 4
- JCL Proposed Access Road (400 m)
- JCL Quarry Boundary rev - Seal Cove
- NL Power 1 km Buffer
- ROW through JCL Quarry (500 m)

### Overview Map

White Hill Pond Quarry





## APPENDIX F

### Spill Response Plan

SPILL RESPONSE

Plans and Procedures



JCL Investments Inc.

Rev0.

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## 1. Purpose

This Spill Response Plan has been developed to address accidents and unplanned incidents. This plan will be modified as required throughout the life of the Quarry.

JCL supports preventive measures as the first line of defense against the possibility of accidents.

JCL has developed this Spill Response Plan (SRP) to lead and coordinate any field response to environmental incidents related to its activities, including any necessary third-party involvement (e.g., vacuum truck, environmental consultant, waste disposal). Site remediation, including any required professional consultants' reports, is part of JCL clean-up responsibilities.

In the event of any size spill or leak, JCL employees will promptly notify JCL's Environmental Manager (HSE Manager - Brittany Nickerson), and report the spill to the applicable government agencies, where required dependent on conditions, size of spill or contents of spill, etc.

JCL shall document all incidents on a Spill Report Form (SRF) and investigate as required or directed. Forms and reports are to be provided to the JCL personnel operating in the Quarry.

JCL shall have appropriately trained personnel on site. This SRP will be tested and/or reviewed in order to ensure appropriate responsiveness.

## 2. Legislation and Reporting

### Federal Legislation

**Under the Fisheries Act**, where there occurs a deposit of a deleterious substance in water frequented by fish, or a serious or imminent danger thereof, any person who owns the deleterious substance or causes the deposit shall report such occurrence. As well, any person responsible must as soon as possible, take all reasonable measures consistent with safety and with conservation of fish and fish habitat to prevent the deposit. A deleterious substance is given a broad definition and generally means any substance that, if added to water, would degrade or alter the quality of the water so that it is rendered deleterious to fish or fish habitat.

**The Canadian Environmental Protection Act** governs the reporting and remedial measures that must be implemented in the event of a release into the environment, or reasonable likelihood of a release into the environment, of a substance that is identified as a Toxic Substance.

**The Migratory Birds Convention Act** and its regulations make it an offense to deposit oil, oily waste or other substances harmful to migratory birds into water inhabited by migratory birds. This act is administered by the Canadian Wildlife Service of Environment Canada, and the Canadian Environmental Assessment Act.

## 3. Spills and/or Leaks

All spills will be reported to JCL and, **immediate** reporting to government is required for:

- A spill greater than 70 liters on land;
- A spill or leak on land, regardless of quantity, that has the potential to contaminate nearby property or enter a water body or sewer;
- A spill or leak in the water, regardless of quantity; or
- A spill or leak from a registered stationary storage tank as per the GAP regulations.

Unless otherwise agreed onsite, the person responsible for the spill must report the spill to government as soon as practicable, immediately from the time of occurrence. Reporting must be made to regulatory authorities via the Environmental Emergency Report Line at **(709) 772-2083** (collect calls accepted) or **1-800-563-9089**.

## **4. Recordable Spills and/or Leaks**

Spills not meeting the requirements for reporting to regulatory authorities, as outlined above, are considered recordable.

In the event of a recordable spill, the observer and/or the person responsible will ensure an effective response is carried out and that the incident is reported to their immediate supervisor as soon as possible. The supervisor will promptly report the incident to the JCL Environmental Manager who will notify those required.

## **5. Spill Report Form**

The Spill Report Form (SRF) is designed to ensure consistent documentation of information related to a spill event, including the response and remediation efforts. The SRF may be used to communicate and/or distribute information to interested personnel, both internally and to government agencies.

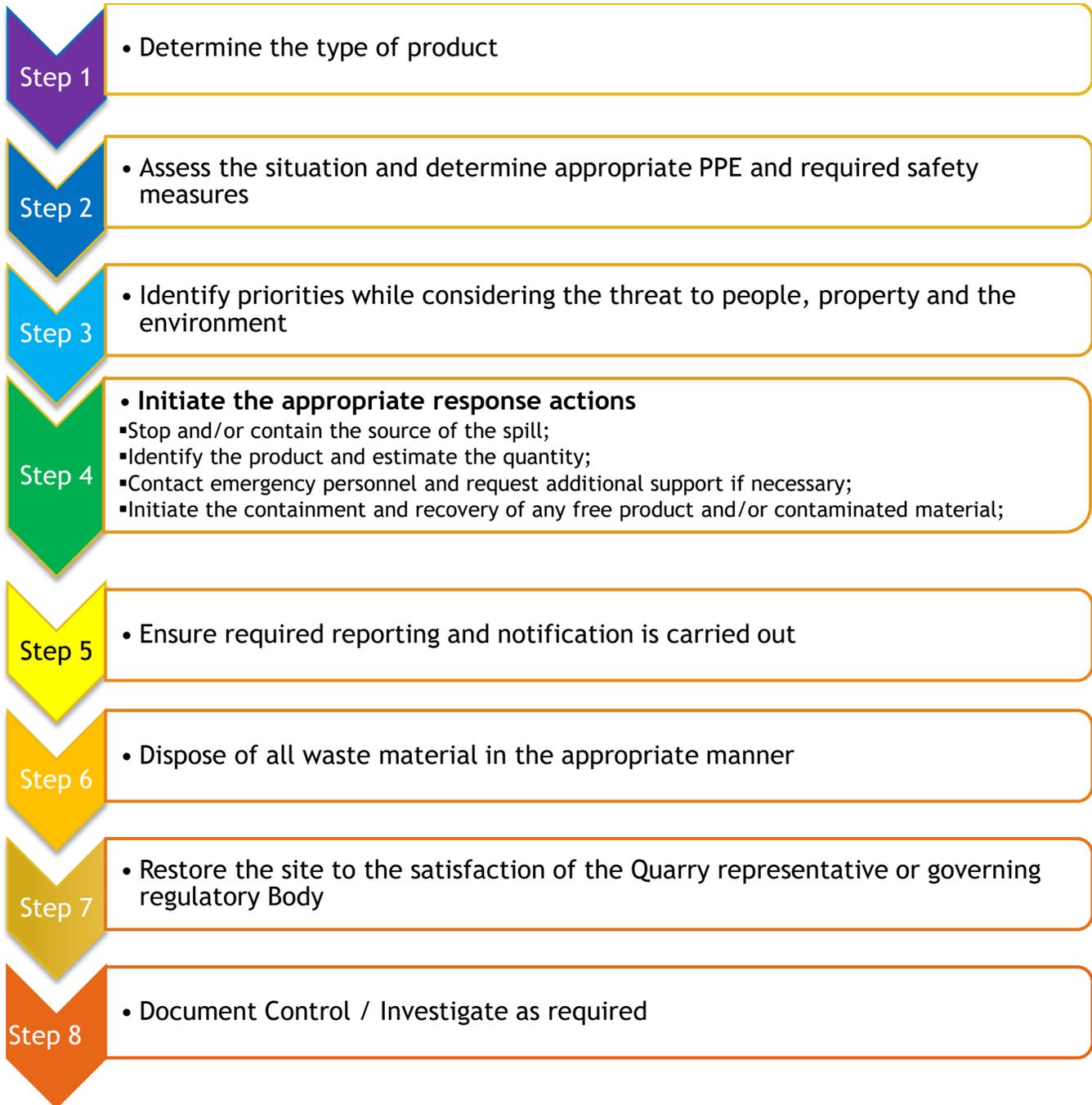
It is the responsibility of the Site Supervisor to ensure that all the information is passed along to the Environmental Manager who will then complete the SRF, including any follow-up or final information required for follow up versions of the report.

Initial, follow-up and final reports will be provided to those required, and any other appropriate responsible authorities as soon as they are available.

## **6. Training**

JCL personnel will be trained in spill response. Workers will receive basic spill response training focused on safe work practices, response techniques and general awareness of the requirements of the SRP. Additionally, JCL will, at all times, have personnel available that are capable of fulfilling the On Scene Commander role. Site Supervisors generally require a higher level of training and emergency response experience.

## 7. Spill Response Guide



## 8. Control, Containment and Clean-up Procedures

In spill response, time is of the essence - the actions taken in the first few hours, or even minutes, determine the extent of the impact. Even small spills can have disastrous results under the right circumstances. Safety will be the first consideration and the response will be planned accordingly. The following procedures shall be used for stable oil type spills only. Spills of hazardous materials may require different clean up techniques.

## 9. Spill Control

Controlling the spill means stopping the cause or source of product, or slowing down the rate of its release. The following measures are intended to provide general guidance for effective spill control. In the event of a spill, JCL staff will ensure that they:

- Immediately take control of the Situation.
- Identify type of spilled material via placards or other forms of identification on receptacles or otherwise.
- Wear the proper personal protective equipment (PPE). Some spill or leak Situations could involve substances that require specific PPE.
- Evaluate and implement evacuation of the immediate area if required.
- Stop the source of the spill or leak if possible and safe to do so. This may be achieved by turning off a valve, or turning a container upright, etc.
- Assess the direction and rate of flow of the spilled product. Local topography and permeability of the soil may influence the products behavior.
- Identify potential hazards and/or environmentally sensitive areas. Search for causes of ignition. Put out any flames or turn off any equipment that may be operating in the area. Sensitive areas should be protected, if possible (i.e., drinking water sources, private property, streams etc.),
- Initiate communication and notification procedures as required by the SRP. The sooner relevant personnel are identified the sooner assistance can be provided.

## 10. Spill Containment

Containment of a spill limits the extent of the impacted area and minimizes the potential for environmental damage and impact to other properties. All staff has a responsibility to ensure containment of the spill is undertaken immediately and it is effective to reduce further impacts and reduce potential costs. The following measures provide general guidance for effective spill containment:

- Identify points, locations or techniques to efficiently contain as much of the spilled material as possible. This may involve the use of locally available materials (i.e., soil or snow) or traditional emergency response materials (i.e., absorbent pads, booms).
- If the incident has occurred near any type of drainage system (i.e., floor drains, catch basins or ditches) take measures to prevent product from entering them.
- The occurrence of bedrock near the surface may allow the use of trenches, dug across the direction of flow, to quickly recover the spilled material.
- If the incident has occurred in a location with existing containment (e.g., a building or a dyed area), make sure all drains are closed and/or discharge systems are stopped.
- Surround the spill with absorbent booms or socks. Enclose the area of contamination. In many situations locally available materials (i.e., soil or snow) may also be used.

## 11. Spill Clean-up

Cleanup involves the removal of contaminated material (i.e., soil, water, snow, vegetation, etc.) and any free product from the affected area. The proper disposal of any waste materials is the final step in any cleanup. The Environmental Team representative will direct and ensure the clean-up is effective. The following guidance is provided for effective clean up:

- Place absorbent pads, pillows or rolls directly on the liquid. Scatter the absorbents in different areas to aid in the cleanup. Continue placing and replacing absorbents until the last drop of free product is absorbed.
- The recovery of free product may also be accomplished by using pumps or skimming devices, particularly if the volume of spilled product is large.
- As much free product as possible should be recovered from all absorbent materials prior to their final disposal.

- Any free product and contaminated material recovered may have to be temporarily stored on-
- in drums, heavy duty bags, tanks or other appropriate containers.
- Additional equipment and/or personnel may have to be mobilized to site. Specialized spill response teams or consultants may be engaged, at the expense of the responsible party, to assist or collect samples for analysis.
- All waste material will be disposed of in accordance with Regulatory requirements (i.e., approved waste disposal sites and/or special waste handling companies).
- Prior to permanently backfilling an impacted site, the responsible party must demonstrate that the impacted area has been remediated to the appropriate standard. Confirmatory sampling may be required depending on the nature of the incident and direction received from the regulator and/or a Quarry representative.

Excavating equipment, haul trucks, tank trucks, drums, pumps, and hoses will be requisitioned as required for the situation by the responsible party. Such equipment may be available locally from other contractors or from nearby communities. The requirement for additional personnel and/or equipment will be coordinated by the JCL On-Scene Commander

To mitigate environmental effects of fuel and hazardous material spills and leaks, JCL shall at all times maintain in good condition at least one spill kit dedicated to each piece of fuel-powered equipment. Each spill kit shall be located on the equipment and stored in a weather-proof container. Each spill kit shall have an absorption capacity of no less than 23 liters. In addition to equipment-dedicated spill kits, JCL shall at all times maintain in good condition spill response caches.

**All equipment will be outfitted with secondary containment such as spill pans when not in use or when parked at night.**

## 12. Disposal

All waste material will be disposed of in accordance with Regulatory requirements and JCL Waste Management Plan (WMP). Similar to other types of wastes outlined in the WMP, reasonable effort shall be made to reducing and segregating the amount of waste generated during a spill, provided that clean up and control is not compromised. JCL is responsible for proper temporary storage and disposal but may receive guidance from the Environmental Manager or other Quarry personnel. Where disposal requires special permission or regulatory approval, the Environmental Manager will liaise with government personnel and provide direction as required.

Any free product recovered will be disposed of via a special waste handling company with the appropriate approvals. In many areas of the province contaminated soil must be treated at a soil treatment facility prior to disposal.

Contaminated absorbent materials, oil filters and small amounts of contaminated soil will be temporarily stored on site in labeled, sealed containers. They will be transported to an appropriate waste disposal location. The barrels will be monitored by the staff to ensure containment is maintained.

## 13. Other Product Considerations

### 13.1 Glycol Spills and Leaks

Under current legislation, reporting of spills involving glycol to regulatory agencies is required. Glycol is considered a petroleum derivative and should therefore be treated as an *"associated product" under the Storage and Handling of Gasoline and Associated Products Regulations*.

When handling concentrated or dilute glycol, JCL staff should always refer to the MSDS for personal protection equipment to be used during clean-up.

The general control, containment and cleanup procedures described above are applicable. Note that glycol mixtures contain varying amounts of water and absorbent materials designed for hydrocarbons will not be effective, as they repel water. Universal absorbent materials (normally grey or yellow rather than white) and rags are most effective. Universal absorbent materials absorb both product and water.

## 13.2 Battery Acid Spills and Leaks

The main component of batteries is sulphuric acid. Sulphuric acid is considered a highly corrosive material. When responding to a spill of battery acid the JCL shall ensure that personnel wear the appropriate personal protective equipment.

A spill or leak of sulphuric acid requires reporting to regulatory agencies. In the event of a sulphuric acid spill or leak, the observer should address the situation and report the incident to the supervisor. JCL will ensure the incident is documented (SRF) and information distributed appropriately. The information will then be reported to the Environmental Manager who will correspond with the appropriate government agencies.

Small spills of battery acid should be diluted with an excess of water (a minimum of twice the amount of acid spilled) and the residual neutralized with alkali such as soda ash, lime or baking soda. Alkali should be added until all the water and acid are absorbed. For larger spills, physically contain the spill and neutralize it with alkali. JCL will dispose of diluted and neutralized waste at an approved waste disposal site. The remaining battery shell can be recycled at a local recycling depot.

## 14. General Mitigations

The General Mitigations below are measures implemented throughout the Quarry to minimize the risk of hydrocarbon and hazardous material spills.

## 15. Environmental Concerns

A variety of equipment will be used on site during construction. Accidental spills and leaks of fuel and/or hazardous materials can potentially be harmful to human health and safety, vegetation, soil, surface water, groundwater, wildlife, aquatic organisms, historic resources and human health and safety.

A variety of fuels and potentially hazardous materials will be used during Quarry construction activities. Gasoline, diesel fuel, grease, motor oil and hydraulic fluids are all needed for equipment. Other potentially hazardous materials, which may be routinely used, include but are not limited to:

- Propane;
- Acetylene (i.e., welding);
- Antifreeze; and
- Cleaners and solvents.
- Joint Sealant
- Form Oil - Vegetable Oil

## 16. General Guidelines

- All equipment used during construction shall follow the Mitigations outlined in the EPP. In the case of an accidental event resulting from the use of equipment (e.g., a fuel spill), this SRP will be utilized;
- All equipment shall be regularly maintained and inspected. Hoses and connections on equipment located near water bodies shall be inspected routinely for leaks and drips. If problems are identified the equipment shall be taken out of service and repaired to prevent release of hydrocarbons into the environment;
- Drip pans shall be placed underneath pumps and generators. The drip pans shall be lined with absorbent material and shall have a cover to prevent water from entering. Absorbent material shall be kept at all sites where pumps and generators are in use;
- Spill kits shall accompany all pumps and generators at the site;
- Upon detection of a leak, the equipment (i.e., pump, generator, etc.) shall be shut down immediately and corrective action taken to repair the leak and clean up any contaminated soil and/or water.
- There will be no bulk fuel storage onsite. Fuel will be brought to site daily from a third-party petroleum contractor;
- Any soil contaminated by small leaks of fuel, oil or grease from equipment (including hydraulic hose ruptures and loss of fluid) shall be disposed of as per policies and guidelines. For larger leaks and spills a disposal plan shall be developed and submitted to regulators for approval;
- Used Oil will be brought back to Corner Brook and utilized in the Used Oil Boilers at head office.
- Material Safety Data Sheets (SDS) must be available on-site prior to receipt of any hazardous materials.



## APPENDIX G

### Visibility Management Plan



# Visibility Management Plan

White Hill Pond Quarry  
Registration 2246

JCL Investments Inc.

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## Introduction

JCL Investments Inc. is committed to completing the development of the White Hill Pond Quarry (the project) in a safe and environmentally responsible manner that will meet regulatory requirements, including development that reduces visibility in key landscapes, including the Trans Canada Highway and the Butterpot Provincial Park.

Viewshed (visibility) management is used in many different fields for both practical and aesthetic applications. It can play a significant role when planning quarries or access roads especially in recreation areas where views of beautiful landscapes are highly valued and protected with great passion. As part of the ongoing development and EA commitments JCL Investment Inc. (JCL) has analyzed viewsheds near the White Hill Pond area, along Route 2 (PeaceKeepers Way) and from Butterpot Park. We also explored how the development of the White Hill Pond Quarry would affect surrounding areas and how visible the project would be to key landscapes. We also introduce how JCL is planning on minimizing impacts to the viewshed and how we plan to develop the quarry to align with these goals by utilizing design requirements such as provision of visual screening (screening the site from adjacent lower density users) and buffers (provide visual buffers on all frontages that abut Peacekeepers Way, and Butterpot Park – Tree buffers)

## Purpose and Scope

JCL has developed this Visibility Management Plan to outline the required mitigation strategies for the project and to ensure they are fully implemented. The purpose of the Visibility Management Plan is to:

- Provide concise and clear instructions regarding how JCL will protect the viewscape of the area using the proper buffer and landscaping techniques to allow for limited visibility.
- Outline the mitigation strategies JCL is planning on using including buffers and screening
- Ensure that JCL develops the project in a way that will reduce the visibility of this project from the Key Landscapes

## Maintenance of the Plan

The JCL Visibility Plan will be Maintained by JCL Investments Inc. It is recognized that the plan is a living document that may evolve over time as new information, issues, and/ or mitigation measures are identified. The revision number is located in the header of every page. The latest revision of the visibility plan may be obtained from JCL Investments Inc.



## Project Description

### Site Description

The area shown in Fig 1.0 is the White Hill Pond landscape located in the Northeast Avalon of Newfoundland. Key features of the landscape include the Butterpot Park Provincial Park, south of the quarry location, as well as the Route 2, Peacekeepers Way, and Transmission Line. The area to be developed is a 16.3-hectare project area located approximately 1600 meters east of the Route 60/Peacekeepers Way intersection and the highest elevation within the boundary is 160 meters above sea level.

The main access to the site is a proposed route (Crown Lands Application # 161265) that is approximately 400m long, which is accessible from Larch Grove Road to the Northeast of White Hill Pond Quarry. The alternate access will be via an existing gravel road approximately 2 km long, from Route 60, through private land, and over an existing bridge that crosses Peacekeepers Way, which we have permission to use. (See letter attached)

## Development

The development of the proposed quarry area will occur in a number of phases:

- Access: Upgrading of existing gravel road from route 60, through Butler's to the project area. Approximately 500 meters of new access will be developed around Butler's Quarry Boundary to the project area. There is an alternate access proposed (pending Crown Land approval) from Larch Grove Road to the existing gravel road access road. See figure.....
- Quarry Area: stripping of vegetation and organic material- Trees will be harvested as directed by the Forestry Services Branch in the Department of Fisheries and Land Resources
- Stockpiling of organic material (including topsoil and grubbing) for rehabilitation and
- Phased development of quarry operations
- Excavation, crushing/screening, washing (if required), stockpiling and loading of quarry materials (rock, sand and gravel).
- Transportation of product to market



## Summary of Vantage Points

JCL has analysed how this development will be least visible to the public, including from Route 2 Peacekeepers Way and from within Butterpot Park. Viewshed analysis will show the vantage point from multiple areas, covering the key features within the area and represent the points most susceptible to visibility impacts. During this analysis, four vantage points were determined using line of site and interpreted to determine what amount of visibility the project will have on these points. The points cover a comprehensive area including heading Westbound and Eastbound on Peacekeepers Way from multiple locations and elevation, as well as the highest point in the Butterpot Provincial Park, to ensure the development impacts are minimized.

JCL then used this data to implement management and development strategies to limit or completely reduce visibility of this project from these described vantage points and implement visual screens as well as topographic and vegetation buffers in and around the development to prevent visibility to the key landscapes. Table 1.0 summaries locations, elevations and coordinates for said points.

## Mitigation Strategies to reduce Viewshed Impacts

To reduce visibility of the project, JCL will utilize existing tree screens and topography in multiple areas. In order to consider the vantage points successfully, it is important to understand what measures JCL will implement to make sure the project will meet the EA commitments. JCL has determined that these following mitigations will be implemented to manage visibility around the described project.

1. A 20-meter topographic non development buffer will be maintained throughout the lifespan of the quarry. This buffer was determined by analysing all four vantage points and put together to limit the visibility of these points and will be identified as the green outline in the mapping. A non-development buffer means that there will be no work done within this area and will remain fully treed.
2. Development will be done in the opposing direction of the key landscapes as an additional measure to prevent visibility.
3. Natural tree buffers will be in place along the quarry boundary to ensure areas where the topographic non development buffer is not protected and will be identified as the purple outline in the mapping.

4. Utilize access that is already established with expansion to the exact location to limit the amount of disturbance and keep the current viewscape as it. Outlined as Orange buffers (existing access) and new access (red).

JCL will summarize four vantage points to show that the measures discussed will protect the surrounding viewscape and be least visible to the public. The viewshed analysis was obtained through Google Earth and the green shaded areas on the below map (Figure 1) show what can be seen from each Vantage Point. This was used to determine what would potentially be visible and help outline mitigations that will be implemented.

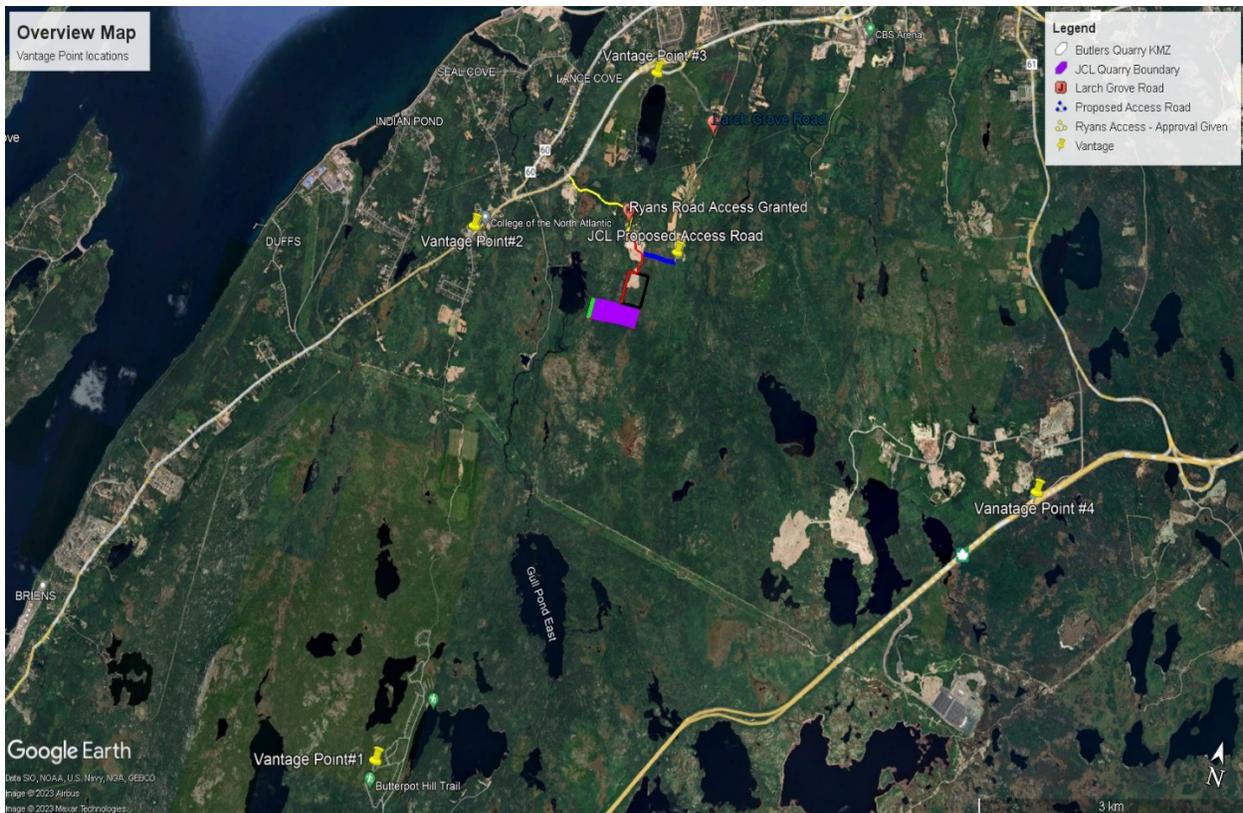


Figure 1: White Lake Pond Landscape Summary – All four vantagepoints are outlined.

Table 1: Summary of Vantage Points for Visibility management

Vantage Point	Location	Distance from Site	Elevations	Coordinates
#1	South of the Quarry, on top of Butter Pot Hill Trail	5.6 Km	200 m	47° 23' 43.09" N 53° 03' 45.87" W
#2	West of the Quarry, on Daniels Road	1.9 Km	58 m	47° 26' 56.39" N 53° 04' 19.03" W
#3	North of the Quarry, on Lawrence Pond Road	2.9 KM	40 m	47° 28' 15.37" N 53° 02' 58.93" W
#4	East of the Quarry, On the TCH near the Weight Scales	5.4 Km	168 m	47° 26' 21.15" N 52° 58' 28.10" W

Vantage Point #1

The below demonstrates the viewshed of Vantage Point #1. (Figures 1 & 2) This point is located within Butter Pot Provincial Park, at Butter Pot Hill Trail. This one is located on the highest point within Butter Pot Provincial Park, with an elevation of approximately 200 m, the highest of all vantage points. This area is dependent on local and out of province tourism which is why it is important to ensure that you are unable to see the described White Hills Pond development from this area. This vantage point is located 5.6 km from the proposed quarry. This area has the largest viewshed of all vantage points and was analysed using Google Earth Pro. The quarry location is indicated by the yellow arrow, which is located behind the mountains in the foreground. As you can see the quarry is not visible from Butter Pot Park.

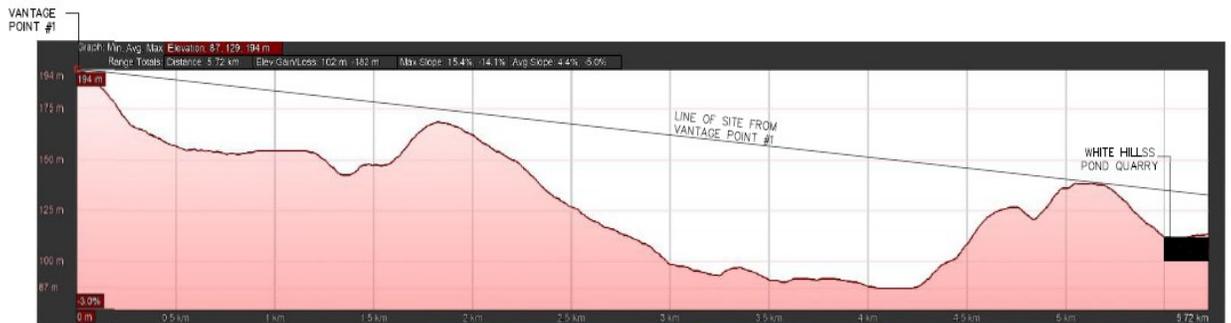


Figure 2: Line of site from Vantage Point #1

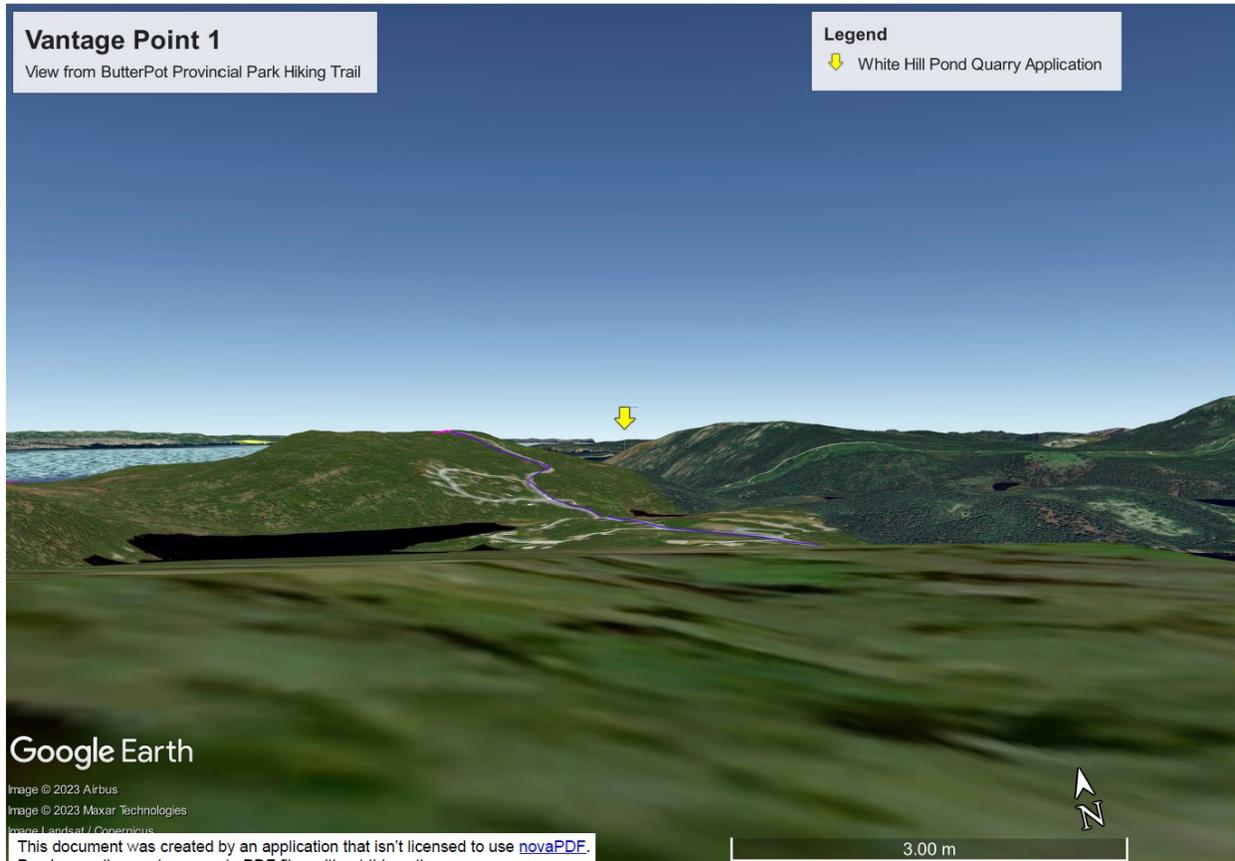


Figure3: Ground Level view for Vantage Point #1

### Vantage Point #2

Vantage Point #2 is also important point to consider. It is located approximately 1.9 kilometers from the quarry, at the intersection of Daniel’s Road, and the Conception Bay Highway. Figure 4 shows the ground level view of the quarry from the intersection, as if there wasn’t any natural tree buffer, or housing development in the area. It is important to note that the natural tree cover, and the housing development in the area contribute considerably to hiding the quarry from eyesight at many locations, as per the street level view in Figure 5. The viewshed that can be seen from the vantage point was collected from Google Earth and demonstrates that the Viewscape Buffer shields the development from this vantage point.



Figure 4: Line of sight from Vantage Point #2

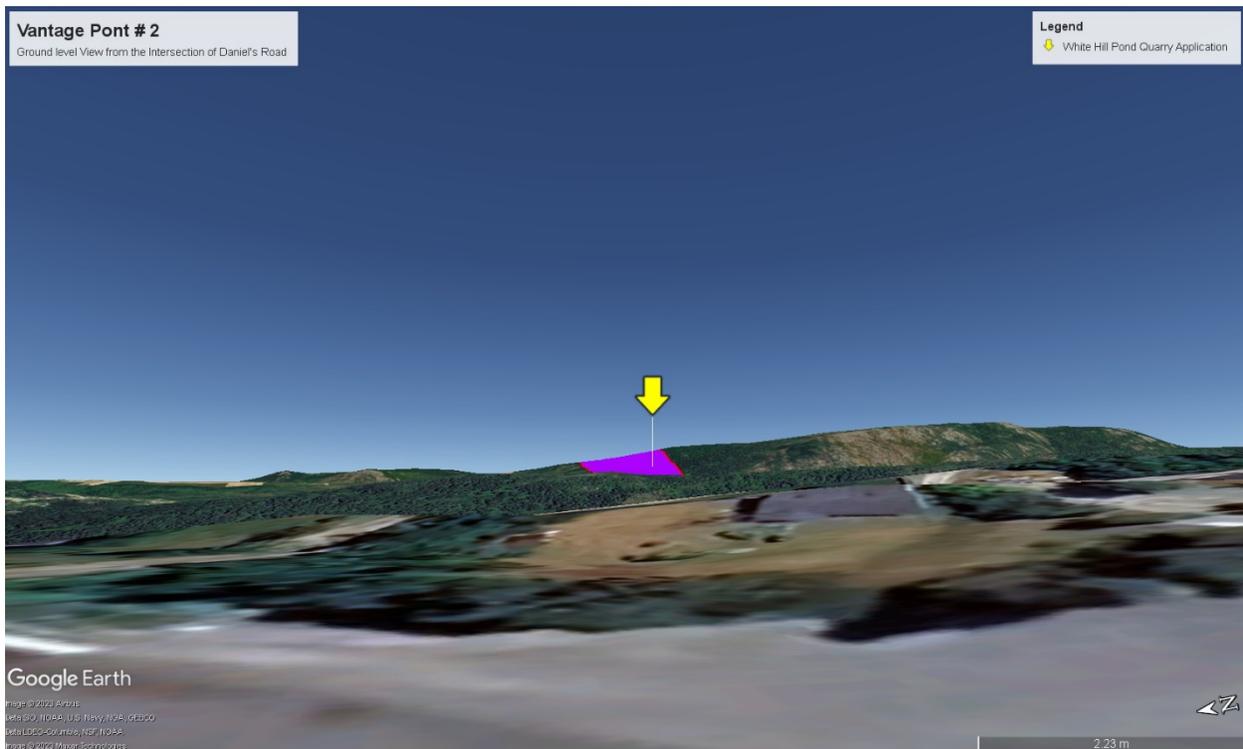


Figure 5: Ground Level view for Vantage Point #2



Figure 6: Street Level view for Vantage Point #2

### Vantage Point #3

Vantage Point #3 is located north of the project at the intersection of Lawrence Pond Road, looking south. This viewpoint is a very small window where the quarry would be visible to traveling public. The elevation of this point is at 40 m and as you can see in figure 6, the quarry boundaries are visible. Due to the topography of the area and JCL’s plan is to develop the site starting from the west side heading east. This would minimize the amount of exposure to the surrounding area. Figures 7 is the Google Street view which shows one of the existing quarries in the area.





Figure 9: Street view for Vantage Point #3

#### Vantage Point #4

Vantage Point #4 is located east of the project at the weight scales, near Soldiers Pond. This is heading Eastbound on the Trans Canada Highway approximately 5.4 km from the proposed development and the elevation of this point is at 168 m. The quarries shown in figure 8 are existing quarries owned by other companies, and JCL’s proposed quarry is not visible from this vantage point, which means there is no concerns for visibility and development. Google Street View shows the topography is comprised of forested areas along the ridge and grassy vegetation along the Trans Canada Highway as outlined in Figure 9.

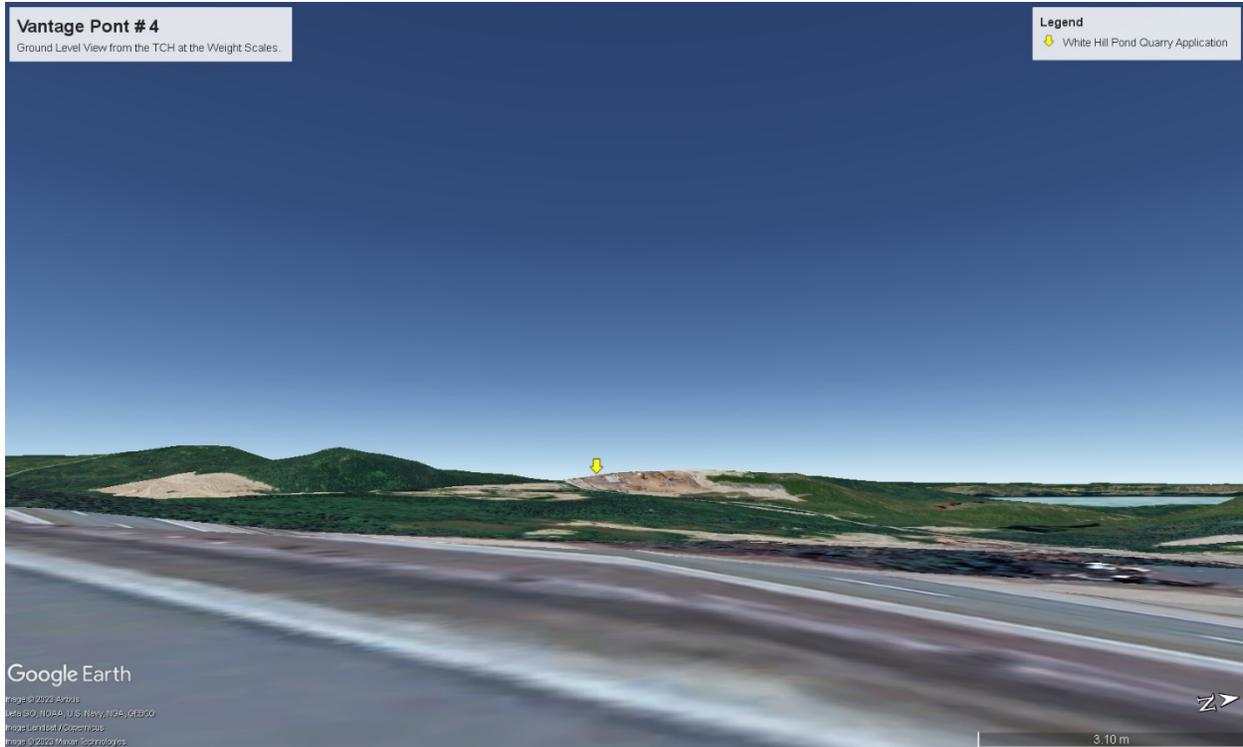


Figure 10: Ground Level view from Vantage Point #4



Figure 11: Vantage Point #4 – Street Level View

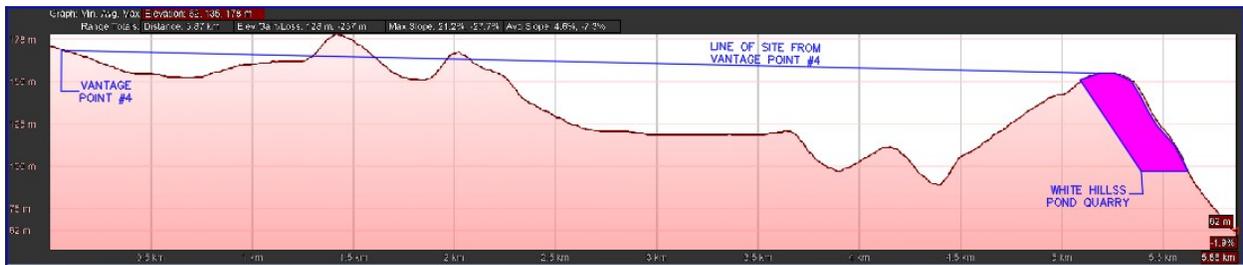


Figure 12: Vantage Point #4 – Line of sight



Summary:

JCL believes with these described measures in place, visibility from any one of these key vantage points will be protected from the public. Care will be taken when developing the quarry and the area will be developed at the eastern face within the protection buffers established at the northern, western and southern corners of the boundary. JCL is open to ongoing communication with the regulatory bodies to ensure all parties are happy with the development of the quarry and to allow for long term sustainable development in this area.

Contact:

Chris Dunne  
Survey Manager  
JCL Investments Inc.  
Email: [cdunne@jclinc.ca](mailto:cdunne@jclinc.ca)  
Phone: 709-639-2303



## APPENDIX H

### Access Permission Letter – Jessie Ryan

29 JUL 2021

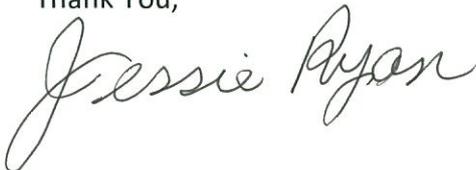
Attention: Gerald Kennedy

Manager, Quarry Materials  
Mineral Lands Division  
Department of Industry, Energy and Technology  
P: 709.729-6447 / C: 709.685.4506  
E: geraldkenedy@gov.nl.ca

RE: Approval to Access Quarry Application – Seal Cove, East of White Hills Quarry

I, Jessie Ryan of Conception Bay South, hereby give permission to JCL Investments Inc. to travel though Granny Till Road to access their potential Quarry.

Thank You,

A handwritten signature in cursive script that reads "Jessie Ryan". The signature is written in black ink and is positioned below the "Thank You," text.

Jessie Ryan  
P.O. Box 19023  
Conception Bay South, NL  
A1W 5C7



## APPENDIX I

October 31, 2023 Email – Response to JCL questions and advising of Public Meeting requirements

## Judy Farrell

---

**From:** EA Project Comments <EAProjectComments@gov.nl.ca>  
**Sent:** Tuesday, October 31, 2023 12:26 PM  
**To:** Judy Farrell  
**Cc:** Carter, Paul A.  
**Subject:** '[EXTERNAL]' EA Reply to JCL EPR Questions - 2246 White Hills Pond JCL Quarry  
**Attachments:** 2246 - Appendix A - EPR Guidelines 31 Oct 2023.DOC; 71113132 Quarry Referral - Newfoundland Power Responce Letter.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Judy,  
(JCL Investments Inc.)

In reply to your questions below:

(1) Do you require a paper copy? If so, can this be hand delivered or mailed?

Yes one paper copy and email an electronic copy (.pdf)

### **EPR Guidelines**

#### **Section 10. APPROVAL OF THE UNDERTAKING:**

You are required to submit one paper copy and an electronic version of the EPR, for posting to the Environmental Assessment website, together with a covering letter to the following address: Minister, Environment and Climate Change, PO Box 8700, St. John's, NL, A1B 4J6.

Both hand delivered or mailed options OK.

Send electronic copy (.pdf) to me and/or EAProjectComments@gov.nl.ca.

(2) After submission, how long should we expect to wait for the review process/comments from your group?

45 days for minister's decision.

Details included below.

See Environmental Assessment Regulations 2003

<https://www.assembly.nl.ca/Legislation/sr/Regulations/rc030054.htm>

### **Environmental preview report**

7. (1) Upon receipt of an environmental preview report the minister shall give that report to the committee for examination.

(2) The minister shall announce his or her receipt of an environmental preview report not more than 7 days after that receipt and shall make copies of the report available to interested members of the public.

(3) A person who wishes to make responses to or comments on an environmental preview report made available under subsection (2) shall submit those responses or comments to the minister, in writing, not more than 35 days after the announcement is made under that subsection.

(4) The committee shall make a recommendation to the minister indicating whether or not

(a) the environmental preview report is deficient;

(b) an environmental impact statement is required; or

(c) the undertaking may be released.

(5) Where the minister has a requirement under subsection 54(4) of the Act, he or she shall give notice of that requirement to the proponent not more than 45 days after he or she has received the environmental preview report.

(6) Subsections (1) to (4) apply to requirements of the minister under subsection 54(4) of the Act.

(7) Where, under subsection 54(5) of the Act, the minister determines that an environmental preview report complies with the Act and the guidelines and requires no further work, he or she shall, not more than 45 days after his or her receipt of an environmental preview report or an amended or revised environmental preview report that requires no further work advise the proponent, in writing, that an environmental impact statement is required or that the undertaking may be released.

(8) The minister shall announce his or her decision under subsection 54(5) of the Act not more than 10 days after advising the proponent under subsection (7).

See Environmental Assessment Regulations 2003

<https://www.assembly.nl.ca/Legislation/sr/Regulations/rc030054.htm>

Further Information:

(3) As discussed, please see Section 9 Public Information Meeting of the EPR Guidelines.  
See attachment Appendix A.

(4) Also, see attached NL Power Letter October 26, 2023.

If you have any questions, please contact the undersigned.

The Assessment Committee is available to review Draft EPOR if requested.

Regards,

Paul Carter  
Environmental Scientist  
Environmental Assessment Division  
Department of Environment and Climate Change  
Government of Newfoundland and Labrador  
4th Floor, West Block, Confederation Complex  
100 Prince Philip Drive  
P.O. Box 8700  
St. John's NL A1B 4J6  
Tel. (709)729-0188  
Email [PCarter@gov.nl.ca](mailto:PCarter@gov.nl.ca)

**From:** Judy Farrell <jfarrell@jclinc.ca>  
**Sent:** Monday, October 30, 2023 3:32 PM  
**To:** Carter, Paul A. <pcarter@gov.nl.ca>  
**Subject:** JCL Environmental Preview Report Questions  
**Importance:** High

Good Afternoon Paul,

We are currently working on the EPR and have a couple of questions:

1. Do you require a paper copy? If so, can this be hand delivered or mailed?
2. After submission, how long should we expect to wait for the review process/comments from your group?

Regards,

Judy Farrell  
*Document Control/Office Administrator*  
JCL Investments Inc.  
80 Hops Street  
CBS, NL A1W 0E8  
(709) 895-6695  
[jfarrell@jclinc.ca](mailto:jfarrell@jclinc.ca)



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**CAUTION :** This email originated from outside of the JCL Investments organization. Use caution and avoid clicking links or opening attachments unless you are expecting an email from the sender.  
**ATTENTION :** Cet e-mail provient de l'extérieur de l'organisation JCL Investments. Soyez prudent et évitez de cliquer sur des liens ou d'ouvrir des pièces jointes, sauf si vous attendez un e-mail de l'expéditeur.

You are required to notify the Minister and the public of the scheduled meeting **not fewer than 7 days** before that meeting. Public concerns shall be addressed in a separate section of the EPR.

Protocol for these public sessions will comply with Section 10 of the Environmental Assessment Regulations, 2003. Public notification specifications are outlined in Appendix A.

## APPENDIX A

### Public Notices

Under the provisions of the Environmental Assessment Regulations 2003, Section 10, and where the approved Guidelines require a public information session(s), the following specified public notification requirements must be met by the proponent prior to each meeting:

#### **PUBLIC NOTICE**

Public Information Session on the Proposed

*Name of undertaking*  
*Location of undertaking*

shall be held at  
*Date and Time*  
*Location*

This session shall be conducted by the proponent,  
*Proponent name and contact phone number or email address,*  
as part of the environmental assessment for this project.

The purpose of this session is to describe all aspects of the proposed project and the activities associated with it, and to provide an opportunity for interested persons to request information or state their concerns.

**ALL ARE WELCOME**

#### **MINIMUM INFORMATION CONTENT OF PUBLIC ADVERTISEMENT**

- Minimum newspaper ad size: 2 column widths. Minimum posted ad size: 7" x 5"
- Minimum newspaper ad coverage: Weekend preceding meeting and 3 consecutive days prior to meeting date; to be run in newspaper locally distributed within meeting area or newspaper with closest local distribution area.
- Minimum posted ad coverage: Local Town or City website (if permitted), proponent's web site (if applicable), and local community channel (if applicable), to be posted continually for 1 full week prior to meeting date.
- Proponent's web page, social media sites (optional).

WHENEVER. WHEREVER.  
We'll be there.



October 26, 2023

Government of Newfoundland and Labrador  
149 Smallwood Drive  
Mount Pearl, NL, A2A 4J6

To whom it may concern:

**Re: Application - 23 103800 JCL Investments  
Butterpot - Witless Bay Line Environs Development Control Regulations  
Off Granny Till Road, off Route 60 in Seal Cove.  
66,000-volt transmission line, White Hill Pond, Dam, Seal Cove Penstock and Water Quality**

The above-referenced by the application by JCL Investments – 23 103800 off the Conception Bay Bypass, near Seal Cove, CBS, causes concern for Newfoundland Power Inc. ("Newfoundland Power" or the "Company"). Newfoundland Power does not provide permission for any quarries within 1km of any dam structure. The list below outlines concerns, conditions and indemnities that Newfoundland Power Inc. seek in relation to any potential quarry leases in the one [1] km of the Seal Cove Newfoundland Power Facilities. Should any quarry site be approved, the Company will require strict adherence to the following conditions:

1. Blasting is not to be conducted within one [1] km of the hydroelectric facility including: hydro plant, penstock, hydro dam, intake, spillway, control outlet or 150 metres of the transmission line corridor.
2. Ground vibration or Peak Particle Velocity (PPV) are to be independently monitored and shall not be greater than 10mm/sec near ANY hydroelectric facility including: hydro plant, penstock, hydro dam, intake, spillway or control outlet.
3. If the Company determines that its facilities or operations are negatively impacted by the Applicant's operations, the Applicant shall compensate the Company and take all necessary steps to return the Company's operations to their prior operating status as specified by the Company.
4. All steps necessary shall be taken to prevent contamination in the watershed area, including preventative measures for erosion control and sedimentation control to ensure silt or other materials are not entering the tributaries, watercourse or pond. Water filtration and testing for water clarity and suspended sediment/silt shall be conducted at the Company's direction and/or at the Applicant's expense. If, in the Company's sole opinion, the area is contaminated, the Applicant shall be required to take all necessary steps to protect and remediate the watershed at Newfoundland Power's direction. The Applicant is not to create harm to the water system.
5. Dust levels from the road shall be monitored and water shall be used to alleviate particulate from impacting the pond, generating facilities and ecosystem. Pond is not to be used as a water source and is not to be accessed for any construction. Wells are not to be placed on any commercial sites within 1km of any pond.
6. Approval is conditional upon the inclusion of an indemnity clause saving the Company harmless against any claim for damages as a result of the Applicant's use (authorized or otherwise) of any watershed for which the Company holds a water use licence.

7. If quarry's filtration systems allow above-normal shutdowns of generating facilities, the Applicant is to compensate the company for purchased power costs and shall cease operations until remediation is complete.
8. Newfoundland Power will maintain a 66,000-volt critical infrastructure easement 15m wide [7.5m from the center wire] close to the site. Extreme caution is required when working near the Company's transmission lines, and all conditions stated under Section 498 of the Occupational Health and Safety Act shall be adhered to, including issuing of a permit by the Company for work carried out closer than 5.5 metres to any energized line.
9. Buildings, temporary or permanent structures are prohibited within any easement corridor. Should any structure be constructed within the corridor, it will be removed at the owners' expense. An obstruction on the transmission line right-of-way can interfere with the Company's ability to restore power in a timely way, and can threaten the safety of utility workers and the public.
10. Grading is not to take place on the transmission line easement and grading within the easement is not to change due to excavation on the adjacent property. Material is not to be stored or stacked on the transmission easement.
11. Changes within the transmission easement corridor are not approved without the prior express written consent of Newfoundland Power.
12. Newfoundland Power property in the area is not to be impacted or encroached upon.
13. The Company will not be responsible for damages caused by the use of the area and shall be indemnified and saved harmless from any actions or causes of actions occasioned by the use of that portion of our right-of-way by the applicant or others.
14. Newfoundland Power, as holder of the water use licences, is required to notify the minister of any problem that could threaten the structural stability of the hydro system or endanger the environment.

Newfoundland Power feels that operating a quarry, in such proximity to hydroelectric infrastructure has the potential to cause siltation issues that could adversely impact the water quality and potentially interfere with the operation of the dam, penstock and hydro plant. The Company shall be completely indemnified if such operations are responsible for causing environmental or operational problems for which Newfoundland Power may incorrectly be held responsible up to and including a dam breach. The Company recommends that the referenced applications be disallowed.

If you have any questions, please contact the undersigned at 737-5381.

Yours truly,



Byron Spencer  
Property Specialist



## APPENDIX J

Public Notice, Minutes of Meeting, Attendee Sign-In

# **PUBLIC NOTICE**

Public Information Session on the Proposed

*White Hills Pond JCL Quarry*

*White Hills Pond, Seal Cove, C.B.S.*

shall be held at

**80 Hops Street, CBS**

**November 16, 2023 • 2 - 4 PM**

*This session shall be conducted by the Proponent, JCL Investments Inc. as part of the environmental assessment for the Project. The purpose of this session is to describe all aspects of the proposed project and the activities associated with it, and to provide the opportunity for interested persons to request information or state their concerns.*

Those interested in attending are asked to pre-register by calling the office at 709-895-6695 or sending an email to [info@jclinc.ca](mailto:info@jclinc.ca)

**ALL ARE WELCOME**

# MEETING MINUTES

## PUBLIC MEETING

2246 White Hills Pond JCL Quarry  
80 Hops Street, CBS

---

Date: November 16, 2023

Time: 2:00 p.m. – 4:00 p.m.

Meeting called to order by: Darryl Gillingham, C.E.O. JCL Investments Inc.  
Chris Dunne, Survey Manager JCL Investments Inc.  
Judy Farrell, Office Administrator JCL Investments Inc.

Attendees: Please refer to attached Attendee Sign-In

---

## HOUSEKEEPING

Fire Exits, Muster Station and Washroom locations.

## PURPOSE OF MEETING

To explain JCL's interest in the Quarry Development at White Hills Pond:

- Why White Hills Pond - Proposed Area
- Access
- Plan of work activities and duration
- Rehabilitation
- Questions & Answers

### Introduction

JCL Employees and all meeting participants (See attached list of Attendees)

### Why White Hills Pond - Proposed Area

Darryl Gillingham explained that JCL's concrete operations as well as construction activities require sand, stone and different aggregates to operate and supply to customers.

Darryl explained the proposed area to be utilized with an Overview Map. The area is in close proximity to JCL's Concrete operation at 80 Hops Street in CBS.

## Access

Darryl explained that there are 2 potential access routes.

1. CBS Highway
2. Larch Grove Road

\*Residents in the area (Patricia & Clyde Jefford, Randy Scott) have concerns regarding the extension of Larch Grove Road

- Concerns - Increase in traffic volume
- Dust Control – Farmers fields (Vegetable and hay crops)

With respect to dust control, Darryl advised that water trucks would be onsite. JCL will reach out to the Department of Environment & Climate Change for other possible solutions including calcium / calcium chloride for dust suppression.

## Plan of work activities and duration

Darryl explained that JCL plans to do the work in stages, depending upon the type/quantity of materials sourced. JCL expects to utilize this quarry for up to 30 years. A buffer will be maintained around the land as required by Mines and Energy & NL Power.

\*Kelligrews Ecological Enhancement Program Representative - Karen Morris expressed concern regarding settling ponds and silt run off.

JCL will ensure that all requirements set out by the Government will be followed.

## Rehabilitation

Darryl explained that JCL plans to rehabilitate the land in stages as well. Utilizing as much materials from the site as possible to prevent importing other materials that may introduce invasive species to the area. At this stage JCL does not anticipate the requirement to import materials to complete the rehabilitation.

\*Kelligrews Ecological Enhancement Program Representative - Karen Morris would like to see tree seedlings planted.

Darryl advised that he could certainly look into this idea.

## Questions & Answers

1. Is there a requirement for drilling and blasting? NL Power representative Mike Brown

JCL has no intentions of drilling and blasting.

**MEETING ADJOURNED 3:23 P.M.**



# PUBLIC MEETING

## ATTENDEE SIGN IN

White Hills Pond JCL Quarry  
80 Hops Street, CBS

Thursday, November 16, 2023  
2:00 p.m. - 4:00 p.m.

NAME (Please Print)	COMPANY	TIME IN	TIME OUT
David B. Smith		1:47 PM	3:23
TOM KENDALL		1:51 PM	"
Daniel Barrett	Town of CBS	1:52 PM	"
Patricia & Clyde Jofford	Jofford's Farm.	1:52 PM	"
Randy Scott	Brad's Farm	1:53 PM	"
Paul Carter	Dept. Environment	1:55 PM	"
Karen Morris	Kelligrews Fedl. Enhanc. Program	1:56 PM	"
Brad Strong	KEEP	1:56 PM	"
Mike Brown	Newfoundland Power	1:56 PM	"
ALEX HAWCO	NEWFOUNDLAND POWER	1:56 PM	"

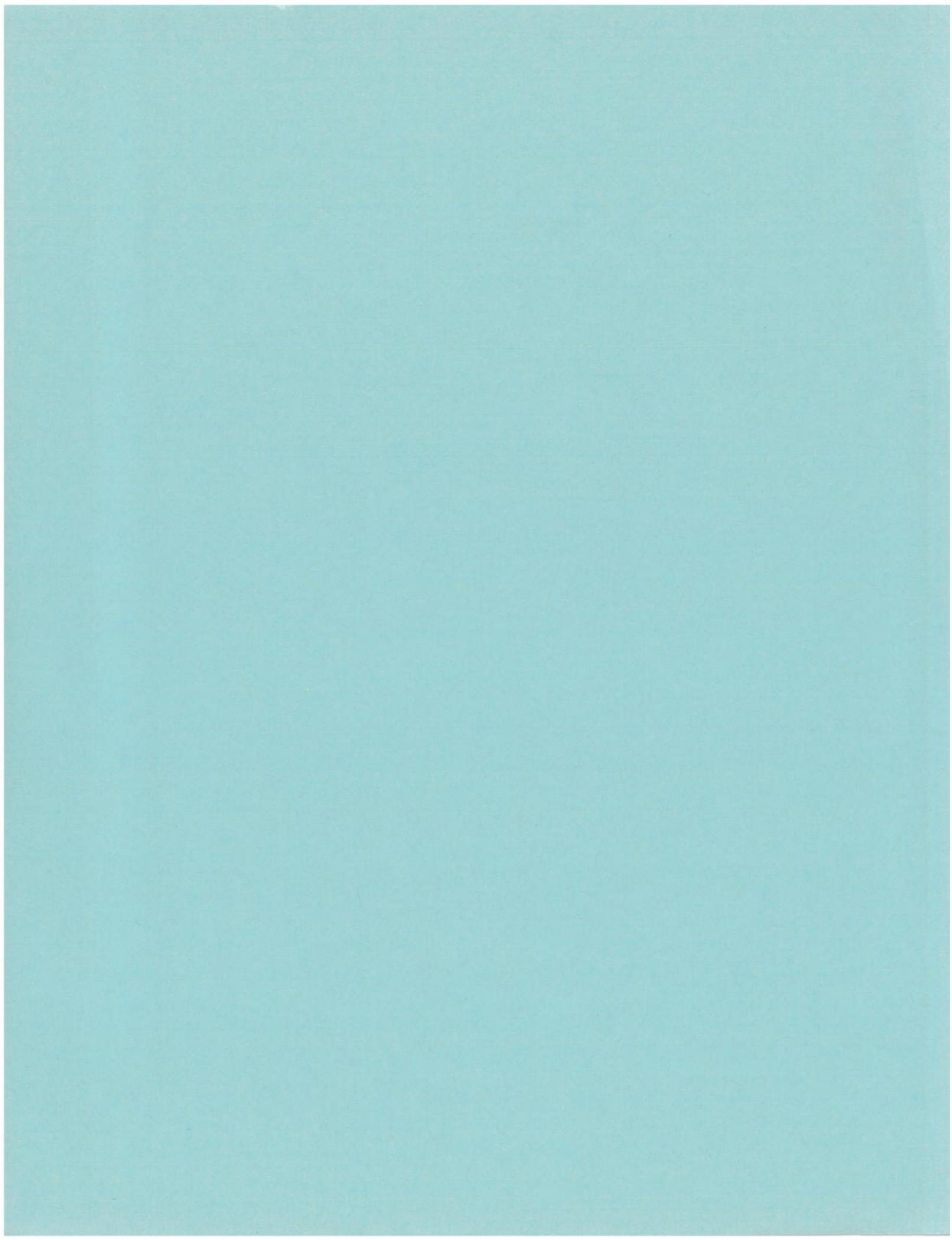


## APPENDIX K

### Project Related Documents

## Project Related Documents Listing

1. MLD Quarry Permit/Lease Application
2. Application to Crown Lands for Larch Grove Road Access
3. Receipt for Crown Lands Application
4. Letter of Access for Butler's Sand and Gravel to use for access Quarry Permits
5. Environmental Assessment Registration Document (May 25, 2023)
6. White Hills Pond JCL Quarry Registration Letter from Environment and Climate Change (May 25, 2023)
7. White Hills Pond JCL Quarry (the Project) from Environment and Climate Office of the Minister, August 1, 2023
8. Registration 2246 Government Screening Agency Comments – White Hills Pond JCL Quarry Digital Government and Service NL – August 1, 2023
9. DIET / MLD Requirements for quarry visibility management plans – August 1, 2023
10. Occupational Health and Safety Division – Quarry Operations – August 1, 2023
11. EA Bulletin announcement on Friday August 11, 2023, for the Appointment of Assessment Committee – email August 14, 2023
12. Public Comment – Kelligrews Ecological Enhancement Program Letter to Minister June 28, 2023
13. Letter from the Minister including Environmental Preview Report Guidelines for White Hills Pond JCL Quarry, September 27, 2023
14. Announcement in Environmental Assessment Bulletin on 2246 – White Hill Pond JCL Quarry, September 27, 2023
15. 71113132 Quarry Referral - Newfoundland Power Response Letter

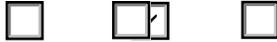


## QUARRY PERMIT/LEASE APPLICATION

Section A: Applicant Information	
Applicant: JCL Investments Inc.	
Address: 1 Massey Drive Access Road Corner Brook, NL A2H 6E6	Contact Person: Chris Dunne
	Phone Number: 709-639-2303
	E-mail Address: cdunne@jclinc.ca

Section B: Quarry Area Information															
What are you applying for: <table style="display: inline-table; vertical-align: middle;"> <tr> <td>Quarry Permit</td> <td><input checked="" type="checkbox"/></td> <td>1 year</td> </tr> <tr> <td>Quarry Lease</td> <td><input type="checkbox"/></td> <td>5 years</td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> <td>10 years</td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> <td>15 years</td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> <td>20 years</td> </tr> </table>	Quarry Permit	<input checked="" type="checkbox"/>	1 year	Quarry Lease	<input type="checkbox"/>	5 years		<input type="checkbox"/>	10 years		<input type="checkbox"/>	15 years		<input type="checkbox"/>	20 years
Quarry Permit	<input checked="" type="checkbox"/>	1 year													
Quarry Lease	<input type="checkbox"/>	5 years													
	<input type="checkbox"/>	10 years													
	<input type="checkbox"/>	15 years													
	<input type="checkbox"/>	20 years													
Location of proposed quarry (with reference to nearby landmarks such as road intersections, bridges, etc.):  Seal Cove, East of White Hills Pond															
Size of proposed quarry (in hectares): 16.00															
<p><b>*All applications must be accompanied by a digital boundary file (e.g., kmz, shapefile) outlining the proposed quarry area and access road.*</b> Follow the link below for instructions on how to use Google Earth Pro for creating a digital boundary file:</p> <p><a href="https://www.nr.gov.nl.ca/nr/pdf/MLD-Q-G-01.pdf">https://www.nr.gov.nl.ca/nr/pdf/MLD-Q-G-01.pdf</a></p>															
Name of digital boundary file: JCL Quarry Boundary rev - Seal Cove															

Section C: Land Ownership	
The proposed quarry is located on: <i>Please, select one or the other</i>	
Crown Land <input checked="" type="checkbox"/>	Privately Owned Land <input type="checkbox"/>
	Property Owner:
	Contact Person:
	Phone Number:
	E-mail Address:
	Land Title Information:(e.g., Grant, Lease) <i>*deed or title document required</i>



**Section D: Quarry materials and operation specifics**

**Removal of topsoil is not authorized under this permit.**

<b>Quarry materials to be extracted:</b> <i>Select all that apply</i>	
Sand	<input checked="" type="checkbox"/>
Gravel	<input checked="" type="checkbox"/>
Rock	<input checked="" type="checkbox"/>
Horticultural peat	<input type="checkbox"/>
Stockpiled material	<input type="checkbox"/>
Armour stone	<input type="checkbox"/>
Borrow material	<input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>
Other 1:	
Other 2:	
Other 3:	

<b>Quarry operations to occur:</b> <i>Select all that apply</i>	
Drilling & Blasting	<input type="checkbox"/>
Ripping	<input type="checkbox"/>
Crushing	<input checked="" type="checkbox"/>
Screening	<input checked="" type="checkbox"/>
Washing	<input type="checkbox"/>
Use of settling ponds	<input type="checkbox"/>
Pit run removal	<input checked="" type="checkbox"/>
Asphalt batch plant	<input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>
Other 1:	
Other 2:	

Additional notes/comments:

Where will this material be used (e.g., municipality, export, etc.)?  
Avalon Peninsula

What is the intended use for this material (e.g., backfill, winter sand, asphalt, concrete, etc.)?  
Aggregates for Concrete Operations on the Avalon

Section E: Potential Land Use Issues or Concerns	
<b>Site Visibility</b>	<p>Is the proposed area visible from nearby highways or main roads?            YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p><b>If yes,</b> you must clearly demonstrate how you will minimize the visibility of the site and operations (e.g., berm, operations sequencing, etc.). This information (e.g., photos, sketches, etc.) must be attached.</p>
<b>Existing Disturbances</b>	<p>Is the proposed area an existing/historic quarry?            YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p><b>If yes,</b> what are the face heights of the quarry?</p>
<b>Site Access</b>	<p>Is there existing access to the quarry site (e.g., public road, trail)?            YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>The quarry access route <u>must</u> be identified on your application (e.g., .kmz, .shp)</p>
<b>Structures</b>	<p>Are there any structures within the boundaries of the quarry site (e.g., house, fence, pole line, etc).            YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p><b>If yes,</b> please specify the structures and their location:</p>
<b>Vegetation Cover</b>	<p>What type of vegetation covers the area to be quarried? (select all that apply)</p> <p>Forest <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Shrubs <input checked="" type="checkbox"/> Barren <input checked="" type="checkbox"/> Other:</p>
<b>Waterbodies</b>	<p>Are there any waterbodies (rivers, streams, ponds, wetlands) within 200 metres of the quarry (including within the proposed quarry area itself)?            YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p><b>If yes,</b> specify what type of waterbodies exist and the direction and distances from the site:            White Hills Pond - 55 m west of the quarry boundary</p>
<b>Nearby Land Uses</b>	<p>Is there any land being used within 300 metres of the site (e.g., roads, residences, cabins, transmission lines, other quarries, agricultural land, etc.)            YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p><b>If yes,</b> please identify each land use and give their distance and direction from the site:            Directly north are two approved quarries (file # 71110951 and file # 7111746) which is the only known land use within 300 m of the site</p>

## Section F: Fees

### Quarry Application Fee:

- All quarry permit applications must be accompanied by a \$100 application fee. This fee is **non-refundable**.

### Online Payment:

- Visit the GovNL Online Payments website - <https://www.gov.nl.ca/pay-online/>
- Select "Quarry Permit Application Fee".
- **Note:** A copy of the online payment transaction must be attached to this application.

### Other Matters:

- Please refer to the [Quarry Materials Act](#) and [Quarry Materials Regulations](#) for permit and lease requirements.
- Annual rent, financial assurance and site plans are not required at this step in the application process. They will be requested following initial quarry application review.

## Section G: Requirements Checklist

**Incomplete and/or inaccurate applications, or proposed quarry boundaries that encroach on the required set-back distances (see below) will not be accepted. Please note that the application fee is non-refundable. Please review and confirm the following:**

- All sections of this form are complete and accurate.
- The application is accompanied by a digital boundary file (e.g., kmz, shapefile) outlining the proposed quarry area and access road.
- The proposed quarry boundary does not encroach on any of the following buffer/set-back distances:
  - 15 metres from private property
  - 15 metres from a trail (e.g., cabin access trail, forest access road, etc.)
  - 50 metres from a road (e.g., paved municipal road, gravel rural road, etc.)
  - 90 metres from a Protected Road (see [Protected Road Zoning Regulations & Google KMZ Files](#))
  - 50 metres from a waterbody (e.g., stream, pond)
  - 30 metres from a wetland
- If "Site Visibility" [Section E] is determined to be "YES", then photos, sketches, etc. are attached showing how the visibility of the site and operations will be minimized.
- The application is accompanied by the required fee (Quarry Permit Application Fee - \$100)
- The application and related information will be submitted via email to [QuarryApp@gov.nl.ca](mailto:QuarryApp@gov.nl.ca)

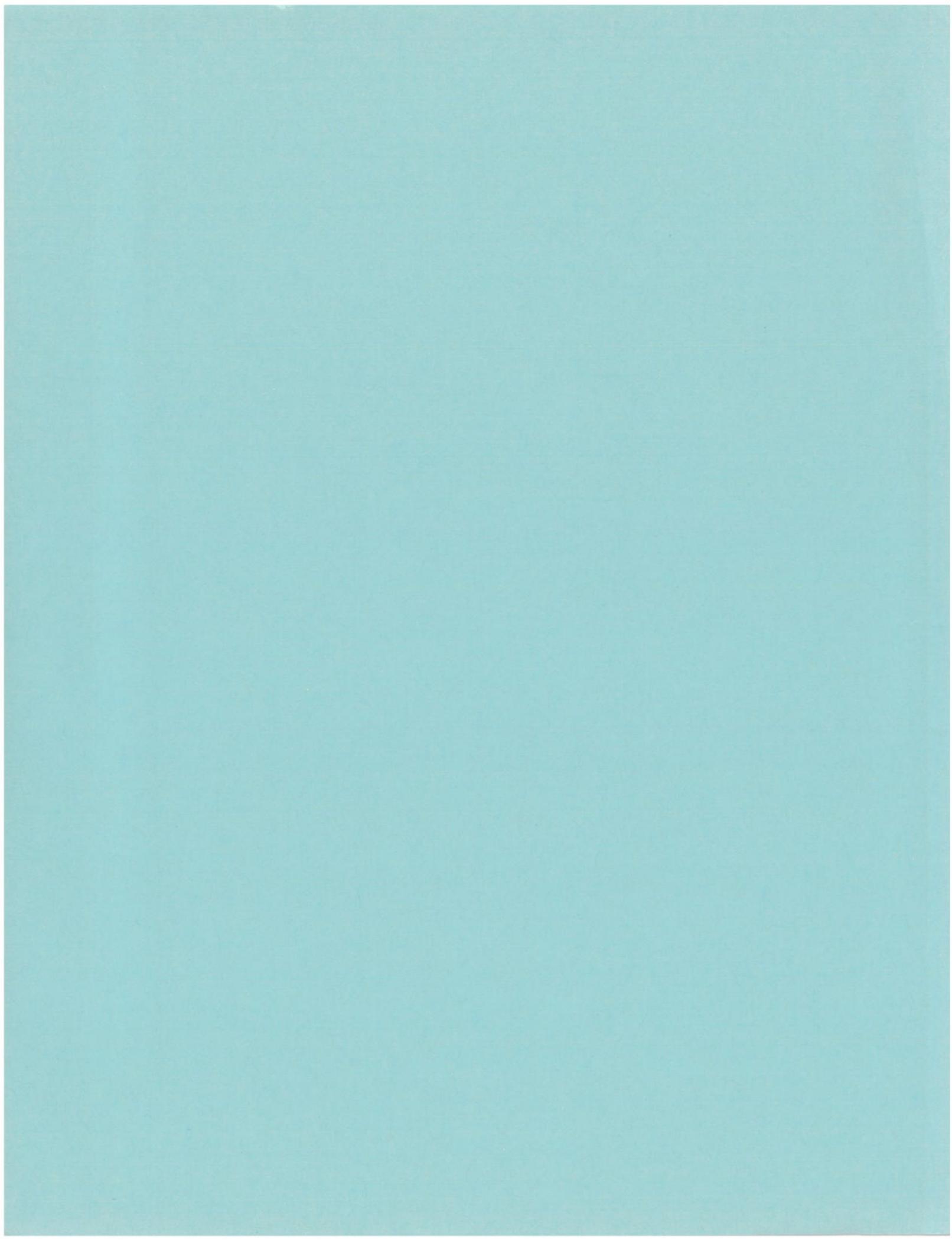
**I hereby certify that all information provided in this application is truthful to the best of my knowledge. I understand that the submission of this application does not provide any rights to quarry the area outlined in this application and that no activity may occur until a signed quarry permit/lease has been received and all other required permits have been obtained.**

Name: Chris Dunne

Title/Position: Survey Manager

Date: March 27, 2023

Under the authority of the *Access to Information and Protection of Privacy Act, 2015* (ATIPPA, 2015), personal information is collected in order to process, manage and issue the programs or services of the Department of Industry, Energy and Technology. Personal information is kept confidential as required by ATIPPA, 2015, but may be released under request in accordance with ATIPPA, 2015. If you have questions pertaining to the collection, use and/or disclosure of this information please contact the ATIPP Coordinator at 729-0463.



For Department Use Only				
Receipt Number	Receipt Date	Amount	Received via <input type="checkbox"/> Mail <input type="checkbox"/> Email <input type="checkbox"/> In Person	Received Date and Time
Application #: _____ FolderRSN : _____ PropertyRSN : _____				
Regional File #: _____ PeopleRSN: _____ GIS PID : _____				

Part 1 – Applicant Information	Please Print
<b>1. Type of Applicant</b> (check only one (v)) <input type="checkbox"/> Individual(s) <input checked="" type="checkbox"/> Registered Organization <input type="checkbox"/> Government	
<b>2. Primary Applicant – Complete Section A or B, and Section C (if applicable)</b>	
<b>Section A - Individual</b> (Complete <b>Appendix A</b> for an additional Applicant)	<b>Section B - Organization or Government Body</b>
Last Name	Full Legal Name JCL INVESTMENTS INC.
Given Names	Company Number (Registry of Companies)
Mailing Address: P.O. Box	Mailing Address: P.O. Box P O BOX 817
Street Address	Street Address 1 MASSEY DRIVE ACCESS ROAD
City or Town	Province
Country	Postal Code
Primary Phone Number	Secondary Phone Number
Email Address	Fax (Optional)
Are you a resident of the Province of Newfoundland and Labrador? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Have you ever applied for land from the Crown? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is this application related to an existing Aquaculture or Agriculture business? <input type="checkbox"/> Aquaculture <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> N/A If yes or if this application is related to an existing Aquaculture or Agriculture business, please provide details including application or title number:	

Part 1 – Applicant Information - Continued				Please Print
<b>Section C - Primary Contact/Designated Representative (If different than Section A or B above)</b>				<input type="checkbox"/> Not Applicable
Last Name DUNNE	Given Names CHRIS			
Describe the relationship of Primary Contact/Designated Representative to Applicant:				
<input type="checkbox"/> Trustee <input type="checkbox"/> Family Member (describe relationship) <input type="checkbox"/> Executor/Administrator <input type="checkbox"/> Officer of the Company (describe position) <input type="checkbox"/> Solicitor/Legal Counsel <input checked="" type="checkbox"/> Other (describe) SURVEY MANAGER				
Mailing Address: PO Box P O BOX 817	Street Address 1 MASSEY DRIVE ACCESS ROAD	City, Town CORNER BROOK		
Province NL	Country CANADA	Postal Code A2H6H6		
Primary Phone Number (709) 639-2303	Secondary Phone Number (709) 660-6407	Fax (Optional)	Email CDUNNE@JCLINC.CA	

3. Disclosure of Departmental Employment
Is the Applicant an employee of the Department?
<input type="checkbox"/> Yes (If Yes, provide position title): _____
<input checked="" type="checkbox"/> No
Is the Applicant's spouse or cohabiting partner an employee of the Department?
<input type="checkbox"/> Yes (If Yes, provide name and position title): _____
<input checked="" type="checkbox"/> No

Part 2 – Type of Application	Please Print
<b>Please select one of the following (check only one (v)):</b>	
<input type="checkbox"/> Lease <input type="checkbox"/> Grant <input type="checkbox"/> Licence To Occupy <input checked="" type="checkbox"/> Easement <input type="checkbox"/> Transfer <input type="checkbox"/> Section 36 Grant – Skip to <b>Appendix B</b> <input type="checkbox"/> Grant to Existing Title: _____ (Specify Title Number)	
<b>What is the intended use of land?</b>	
<input type="checkbox"/> Residential <input type="checkbox"/> Recreational Cottage <input type="checkbox"/> Recreational Boat House and Wharf <input type="checkbox"/> Agriculture (Provide details below) <input checked="" type="checkbox"/> Other (Provide details below) <input type="checkbox"/> Commercial (Provide detailed description below and submit site plan with application)	
Details	CONSTRUCT A 405 M LONG ACCESS ROAD FROM LARCH GROVE ROAD IN CBS, TO ACCESS JCL'S PROPOSED QUARRY LOCATION. THIS IS A REVISION TO PREVIOUS CROWN LANDS APPLICATION NUMBER 160620
Description of Building or Structure to be erected:	
<input checked="" type="checkbox"/> Not Applicable	
Length (Metres): _____      Width (Metres) : _____      Height (Metres) : _____	

Part 2 – Type of Application - Continued		Please Print
Proposed Water and Sewage Facilities:		<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Well <input type="checkbox"/> Septic System <input type="checkbox"/> Municipal Sewer <input type="checkbox"/> Municipal Water <input type="checkbox"/> Other (Provide details below)		
Details		
<b>Site Description</b>		
Applicant's Map (A map showing the exact location, including dimensions, of the land applied for must be attached to this application)		
The Land Is Situated At: <u>CBS, NEAR WHITE HILLS POND</u>		
Is the land applied for within a Municipal Boundary?		
<input checked="" type="checkbox"/> Yes (If Yes, provide Municipality): <u>CONCEPTION BAY SOUTH</u>		
<input type="checkbox"/> No (If No, provide nearest Community/Municipality): <u>CONCEPTION BAY SOUTH</u>		
Approximate dimensions of land:		
Area (Hectares) : <u>1.22</u> Frontage (Metres): <u>30</u> Depth (Metres) : <u>405</u>		
Distance to closest Waterbody		<input type="checkbox"/> Not Applicable
Distance (Metres): <u>730</u> Name of Waterbody : <u>WHITE HILL POND</u>		
Is the site accessible by road?		
<input checked="" type="checkbox"/> Yes (If Yes, please provide name of road): <u>LARCH GROVE ROAD</u>		
<input type="checkbox"/> No		
Do you plan to construct a road to the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, an additional application is required for area used to construct road.	For sites without road access, please indicate the method of transportation: <input type="checkbox"/> Walking <input type="checkbox"/> ATV <input type="checkbox"/> UTV <input type="checkbox"/> Snowmobile <input type="checkbox"/> Aircraft <input type="checkbox"/> Boat For sites without road access, location of access route must be indicated on the map attached to the application, and access by ATV must be in accordance with ATV regulations.	
Is this site presently occupied: Fences, signs, buildings, clearings?	If Yes, state year occupation commenced, area occupied and name of person who developed land:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Are you aware of any previous land use: Fences, signs, buildings, clearings?	If Yes, state year occupation commenced, area occupied and name of person who developed land:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

## Part 2 – Type of Application – Continued

Please Print

Please outline boundaries below:

Bounded on North by: CROWN LAND

Bounded on South by: CROWN LAND

Bounded on East by: LARCH GROVE ROAD

Bounded on West by: PROPOSED QUARRY

**Part 3 - Applicant Attestation**

Complete and accurate information is important to avoid delays in processing your application. Please review and confirm the following: (All boxes must be checked)

- All sections of this form have been completed.
- A copy of the Applicant's Map is attached.
- A copy of the receipt for the payment of the application fee is attached.
- A copy of all required supporting documentation is attached.

I accept and understand that:

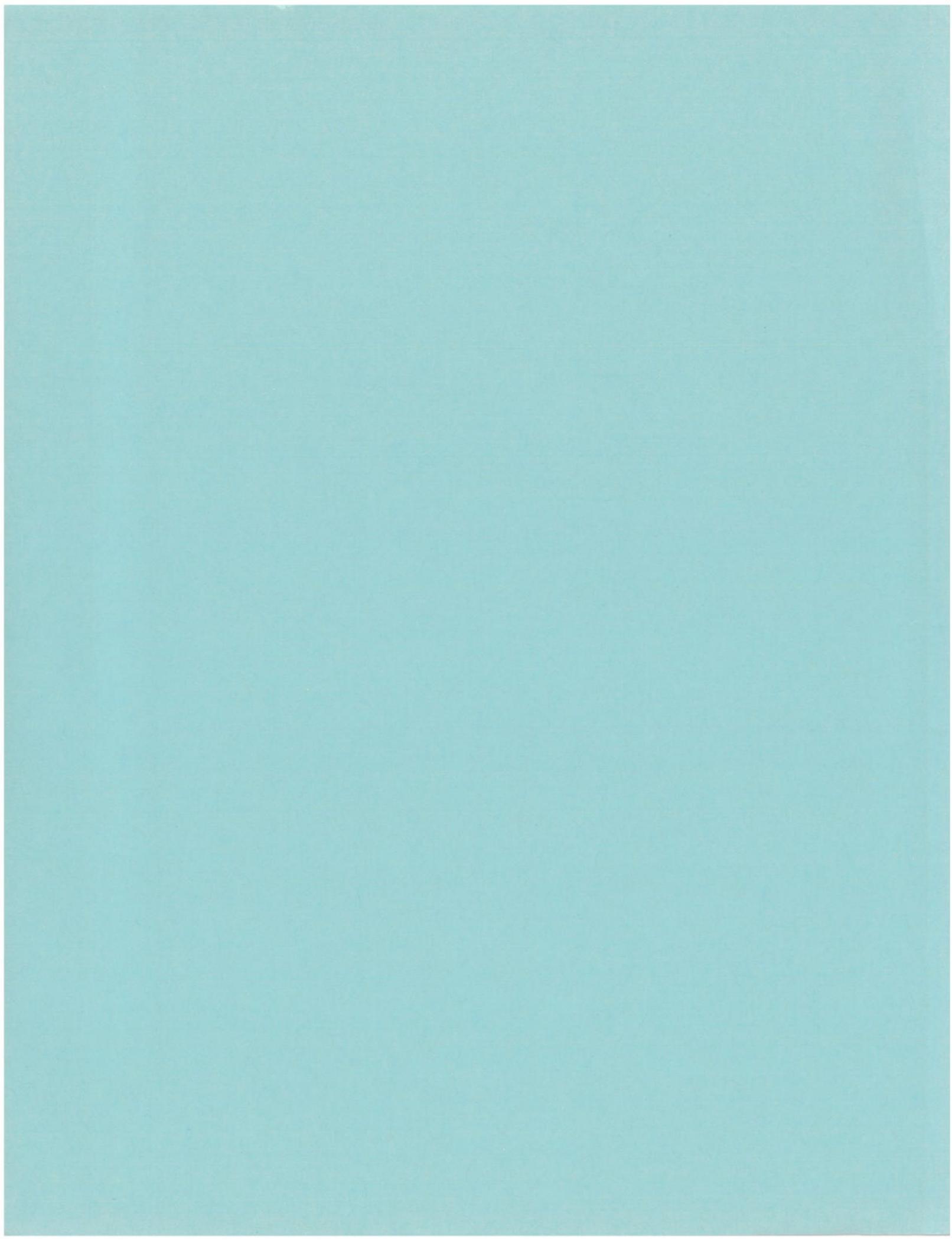
- Fees taken during the application process are non-refundable.
- It is the policy of the Crown Lands Division to accept applications on a first come- first served basis.
- Applications must be fully completed, and all fees submitted.
- The primary contact identified will be used for all communication and correspondence.
- The email address provided may be used for future correspondence.
- If my application is accepted by the Department of Fisheries, Forestry and Agriculture, I am required to identify the site in the field by clearly marking corner posts. If there is discrepancy between the area marked in the field and the area indicated on the map, the map will prevail.
- I am solely responsible for correctly identifying the parcel of land that is the subject of this application.
- I am required to consult the municipality (if applicable) to acquire land ownership information and zoning information.
- Acceptance of this application by the Department of Fisheries, Forestry and Agriculture does not give me any rights or privileges in relation to the land under application.
- The land is not to be occupied until a signed title document is received.
- Should the application be approved, the Applicant's name will appear on the Public Land Inquiry Map and the Provincial Land Use Atlas.
- Under Section 14 of the **Lands Act**, the Minister of the Department of Fisheries, Forestry and Agriculture or the Lieutenant-Governor in Council may cancel, amend, or otherwise deal with the grant, lease, licence or easement at any time prior to the delivery of a signed title document.
- Personal information collected by the Government of Newfoundland and Labrador is protected under the **Access to Information and Protection of Privacy Act, 2015**.
- The Department is committed to protecting personal information, which is being collected in accordance with Section 61(c) of the **Access to Information and Protection of Privacy Act, 2015** and used in the assessment of your application for Crown Lands. It will not be used for any other purposes unless authorized under the **Access to Information and Protection of Privacy Act, 2015**.
- As part of the processing of your application, the Department of Fisheries, Forestry and Agriculture may make referrals to other Government departments or agencies who may have an interest or concern related to the land being applied for as per Section 68(1)(c) of the **Access and Protection of Privacy Act, 2015**. Care will be taken to protect your personal information.

I further state that: (All boxes must be checked)

- All applicants, and designated contacts, are 19 years of age or older.
- I have inspected the lands applied for and have found no evidence of occupation with the exception of the information provided on page 3 or Appendix B in this application.
- I am not aware of any adverse claim to the lands subject of this application by any person(s) or organization(s).
- The information contained in this application is true and correct to the best of my knowledge, information and belief.

I ACCEPT

DATE (dd/mm/yyyy): 10/05/2023





Government of Newfoundland and Labrador

Fisheries, Forestry and Agriculture

Crown Lands

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Transaction #:	7500JF5G	Approval Code:	04820I
Date/Time:	5/11/2023 9:38:26 AM	Response Code:	27
Authorization #:	661682830016440300	ISO Code:	01
Amount:	\$172.50	Message:	Approved
Confirmation #:		Issuer Name:	
Card Type:	Visa®		

®Trade-mark of Interac Inc. Used under licence.

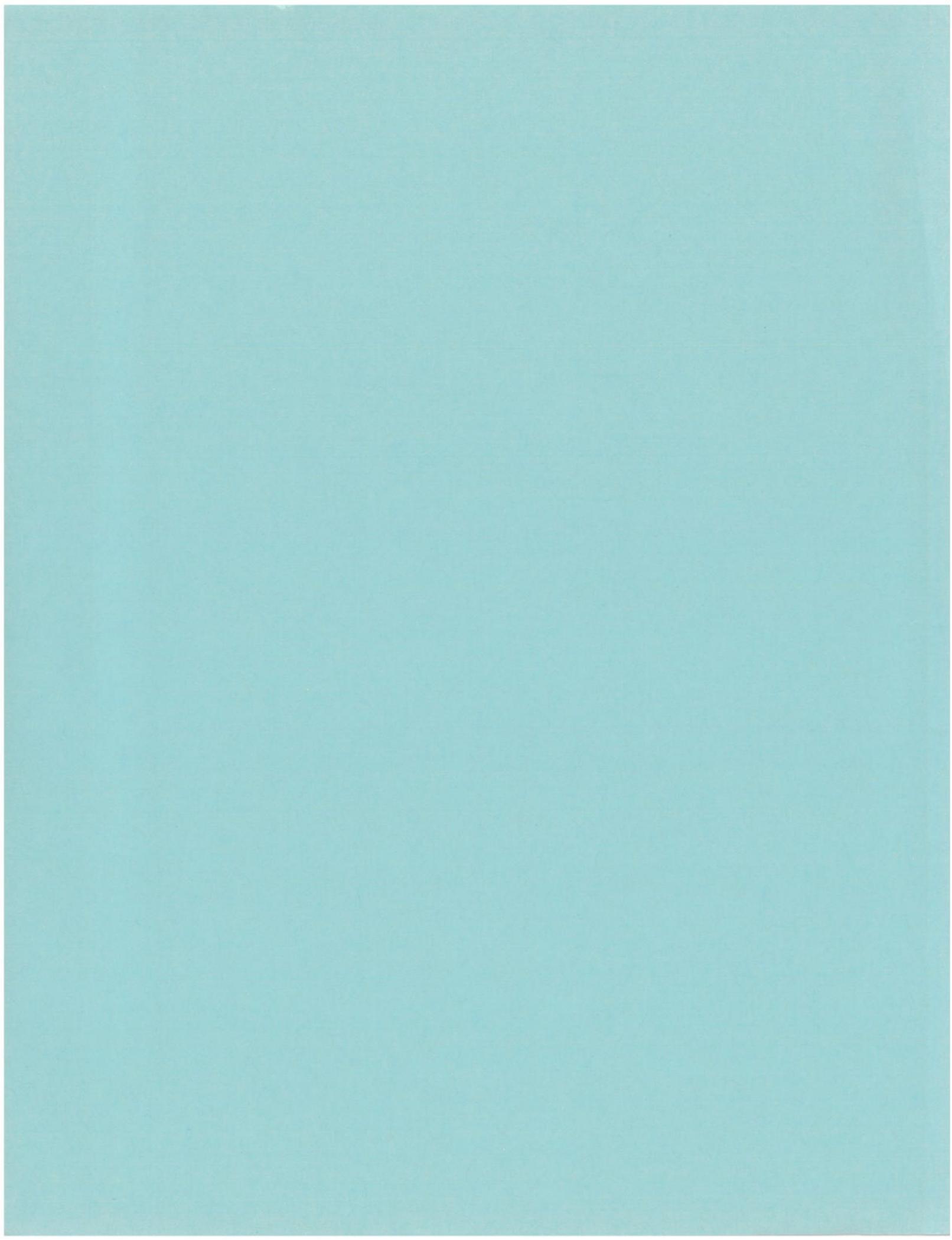
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FAQ-Crown Lands Application Fee (H)	
Crown Lands Application Fee	\$150.00
HST	\$22.50
Total:	\$172.50

\*All amounts in Canadian currency

---

Organization Or Individual Name: JCL Investments Inc.



29 JUL 2021

Attention: Gerald Kennedy

Manager, Quarry Materials

Mineral Lands Division

Department of Industry, Energy and Technology

P: 709.729-6447 / C: 709.685.4506

E: geraldkenedy@gov.nl.ca

RE: Approval to Access Quarry Application – Seal Cove, East of White Hills Quarry

I, Kathy Butler, Ruby Butler, and Marvin Butler, Directors of Butlers Sand and Stone, hereby give permission to JCL Investments Inc. to access to their potential Quarry located behind our approved Quarries. JCL moving forward has permitting to travel though File No: 7118636 and File No: 71111746.

If I can be of any further assistance regarding this incident, please do not hesitate to contact me at 709-682-2121 or by email address at [butlerssand@bellaliant.com](mailto:butlerssand@bellaliant.com)

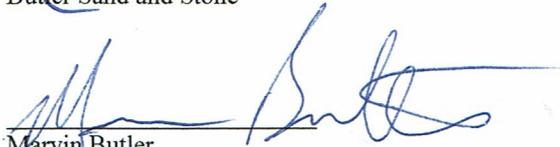
Thank You,



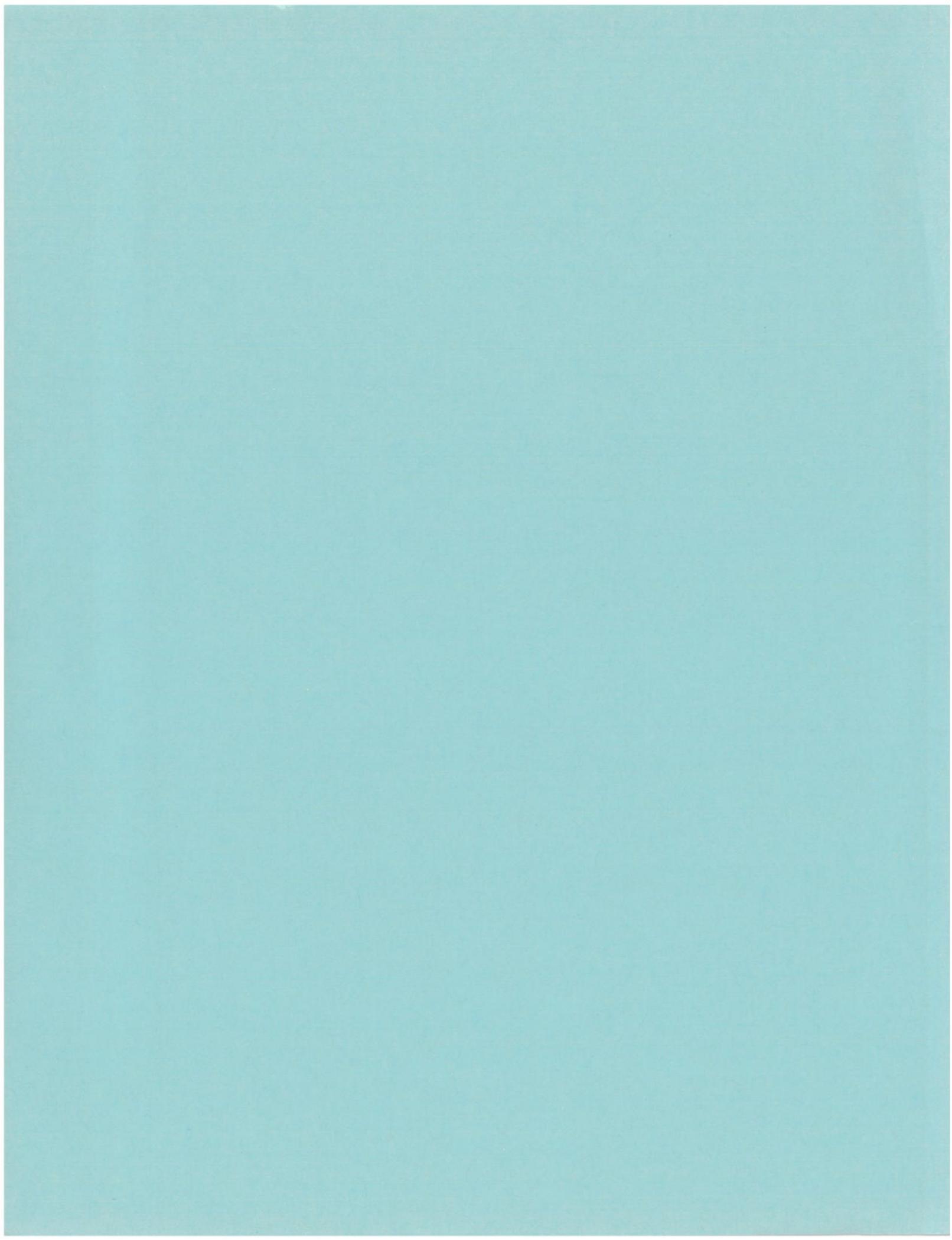
Kathy Butler  
Butlers Sand and Stone



Ruby Butler  
Butler Sand and Stone



Marvin Butler  
Butler Sand and Stone



# **ENVIRONMENTAL ASSESSMENT REGISTRATION DOCUMENT**

## **Seal Cove Quarry Development**

Submitted to:  
Minister of Environment and Climate Change  
P.O. Box 8700  
St. John's, NL A1B 4J6

Attention: Director of Environmental Assessment

Prepared by:  
JCL Investments Inc.  
80 Hops Street  
Conception Bay South, NL

**May 2023**

## Contents

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6.0 SCHEDULE.....	8
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Appendix A – Project Location & Site Plan Maps

Appendix B – Quarry Permit Application

Appendix C – Permission Letters for Access

Appendix D – Application Fee Receipt

## 1.0 NAME OF UNDERTAKING

Seal Cove Quarry Development

## 2.0 PROPONENT

### 2.1 Name of Corporate Body

JCL Investments Inc.

### 2.2 Address

80 Hops Street  
Conception Bay South, NL  
A1W 0E8

### 2.3 Chief Executive Officer

Darryl Gillingham, P. Eng.  
President and CEO, JCL Investment Inc.

### 2.4 Principal Contact Person

Chris Dunne  
1 Massey Drive Access  
Corner Brook, NL  
A2H 6E6  
Tel: (709) 639-2303  
Email: [cdunne@jclinc.ca](mailto:cdunne@jclinc.ca)

## 3.0 THE UNDERTAKING

### 3.1 Nature of the Undertaking

JCL Investments is seeking a new rock and sand quarry located in Conception Bay South, near JCL's office and Concrete Batch Plant, located at 80 Hop's Street, CBS. The proposed quarry will be 16.0 Ha, measuring approximately 620 meters x 260 meters. The purpose of this undertaking is to produce quality aggregates and concrete sand for use in various construction projects throughout the Avalon and surrounding regions. Site access will be via an established private access road and/or through an approved Quarry Application held by Butler's Sand & Stone. Permission to access the quarry through the access road and the quarry has been granted which, along with utilizing existing established corridors within the other quarries, will allow us to access the proposed new development area. See Figure 2, in Appendix A for location and orientation of the access roads.

### ***3.2 Purpose/Rationale/Need for the Undertaking***

JCL Investments currently has an established office, Concrete Batch Plant, and Yard in the general vicinity of the quarry, 80 Hops St. warranting the requirement for an aggregate source close by. From the JCL Seal Cove Quarry raw insitu materials will be excavated, processed (crushed, screened, washed) to produce aggregates, concrete coarse and fine aggregates, rip rap, armour stone, etc. to be used or sold in ready mix concrete / products, and general construction uses in the local market.

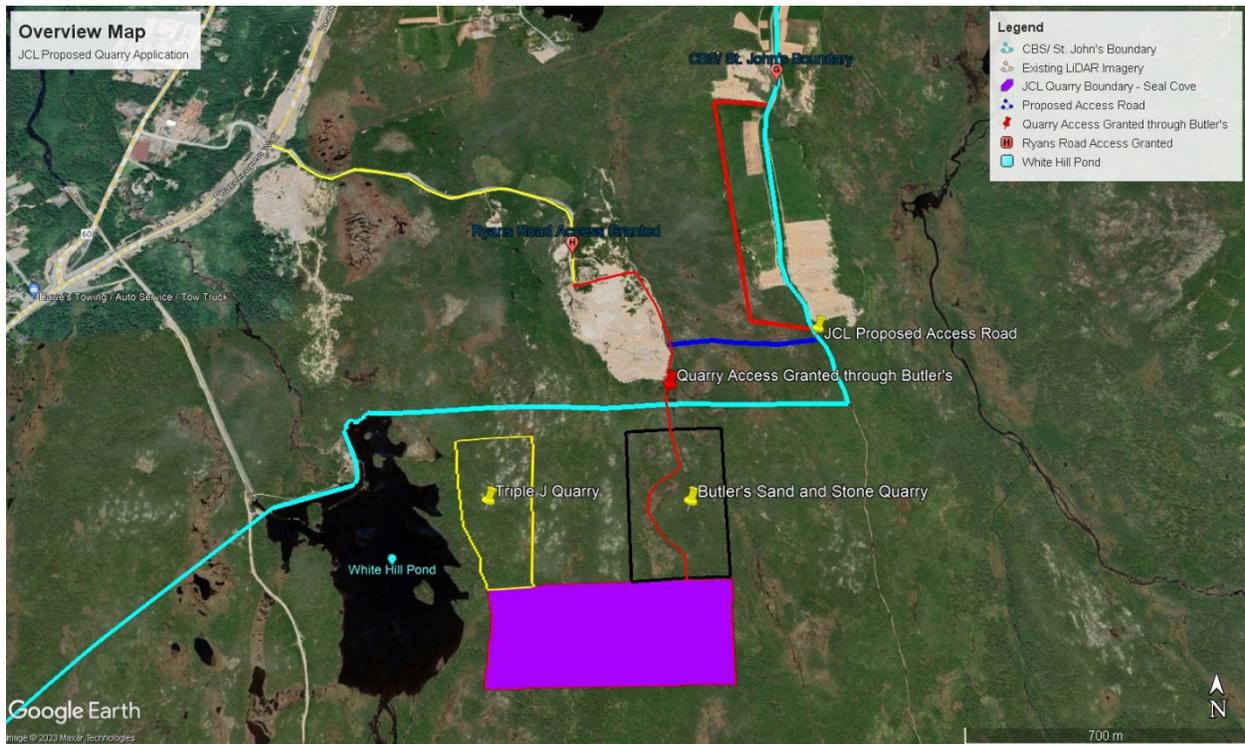
## **4.0 DESCRIPTION OF THE UNDERTAKING**

### ***4.1 Geographic Location:***

Quarry Coordinates: UTM: 22U 345786 E/ 5256713 N  
Quarry Size: 16 Ha, See Quarry application Appendix B.

The proposed undertaking is located 1.6 Km Southeast of the intersection of Peacekeeper's Way and Route 60 in Seal Cove, on the Avalon Peninsula, located in the Electoral District of Harbour Main. The proposed quarry site is in an area where multiple other approved quarries, and areas of undeveloped forest and scrub exist.

The adjacent land to the proposed project is approved quarries of similar usage. The JCL Quarry falls within the Witless Bay Environs zoned as Rural with Conservation buffer just north and east of the project boundary to the east, is undeveloped crown land; and to the North is an approved quarry (File No: 71111039). The development of this location as a quarry will provide sufficient supply of raw materials consist with the production of appropriate coarse aggregates and concrete sand, in an area where similar quarry developments are currently in use and operating. While the quarry development will change the natural topography, the general use of the area for quarrying operations will be of the same nature as the other surrounding area.



**Figure 1: Overview of the proposed area (yellow and red line)**

## **4.2 Physical Features**

### **General Information**

The proposed site is located within the *Maritime Barrens Ecoregion*, Northeastern Barrens. This subregion borders the Trinity and Conception Bays and is the largest of the Island's ecoregions. It is characterized by cool summers, with frequent fog and strong southerly winds, and short, somewhat moderate winters. The mean annual temperature is around 5.5°C, with a mean summer temperature of 11.5°C and a mean winter temperature of -1°C. The mean annual precipitation ranges from 1200 mm to over 1600 mm. Elevations range from sea level to approximately 250 m above sea level. A mixture of sedimentary rocks and granites are most common. The uplands are rugged and rocky due to erosion, while lower areas have a rolling topography.

## **Vegetation**

This subregion is characterized by extensive barrens, forest cover is greater here than in the rest of the Maritime barrens. Balsam fir dominates these forests, followed by black spruce and a scattering of white birch. On forest floors, broom moss, feathermoss, and other mosses generally abound. Mountain alders form dense thickets along the edge of brooks and streams. These are replaced by speckled alder in the western subregions of the Maritime Barrens. Yellow birch is virtually absent in this subregion. On the open barrens “dwarf shrub health” predominates. Sheep laurel is the most common of these, although rhodora and low bush blueberry are well represented. Dogberry, larch, mountain holly and small pockets of stunted balsam fire are also commonly found here. On exposed sites such as interior uplands and coastal headlands, partridgeberry and black crowberry replace sheep laurel-though on the coldest and windiest of these sites, pink crowberry become more common than black crowberry.

## **Wildlife**

Several mammal species occur in Northeastern barrens subregion, including moose, snowshoe hare, red fox, and mink in the forest and shrub habitats, and beaver and muskrat near pond and streams. Other mammals, including the little brown bat, eastern chipmunk, masked shrew, meadow vole, and red squirrel is also known to occur in the area. In addition, the Northeastern Barrens is home to a small herd of about 100 caribou located in the Bay de Verde area. They inhabit both barrens and woodland areas where they feed on lichens, shrubs, and grasses. Migratory bird species found in forested areas of the subregion include ruby-crowned kinglet, northern water thrush, hermit thrush, white-throated and fox sparrow, and yellow-rumped warbler. Dark-eyed junco and pine grosbeak are found year-round in forested areas. On barrens, partridge (“willow ptarmigan”) are present year-round, while the American pilot, savannah sparrow and horned lark appear as migratory species. Swamp sparrow and shorebirds, e.g. Common snipe, greater yellowlegs, and least sandpiper, are migratory breeders found in wetlands in the subregion.

## **Reptile/Amphibians**

There are no reptiles recorded for this subregion. One species of amphibian has been recorded in the subregion in low numbers, the green frog.

### **4.3 Development**

The development of the proposed quarry area will occur in a number of phases:

Initial Access:

- a. Upgrading of existing gravel trail if required to access Larch Grove Road,
- b. Upgrading of the existing access road from Route 60 through the Butler's Quarries.

Quarry Area:

- a. Surveying of the proposed quarry boundaries.
- b. Cutting / salvaging of the timber on the quarry footprint.
- c. Stripping of vegetation and organic material to be stockpiled for future rehabilitation.
- d. Setting up weight scales.
- e. Stockpiling of organic material (including topsoil and grubbing) for rehabilitation and development of laydown areas
- f. Construction of settling pond(s) and sediment control barriers to capture and control runoff and to be used / recycled in a washing operation. (if required)
- g. Phased development of quarry operations
  - i. Excavation, drilling, blasting, crushing/screening, washing (if required), stockpiling and loading of quarry materials (rock, sand and gravel).
- h. Stockpiling of manufactured products.
- i. Transportation of product to market

Pending approval, site development is expected to commence within 30 days of receipt of the appropriate development permits (e.g., quarry, cutting permits).

#### **4.4 Operation**

The project area will be regulated under the Quarry Materials Act, 1998 and the Mining Act, 1999. Operations will include, but are not limited to, tree clearing with any merchantable timber salvaged for use as firewood, the removal of overburden material to expose raw materials. The raw materials will be excavated crushed, screened, and washed as required to meet the specifications for the finish materials.. The finished products will be stockpiled on site for future sale /use. Materials that are by-products of the manufacturing process will be used in the development of roads, access and future rehabilitation of the quarry at the end of life.

As required for resale or in the concrete operation, the stockpiled aggregates will be loaded into various sizes of dump trucks for transportation to market, or our concrete operation at 80 Hops St. Non-licensed dump trucks (e.g., rock trucks) may be used within the quarry development area for grubbing and overburden removal where larger quantities of material are present or where stockpiles are a longer distance from the crusher belts.

Quarries are inspected regularly by the Department of Industry, Energy and Technology (DIET) Materials Compliance Officers to ensure compliance with the Quarry Materials Act, 1998 and Mining Act, 1999, and terms and conditions of the quarry permit/lease.

#### **4.5 Potential Sources of Pollution**

Some possible sources of pollutants include site drainage, noise, airborne emissions and possible fuel or oil spills.

- During development, as quarry material is excavated and moved from the site, there is potential for off-site drainage. These drainage risks will be mitigated by sedimentation control structures (e.g., silt fences, ditches, rock check dams, etc.) being installed where required or as recommended by appropriate departments through the Department of Natural Resources' quarry permit referral process. Any off-site runoff will be directed to vegetated areas to prevent siltation of waterbodies.

- Crushing and screening equipment will be furnished with dust suppression systems to minimize any airborne dust generated by crushing activities.
- Domestic waste generated will be collected and disposed of as per the Waste Management Regulations.
- All equipment on site will be furnished with appropriate emission and noise control devices and all vehicles will be properly maintained to minimize noise and exhaust.
- Petroleum products will be handled and stored as per Storage and Handling of Gasoline and Associated Products Regulations, and associated products regulations, under the Environmental Protection Act SNL 2002.
- All equipment will be equipped with emergency spill kits, and larger spill kits will be placed on site for easy access.

#### ***4.6 Potential Resource Conflicts during Operation***

There should be no potential for conflicts. The local area is familiar with quarry operations as the adjacent vicinity to the Quarry has decades of quarry operations. On the chance there is interactions with outside individuals or other quarry operators, JCL will install signage around the property for notification of active Quarry Operations, will interface with individuals or quarry operators on the operations JCL are completing and explain the area is restricted in access.

#### ***4.7 Occupations***

Occupations (subject to ongoing work) at the site will include the following:

- 4-8 - Heavy Equipment Operators (e.g., excavator, loader and crusher operators) (7421)
- 2-5 - Dump truck drivers (7411)
- 1 - Quarry foreman/supervisor (8221)
- 1-2 - Laborer (7611)
- 1 - Heavy Equipment Mechanic (7311)

JCL is an equal opportunity employer, hiring qualified individuals for the applicable roles.

#### 4.8 Project Related Documents

See Section 5 and Appendix A & B for related documents.

### 5.0 APPROVAL OF THE UNDERTAKING

Approval Required	Issuing Authority
Quarry Permit 71113123 – Submitted March 27, 2023	Mineral Lands Division, Department of Natural Resources
Commercial Cutting Permit – will be acquired with quarry permit	Forestry Services Branch - Department of Fisheries and Land Resources
Operating Permit Development Permit (Butter Pot – Witless Bay Line Environs -will be acquired with quarry permit	Forestry Services Branch – Department of Fisheries and Land Resources
Water Use License – will be acquired with quarry permit	Water Resources Management Division, Department of Municipal Affairs and Environment
Witless Bay Line Environs Development Control Regulations Access to Quarry – will be acquired with quarry permit	Service NL
Access approval	Approved – Appendix B

### 6.0 SCHEDULE

The earliest start date of this undertaking is early fall of 2023, as soon as approved Quarry Permit is received. The other permits will be secured after the quarry permit. The Quarry Operations will continue annually until seasonal constraints make aggregate production no longer economical feasible. This timeline assumes approval of the quarry permit by July 2023 and all required documents and in receipt by end of August 2023. The Quarry will be operated for the life of the materials, estimated at approximately 20 years.

#### Summary

Registration Document Submission	May 2023
Government Review and Decision	July 2023
Construction/Operations	September 2023

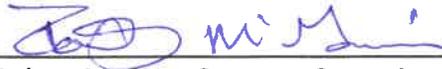
## 7.0 FUNDING

The funding for this project will be provided entirely by JCL Investments Inc.

## 8.0 SUBMISSION

May 18, 2023

Date



Robert McGinn, Concrete Operations Manager – JCL Inc.

# APPENDIX A – Project Location & Site Plan Maps



Figure 1: Location of the project in Newfoundland

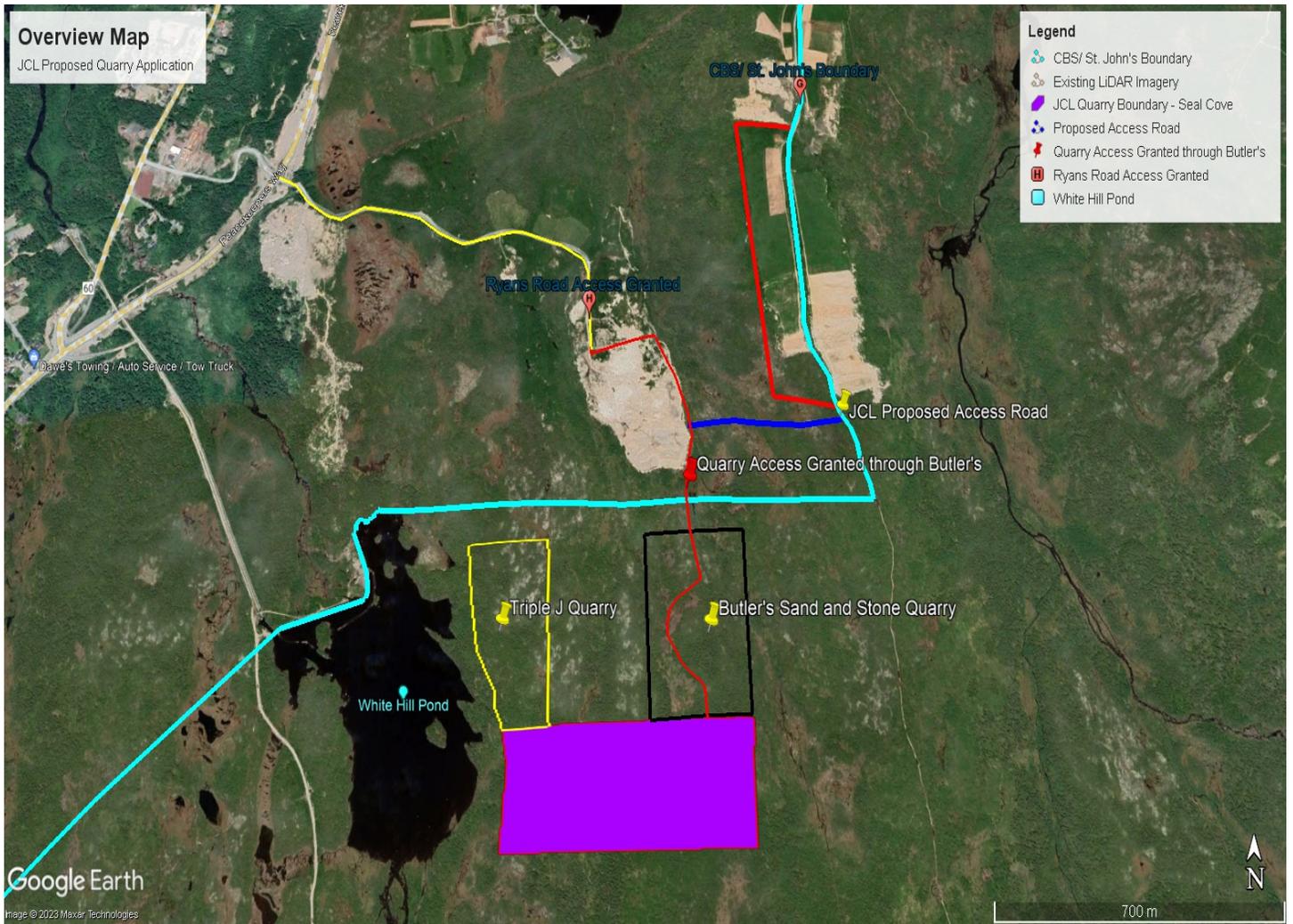


Figure 2: Overview of the Project Location

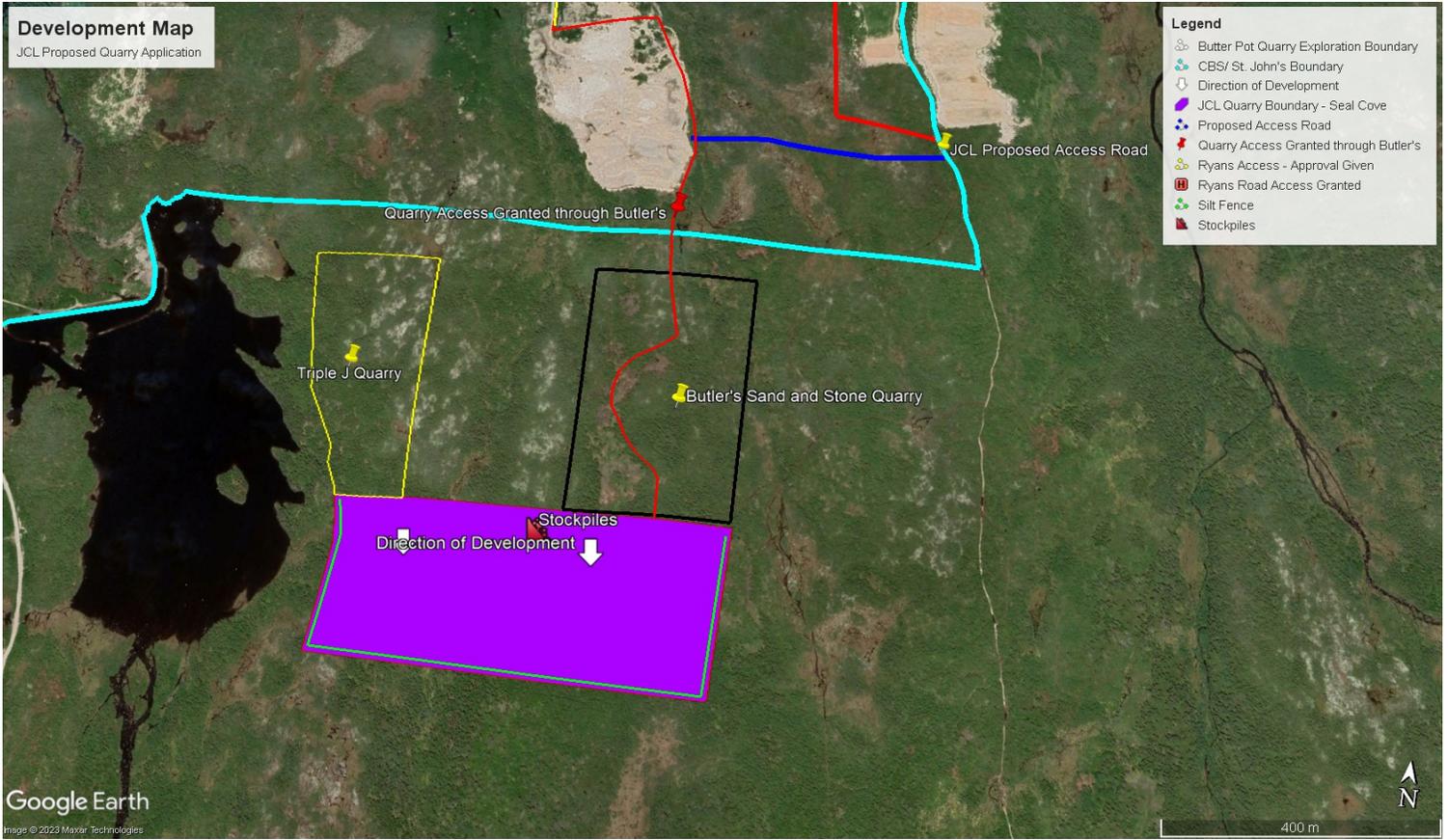


Figure 3: Site Plan as submitted to Mineral Lands

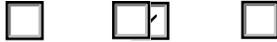
# Appendix B – Quarry Permit Application

## QUARRY PERMIT/LEASE APPLICATION

Section A: Applicant Information	
Applicant: JCL Investments Inc.	
Address: 1 Massey Drive Access Road Corner Brook, NL A2H 6E6	Contact Person: Chris Dunne
	Phone Number: 709-639-2303
	E-mail Address: cdunne@jclinc.ca

Section B: Quarry Area Information
What are you applying for: Quarry Permit <input checked="" type="checkbox"/> 1 year Quarry Lease <input type="checkbox"/> 5 years <input type="checkbox"/> 10 years <input type="checkbox"/> 15 years <input type="checkbox"/> 20 years
Location of proposed quarry (with reference to nearby landmarks such as road intersections, bridges, etc.):  Seal Cove, East of White Hills Pond
Size of proposed quarry (in hectares): 16.00
<b>*All applications must be accompanied by a digital boundary file (e.g., kmz, shapefile) outlining the proposed quarry area and access road.*</b> Follow the link below for instructions on how to use Google Earth Pro for creating a digital boundary file:  <a href="https://www.nr.gov.nl.ca/nr/pdf/MLD-Q-G-01.pdf">https://www.nr.gov.nl.ca/nr/pdf/MLD-Q-G-01.pdf</a>
Name of digital boundary file: JCL Quarry Boundary rev - Seal Cove

Section C: Land Ownership	
The proposed quarry is located on: <i>Please, select one or the other</i>	
Crown Land <input checked="" type="checkbox"/>	Privately Owned Land <input type="checkbox"/>
	Property Owner:
	Contact Person:
	Phone Number:
	E-mail Address:
	Land Title Information:(e.g., Grant, Lease) <i>*deed or title document required</i>



**Section D: Quarry materials and operation specifics**

**Removal of topsoil is not authorized under this permit.**

<b>Quarry materials to be extracted:</b> <i>Select all that apply</i>	
Sand	<input checked="" type="checkbox"/>
Gravel	<input checked="" type="checkbox"/>
Rock	<input checked="" type="checkbox"/>
Horticultural peat	<input type="checkbox"/>
Stockpiled material	<input type="checkbox"/>
Armour stone	<input type="checkbox"/>
Borrow material	<input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>
Other 1:	
Other 2:	
Other 3:	

<b>Quarry operations to occur:</b> <i>Select all that apply</i>	
Drilling & Blasting	<input type="checkbox"/>
Ripping	<input type="checkbox"/>
Crushing	<input checked="" type="checkbox"/>
Screening	<input checked="" type="checkbox"/>
Washing	<input type="checkbox"/>
Use of settling ponds	<input type="checkbox"/>
Pit run removal	<input checked="" type="checkbox"/>
Asphalt batch plant	<input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>
Other 1:	
Other 2:	

Additional notes/comments:

Where will this material be used (e.g., municipality, export, etc.)?  
Avalon Peninsula

What is the intended use for this material (e.g., backfill, winter sand, asphalt, concrete, etc.)?  
Aggregates for Concrete Operations on the Avalon

Section E: Potential Land Use Issues or Concerns	
<b>Site Visibility</b>	<p>Is the proposed area visible from nearby highways or main roads?            YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p><b>If yes,</b> you must clearly demonstrate how you will minimize the visibility of the site and operations (e.g., berm, operations sequencing, etc.). This information (e.g., photos, sketches, etc.) must be attached.</p>
<b>Existing Disturbances</b>	<p>Is the proposed area an existing/historic quarry?            YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p><b>If yes,</b> what are the face heights of the quarry?</p>
<b>Site Access</b>	<p>Is there existing access to the quarry site (e.g., public road, trail)?            YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>The quarry access route <u>must</u> be identified on your application (e.g., .kmz, .shp)</p>
<b>Structures</b>	<p>Are there any structures within the boundaries of the quarry site (e.g., house, fence, pole line, etc).            YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p><b>If yes,</b> please specify the structures and their location:</p>
<b>Vegetation Cover</b>	<p>What type of vegetation covers the area to be quarried? (select all that apply)</p> <p>Forest <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Shrubs <input checked="" type="checkbox"/> Barren <input checked="" type="checkbox"/> Other:</p>
<b>Waterbodies</b>	<p>Are there any waterbodies (rivers, streams, ponds, wetlands) within 200 metres of the quarry (including within the proposed quarry area itself)?            YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p><b>If yes,</b> specify what type of waterbodies exist and the direction and distances from the site:            White Hills Pond - 55 m west of the quarry boundary</p>
<b>Nearby Land Uses</b>	<p>Is there any land being used within 300 metres of the site (e.g., roads, residences, cabins, transmission lines, other quarries, agricultural land, etc.)            YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p><b>If yes,</b> please identify each land use and give their distance and direction from the site:            Directly north are two approved quarries (file # 71110951 and file # 7111746) which is the only known land use within 300 m of the site</p>

## Section F: Fees

### Quarry Application Fee:

- All quarry permit applications must be accompanied by a \$100 application fee. This fee is **non-refundable**.

### Online Payment:

- Visit the GovNL Online Payments website - <https://www.gov.nl.ca/pay-online/>
- Select "Quarry Permit Application Fee".
- **Note:** A copy of the online payment transaction must be attached to this application.

### Other Matters:

- Please refer to the [Quarry Materials Act](#) and [Quarry Materials Regulations](#) for permit and lease requirements.
- Annual rent, financial assurance and site plans are not required at this step in the application process. They will be requested following initial quarry application review.

## Section G: Requirements Checklist

**Incomplete and/or inaccurate applications, or proposed quarry boundaries that encroach on the required set-back distances (see below) will not be accepted. Please note that the application fee is non-refundable. Please review and confirm the following:**

- All sections of this form are complete and accurate.
- The application is accompanied by a digital boundary file (e.g., kmz, shapefile) outlining the proposed quarry area and access road.
- The proposed quarry boundary does not encroach on any of the following buffer/set-back distances:
  - 15 metres from private property
  - 15 metres from a trail (e.g., cabin access trail, forest access road, etc.)
  - 50 metres from a road (e.g., paved municipal road, gravel rural road, etc.)
  - 90 metres from a Protected Road (see [Protected Road Zoning Regulations & Google KMZ Files](#))
  - 50 metres from a waterbody (e.g., stream, pond)
  - 30 metres from a wetland
- If "Site Visibility" [Section E] is determined to be "YES", then photos, sketches, etc. are attached showing how the visibility of the site and operations will be minimized.
- The application is accompanied by the required fee (Quarry Permit Application Fee - \$100)
- The application and related information will be submitted via email to [QuarryApp@gov.nl.ca](mailto:QuarryApp@gov.nl.ca)

**I hereby certify that all information provided in this application is truthful to the best of my knowledge. I understand that the submission of this application does not provide any rights to quarry the area outlined in this application and that no activity may occur until a signed quarry permit/lease has been received and all other required permits have been obtained.**

Name: Chris Dunne

Title/Position: Survey Manager

Date: March 27, 2023

Under the authority of the *Access to Information and Protection of Privacy Act, 2015* (ATIPPA, 2015), personal information is collected in order to process, manage and issue the programs or services of the Department of Industry, Energy and Technology. Personal information is kept confidential as required by ATIPPA, 2015, but may be released under request in accordance with ATIPPA, 2015. If you have questions pertaining to the collection, use and/or disclosure of this information please contact the ATIPP Coordinator at 729-0463.

# Appendix C – Permission Letters for Access

29 JUL 2021

Attention: Gerald Kennedy

Manager, Quarry Materials

Mineral Lands Division

Department of Industry, Energy and Technology

P: 709.729-6447 / C: 709.685.4506

E: geraldkenedy@gov.nl.ca

RE: Approval to Access Quarry Application – Seal Cove, East of White Hills Quarry

I, Kathy Butler, Ruby Butler, and Marvin Butler, Directors of Butlers Sand and Stone, hereby give permission to JCL Investments Inc. to access to their potential Quarry located behind our approved Quarries. JCL moving forward has permitting to travel though File No: 7118636 and File No: 71111746.

If I can be of any further assistance regarding this incident, please do not hesitate to contact me at 709-682-2121 or by email address at [butlerssand@bellaliant.com](mailto:butlerssand@bellaliant.com)

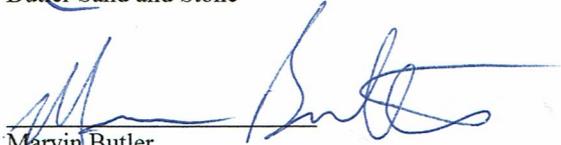
Thank You,



Kathy Butler  
Butlers Sand and Stone



Ruby Butler  
Butler Sand and Stone



Marvin Butler  
Butler Sand and Stone

29 JUL 2021

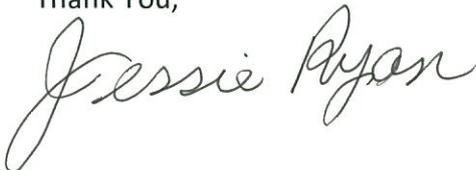
Attention: Gerald Kennedy

Manager, Quarry Materials  
Mineral Lands Division  
Department of Industry, Energy and Technology  
P: 709.729-6447 / C: 709.685.4506  
E: geraldkenedy@gov.nl.ca

RE: Approval to Access Quarry Application – Seal Cove, East of White Hills Quarry

I, Jessie Ryan of Conception Bay South, hereby give permission to JCL Investments Inc. to travel though Granny Till Road to access their potential Quarry.

Thank You,

A handwritten signature in cursive script that reads "Jessie Ryan". The signature is written in black ink and is positioned below the "Thank You," text.

Jessie Ryan  
P.O. Box 19023  
Conception Bay South, NL  
A1W 5C7

## Appendix D – Application Fee Receipt



Government of Newfoundland and Labrador

Environment and Climate Change

Environmental Assessment

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Transaction #:	7500JGR2	Approval Code:	059982
Date/Time:	5/18/2023 10:09:25 AM	Response Code:	27
Authorization #:	661682830016510470	ISO Code:	01
Amount:	\$460.00	Message:	Approved
Confirmation #:		Issuer Name:	
Card Type:	Master Card®		

®Trade-mark of Interac Inc. Used under licence.

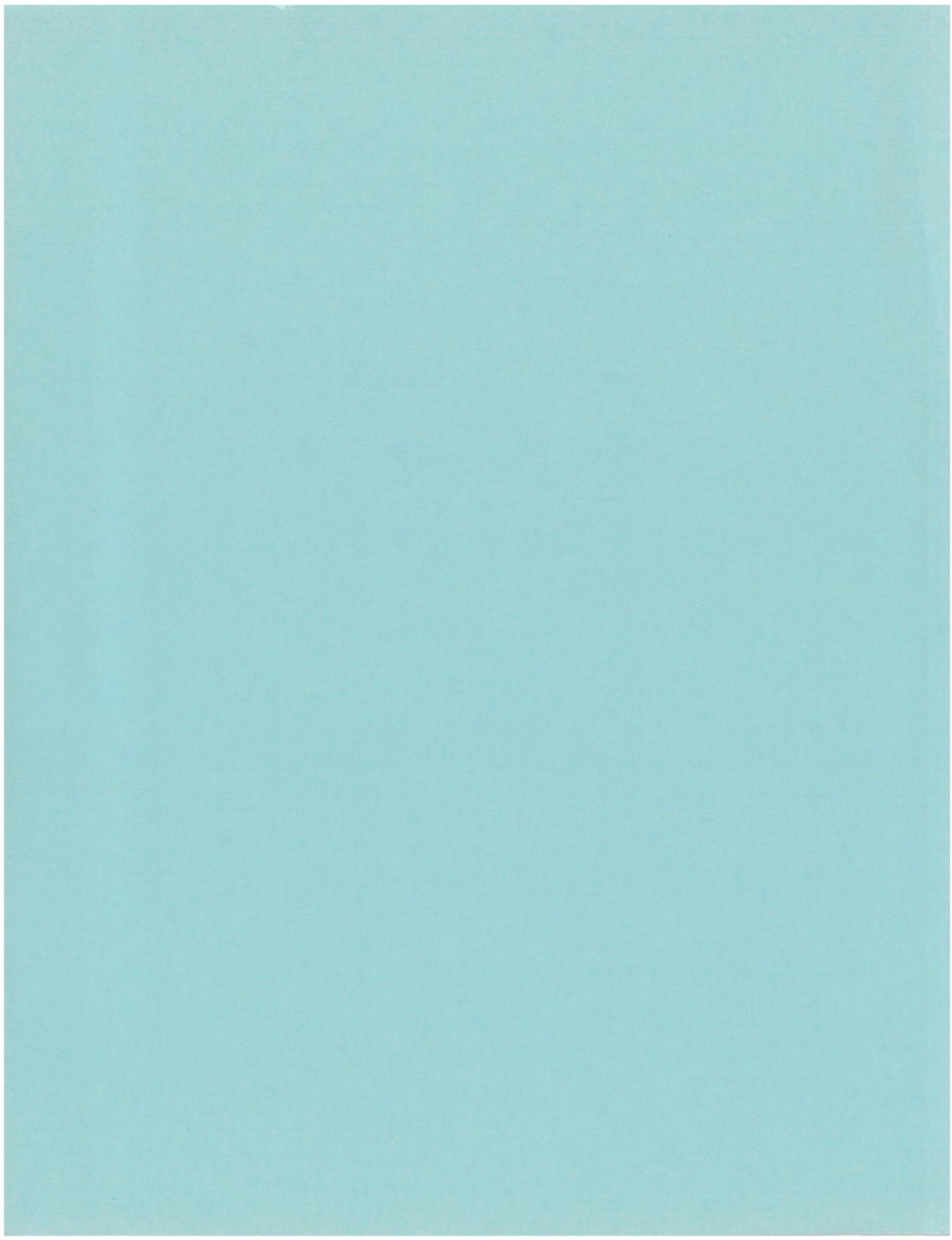
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ENV-Environmental Assessment Registration Fee	
Environmental Assessment Registration Fee	\$400.00
HST	\$60.00
Total:	\$460.00

\*All amounts in Canadian currency

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Name Of Company/Individual: JCL INVESTMENTS INC.





May 25, 2023

File Ref No. 2.2123.0223

Reg No. 2246

Chris Dunne  
1 Massey Drive Access Road  
Corner Brook, NL  
A2H6E6

Dear Chris Dunne :

On behalf of the Minister, I hereby acknowledge receipt on 2023/05/25 of your Registration pursuant to Section 49 of the **Environmental Protection Act**, SNL 2002, cE-14.2 (the **Act**), for the following proposed undertaking:

**White Hill Pond JCL Quarry**

The undertaking has been registered under Section 33.(3) of the Environmental Assessment Regulations and it has been assigned the file number 2.2123.0223. The information contained in your Registration is now under review to determine whether the project can be released, rejected or may require further assessment. You can expect to receive notification of the decision of the Minister concerning this matter on or before July 09, 2023.

Please be aware that under provisions of the **Act**, undertakings may not proceed and other government agencies may not issue any relevant authorizations until a decision is rendered by the Minister. A decision by the Minister will be provided to you within 45 days following receipt of your registration.

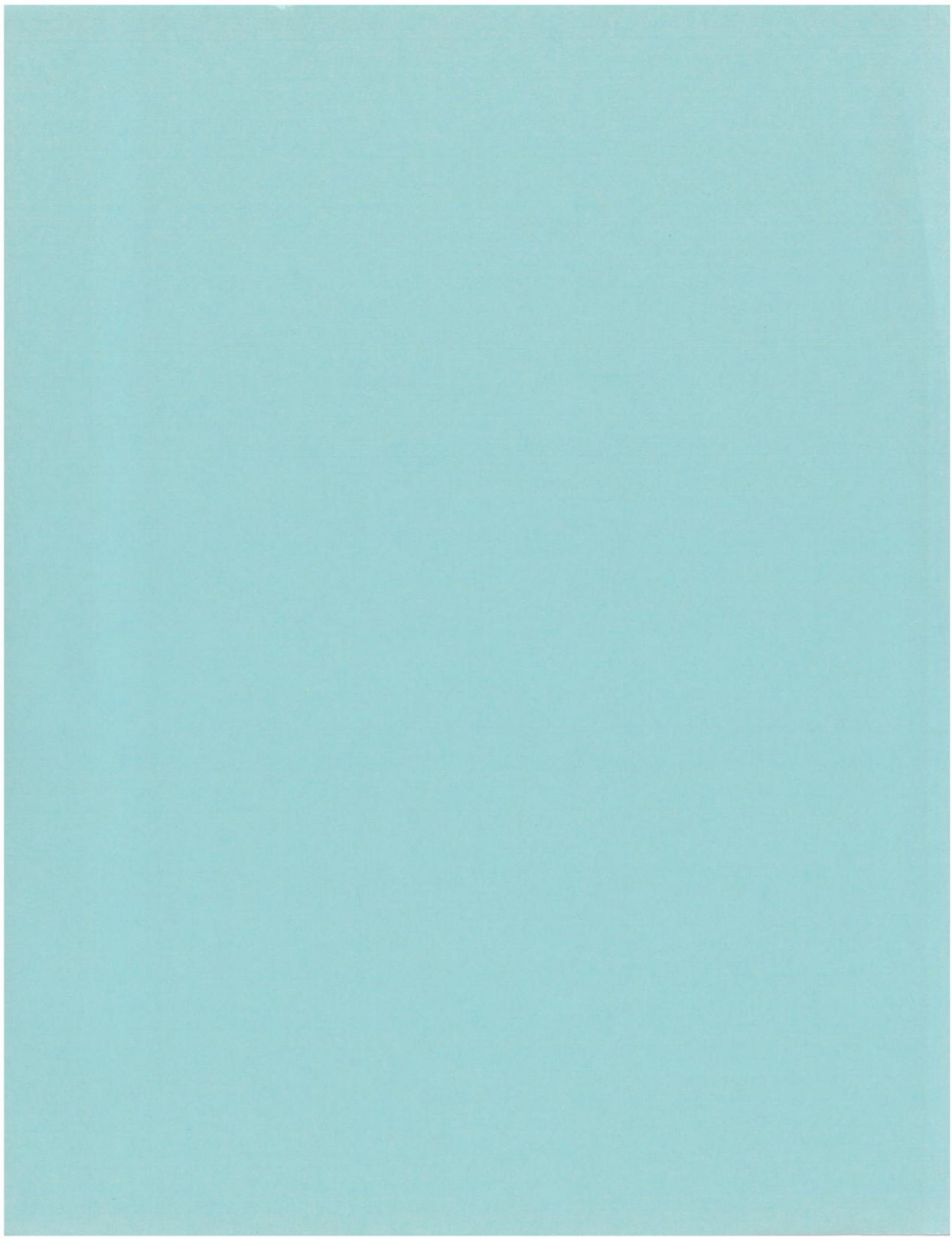
Please be advised that, in accordance with Government's Proactive Disclosure Initiative, all Ministerial decision letters related to your project will be posted online subject to any exceptions to disclosure provided under the Access to Information and Protection of Privacy Act, 2015.

If you have any questions concerning this review or any aspect of the environmental assessment process, please contact Paul Carter, Environmental Scientist at (709) 729-0188 or [pcarter@gov.nl.ca](mailto:pcarter@gov.nl.ca).

Sincerely,

A handwritten signature in blue ink that reads "Joanne Sweeney".

Joanne Sweeney, Director  
Environmental Assessment Division



COR-2023-2251

AUG - 1 2023

Reg. # 2246

Chris Dunne  
JCL Investments Inc.  
1 Massey Drive Access Road  
Corner Brook NL A2H 6E6  
E-mail: [cdunne@jclinc.ca](mailto:cdunne@jclinc.ca)

Dear Chris Dunne:

**RE: White Hill Pond JCL Quarry (the 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. Upon consideration of the comments received, please be advised that an Environmental Preview Report (EPR) is required.

The EPR is a report that supplements the information provided by the proponent in the environmental assessment registration document. Additional information requirements include, but are not limited to:

- Reconfiguration of the quarry design that facilitates access to future adjacent development and conforms with zoning requirements in the Butter Pot Witless Bay Environs Development Control Regulations;
- A proposal of alternate quarry access that aligns with IET policy, including measures that will be undertaken to mitigate the potential effects of the Project on the bridge that passes over Peacekeeper's Way and address potential damage caused to the bridge;
- Rationale for the proposed Project;
- Measures that will be undertaken to mitigate the potential effects of the Project on nearby Butterpot Provincial Park from May 1 to September 1 annually;
- A Visibility Management Plan that mitigates the potential for visibility of the Project from public locations;

- A Water Resources Management Plan that identifies the potential effects of the Project on nearby wetlands and waterbodies and describes onsite water and sediment control measures;
- A Project-specific Contingency Plan to enable a quick and effective response to a spill event; and
- A discussion of the potential cumulative effects of the Project and nearby industrial activities, including quarry activities.

An Environmental Assessment Committee will be appointed for the purpose of providing you with technical and scientific advice regarding the preparation of the EPR. As per the legislative requirements, within 60 days of this letter you will be issued guidelines for the completion of the EPR. Please be reminded that, in accordance with the **Environmental Protection Act**, Project activities may not proceed until the proposal is released from environmental assessment.

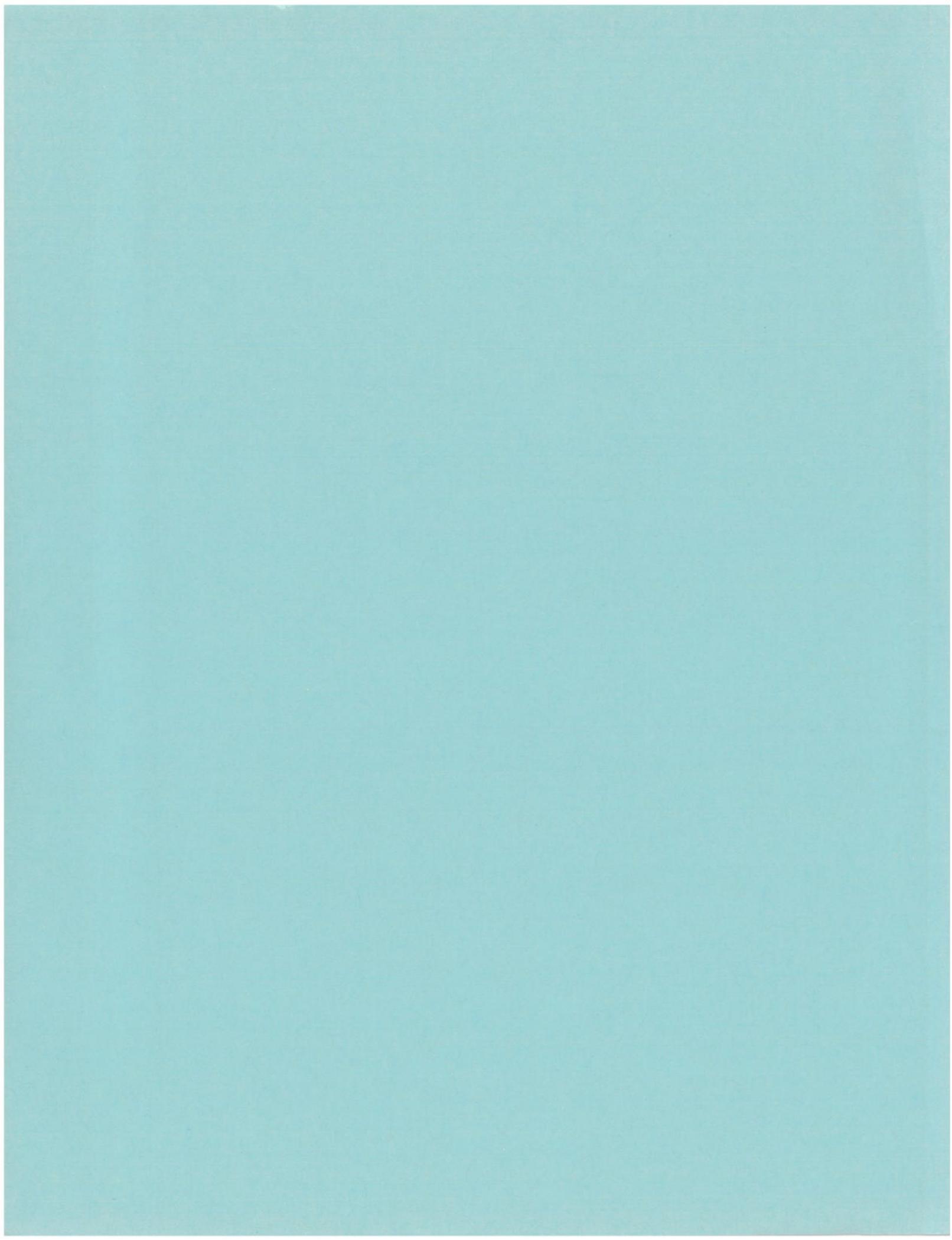
If you have any questions, please contact Joanne Sweeney, Director of the Environmental Assessment Division, at (709) 729-0673 or email [joannesweeney@gov.nl.ca](mailto:joannesweeney@gov.nl.ca).

Sincerely,



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

Cc: Barry Petten, MHA – Conception Bay South



**REGISTRATION 2246**  
**Government Screening Agency Comments**  
**White Hill Pond JCL Quarry**

**DIGITAL GOVERNMENT AND SERVICE NL**

**GOVERNMENT SERVICE CENTRE**

Comments:

**Waste**

(Environmental Protection Act, 2002)

<http://assembly.nl.ca/Legislation/sr/statutes/e14-2.htm>

All waste material generated during the construction and operation of the facility is to be placed in suitable refuse containers and removed to an approved waste disposal site on a weekly basis, with the approval of the site owner/operator.

Derelict vehicles, scrapped equipment and other debris is not to be stored on site. This material must be disposed of at an approved waste disposal site or scrap yard on a regular basis, with the prior approval of the site owner/operator.

The site is to be kept neat and tidy at all times.

Brush should be chopped/shredded, and may be burnt on-site with the approval of Forestry and Wildlife, or may be removed to an approved waste disposal site for proper disposal with the permission of the owner/operator of the waste disposal site. Tires and used or waste oil are not to be used to aid in the burning of brush.

**Pollution Control**

(Environmental Protection Act, 2002)

<http://assembly.nl.ca/Legislation/sr/statutes/e14-2.htm>

(The Storage and Handling of Gasoline and Associated Products Regulations, 2003)

<http://assembly.nl.ca/Legislation/sr/regulations/rc030058.htm>

(Heating Oil Storage Tank System Regulations, 2003)

<http://www.assembly.nl.ca/legislation/sr/regulations/rc030060.htm>

(Used Oil and Used Glycol Control Regulations, 2018)

<https://assembly.nl.ca/Legislation/sr/regulations/rc180100.htm>

All fuel storage tank system installations other than those connected to a heating appliance of a capacity of 2,500 litres or less are subject to the Storage and

Handling of Gasoline and Associated Products Regulations and will require registration prior to installation.

All fuel storage tank systems connected to a heating appliance of a capacity of 2,500 litres or less must comply with the Heating Oil Storage Tank System Regulations.

The storage, handling, and disposal of used and or waste oil must be in compliance with the Used Oil and Used Glycol Control Regulations.

Floor drains from service bays or other areas handling used or waste oils are to be routed through an oil water separator to remove oily waste before being discharged. Plans and specifications must be submitted for review and approval by Government Service Centre prior to installation.

In order to ensure that a quick and effective response to a spill event is possible, spill response equipment should be readily available on-site. Response equipment, such as absorbents and open-ended barrels for collection of cleanup debris, should be stored in an accessible location on-site. Personnel working on the project should be knowledgeable about response procedures. The proponent should consider developing a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event.

Used or waste oil is not to be burned during fire training exercises.

Gasoline and associated products used during fire training exercises are to be confined in a liquid tight fireproof containment area. Any product, water and foam mixture remaining in the containment area shall be pumped into a drum or closed container, for collection by an approved waste oil collector, or be routed through an approved oil water separator before discharge to the environment.

Any spill or leak of gasoline or associated product is to be reported immediately to Digital Government and Service NL by calling the Environmental Emergencies Telephone Line at 772-2083 or 1-800-563-9089.

### **Fire & Life Safety**

#### ***(Buildings Accessibility Act, 2006)***

<http://assembly.nl.ca/Legislation/sr/statutes/b10.htm>

Application must be made to Digital Government & Service NL for Fire/Life Safety (Request for Approval of Plans Form) and Building Accessibility (Application for Building Accessibility Registration Form) review/approvals.

Should the development require the construction or renovation of on-site service buildings, application must be made for Fire/Life Safety (request for approval of plans form) and Building Accessibility (application for building accessibility registration form) review/approvals.

## Development Control

(Protected Road Zoning Regulations, 1996)

<http://www.assembly.nl.ca/legislation/sr/regulations/rc960996.htm>

A permit is required from Digital Government & Service NL, Government Service Centre in accordance with the *Urban and Rural Planning Act* for the construction of an access road in a protected area, or for any access onto a protected road. The applicant must obtain written approval from the Town of Conception Bay South prior to development

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.

The extent of land clearing and grubbing should be restricted such that a 30 metre undisturbed buffer is maintained between the site and any surrounding watercourse or water body.

A tree screen of 30 m 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.

**Contact: Ms. Tammy McDonald, Manager of Operations (Environmental Health), (709) 729-0248 [TammyMcDonald@gov.nl.ca](mailto:TammyMcDonald@gov.nl.ca) or Mr. Chris Parsons Manager of Operations and Environmental Protection, (709) 729-2008 [chriswparsons@gov.nl.ca](mailto:chriswparsons@gov.nl.ca)**

## **OCCUPATIONAL HEALTH AND SAFETY DIVISION**

### COMMENTS:

Regulatory requirements:

The proponent must, generally, ensure that activities associated with the Quarry Operations 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, as per OHS Act s.10.

In particular, the proponent must:

- 1) Provide and maintain a workplace and the necessary equipment, systems and tools that are safe and without risk to the health and safety of his or her workers. NL OHS Act 5(a)
- 2) Provide the information, instruction, training and supervision

and facilities, as necessary, for the health and safety of his or her workers. NL OHS Act 5(b)

- 3) Ensure that his or her workers, and particularly his or her supervisors, are made familiar with any health or safety hazards that may be encountered by them in the workplace. NL OHS Act 5(c)
- 4) Conduct his or her undertaking so that persons not in his or her employ are not exposed to health or safety hazards as a result of the undertaking. NL OHS Act 5(d)
- 5) Ensure that personal protective equipment and devices are worn according to the work being performed and that his or her workers are given operating instruction in the use of such equipment and devices provided for their protection includes the proper fitting and use of respirators. NL OHS Reg s.72 and s.85
- 6) Ensure that a respiratory protection program is in place if respirators are being used. NL OHS Reg s.83.
- 7) Consult and co-operate with the occupational health and safety committee at the workplace, where one has been established, or the worker occupational health and safety representative where one has been elected or appointed. NL OHS Reg s.25
- 8) Ensure that machinery and/or equipment is well maintained and operated by competent persons. NL OHS Reg s.252 (1)a
- 9) Ensure that the regulatory requirements as described in the attached Hazard Alert are addressed
- 10) Ensure that powered mobile equipment is well maintained and equipped with:
  - a fire extinguisher,
  - protective screens, windows and doors,
  - a reverse alarm, and
  - a roll-over/fall-on protective structure. NL OHS Regulations Part 12 and 13
- 11) Ensure that an emergency response plan is in place that details measures to be taken to effectively respond to any foreseeable mishap that may occur as a result of the undertaking. The following minimum items should be considered when developing such a plan:

- a proper first-aid kit, and other requirements of the First Aid regulations;
  - communication devices;
  - a list of emergency names and numbers, appropriately placed; and
  - an action plan (with the crew aware of their roles and responsibilities). NL OHS Reg s.38 and First Aid Regulations
- 12) Ensure that a risk assessment is conducted where workers are assigned to work alone or in isolation; and where the assessment identifies a hazard, appropriate controls shall be implemented to eliminate, or where elimination is not practicable, minimize the risk associated with the hazard. A procedure must be written for checking the well-being of a worker assigned to work alone or in isolation. (Refer to all subsections of s.15 OHS Regs.)
- 13) In the event blasting is required, ensure that the Blasting Requirements of Part XIX of the NL OHS Regulations is followed.
- 14) Ensure that there are adequate toilet, washing and eating facilities for employees. NL OHS Reg s.61, s.62, and s.65.
- 15) Ensure that the workplace is sanitary and kept as clean as reasonably practicable. NL OHS Reg s.67.
- 16) Ensure that plans are developed and implemented to monitor the worker's occupational exposure to harmful substances (silica, etc) and that exposure levels are eliminated and/or minimized where possible. NL OHS Reg s.46, 47,48, and 49.
- 17) Ensure that atmospheric contamination of the workplace by hazardous substances is kept as low as reasonably practicable. If hazardous substances do exist they must be monitored and engineering and administrative controls employed (and maintained) to ensure their safe use. NL OHS Reg s.42.
- 18) The employer is to consider the protection of workers with respect to COVID-19. Employers shall follow the requirements set forth by the Chief Medical Officer of Health for the province of Newfoundland and Labrador. (e.g. physical distancing, handwashing).

## **ENVIRONMENT AND CLIMATE CHANGE**

### **CLIMATE CHANGE BRANCH**

The proponent has indicated that settling ponds and sediment control barriers will be constructed to capture and control runoff. Climate change is expected to result in more precipitation and more frequent extreme weather events that may result in increased flooding. The Climate Change Branch (CCB) suggests that the proponent consider provincial climate change projections for St. John's (nearest regional site) in the planning for this undertaking. These projections suggest that extreme precipitation events will become more intense. For example:

- On a 24-hour basis, a 1-in-100 year storm is expected to bring 167 mm of precipitation by mid-century, an increase from the current climate's 137 mm (22% growth); and
- On a 12-hour basis, a 1-in-100 year storm is expected to bring 150 mm of precipitation by mid-century, an increase from the current climate's 122 mm (23% growth).

The CCB would like to note that the clearing of trees and brush can contribute to climate change. Where required, all clearing activities must be undertaken with appropriate permits through the Forestry Division. In addition, all heavy-duty equipment used in the construction and operating phase of this project should be operated in a manner to maximize fuel efficiency, thereby reducing greenhouse gas emissions that could contribute to climate change.

**Contact: Contact: Ms. Jennifer Forristall-Prim, Manager of Risk Mitigation (709) 729-1485 , [jenniferfprim@gov.nl.ca](mailto:jenniferfprim@gov.nl.ca)**

### **NATURAL AREAS PROGRAM**

No comments.

**Contact: Ms. Tina Leonard, Manager, (709) 637-2240 [TinaLeonard@gov.nl.ca](mailto:TinaLeonard@gov.nl.ca)**

### **POLLUTION PREVENTION DIVISION**

Comments:

#### **General**

Activities associated with this project are subject to the *Environmental Protection Act* (EPA), the *Water Resources Act* (WRA), and their associated regulations. Official copies of these may be obtained from the King's Printer or online at <https://www.assembly.nl.ca/legislation/sr/consolidation/>. These comments

highlight some of the pertinent requirements of these acts and regulations and may also reference policies and guidelines of the Pollution Prevention Division.

### ***Environmental Protection Act***

**<http://assembly.nl.ca/Legislation/sr/statutes/e14-2.htm>**

### **Part IV and V – Waste**

All waste material shall be considered, prior to disposal, for reuse, resale or recycling.

All waste material generated during construction and operation is to be placed in suitable refuse containers and removed to an approved waste disposal site, with the approval of the site owner/operator.

When considering waste disposal options (including organic wastes), the proponent must ensure that waste is disposed of at a waste disposal facility or facilities approved to accept the type and projected quantity of waste material.

Brush should be chopped/shredded and may be removed to an approved compost facility or an approved waste disposal site for disposal with the prior permission of the owner/operator.

### **Air Pollution Control Regulations**

**<https://assembly.nl.ca/Legislation/sr/regulations/rc220011.htm>**

Activities associated with this proposal are subject to Air Pollution Control Regulations.

Schedule D of the regulations prohibits the burning of tires; plastics; treated lumber; asphalt and asphalt products; drywall; demolition waste; hazardous waste; biomedical waste; domestic waste; trash, garbage, or other waste from commercial, industrial or municipal operations; manure; rubber; tar paper; railway ties; paint and paint products; fuel and lubricant containers; used oil; animal cadavers; hazardous substances; materials disposed of as part of the removal of decontamination of equipment, buildings or other structures.

### **Pesticides Control Regulations**

**<http://www.assembly.nl.ca/legislation/sr/regulations/rc120026.htm>**

All pesticide use, meaning the purchase, transport, storing, possessing and handling is subject to compliance with the Pesticides Control Regulations, 2012.

If the use of a pesticide(s) is required (e.g. for the control of insects, rodents, weeds, disease), a Pesticide Applicator Licence will be required. If pest control services are contracted out, the business must have a valid Pesticide Operator Licence. Please contact the Pesticides Control Section of the Department of Environment and Climate Change at (709) 729-6054 to arrange an examination,

schedule a Pesticide Storage Inspection or to check status of a Pesticide Operator.

When applying pesticides ensure all label directions are followed including application method and rate, required buffer zones, restricted entry intervals and pre-harvest intervals.

### **The Storage and Handling of Gasoline and Associated Products Regulations**

**<http://assembly.nl.ca/Legislation/sr/regulations/rc030058.htm>**

All fuel storage tank systems, other than those connected to a heating appliance of capacity of 2,500 litres or less, require registration prior to installation.

In order to ensure that a quick and effective response to a spill event is possible, spill response equipment should be readily available on site. Response equipment, such as absorbents and open-ended barrels for collection of clean-up debris, should be stored in an accessible location on site. Personnel working on the project should be knowledgeable about response procedures. The proponent should 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 shall be reported immediately by calling the Environmental Emergencies Telephone Line at 1-800-563-9089.

### **Heating Oil Storage Tank System Regulations**

**<http://www.assembly.nl.ca/legislation/sr/regulations/rc030060.htm>**

All fuel storage tank systems connected to a heating appliance of a capacity of 2,500 litres or less must comply with the *Heating Oil Storage Tank System Regulations*.

### **Used Oil and Used Glycol Control Regulations**

**<https://assembly.nl.ca/Legislation/sr/regulations/rc180100.htm>**

The storage, handling and disposal of used and or waste oil/glycol must be in compliance with the Used Oil and Used Glycol Control Regulations.

Used oil and used glycol shall be retained in a tank or closed container. If applicable, the tank shall be registered and/or the container shall be approved by the Department of Digital Government and Service NL. Collection shall occur by those holding a valid certificate of approval and disposal shall be in accordance with section 6 of the regulations.

Devices or tanks used to separate and remove oily wastes from oil and water mixtures may require registration under the Used Oil and Used Glycol Control Regulations. Contact the Department of Digital Government and Service NL to

determine whether registration is required for the particular device/tank proposed in the registration document.

### **Halocarbon Regulations**

**<http://www.assembly.nl.ca/legislation/sr/regulations/rc050041.htm>**

Any use of halocarbons or other regulated substances in fire suppression, air conditioning or refrigeration systems associated with the proposed activity is subject to the *Halocarbon Regulations*.

### ***Water Resources Act***

**<https://www.assembly.nl.ca/Legislation/sr/statutes/w04-01.htm>**

### **Environmental Control Water and Sewage Regulations**

**<http://www.assembly.nl.ca/legislation/sr/regulations/rc030065.htm>**

All waters discharged from the proposed site, during construction and operation, are subject to compliance with the Environmental Control Water and Sewage Regulations.

### **Other Project Specific Comments**

Section 4.5, bullet 3 of this document refers to the Waste Management Regulations for handling of domestic waste. It should refer to disposal at the regional waste management facility or through the regional waste management system.

**Contact: Mr. Robert Locke, Director, Pollution Prevention Division (709)729-5782, [rlocke@gov.nl.ca](mailto:rlocke@gov.nl.ca)**

### **WATER RESOURCES MANAGEMENT DIVISION**

Comments:

Under the authority of the Water Resources Act, SNL2002 cW-4.01 <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm>, the Water Resources Management Division (WRMD) <https://www.eecm.gov.nl.ca/waterres/> is responsible for the management of water resources of the province of Newfoundland and Labrador.

The registration document mentions the potential construction of a sedimentation pond. If the sedimentation pond meets the definition of dam in the province (<https://www.gov.nl.ca/ecc/waterres/damsafety/>) then prior to the start of construction, the proponent must apply for and obtain a permit under the Water Resources Act, 2002, specifically Section 48 <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm>

Contact: Manager, Drinking Water & Wastewater Section - (709) 729-1158

As per the 1:50,000 National Topographic Map, a pond is located approximately 100 metres away from the western boundary and a stream is located approximately 500 metres away from the eastern boundary

### **Non-Domestic Water Use for Any Purpose**

Prior to the start of construction, the proponent must apply for and obtain a water use licence under the Water Resources Act, 2002 <https://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> for the use of water from any water source for any purpose. This must be stated for all non-domestic uses with an existing, new or planned water use from any water source.

Any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003 <http://assembly.nl.ca/Legislation/sr/regulations/rc030065.htm>

Does your agency have any advice on mitigation and/or best management practices to provide to the proponent for project planning, construction, operation, maintenance, rehabilitation and/or decommissioning? N/A

Condition of release, recommended wording:

Prior to commencing any work related to this project, a brief Water Resources Management Plan must be prepared and submitted to the Water Resources Management Division for review and approval. Please contact Mohammad Khayer, Senior Engineer of the Water Rights, Investigations, and Modelling Section at 709-729-1229 or via email at [mohammadkhayer@gov.nl.ca](mailto:mohammadkhayer@gov.nl.ca) for further information.

The Water Resources Management Plan should address/answer the following concerns/questions:

- a) If there are any brook/river/stream, pond, or wetland present in or within the proximity of the project boundary, then provide the type of water body and its distance from the site.
- b) 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.
- c) 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.
- d) Describe water control measures to be deployed onsite for daily workings as well as for high-precipitation storms.

e) Describe sediment control measures to be deployed onsite to avoid discharging sediment-laden water into the natural waterbody

**Contact: Mr. Haseen Khan, Director, Water Resources Management Division, (709) 729-2563, [hkhan@gov.nl.ca](mailto:hkhan@gov.nl.ca)**

## **EXECUTIVE COUNCIL**

### **OFFICE OF INDIGENOUS AFFAIRS AND RECONCILIATION**

Comments:

This is not a project for which Indigenous Affairs would recommend Aboriginal Consultation. IAR does not issue any permits or have any regulatory authority with respect to this registration. IAR has no scientific expertise as to recommend whether this registration requires an EIS; EPA, released or rejection and therefore has no recommendation on these options.

**Contact: Ms. Jennifer Barnes, Director, (709)729-0510**  
[JenniferBarnes@gov.nl.ca](mailto:JenniferBarnes@gov.nl.ca)

### **OFFICE OF WOMEN AND GENDER EQUALITY**

No comments.

**Contact: Ms. Andrea Barnes, Senior Policy and Research Analyst, (709)729-5032, [Abarnes@gov.nl.ca](mailto:Abarnes@gov.nl.ca)**

## **FISHERIES, FORESTRY AND AGRICULTURE**

Comments:

FFA advises the proponent to operate under established legislation and regulations, such as to prevent harassment of wildlife (see **Wild Life Regulations** under the **Wild Life Act**), and guidance with respect to wildlife and their habitats (e.g. waterfowl, wetlands, inland fish, riparian buffers) to avoid or minimize adverse impacts.

The **Migratory Birds Convention Act, 1994, Migratory Bird Regulations, Wild Life Act** and **Wild Life Regulations** protect birds and prohibit the disturbance or destruction (including incidental ones) of bird nests and eggs in Newfoundland & Labrador. For more information on avoiding harm to avifauna, visit:  
<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html>

The proponent must adhere to section 3 of the **Cutting of Timber Regulations** under the **Forestry Act**. A cutting permit is required prior to any harvesting or timber removal in the area. An Operating Permit under section 13 of the **Forest Fire Regulations** 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 is required under section 3 of the **Forest Fire Regulations** to ignite a fire on or within 300 meters of forest land.

Pursuant to subsection 14(1) of the **Lands Act**, the construction of the quarry access road cannot begin until the proponent is issued a Licence to Occupy by the minister for the construction of the access road.

Condition of release, recommended wording:

Where applicable, a minimum 30 meter naturally vegetated buffer to be maintained along all waterbodies detectable on the landscape to protect sensitive riparian and aquatic species, and their habitat.

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 any raptor nest site must be reported to the Wildlife Division.

**Contact: Ms. Robyn Dillman, Fisheries, Forestry and Agriculture, (709) 637-2353, [ffareferrals@gov.nl.ca](mailto:ffareferrals@gov.nl.ca)**

## **HEALTH AND COMMUNITY SERVICES**

Comments:

None

**Contact: Mr. Douglas Howse, Manager of Environmental Health, (709) 729-3422 [douglashowse@gov.nl.ca](mailto:douglashowse@gov.nl.ca)**

## **IMMIGRATION, POPULATION GROWTH AND SKILLS**

Comments:

One of the mandates of IPGS is to engage with employers and community members in promoting awareness of immigration and multiculturalism. Given this, IGPS suggests the proponent contact the Association for New Canadians about Intercultural Competency Training, which can grow the proponent's knowledge and understanding about Diversity, Equity and Inclusion principles. Phone: 709-722-9680 / [ict@ancnl.ca](mailto:ict@ancnl.ca).

IPGS delivers two provincial immigration programs, the Provincial Nominee Program and the Atlantic Immigration Program. Both programs can help employers recruit internationally-based workers for long-term employment in the province (i.e. at least one year in duration). IPGS can assist the applicant obtain a work permit, and help guide both employer and employee through the immigration process. The proponent has not indicated that they will seek to recruit foreign workers for this project or in the operations or management of the trail. However, should the proponent wish to do so, they are encouraged to contact IPGS at [attraction@gov.nl.ca](mailto:attraction@gov.nl.ca) or [immigration@gov.nl.ca](mailto:immigration@gov.nl.ca).

**Contact: Ms. Debbie Senior, Policy and Planning Development (709)729-7131** [DebbieSenior@gov.nl.ca](mailto:DebbieSenior@gov.nl.ca)

## **INDUSTRY, ENERGY AND TECHNOLOGY**

Comments:

### **Mines Branch**

Over the past several years the Department of Industry, Energy and Technology's quarry program has undergone significant changes and the experience of the program during that time has led to the current decision that all future quarry issuances near White Hill Pond must be a quarry lease (or equivalent instrument), rather than a quarry permit. This requirement has been, or will be, communicated to all parties operating at this location and all applicants. The requirement for quarry leases is considered necessary to ensure that development is confined to within authorized boundaries, that commitments made during the EA process and depicted on accepted site plans are upheld, and that financial assurance is in place to ensure that rehabilitation can be carried out if necessary.

To summarize: a quarry lease will be required to commence site development activities and begin operating the proposed quarry. The proponent is directed to the following document for guidance in preparing quarry lease plans: <https://www.gov.nl.ca/iet/files/Guidelines-for-the-Preparation-of-Development-Rehab-and-Closure-Plans.pdf>

There is the potential for visibility of the proposed quarry operation from such locations as Peacekeepers Way, Lawrence Pond Road, and Daniels Road. Accordingly, the proponent is required to complete a visibility management plan as per the requirements set out by the Mineral Lands Division (see attached PDF document).

The registration document states the following:

Site access will be via an established private access road and/or through an approved Quarry Application held by Butler's Sand & Stone.  
Permission to access the quarry though the access road and the quarry

has been granted which, along with utilizing existing established corridors within the other quarries, will allow us to access the proposed new development area. (p. 1)

The development of the proposed quarry area will occur in a number of phases:

Initial Access:

- a. Upgrading of existing gravel trail if required to access Larch Grove Road,
- b. Upgrading of the existing access road from Route 60 through the Butler's Quarries. (p. 5)

The registration does not contain a discussion of these access alternatives and does not indicate which of these access options the proponent intends to pursue.

In the interest of quarry resource management the Department considers that the following are necessary measures in facilitating the development of adjacent quarry sites or quarry clusters:

1. That when access routes are developed on Crown land for the purposing of accessing a quarry site that these access routes be available to other operators and the public. The necessity for public access routes is especially important in areas where there is a quarry cluster, a quarry cluster is developing, or where the quarry resource is especially valuable or in demand. In order to provide equitable access for all present and future operators, the Department will not support any proposal for the development of private access routes at this location.
2. That access to a new quarry site may not be dependent on access through an area covered by a quarry permit or lease held by a third-party. Specifically, each quarry site must have the potential to be accessed via a public access route. Access corridors that would permit shared access by multiple parties must be available for the development of those access roads that may be necessary to provide access to each quarry site.

For the above reasons, in 2017 the Department planned an access configuration that would help ensure these requirements are met (see attached map). In order to be compliant with the above requirements and adhere to the planned access configuration, the proponent must do the following:

1. Modify the northern boundary of their application area so that it is at least 20 m distant from the horizontal line which defines the boundaries of the quarry sites located or proposed to be located to the immediate north;
2. Modify their application area so that the area is bisected by at least one north-south access corridor of minimum width 20 m, the purpose of which is to ensure that areas to the south of the proposed quarry have the potential to be readily accessible by way of the access corridors

developed in relation to the cluster of quarry sites. In this respect, we envision not only the potential need for future access for potential future quarry developments further south but also a public access route through the quarry cluster for other land users. As currently proposed (as a large, east-west rectangular shape), the proposed quarry does not allow for access through the area to locations further south.

The quarry permit application corresponding to this project proposal only proposes operations of crushing, screening, and pit run removal (reproduced in Appendix B), whereas the registration document proposes that the operation also involve drilling and blasting (p. 5). We require that the proponent correct this inconsistency.

The proponent's other proposal for a large quarry site located near the Butterpot Park interchange was released from the environmental assessment process in 2021 ("Round Pond Quarry", EA file 2101) and is currently awaiting authorization from our Department by way of a quarry lease. The Round Pond Quarry proposal is located approximately 6.5 -7 km south of the current proposal within the same region at a location underlain by similar geology for the purpose of producing the same kind of materials. Given the regional importance of the resources at these locations (specifically, the granite-derived sands and gravels) and the regional importance of any site that may be permissible for quarrying quality materials on the northeast Avalon, the Department considers it necessary that the proponent justify in satisfactory detail why they need an additional large quarry site for similar materials in the same region. By addressing the justification for the current proposal in relation to the proposal released from environmental assessment in 2021, the proponent will be providing the environmental assessment process with information about project alternatives and rationale and with information to help assess cumulative impacts.

Inquiries concerning this response should be directed to Stephen Hinchey, Land Use Geologist, Mines Branch, Department of Industry, Energy, and Technology, at (709)729-5748 or [stephenhinchey@gov.nl.ca](mailto:stephenhinchey@gov.nl.ca)

#### Electricity Division

It is recommended that the proponent consult with Newfoundland Power and Newfoundland and Labrador Hydro to ensure no conflict with existing or planned electrical infrastructure

**Contact: Ms. Tammy Walters, Manager, Mineral Analysis (709) 729-5811**  
[TammyWalters@gov.nl.ca](mailto:TammyWalters@gov.nl.ca)

#### **LABRADOR AFFAIRS**

Labrador Affairs has reviewed this submission and has no comments.

**Contact: Mr. Ken Russell, Senior Analyst, (709) 896-1780** [krussell@gov.nl.ca](mailto:krussell@gov.nl.ca)

## **MUNICIPAL AND PROVINCIAL AFFAIRS**

Comments:

Municipal and Provincial Affairs reviews the subject EA and proposed use in terms of permissibility within intercepted Planning areas. In this case, the Planning areas include;

St. John's Urban Region Regional Plan – the site is zoned Rural where quarries are permitted

Butter Pot Witless Bay Environs Development Control Regulations – The site intersects with Rural zoning where the use can be approved on a discretionary basis subject to public Notice of Application being advertised in a newspaper circulating in the proposed development area.

The discretionary use application may only proceed after the Department of IET-Mineral Lands division is satisfied with the application, including lot configuration, which must not inhibit future development of the resource in the Rural zone. Section 4 of the Regulations states:

**4.** The discretionary use classes listed in this table may be permitted at the discretion of the authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of those uses and in the case of general industry, that they be restricted to maintenance and repair of equipment, processing and storage related to resource uses.

The site encroaches into the Conservation zone where the use is prohibited. The proposed footprint must be refined to exclude the Conservation zone.

Town of Conception Bay - The site is zoned Rural where the access road is proposed. A permit is required from the Town for the access road.

Condition of release, recommended wording:

As a condition of release, only a quarry configuration that does not establish a 'road block' to future development by others in the Rural zone can be considered for approval. As proposed, the quarry extends from a 'Conservation zone' to a 'Conservation zone', cutting off development access to the remaining Rural zone where future quarry development can be permitted on a discretionary basis. A final quarry configuration must also exclude any encroachment into a Conservation zone.

**Contact: Ms. Carol Hanlon, Municipal and Provincial Affairs (709)729-3090**  
[CarolHanlon@gov.nl.ca](mailto:CarolHanlon@gov.nl.ca)

## **TOURISM, CULTURE, INDUSTRY AND INNOVATION**

### **PROVINCIAL PARKS DIVISION**

Butter Pot Provincial Park which is designated as one of the provinces three keystone camping parks is located approximately 2 kilometres south of the proposed quarry (Please see the reference map below).

Parks NL would like the proponent to adhere to their application that was submitted in the Environmental Assessment Registration document 2246 that had checkboxes for Drilling, Blasting and Ripping left blank. If terms of the registration change in the future assuming they are approved with this registration and the proponent would like to Drill, Blast or Rip then we ask that this would NOT occur from May 1<sup>st</sup> to September 30<sup>th</sup> annually.

Condition of release, recommended wording:

Parks NL requests that there be absolutely No Drilling, Blasting or Ripping from May 1<sup>st</sup> to September 30<sup>th</sup> annually.

**Contact: Mr. Geoff Bailey, Manager of Park Operations and Administration, (709) 637-2411, [geoffbailey@gov.nl.ca](mailto:geoffbailey@gov.nl.ca)**

### **PROVINCIAL ARCHAEOLOGY OFFICE**

No comments:

**Contact: Mr. Jamie Brake, Provincial Archaeologist, (709) 729-2462, [jamiebrake@gov.nl.ca](mailto:jamiebrake@gov.nl.ca)**

### **TOURISM PRODUCT DEVELOPMENT DIVISION**

No comments:

**Contact: Mr. John Angelopoulos, Director of Tourism Product Development, (709) 729-4518, [johnangelopoulos@gov.nl.ca](mailto:johnangelopoulos@gov.nl.ca)**

## **TRANSPORTATION AND INFRASTRUCTURE**

No direct access to Route 2 (CBS Bypass) is granted under this referral.

This application refers to use of Andrew's Road which is not under the jurisdiction of the Department of Transportation and Infrastructure.

The proposed access via Andrew's Road may require drainage structure(s) and should be monitored for adequacy by the governing authority.

Portion(s) of the current access road to the area may fall on private land. As a result, the proponent is fully and solely responsible for securing its own right of passage over any private land claims.

TI wishes to also note the following. In a potentially related quarry access request, TI noted that Granny Till Road (not referenced in this referral) is not under the jurisdiction of this Department. The bridge over the CBS Bypass, however, is under the jurisdiction of the Department of Transportation and Infrastructure. Any damage to the bridge caused quarry-related activity shall be the proponent's responsibility and repaired at the proponent's cost. Loading on the bridge over the CBS Bypass is limited to CL-625 loads. No access to Route 2 (CBS Bypass) would be granted.

**Contact: Ms. Jennifer Crummey, Director, Strategic and Support Services (709) 729-5399 [JenniferCrummey@gov.nl.ca](mailto:JenniferCrummey@gov.nl.ca)**

## **FEDERAL GOVERNMENT DEPARTMENTS**

### **ENVIRONMENT AND CLIMATE CHANGE CANADA**

Comments:

#### **Fisheries Act**

Pollution prevention and control provisions of the *Fisheries Act* (<http://laws-lois.justice.gc.ca/eng/acts/F-14/FullText.html>) are administered and enforced by Environment and Climate Change Canada (ECCC). The proponent should be aware of the general applicability of Section 36(3) of the *Fisheries Act* which states: "no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substances or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water". Environmental protection and mitigation measures should reflect the need to comply with Section 36(3) of the *Fisheries Act*.

It is the responsibility of the proponent to ensure that all reasonable measures are conducted to prevent the release of substances deleterious to fish from their proposed activities. In general, compliance is determined at the last point of control of the substance before it enters waters frequented by fish, or, in any place under any conditions where a substance may enter such waters.

Additional information on what constitutes a deposit under the *Fisheries Act* can be found at:

<https://www.canada.ca/en/environment-climate-change/services/managing->

[pollution/fisheries-act-registry/frequently-asked-questions.html](https://www2.ec.gc.ca/pollution/fisheries-act-registry/frequently-asked-questions.html).

### *Migratory Bird Convention Act*

#### Migratory Birds

Migratory birds, their eggs, nests, and young are protected under the *Migratory Birds Convention Act* (MBCA). Migratory birds protected by the MBCA generally include all seabirds (except for cormorants and pelicans), all waterfowl, all shorebirds, and most landbirds (birds with principally terrestrial life cycles). The list of species protected by the MBCA can be found at <https://www.canada.ca/en/environment-climate-change/services/migratory-birds-legal-protection/convention-act.html>. Bird species not listed may be protected under other legislation.

Under Section 5(1) of the *Migratory Bird Regulations, 2022* (MBR), it is forbidden to capture, kill, take, injure or harass a migratory bird; or damage, destroy or take a nest or egg of a migratory bird, excluding under the exceptions listed in 5(2) of the MBRs, or under the authority of a permit. It is important to note that under the MBR, no permits can be issued for the harm of migratory birds caused by development projects or other economic activities.

Furthermore, Section 5.1 of the MBCA describes prohibitions related to depositing substances harmful to migratory birds:

“5.1 (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.

(2) No person or vessel shall deposit a substance to be deposited in any place if the substance, in combination with one or more substances, result in a substance – in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area – that is harmful to migratory birds.”

It is the responsibility of the proponent to ensure that activities are managed so as to ensure compliance with the MBCA and associated regulations.

### *Canadian Environmental Protection Act*

The proponent should also be aware of the potential applicability of the *Canadian Environmental Protection Act* (CEPA 1999). The *Canadian Environmental Protection Act* enables protection of the environment, and human life and health, through the establishment of environmental quality objectives, guidelines and codes of practice, and the regulation of toxic substances, emissions and discharges from federal facilities, international air pollution, and disposal at sea.

## **2.1 Migratory Birds and Species at Risk**

Environment and Climate Change Canada’s Canadian Wildlife Service (ECCC-CWS) has reviewed NLEPA provincial registration 2246 (ECCC 23-NL-018) –

White Hill Pond JCL Quarry, submitted by JCL Investments Inc., and offers the following comments.

**Specific Recommendations:**

1. ECCC-CWS recommends that the proponent include mitigation measures related to avoiding/reducing potential interactions between migratory birds and species at risk and the settling ponds.

**General Recommendations:**

Vegetation Clearing

Clearing vegetation may cause disturbance to migratory birds, and may inadvertently cause the destruction of their nests and eggs. Many species use trees, as well as brush, deadfalls and other low-lying vegetation for nesting, feeding, shelter and cover. This would apply to songbirds throughout the region, as well as waterfowl in wetland areas. Disturbance of this type would be most critical during the breeding period. The breeding season for most birds within the project area occurs between April 15<sup>th</sup> and August 15<sup>th</sup>, however some species protected under the MBCA nest outside of this time period. Please see the webpage “Nesting Periods” (Website: <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods/nesting-periods.html>) for more specific information concerning the breeding times of migratory birds. This project area falls within zone “D3-4”.

Environment and Climate Change Canada provides the following recommendations:

1. The proponent should avoid clearing during the regional nesting period for migratory birds. The breeding season for most birds within the project area occurs between April 15<sup>th</sup> and August 15<sup>th</sup> (see above website for more specific time periods by zone).
2. Active nests can be found during project activities outside of the regional nesting period. To reduce the risk of impacting nests or birds caring for pre-fledged chicks at those times, ECCC-CWS recommends measures such as the establishment of vegetated buffer zones around nests, and minimization of activities, in the immediate area until nesting is complete and chicks have naturally migrated from the area. The proponent must identify the best approach, based on the circumstances, to comply with the MBCA.
3. The proponent should be aware that while most migratory bird species construct nests in trees (sometimes in tree cavities) and shrubs, mitigations should be appropriate for migratory birds with different strategies. For example, several species nest at ground level (e.g. Common Nighthawk, Killdeer, sandpipers), in hay fields, pastures or in burrows. Some bird species may nest on cliffs or in stockpiles of overburden material from mines or the banks or quarries. Some migratory

birds (including certain waterfowl species) may nest in head ponds created by beaver dams. Some migratory birds (e.g. Barn Swallow, Cliff Swallow, Eastern Phoebe) may build their nests on structures such as bridges, ledges, or gutters.

4. The proponent should develop and implement a management plan that includes appropriate preventative measures to minimize the risk of impacts on migratory birds (please see “Guidelines to reduce risk to migratory birds” at <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html>). For beneficial management practices regarding how to avoid the incidental take of migratory bird nests and eggs, please refer to the Avoidance Guidelines (Website: <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/guidelines.html>). The management plan should include processes to follow should an active nest be found at any time of the year.

### Nest Searches

Migratory bird nests can be found in a wide variety of habitats and locations. Depending on the species, nests may be found at many heights in trees, in tree cavities, in shrubs, on the ground (including in hayfields, crops and pastures), on cliffs, in burrows, in stockpiles of overburden from mines, in quarry banks, within wetlands, and on human-made structures such as bridges, ledges, and gutters. It is difficult to locate most nests. Nest sites are often hidden and adult birds avoid approaching their nests in a manner that would attract predators to their eggs or young. Moreover, the amount, and complexity of habitat to be searched often limits the success of surveys intended to locate all active nests. The nests of a few species are easier to locate, particularly those in isolated trees, on human-made structures and/or in colonies.

To determine the likelihood that migratory birds, their nests or eggs are present in a particular location, use a scientifically sound approach that considers the available bird habitats, which migratory bird species are likely to be encountered in such habitats, and the time periods when they would likely be present. This will help you plan work activities to avoid having an impact on nesting birds. If further investigation is required to determine the presence of breeding birds, consider conducting an area search for evidence of nesting (e.g., presence of birds in breeding through observation of singing birds, alarm calls, distraction displays) using non-intrusive search methods to prevent disturbance to migratory birds. In the case of songbirds, for example, “point counts” (a technique to locate singing territorial males) may provide a good indication of the present of nests of these birds in an area. Please contact Environment and Climate Change Canada’s Canadian Wildlife Service office in your region for further technical information about investigation methods for non-song bird species (notably, waterfowl, waterbirds, and shorebirds).

In most cases, nest search techniques are not recommended because, in most habitats, the ability to detect nests remains very low while the risk of disturbing

active nests is high. Flushing birds increase the risk of predation of the eggs or young, or may cause the adults to abandon the nests or the eggs. Therefore, except when the nests searched are known to be easy to locate without disturbing them, active nest searches are generally not recommended; they have a low probability of locating all nests, and are likely to cause disturbance to nesting birds. In many circumstances, harm is likely to still occur during industrial or other activities even when active nest searches are conducted prior to these activities.

In some cases, nest surveys may be carried out successfully by skilled and experienced observers using appropriate methodology, and in the event that activities would take place in simple habitats (often in man-made settings) with only a few likely nesting spots or a small community of migratory birds. Examples of simple habitats include:

- An urban park consisting mostly of lawns with a few isolated trees;
- A vacant lot with few possible nest sites;
- A previously cleared area where there is a lag between clearing and construction activities (and where ground nesters may have been attracted to nest in cleared areas or in stockpiles of soil, for instances); or
- A structure such as a bridge, a beacon, a tower or a building (often chosen as a nesting spot by robins, swallows, phoebes, Common Nighthawk, gulls and others).

Nest searches can also be considered when looking for:

- Conspicuous nest structures (such as nests of Great Blue Herons, Bank Swallows, Chimney Swifts);
- Cavity nesters in snags (such as woodpeckers, goldeneyes, nuthatches); or
- Colonial-breeding species that can be located from a distance (such as a colony of terns or gulls).

### Fuel Leaks

The proponent must ensure that all precautions are taken by the contractors to prevent fuel leaks from equipment, and that a contingency plan in case of oil spills is prepared. Furthermore, the proponent should ensure that contractors are aware that under the MBR, “no person shall deposit or permit to be deposited oil, oil wastes or any substance harmful to migratory birds in any waters or any area frequented by migratory birds”. Biodegradable alternatives to petroleum-based chainsaw bar oil and hydraulic for heavy machinery are commonly available from major manufacturers. Such biodegradable fluids should be considered for use in place of petroleum products whenever possible, as a standard for best practices. Fueling and servicing of equipment should not take place within 30 metres of environmentally sensitive areas, including shorelines and wetlands.

Provisions for wildlife response activities should be identified in the Oil Spill Prevention and Response Plan to ensure that pollution incidents affecting Wildlife are effectively and consistently mitigated. The document “Guidelines for effective wildlife response plans” is attached and is provided to offer guidance on the development of wildlife response activities. Documents can be downloaded from [National Wildlife Emergency Response Framework - Canada.ca](http://NationalWildlifeEmergencyResponseFramework-Canada.ca) “Guidelines for wildlife response plans”.

The following information should be included in any Oil Spill Prevention and Response Plan:

- Mitigation measures to deter migratory birds from coming into contact with the oil.
- Mitigation measures to be undertaken if migratory birds and/or sensitive habitat becomes contaminated with the oil.
- The type and extent of monitoring that would be conducted in relation to various spill events.

#### Stockpiles

Certain species of migratory birds (e.g. Bank Swallows) may nest in large piles of soil left unattended/unvegetated during the most critical period of breeding season (April 25<sup>th</sup> through August 15<sup>th</sup>). To discourage this, the proponent should consider measures to cover or to deter birds from these large piles of unattended soil during the breeding season. If migratory birds take up occupancy of these piles, any industrial activities (including hydroseeding) will cause disturbance to these migratory birds and inadvertently cause the destruction of nests and eggs. Alternate measures will then need to be taken to reduce potential erosion, and to ensure that nests are protected until chicks have fledged and left the area. For a species such as Bank Swallow, the period when the nests would be considered active would include not only the time when birds are incubating eggs or taking care of flightless chicks, but also a period of time after chicks have learned to fly, because Bank Swallows return to their colony to roost.

See also for example the attached guidance concerning beneficial management practices that should be considered for implementation when designing mitigation measures for Bank Swallows, as well as guidance provided at [Bank Swallow \(Riparia riparia\): in sandpits and quarries - Canada.ca](http://BankSwallow(Riparia.riparia):insandpitsandquarries-Canada.ca).

#### Revegetation

A variety of species of plants native to the general project area should be used in revegetation efforts. Should seed mixes for herbaceous native species for the area not be available, it should be ensured that plants used in revegetation efforts are not known to be invasive.

#### Invasive Species

Measures to diminish the risk of introducing invasive species should be developed and implemented during all project phases. These measures could include:

- Cleaning and inspecting construction equipment prior to transport from elsewhere to ensure that no vegetative matter is attached to the machinery (e.g., use of pressure water hose to clean vehicles prior to transport).
- Regularly inspecting equipment prior to, during and immediately following construction in areas found to support Purple Loosestrife to ensure that vegetative matter is not transported from one construction area to another.

### Noise Disturbance

Anthropogenic noise produced by construction and human activity can have multiple impacts on birds, including causing stress responses, avoidance of certain important habitats, changes in foraging behaviour and reproductive success, and interference with songs, calls and communication. Activities that introduce loud and/or random noise into habitats with previously no to little levels of anthropogenic noise are particularly disruptive.

ECCC-CWS recommends the following best management practices:

- The proponent should develop mitigations for programs that introduce very loud and random noise disturbance (e.g. blasting programs) during the migratory bird breeding season for their region.
- The proponent should, where possible, prioritize construction works in areas away from natural vegetation while working during the migratory bird breeding season. Conducting loud construction works adjacent to natural vegetation should be completed outside the migratory bird breeding season.
- The proponent should keep all construction equipment and vehicles in good working order and loud machinery should be muffled if possible.

### Infrastructure, Buildings and Bridges

Certain species of migratory birds may nest on the sides of buildings, bridges or other pieces of infrastructure. Additionally, some species may nest on equipment, if they are left unattended/idle for long periods of time.

ECCC-CWS recommends the following beneficial management practices:

- The proponent should ensure that project staff are aware of the potential of migratory bird nests on infrastructure, buildings, and bridges, if applicable.
- If a nest is discovered, the proponent should conduct no activities around the nest that cause the nest to be abandoned or destroyed. Activities should be suspended until the chicks have fledged and left the area.
- If the proponent anticipates that birds may nest on infrastructure, the proponent should install anti-perching and nesting exclusion devices (e.g. mesh netting, chicken wire fencing, etc.) before any nest attempts are made.

### Blasting

No high disturbance activities (i.e. blasting) within 1km of active Common Loon nests should occur during the nesting season (May, June, July).

### Species at Risk

The *Species at Risk Act* (SARA) “General prohibitions” apply to this project. In applying the general prohibitions, the proponent, staff and contractors, should be aware that no person shall:

- kill, harm, harass, capture or take an individual;
- possess, collect, buy, sell or trade an individual, or any part or derivative;
- damage or destroy the *residence* of one or more individuals.

General prohibitions only apply automatically:

- on all federal lands in a province,
- to aquatic species anywhere they occur,
- to migratory birds protected under the *Migratory Birds Convention Act* (MBCA) 1994 anywhere they occur.

Section 33 of SARA prohibits damaging or destroying the residence of a listed threatened, endangered, or extirpated species. For migratory birds species at risk (SAR), this prohibition immediately applies on all lands or waters (federal, provincial, territorial and private) in which the species occurs.

In federal environmental assessment (EA), ss.79(2) of SARA requires that persons responsible for an EA to: 1) identify adverse effects on all listed species 2) if the project is carried out, ensure that measures are taken to avoid or lessen those effects; and, 3) monitor them. While there is not a federal EA for this project, ECCC advocates a similar approach for the provincial EA.

ECCC-CWS also recommends that the provincial department responsible for SAR be contacted for technical expertise on SAR under their responsibility (e.g. bats, reptiles, amphibians, land-mammals, plants, lichen and birds that are not protected by the MBCA, such as raptors). For the Province of Newfoundland and Labrador, the Proponent can contact Jessica Humber ([Jessicahumber@gov.nl.ca](mailto:Jessicahumber@gov.nl.ca)).

For species which are not listed under SARA, but are listed under provincial legislation only or that have been assessed and designated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), it is best practice to consider these species in EA as though they were listed under SARA.

### Avian species at risk:

The following avian species at risk (as listed on Schedule 1 of the *Species at Risk Act*) may occur within the study area: Bank Swallow (Threatened), Olive-sided Flycatcher (Threatened), Red Crossbill (Threatened). ECCC-CWS requests that any species at risk sightings be reported to ECCC-CWS at [ec.scfatldonneesei-cwsatliadata.ec@ec.gc.ca](mailto:ec.scfatldonneesei-cwsatliadata.ec@ec.gc.ca). SAR observations should also be

submitted to the Atlantic Canada Conservation Data Centre, directions on how to contribute data can be found at: <http://accdc.com/en/contribute.html>.

#### Non-avian species at risk:

The following non-avian species at risk (listed on Schedule 1 of the *Species at Risk Act* or assessed as “at risk” by COSEWIC) may occur within the study area: Little Brown Myotis (Endangered). ECCC-CWS requests that any species at risk sightings be reported to ECCC-CWS at [ec.scfatldonneesei-cwsatliadata.ec@ec.gc.ca](mailto:ec.scfatldonneesei-cwsatliadata.ec@ec.gc.ca). SAR observations should also be submitted to the Atlantic Canada Conservation Data Centre, directions on how to contribute data can be found at: <http://accdc.com/en/contribute.html>.

#### Bats

The Government of Canada published factsheets providing information on the Emergency Listing Order, the disease threatening bats, the requirements of SARA, and ways to protect and preserve bat populations. The factsheet “*Factsheet on the Emergency Listing Order for the Little Brown Myotis (Myotis lucifugus), the Northern Myotis (Myotis septentrionalis) and the Tri-colored Bat (Perimyotis subflavus)*” (2014), including best management practices, is available on the SARA Registry at: [Factsheet on the Emergency Listing Order for the Little Brown Myotis, the Northern Myotis and the Tri-colored Bat](#).

- ECCC-CWS recommends that the proponent consult the Province of Newfoundland and Labrador’s Fisheries, Forestry and Agriculture – Wildlife Division regarding mitigations and management for this species.

#### Caribou (Newfoundland population)

The project location occurs in an area that may be frequented by Newfoundland Caribou population (Schedule 1 of SARA, Special Concern). ECCC-CWS has the following recommendations:

- ECCC-CWS recommends that the proponent consult the COSEWIC Assessment and Status Report for the Newfoundland Caribou population (Special Concern) for information on threats to caribou and minimizing impacts to caribou populations. This document can be found at [Caribou,Rangifer tarandus caribou \(canada.ca\)](http://Caribou,Rangifer tarandus caribou (canada.ca)).
- ECCC-CWS recommends that the proponent consult the Province of Newfoundland and Labrador’s Fisheries, Forestry and Agriculture – Wildlife Division regarding Newfoundland caribou concerns for this project.

#### Killdeer

Killdeer (*Charadrius vociferous*) are attracted to open gravel habitats, and can place nests in human-built or human-modified environments such as parking lots, cleared areas, and gravel pits.

ECCC-CWS recommends the following beneficial management practices to reduce potential impacts to killdeer:

- The proponent should ensure that project staff are aware of the potential of killdeer nests in active industrial or development areas.
- If a nest is suspected or discovered, the proponent should conduct no activities around the nest that might cause the nest to be destroyed or abandoned. Activities should be suspended until the chicks have fledged and left the area.

### Wetlands

ECCC-CWS recommends that project effects on wetlands be avoided. Where they cannot be avoided they should be minimized, and for residual impacts there should be compensation to mitigate the effects. ECCC recommends the development of a Wetland Compensation Plan that fully describes the mitigation hierarchy, including:

- Identification of wetlands potentially affected by the project,
- A detailed description of potential effects, and the reasons why avoidance and minimization of impacts were determined to be not possible, and
- Identification and justification of proposed offset ratios.

As a mitigation measure to compensate for the lost habitat function for wetland associated landbird species at risk and species of conservation concern, in instances where such habitat cannot be avoided, ECCC-CWS recommends the use of conservation allowances as a third step in the mitigation hierarchy of avoidance, mitigation and compensation.

- General Beneficial Management Practices  
In order to promote wetland conservation, ECCC-CWS recommends the following general beneficial management practices:
  - o Developments on wetlands should be avoided.
  - o Where development does occur in the vicinity of wetlands, a minimum vegetation buffer zone of 30 metres should be maintained around existing wetlands areas.
  - o Hydrological function of the wetland should be maintained.
  - o Runoff from development should be directed away from wetlands.
  - o The use of a 30 metre buffer from the high water mark of any water body (1:100 Flood Zone) in order to maintain movement corridors for migratory birds. Please see <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html> for further information concerning buffer zones.

## **2.2 Accidents and Malfunctions**

Hazardous materials (e.g. fuels, lubricants, hydraulic oil) and wastes (e.g. waste oil) should be managed so as to minimize the risk of chronic and/or accidental releases. For example, proponents are encouraged to undertake refueling and maintenance activities on level terrain, at a suitable distance from

environmentally sensitive areas including watercourses, and on a prepared impermeable surface with a collection system.

Proponents are encouraged to prepare contingency plans that reflect a consideration of potential accidents and malfunctions and that take into account site-specific conditions and sensitivities. The Canadian Standards Association (CSA) publication, *Emergency Preparedness and Response, CAN/CSA-Z731-03*, is a useful reference for this.

All spills or leaks, such as those from machinery or storage tanks, should be promptly contained and cleaned up (sorbents and booms should be available for quick containment and recovery), and reported to the 24-hour environmental emergencies reporting system (1-800-563-9089).

**Contact:**

Jerry Pulchan  
Environmental Assessment Analyst  
Environmental Protection Operations  
Environment and Climate Change Canada  
6 Bruce Street  
Mount Pearl, NL A1N 4T3  
(709) 772-4313  
[Jerry.Pulchan@canada.ca](mailto:Jerry.Pulchan@canada.ca)

Joshua Mailhiot  
Environmental Assessment Biologist  
Canadian Wildlife Service  
Environment and Climate Change Canada  
6 Bruce Street  
Mount Pearl, NL A1N 4T3  
(709) 772-2154  
[Joshua.Mailhiot@canada.ca](mailto:Joshua.Mailhiot@canada.ca)

**FISHERIES AND OCEANS CANADA**

Comments:

The modernized Fisheries Act (2019) 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 (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) to get information about how to comply with the Fisheries Act and as well as information on the project review process. You are responsible for: understanding the impacts your project will likely have on fish and fish habitat; taking measures to avoid and mitigate impacts to fish and fish habitat; requesting an authorization from the Minister and abiding by the conditions of your authorization when it is not possible to avoid and mitigate project impacts on fish and fish habitat; ensuring compliance with all statutory instruments, including federal, provincial, or municipal legislations/requirements. In cases where impacts to fish and fish habitat cannot be avoided, and the project does not fall within waterbodies where a Fish and Fish Habitat Protection Program (FFHPP) review isn't required or the scope of the project is not covered under standards and codes of practice, you are asked to submit a Request for Review to the NL Region-FFHPP at [FPP-NL@dfo-mpo.gc.ca](mailto:FPP-NL@dfo-mpo.gc.ca). If you have any questions please call (709) 772-4140.

If it is deemed necessary to submit a request for project review after referring to the Projects Near Water website, advice on mitigations and best management practices will be supplied to the proponent after a review by FFHPP.

If a review by FFHPP is required, a Request for Review form should be completed.

Triage and Planning Unit  
Fisheries Protection Program – Regulatory Review  
Fisheries and Oceans Canada  
Newfoundland and Labrador Region  
Ph: (709) 772-4140  
Fax: (709) 772 - 5562  
Email: [FPP-NL@dfo-mpo.gc.ca](mailto:FPP-NL@dfo-mpo.gc.ca)

### **HEALTH CANADA**

Comments:

HC's role in Impact/Environmental Assessment is founded in statutory obligations under the Canadian Impact Assessment Act, and its knowledge and expertise can be called upon by reviewing bodies (e.g., Impact Assessment Agency of Canada, review panels, Indigenous groups and/or other jurisdictions). In the absence of such a request from one of the above noted groups, HC is unable to carry out a comprehensive review of the project. **However, HC is able to accommodate specific requests for human health advice and guidance related to provincial environmental assessments within a reasonable timeframe.**

Health Canada currently possesses expertise in the following areas related to human health: air quality, recreational and drinking water quality, traditional foods (country foods), noise, and methodological expertise in conducting human health risk assessment.

To help with your review of human health impacts, I have attached a document of common human health considerations in project reviews and links to Health Canada's guidance documents.

**Contact: Mr. Jeff Reader, Environmental Assessment Specialist, (902) 943-1962 [Jeffrey.reader@canada.ca](mailto:Jeffrey.reader@canada.ca)**

### **IMPACT ASSESSMENT AGENCY OF CANADA (1AAC)**

Comments:

The federal environmental assessment process is set out in the *Impact Assessment Act* (IAA). The *Physical Activities Regulations* (the Regulations) under IAA set out a list of physical activities considered to be “designated projects.” For designated projects listed in the Regulations, the proponent must provide the Agency with an Initial Description of a Designated Project that includes information prescribed by applicable regulations (*Information and Management of Time Limits Regulations*).

The relevant entry in the Regulations for this type of project is: 18(f). The construction, operation, decommissioning and abandonment of a new stone quarry or sand or gravel pit with a production capacity of 3 500 000 t/year or more.

Based on the information submitted to the Province of Newfoundland and Labrador on the proposed White Hills Pond JCL Quarry, it does not appear to be described in the Regulations. Under such circumstances the proponent would not be required to submit an Initial Description of a Designated Project to the Agency. However, the proponent is advised to review the Regulations and contact the Agency if, in their view, the Regulations may apply to the proposed project.

The proponent is advised that under section 9(1) of the IAA, the Minister may, on request or on his or her own initiative, by order, designate a physical activity that is not prescribed by regulations made under paragraph 109(b) if, in his or her opinion, either the carrying out of that physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects, or public concerns related to those effects warrant the designation. Should the Agency receive a request for a project to be designated, the Agency would contact the proponent with further information.

The proposed project may be subject to sections 82-91 of IAA. Section 82 requires that, for any project occurring on federal lands, the federal authority responsible for administering those lands or for exercising any power to enable the project to proceed must make a determination regarding the significance of environmental effects of the project. The Agency is not involved in this process; it is the responsibility of the federal authority to make and document this determination.

The proponent is encouraged to contact the Agency at (902) 426-0564 if it has additional information that may be relevant to the Agency or if it has any questions or concerns related to the above matters.

**Contact: Emily Gregus, Environmental Assessment Officer, (902)426-8157, [Emily.Gregus@canada.ca](mailto:Emily.Gregus@canada.ca)**

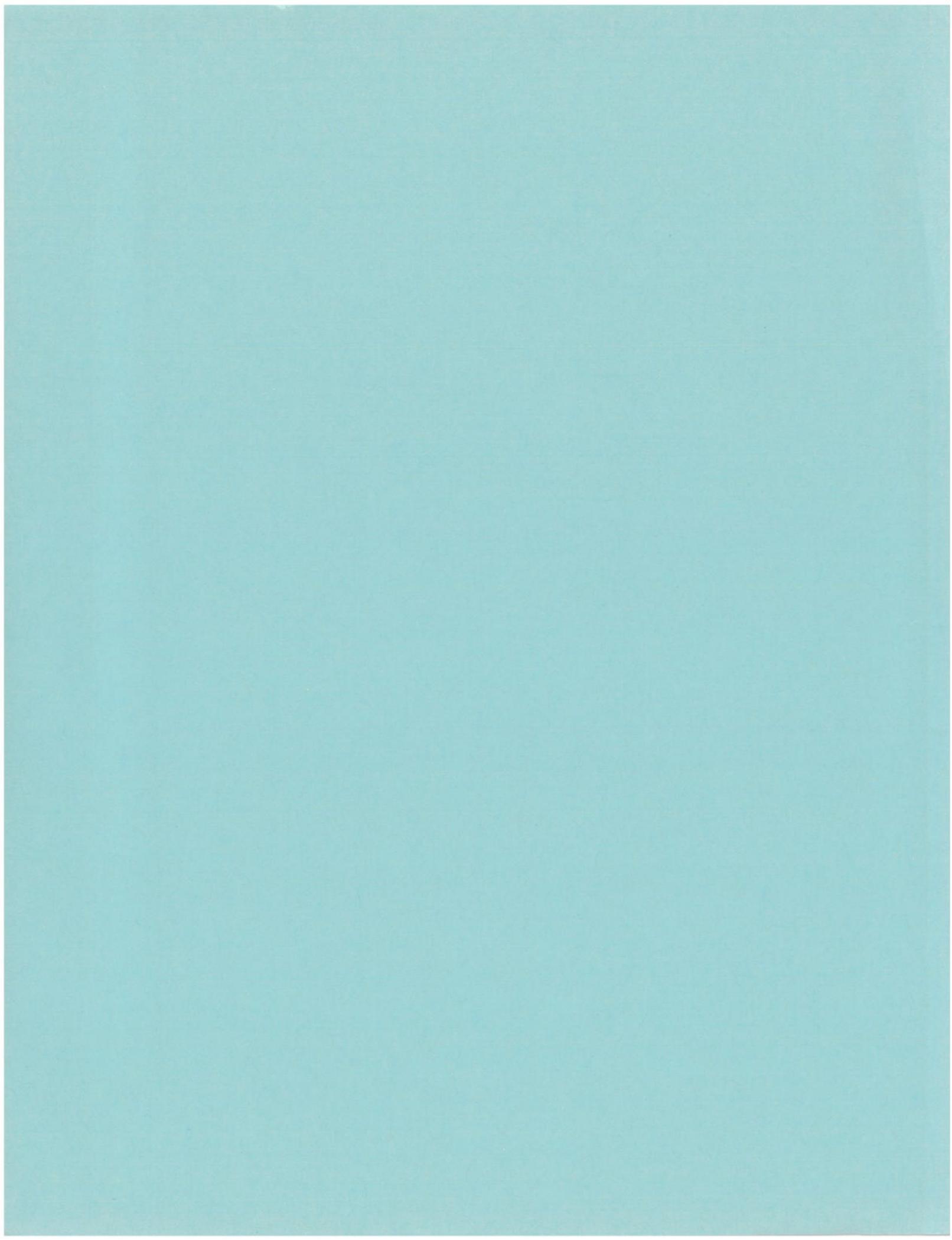
**TRANSPORT CANADA**

**Comments:**

TC is providing this specialist advice/information in areas related to its mandates and responsibilities. Our advice is meant to support the recommendation that the Environmental Assessment Division (NLECC) will make.

Transport Canada Environmental Programs and Indigenous Relations has reviewed the EA Registration document. It has been determined that a review of the project pursuant to s.82 the Impact Assessment Act (IAA) is not required as this site does not appear to reside within federal lands. It is not anticipated that Transport Canada will be implicated in the project, therefore, there are no further requirements from Transport Canada.

**Contact: Ms. Melissa Ginn, Environmental Officer, (709) 351-3200,  
[Melissa.Ginn@tc.gc.ca](mailto:Melissa.Ginn@tc.gc.ca)**



## Requirements for quarry visibility management plans

Last updated June 7, 2023

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It is a standard requirement for all quarries permitted under the Quarry Materials Act, 1998, that the operation be screened from the public in adjacent areas.

The level of screening required by the Department will vary depending on the situation. However, in general:

- For proposed quarries at locations that are considered higher sensitivity for visibility (near major highways, communities, or where concern has been expressed about scenic values), the intention is that a high level of screening shall be achieved.
- For proposed quarries in more remote locations or in regions of the province with more barrens and less tree cover, the intention is that the site shall be screened to the degree that may be reasonably achieved given the geography of the immediate area and the accessibility of the resource.

The purpose of a visibility management plan is for the proponent to illustrate how, and to what extent, the proposed quarry operation will be screened from view of the general public.

Visibility management plans shall meet the following requirements:

1. In producing the visibility management plan, the proponent is directed to consider how the quarry operation can be planned so that it is least visible to the public, including from highways, communities and any other locations of known or potential concern.

In particular, the proponent shall consider how existing tree screens and topography may be used for screening. If screening by means of tree screens and topographic features would be inadequate, then the proponent shall consider where berms could be constructed to achieve further screening. Similarly, screening by means of berms shall be considered for locations where there are no stands of trees available for screening or where operations cannot be screened behind topographic features.

Where portions of the operation cannot be screened by the above measures, the proponent shall consider whether changes to the site plan, site footprint, or planned phases of site development could decrease the visibility of the operation.

Stands of trees and embankments alongside a highway are often very useful for screening quarries from view. However, where trees in the immediate vicinity of the quarry boundary are needed for screening, it is necessary that trees within the boundary be preserved for this purpose. Maintaining a tree screen only on the exterior of the quarry boundary would not be

acceptable because other land uses may alter that tree screen in future and screening of the operation would not be in the control of the quarry operator.

Stands of trees identified as necessary for screening purposes must be maintained at a minimum width (thickness) of at least 15 m.

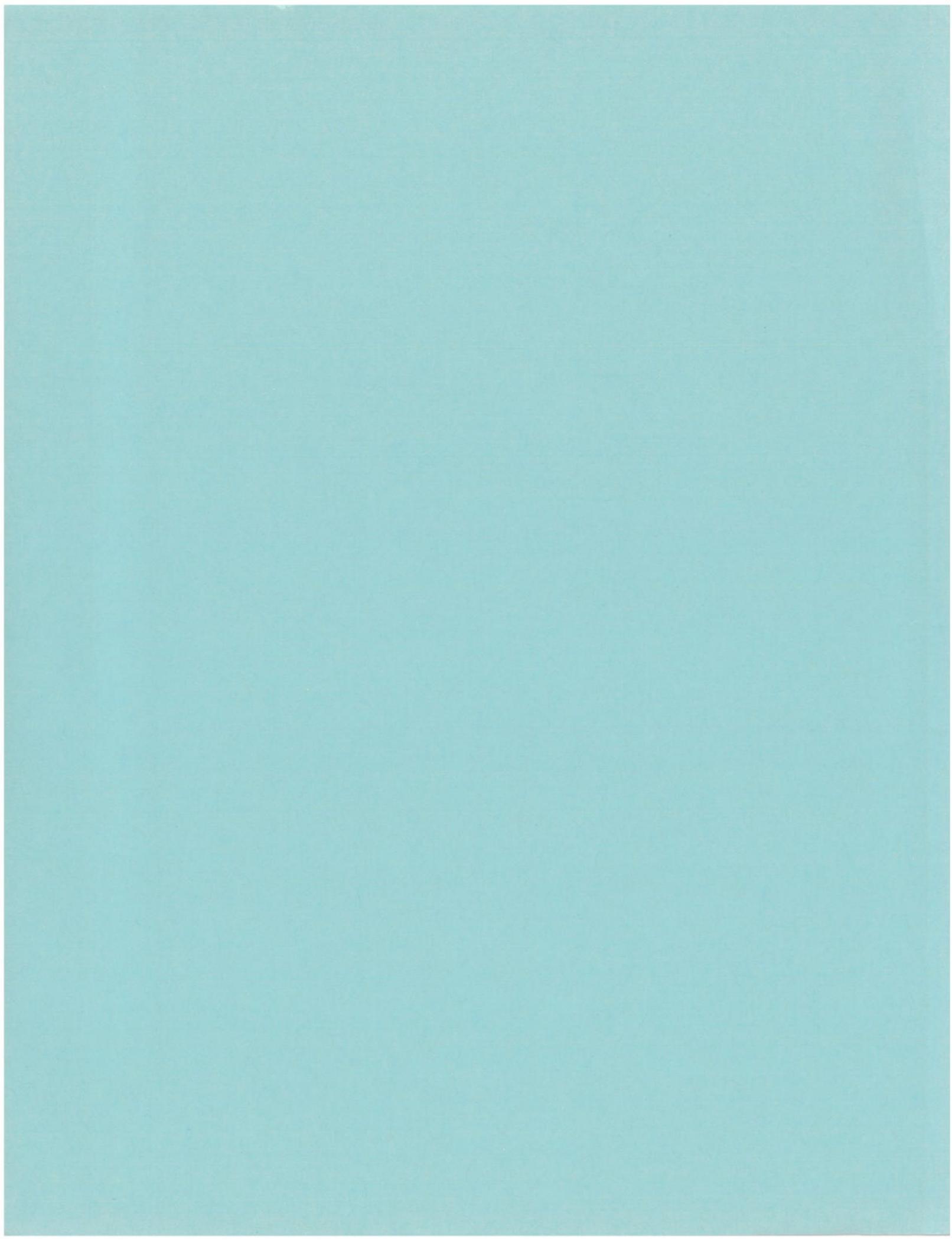
2. The visibility management plan must clearly illustrate the extent to which the quarry operation will be screened from the public and must make use of topographic sections (i.e., topographic profiles) with sightlines depicted for representative locations of concern.

Each topographic section must show a complete cross-section of the proposed quarry, including a depiction of the ground that will eventually be excavated (i.e., a depiction of the current surface and the expected final surface).

Topographic sections with sightlines were submitted to satisfy the same requirement for other proposed quarries and the proponent is directed to use the examples contained in the documents linked below for guidance:

- a. [https://www.gov.nl.ca/eccm/files/env\\_assessment\\_y2020\\_1964\\_Viewsscape\\_management\\_plan.pdf](https://www.gov.nl.ca/eccm/files/env_assessment_y2020_1964_Viewsscape_management_plan.pdf)
  - b. [https://www.gov.nl.ca/eccm/files/env\\_assessment\\_y2021\\_2101-viewsscape\\_management\\_plan.pdf](https://www.gov.nl.ca/eccm/files/env_assessment_y2021_2101-viewsscape_management_plan.pdf)
  - c. <https://www.gov.nl.ca/ecc/files/EA-2153-Registration-document.pdf>
3. Measures proposed for screening the quarry operation must be fully described and depicted on a plan map of the site and their screening effects depicted on the topographic sections. For tree screens, the width or thickness of the treed buffer must be specified as well as the average height of the trees. For berms, the height, width, and composition of the berm must be specified.

Should a quarry lease be required for the operation, then the development and reclamation plan that will be required as part of the quarry lease must include the visibility management plan (updated from an earlier version of the visibility management plan if necessary) and each update of the development and reclamation plan must include an updated visibility management plan.



# Quarry Operations

Through occupational health and safety inspections of various quarry operations within the Province, it has become evident that there are a number of deficiencies or unacceptable practices being carried out. These deficiencies or unacceptable practices have the potential to cause both immediate and long term health problems, if not addressed.

Deficiencies noted include:

- 1) Heights of faces and benches are higher than can safely be reached by equipment being used;
- 2) Lack of dust suppression systems for drills, crushers, conveyors, roads, etc.;
- 3) Lack of medical surveillance for workers;
- 4) Improper removal and storage of over burden from the quarry edge;
- 5) Lack of proper / adequate crusher, conveyor, equipment guarding.

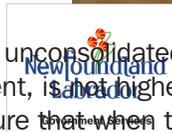
## Height of Faces / Benches

Occupational Health and Safety Regulations - Section 409(2) states: "Except where the minister, in writing, permits otherwise, in a pit, quarry or similar excavation

- (a) the height of a face of which the material is not at a safe angle of repose shall not be greater than the height which can be safely reached by the equipment being used;
- (b) the bench height for sand, gravel and unconsolidated materials shall not exceed 5 metres and, in any event, shall not be higher than can be reached with equipment in use;"

Quarry operators must:

- Ensure the bench / face height for quarry operations in consolidated rock does not exceed 10 metres and, in any event, is not higher than can be safely reached with the equipment in use. Also, ensure that when the quarry is worked in 2 or more benches, it is worked at a 55 degree angle with catchment berms left in place to collect any material falling to the bench below.
- Ensure the bench / face height for quarry operations in unconsolidated rock (sand and gravel) does not exceed 5 metres and, in any event, is not higher than can be safely reached with the equipment in use. Also, ensure that when the quarry is worked in 2 or more benches, it is worked at a 45 degree angle with catchment berms left in place to collect any material falling to the bench below.



## Dust Suppression

Occupational Health and Safety Regulations - Section 413 (5) states: "Where a worker is exposed to dusting resulting from loading, transporting or conveying rock at surface operations, the dust shall be reduced to non-harmful concentrations by the application of water or by other effective means."

Please also refer to sections 413(4), (7), (10) and 414(a), (b), (c), (d), (e) of the Occupational Health and Safety Regulations for further legislative requirements.

Quarry operators must:

Ensure that all quarries have wet suppression systems or mechanical suppression systems installed and operated to address dust that is generated from drilling, blasting, crushing, loading, and transporting or conveying rock.

### Medical Examination

Occupational Health and Safety Regulations - Section 47(1) states: “An employer shall establish and maintain a system for the surveillance of the health of his or her employees arising from silica dust exposure in accordance with the silica health surveillance guidance document prescribed by the minister.

Occupational Health and Safety Regulations - Section 413 (2) states: “An employer who employs workers at a mine or quarry where silica is mined or quarried, or where it is present, shall comply with the Silica Code of Practice.”

Quarry operators must:

- Ensure all workers who work in a “dust-exposure occupation”, i.e. quarry operations, have an initial health assessment done under the direction of a physician on an annual basis. This health assessment shall include, but is not limited to the following: an occupational history, respiratory questionnaire, a pulmonary/lung function test, a chest x-ray (full size PA view), and a medical history and physical examination emphasizing the respiratory system.

### Overburden Removal

Where work is being carried on in an excavations, overhanging banks and trees or stumps and overburden shall be removed in the area within 5 metres from the edge of the excavation.

### Curbs or Berms

Occupational Health and Safety Regulations - Section 410(4) states: “Safety berms shall be installed along haulage roads to pits and quarries and shall be at least half the height of the tire or axle of the largest piece of equipment being used to haul materials.”

Quarry operators must:

- Ensure on all haulage roads, waste dumps and benches in quarry operations, that the employer makes provisions for the installation of safety curbs and berms to prevent equipment from inadvertently going over the embankment.



### Conveyor Guarding

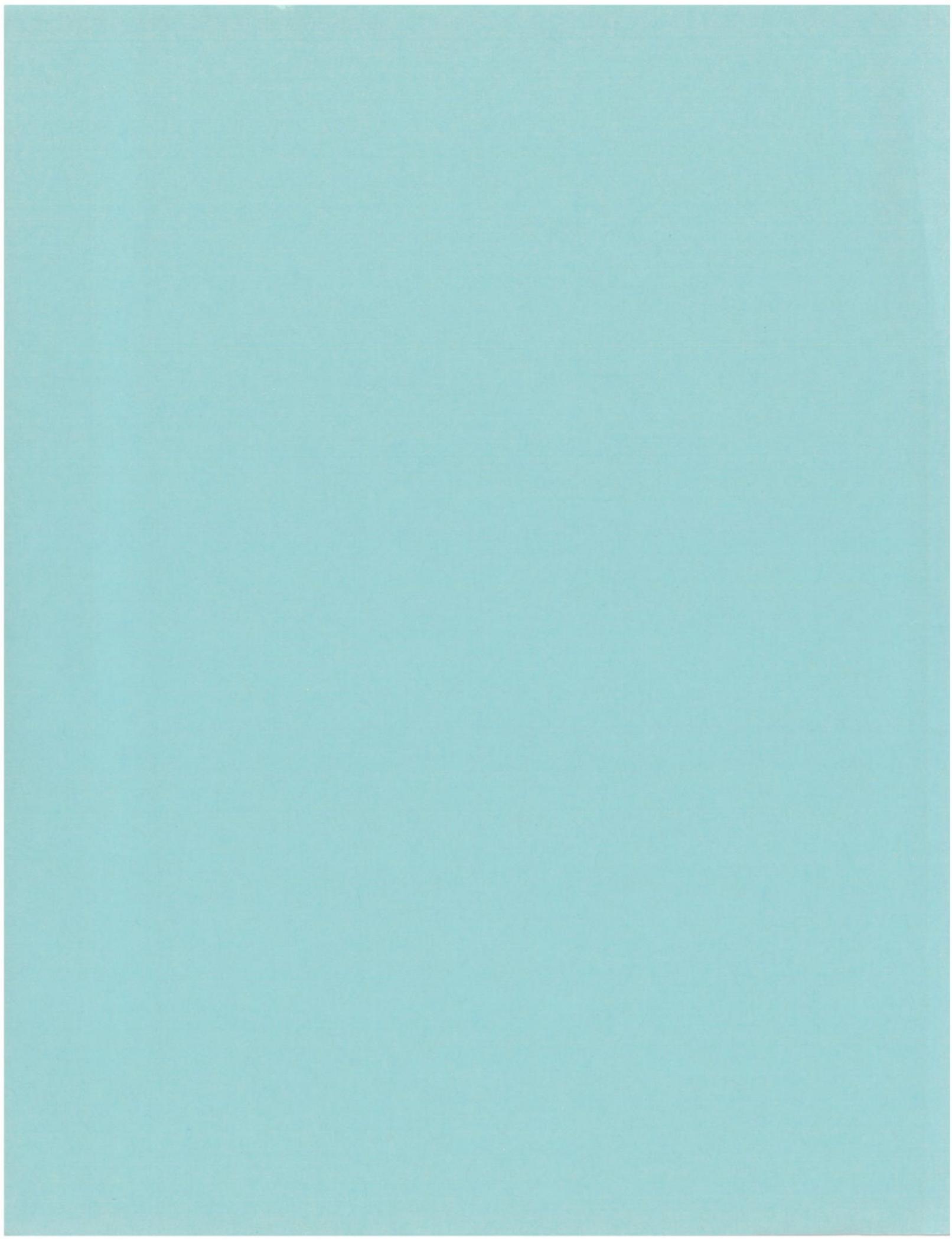
Occupational Health and Safety Regulations - Section 90(1)

states: “The application, design, construction and use of safeguards, including an opening in a guard and the reach distance to a hazardous part, shall meet the requirements of CSA Standard Z432 “Safeguarding of Machinery”.”

Quarry operators must:

- Ensure all exposed moving parts on conveyors that may constitute a hazard to workers are adequately guarded. Areas included but not limited to are: tail pulleys, receiving hopper / skirt boards, take up pulleys, counterweight enclosures, head pulleys, drive pulleys, snub pulleys, return rollers / idler assembly, V-belts, power transmission equipment guards, radial drives on portable stackers, etc.

Additional information is available from the Occupational Health and Safety Division at  
(709) 729-2706 or toll free at 1 800-563-5471



**From:** [Carter, Paul A.](#)  
**To:** [Chris Dunne](#)  
**Cc:** [Darryl Gillingham](#); [Judy Farrell](#)  
**Subject:** "[EXTERNAL]" Environmental Assessment Bulletin - 2246 White Hill Pond Quarry  
**Date:** Monday, August 14, 2023 9:36:03 AM

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Some people who received this message don't often get email from pcarter@gov.nl.ca. [Learn why this is important](#)

Hi Chris,

Please see below EA Bulletin announcement on Friday August 11, 2023 for the Appointment of Assessment Committee.

If you have any questions, please contact the undersigned.

Regards,

Paul Carter  
Environmental Scientist  
Environmental Assessment Division  
Department of Environment and Climate Change  
Government of Newfoundland and Labrador  
4th Floor, West Block, Confederation Complex  
100 Prince Philip Drive  
P.O. Box 8700  
St. John's NL A1B 4J6  
Tel. (709)729-0188

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**From:** EA Project Comments <EAProjectComments@gov.nl.ca>  
**Sent:** Friday, August 11, 2023 4:06 PM  
**Subject:** Environmental Assessment Bulletin

## **Environment and Climate Change**

August 11, 2023

### **Environmental Assessment Bulletin**

The Honourable Bernard Davis, Minister of Environment and Climate Change, has announced the following relative to Part 10 Environmental Assessment of the **Environmental Protection Act**.

### **ENVIRONMENTAL PREVIEW REPORT REQUIRED:**

**Badger Sand and Gravel Quarry**

(Reg. 2247)

**Proponent: Exploits Welding and Machine Shop Limited**

The minister has advised the Proponent that an environmental preview report (EPR)

is required for the Project. The EPR is required to include:

- A proposal of alternate quarry access that aligns with the policy of the Department of Industry, Energy and Technology (IET);
- A site plan prepared in accordance with IET requirements;
- A plan for restricting access, including depicting features such as berms and gates;
- A Water Resources Management Plan that identifies the potential effects of the Project on nearby wetland and waterbodies, and describes onsite water and sediment control measures; and
- Correction of inaccurate information in the registration document.

An Environmental Assessment Committee (EAC) will be appointed to provide scientific and technical advice to the minister and to prepare guidelines for the Proponent in preparation of the EPR. The public will be invited to provide comments on the EPR upon its submission.

#### **ENVIRONMENTAL ASSESSMENT COMMITTEE APPOINTED:**

**White Hill Pond JCL Quarry**

(Reg. 2246)

**Proponent: JCL Investments Inc.**

An Environmental Assessment Committee (EAC) has been appointed to provide scientific and technical advice to the minister and to prepare guidelines for conducting the EPR. The EAC includes representation from the following government agencies:

- Department of Environment and Climate Change
  - Environmental Assessment Division – Committee Chair
  - Water Resources Management Division
- Department of Industry, Energy and Technology
  - Mines Branch
- Department of Transportation and Infrastructure
  - Highway Design and Construction

#### **Learn more**

Environmental Assessment Division  
Department of Environment and Climate Change  
West Block, Confederation Building  
P.O. Box 8700, St. John's, NL A1B 4J6

Environmental assessment information is available at:

<https://www.gov.nl.ca/ecc/env-assessment/>

[https://www.gov.nl.ca/ecc/files/GUIDE-TO-THE-PROCESS\\_May-2023.pdf](https://www.gov.nl.ca/ecc/files/GUIDE-TO-THE-PROCESS_May-2023.pdf)

Follow us on Twitter: [@GovNL](#) and [@ECC\\_GovNL](#)

Public comments may be forwarded to: [EAprojectcomments@gov.nl.ca](mailto:EAprojectcomments@gov.nl.ca)

**If you submit comments on a project that is under environmental assessment, please advise the Department if you DO NOT wish to share your comments with the project proponent.**

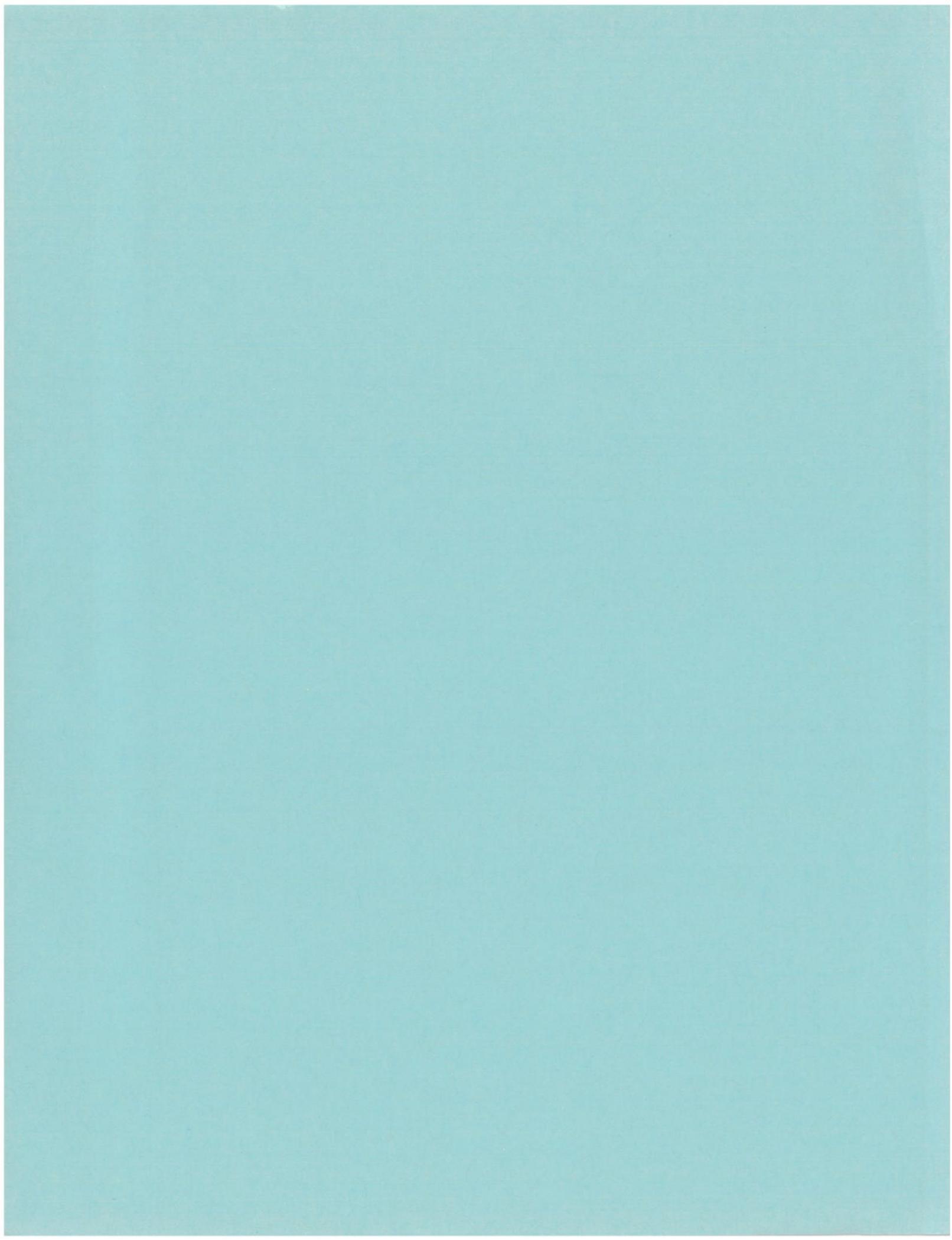
### **Media contact**

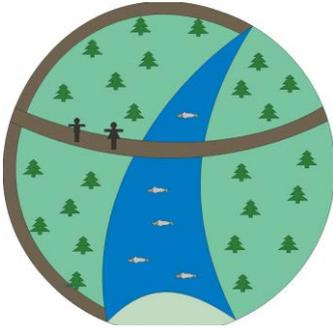
Marium Oishee  
Environment and Climate Change  
709-729-5449; 709-685-8594  
[MariumOishee@gov.nl.ca](mailto:MariumOishee@gov.nl.ca)

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## *Kelligrews Ecological Enhancement Program (KEEP)*

P.O. Box 17173, Kelligrews  
Conception Bay South, Newfoundland and Labrador  
A1X 3H1

Email: [kelligrewseep@yahoo.ca](mailto:kelligrewseep@yahoo.ca)  
phone: 834-4915

Website: <http://www.envision.ca/webs/keep/>

Honourable Bernard Davis  
Minister of Environment and Climate Change  
Department of Environment and Climate Change  
P.O. Box 8700  
St. John's, NL  
A1B 4J6

June 28, 2023

RE: White Hill Pond JCL Quarry (Reg. 2246)

Dear Minister Davis.

The Kelligrews Ecological Enhancement Program (KEEP) has reviewed the White Hill Pond JCL Quarry application registration 2246 submitted by the proponent JCL Investments Inc.

The area in question has numerous active, "expired" and in process quarries at this time so that the area is already saturated and being completely denuded.

The White Hill Pond is already under threat with all the quarry activity in the area as well as the use of water from the pond for the various quarry activities.

The Provincial Government needs to put a hold on granting quarry permits until they revise and update the legislation that was enacted in the last century long before all the development in CBS and St. John's and surrounding environs.

It needs to include climate change adaptations since this was not a concern when the initial legislation was drafted.

It is unbelievable that today companies are allowed to strip the land, remove all that is valuable to them and basically walk away.

Why are companies not made to rehabilitate as part of their permits? Rehabilitate so that not only do they recontour the land (to its original contours) but also replace the grubbed-out material **and** plant trefoil mixes and tree seedlings.

Quarry permits should be for a short period and the proponents should have to rehabilitate sections immediately upon completion of that section. Companies should not be able to walk away stating that they will be using the site later for further quarrying.

A more strenuous monitoring regime needs to be established and maintained.

Our waterbodies need to be protected, allowing numerous quarry sites around a river or pond does not do this. There have been many siltation events that have been caused by quarry activity and nothing is done to address this and prevent further damage.

No studies have been undertaken on the “cumulative impacts” in this area. Issues such as increased run off and downstream impacts are ignored. Protection of wildlife and flora have been ignored over many years.

We reiterate that The Provincial Government needs to put a hold on granting quarry permits until they revise and update the legislation.

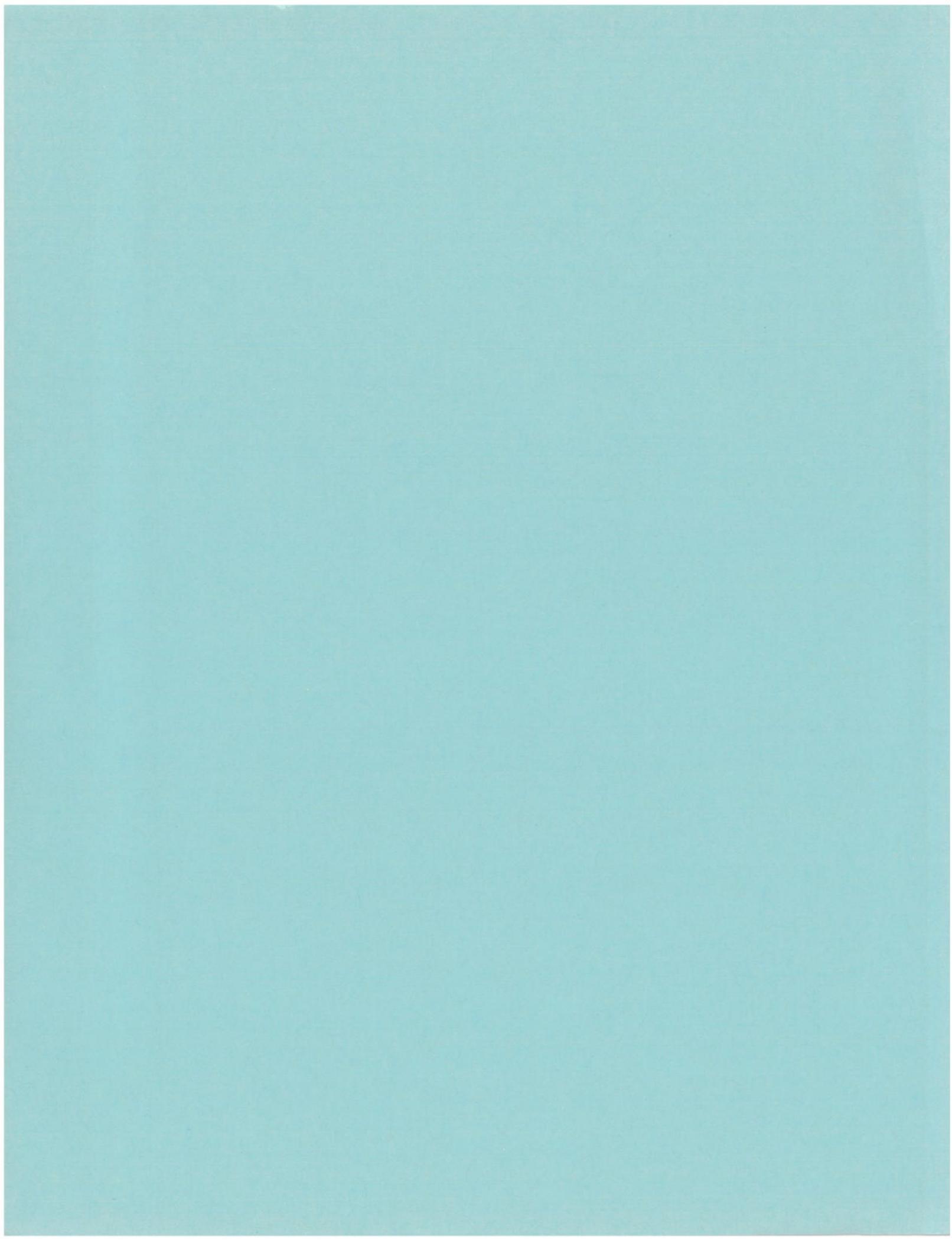
KEEP requests that this application be denied.

We look forward to a written response to this letter.

Yours sincerely

Karen Morris

Chair (KEEP)



SEP 27 2023

COR-2023-3358

Reg. # 2246

Chris Dunne  
JCL Investments Inc.  
1 Massey Drive Access Road  
Corner Brook NL A2H 6E6  
E-mail: [cdunne@jclinc.ca](mailto:cdunne@jclinc.ca)

Dear Chris Dunne:

**RE: Environmental Preview Report Guidelines for White Hill Pond JCL Quarry**

Enclosed are Guidelines for the preparation of an Environmental Preview Report (EPR) for the White Hill Pond JCL Quarry. The Guidelines were developed in consultation with the Environmental Assessment Committee.

You may now proceed with preparation of the EPR. The EPR must be submitted for my approval prior to the start of project construction. In accordance with Section 17 of the Environmental Assessment Regulations under the **Environmental Protection Act**, you must submit an acceptable EPR within three years of the date of my decision on August 1, 2023, to require an EPR. You may apply to extend the term of my decision for a maximum of three periods of one year.

If you have any questions regarding preparation of the EPR, please contact Paul Carter, Chairperson of the Environmental Assessment Committee at (709) 729-0188 or email [pcarter@gov.nl.ca](mailto:pcarter@gov.nl.ca).

Sincerely,



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

Cc: Environmental Assessment Committee

Enclosure

# GUIDELINES

for

## Environmental Preview Report

for the

### *White Hill Pond JCL Quarry*

Registration No. 2246

**Honourable Bernard Davis**

Minister

Environment and Climate Change

September 27, 2023



## **ENVIRONMENTAL PREVIEW REPORT GUIDELINES**

The following guidelines are intended to assist JCL Investments Inc. (the Proponent) with the preparation of the environmental preview report (EPR) for the proposed White Hill Pond JCL Quarry project (the Project). The EPR is a report that presents the results of an investigation based on readily available information that supplements the information provided by the Proponent upon registration of the undertaking. The purpose of the information in the EPR is to assist the Minister of Environment and Climate Change in making a determination as to the potential for significant environmental effects from the proposed undertaking and whether an Environmental Impact Statement (EIS) will be required. The EPR is expected to be concise, while presenting the comprehensive information necessary to make an informed decision.

The EPR should include and update the information provided in the original registration document and focus on the information gaps identified during the government and public review of the registration.

The contents of the EPR should be organized according to the following format:

### **1. NAME OF UNDERTAKING:**

The undertaking has been assigned the name "*White Hill Pond JCL Quarry.*"

### **2. PROPONENT:**

- a. Name of the Proponent and the corporate body, if any.
- b. Name of the chief executive officer if a corporate body.
- c. Name the principal contact person for purposes of environmental assessment and state the official title.

### **3. THE UNDERTAKING:**

- a. State the nature of the Project.
- b. State the purpose/rationale/need for the Project. If the proposal is in response to an established need, this should be clearly stated. Identify needs that are immediate as well as potential future needs.
- c. Provide the justification and need for sourcing sand, gravel, and rock in the proposed Project area in addition to the Proponent's nearby quarry, the Round Pond Quarry (EA Reg. #2101) that was released from EA subject to conditions in November 2020.

- d. If applicable, the EPR shall provide justification for operating the proposed Project and the Round Pond (South) Quarry (EA Reg. #2101) concurrently, and compare operational details, including but not limited to the following:
  - the expected lifespan and annual production rate of the Project compared to that of the Round Pond (South ) Quarry;
  - whether each quarry will operate seasonally or over the entire year;
  - the expected materials produced from each quarry; and
  - any operational differences between the two quarries.

#### **4. DESCRIPTION OF THE UNDERTAKING:**

Provide a complete overview of the Project in the following subsections, including information about the preferred choice of location, design, construction, operation and maintenance standards, etc.

##### **4.1 Geographical Location / Physical Components / Existing Environment:**

- a. Provide an accurate description of the proposed site, access road, facilities and equipment, including GPS location coordinates (e.g. digital GIS files using Google Earth, etc.). Attach an original base map (e.g. 1:25,000 scale) and/or most recent available air photos/aerial imagery, including drone footage of the area and date of imagery.
- b. Provide a site plan prepared in consultation with the Mineral Lands Division (MLD) of the Department of Industry, Energy and Technology and ensure that the plan depicts all components of the Project and land features of the Project area, including areas where grubbed organics (topsoil, vegetation, brush) will be stockpiled and kept for the purpose of progressive and final rehabilitation.
- c. Provide an updated site boundary proposal in consultation with the MLD that conforms to the attached schematic access configuration provided by MLD, and specifically whereby:
  - the northern boundary must be at least 20 metres distant from the boundary of other proposed or permitted quarry sites located to the north of the Project, and
  - the area of the Project must contain one of more road reservations that will become part of the survey required for a quarry lease. The road reservation(s) should proceed approximately north-south and be located somewhere across the middle of the Project area. The purpose of the road reservation(s) is to preserve at least one north-south public access corridor across the expanse of the Project.

- d. Propose a revised route for accessing the quarry operation that does not pass through any area covered by a quarry permit or lease held by another party or a quarry site proposed by another party, and conforms to the schematic access configuration provided by the MLD.
- e. Indicate whether the Project site, including access route, corresponds to Crown land or private land. If the Project site or any portion of the Project site corresponds to private land then provide information concerning ownership and any restrictions imposed by that ownership. The MLD advises that a viable access route may pass through private land if written permission is provided from the landowner.
- f. Provide mapping and information on any waterbodies and wetlands in/near the Project area, delineated drainage areas and any discharge points to land or water.

#### **4.2 Construction:**

State the time period in which proposed construction will proceed (if staged, list each stage and its approximate duration) and proposed date of first physical construction-related activity.

The details, materials, methods, schedule, and location of all planned construction activities must be presented for the following:

- a. Scaled mapping / imagery that identifies the Project location, proposed access route, length of new road to be constructed, any existing roads or sections of roads to be used or refurbished, and any sections of access road that are not located on Crown land/are located on private land;
- b. The status/ownership of any sections of the proposed access road that are not located on Crown land;
- c. An access route map that demonstrates public access to areas south of the quarry, access to third party quarry sites located within the quarry cluster and known future quarry sites;
- d. Maximum buffers to be maintained around wetland and waterbodies for any proposed land clearing and infilling activities;
- e. Specific locations and dimensions of any gravel or stone infilling, stream crossings, bridges or culverts; and
- f. A construction schedule that considers actions to mitigate adverse effects on users of Butter Pot Provincial Park, located approximately two kilometres south of the Project area, including how construction activities will be planned to mitigate disturbance from May 1<sup>st</sup> to September 30<sup>th</sup> annually.

Describe, and indicate on a map, the planned phases of site development.

### 4.3 Operation and Maintenance:

All aspects of the operation and maintenance of the proposed development should be presented in detail.

- a. Describe the operations that will take place on site (e.g., drilling, blasting, crushing, washing, screening, etc.).
- b. Describe planned processing of materials (e.g., batch plant) and whether processing will take place on the Project site or elsewhere.
- c. Provide updated information regarding the expected annual production and the proposed end-uses of the material.
- d. Provide details on the expected longevity of the quarry operation and an estimate of the total volume of each material (sand, gravel, and rock) present that could be extracted from the site. Indicate any factors that affect the uncertainty of material estimates.
- e. Provide a plan for the progressive development of the quarry, including a map to depict the phases of progressive development and the expected timing for each phase of development.
- f. Describe efforts that will be undertaken to reduce the introduction of invasive species and to rehabilitate the area in a timely manner.
- g. Propose an operations schedule that considers actions to mitigate adverse effects on users of Butter Pot Provincial Park, approximately two kilometres south of the Project area, including how operations will be planned to mitigate disturbance from May 1 to September 30 annually.

## 5. ALTERNATIVES

The EPR must identify and describe alternative means and locations of carrying out the Project that are technically and economically feasible. The following steps for assessing alternative means and locations are recommended:

- a. Identify alternative locations for sourcing sand, gravel, and rock that would meet the company's needs, and alternatives for constructing and operating the quarry, including an alternative for expanding an existing quarry site.
- b. Identify alternative access routes to the proposed Project area that do not pass through an existing quarry permit or lease or an area corresponding to another proposal for a quarry permit or lease.
- c. Identify the environmental effects of each alternative means and location.
- d. Identify the **preferred** means and location for the Project, rationale for selection and reasons for the rejection of alternative sites, including expansion of an existing quarry. Include information from

previous project studies describing alternate locations and expansion that were considered, if applicable.

Alternative locations and expansion should be clearly outlined on maps of a suitable scale (i.e. 1:50,000, 1:25,000, plus GIS compatible) and aerial imagery.

## **6. POTENTIAL ENVIRONMENTAL EFFECTS and MITIGATION:**

Provide detailed information regarding the potential effects of the Project (including access and anticipated traffic) on the environment and the proposed measures to mitigate potential adverse environmental effects.

- a. This section of the EPR should:
  - o Identify how the quarry conforms with zoning requirements in the Butter Pot Witless Bay Environs Development Control Regulations;
  - o Identify measures that will be undertaken to mitigate the potential effects of the Project on the bridge that passes over Peacekeeper's Way and address potential damage caused to the bridge; and
  - o Identify measures that will be undertaken to mitigate the potential effects of noise and dust.
- b. Provide a discussion of the potential cumulative effects of the Project and nearby industrial activities, including quarry activities. A map of the existing quarry lease boundaries can be obtained from the MLD.
- c. Identify how the Project will avoid interference with the rights of other legitimate land owners/users.
- d. Include the following plans in the body of the EPR or as Appendices:
  - I. Water Resources Management Plan: describe how the disposal of wastewater and storm water from the site will occur without causing any environmental impacts on the nearby waterbodies (including wetlands). The plan must include a description of the following:
    - Identify all waterbodies, such as streams, ponds, and wetlands within the footprint of the quarry and within 200 metres of the quarry boundary. Provide details if any of the waterbodies impacted by the quarry operation;
    - Measures that will be deployed, such as vegetative cover, filter strip, silt curtain, or other sediment control measures, to ensure that onsite drainage, surface run-off and discharge, and/or dewatering water that leaves the site conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003; and

- The water control measures to be deployed onsite for daily operations and high precipitation events.
  - If water is proposed to be used for quarry operations, identify the natural source (stream or pond, and/or groundwater well) of water and provide a rough estimate of water use and its intended purpose.
- II. Visibility Management Plan: provide a Visibility Management Plan completed in consultation with the MLD, and relate expected visibility to resource justification for the Project and alternatives locations.
- III. A Project-specific Contingency Plan: describe measures that will be taken to enable a quick and effective response to a spill event, including a description of equipment and materials that will be readily available on-site.

**7. DECOMMISSIONING and REHABILITATION:**

Describe decommissioning and rehabilitation plans for the Project, assuming the eventual need to rehabilitate the entire Project footprint. Include details on the materials that will be used and plans for the progressive rehabilitation of the quarry. Use a map to depict the phases of progressive rehabilitation and the expected timing for each phase of development.

Describe efforts to reduce the introduction of invasive species and to rehabilitate the area in a timely manner.

**8. PROJECT- RELATED DOCUMENTS:**

Provide a bibliography of all Project-related documents already generated by or for the Proponent (e.g. engineering reports, etc).

**9. PUBLIC INFORMATION MEETING:**

During the preparation of the EPR, the Proponent shall provide an opportunity for interested members of the public to meet with the Proponent at a place adjacent to or in the geographical area of the Project, or as the minister may determine, in order to:

- a. provide information concerning the Project to the people whose environment may be affected by the Project;
- b. record and respond to the concerns of the local community regarding the environmental effects of the Project; and
- c. responses to concerns shall be provided in a separate chapter of the EPR.

**10. APPROVAL OF THE UNDERTAKING:**

List the main permits, licences, approvals, and other forms of authorization required for the undertaking, together with the names of the authorities responsible for issuing them (e.g., federal government department, provincial government department, municipal council, etc.)

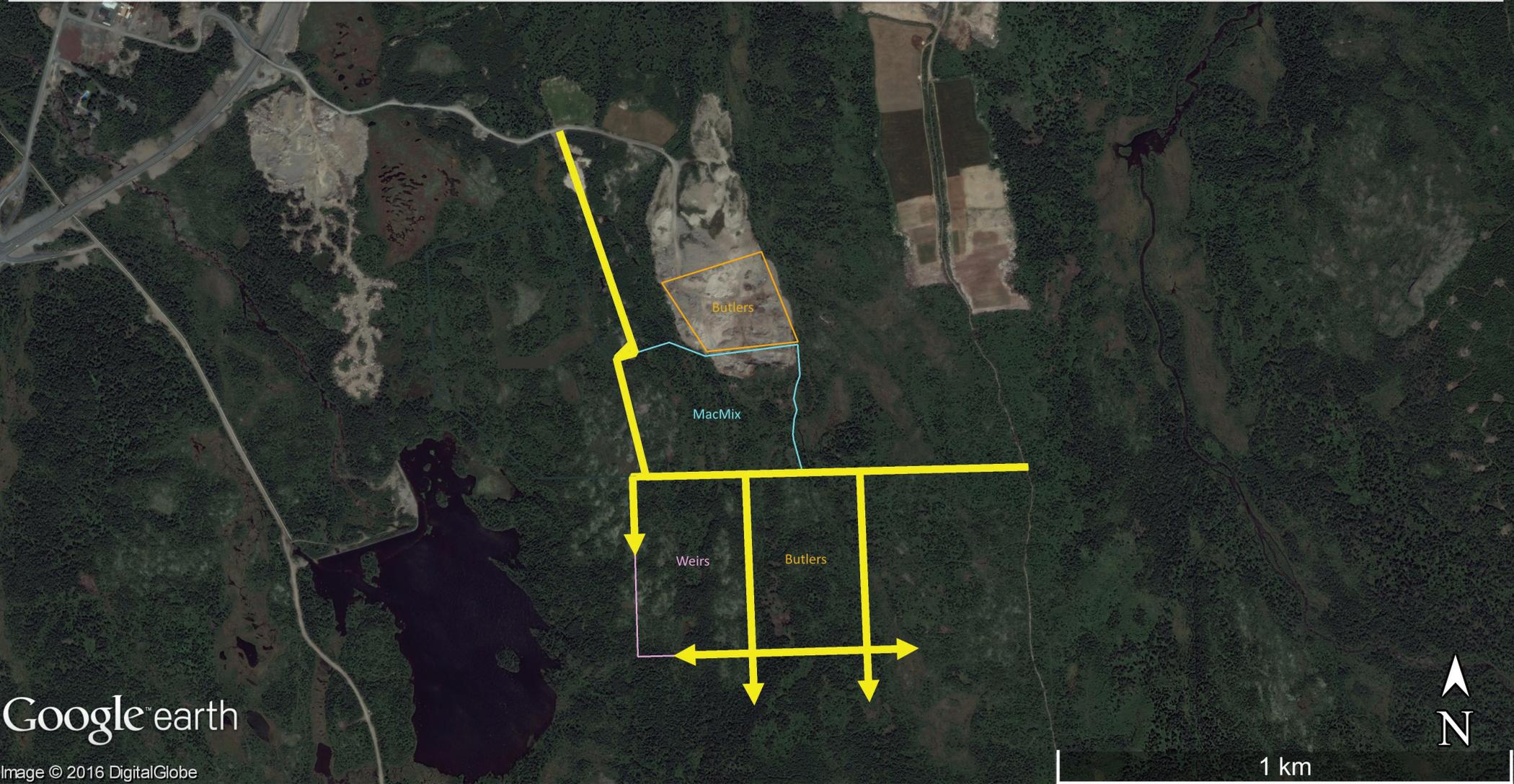
You are required to submit one paper copy and an electronic version of the EPR, for posting to the Environmental Assessment website, together with a covering letter to the following address:

Minister  
Environment and Climate Change  
PO Box 8700  
St. John's NL A1B 4J6

# White Hill quarry area access configuration

yellow lines = shared access corridors (20 m wide) to be maintained between adjacent quarry permits and leases

The access configuration is depicted in schematic form; the details of the access configuration may be subject to change by the Department of Industry, Energy and Technology in the future in order to better ensure shared access by parties having been issued quarry rights in the area or to otherwise better manage the quarry materials resource.



## Requirements for quarry visibility management plans

Last updated June 7, 2023

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It is a standard requirement for all quarries permitted under the Quarry Materials Act, 1998, that the operation be screened from the public in adjacent areas.

The level of screening required by the Department will vary depending on the situation. However, in general:

- For proposed quarries at locations that are considered higher sensitivity for visibility (near major highways, communities, or where concern has been expressed about scenic values), the intention is that a high level of screening shall be achieved.
- For proposed quarries in more remote locations or in regions of the province with more barrens and less tree cover, the intention is that the site shall be screened to the degree that may be reasonably achieved given the geography of the immediate area and the accessibility of the resource.

The purpose of a visibility management plan is for the proponent to illustrate how, and to what extent, the proposed quarry operation will be screened from view of the general public.

Visibility management plans shall meet the following requirements:

1. In producing the visibility management plan, the proponent is directed to consider how the quarry operation can be planned so that it is least visible to the public, including from highways, communities and any other locations of known or potential concern.

In particular, the proponent shall consider how existing tree screens and topography may be used for screening. If screening by means of tree screens and topographic features would be inadequate, then the proponent shall consider where berms could be constructed to achieve further screening. Similarly, screening by means of berms shall be considered for locations where there are no stands of trees available for screening or where operations cannot be screened behind topographic features.

Where portions of the operation cannot be screened by the above measures, the proponent shall consider whether changes to the site plan, site footprint, or planned phases of site development could decrease the visibility of the operation.

Stands of trees and embankments alongside a highway are often very useful for screening quarries from view. However, where trees in the immediate vicinity of the quarry boundary are needed for screening, it is necessary that trees within the boundary be preserved for this purpose. Maintaining a tree screen only on the exterior of the quarry boundary would not be

acceptable because other land uses may alter that tree screen in future and screening of the operation would not be in the control of the quarry operator.

Stands of trees identified as necessary for screening purposes must be maintained at a minimum width (thickness) of at least 15 m.

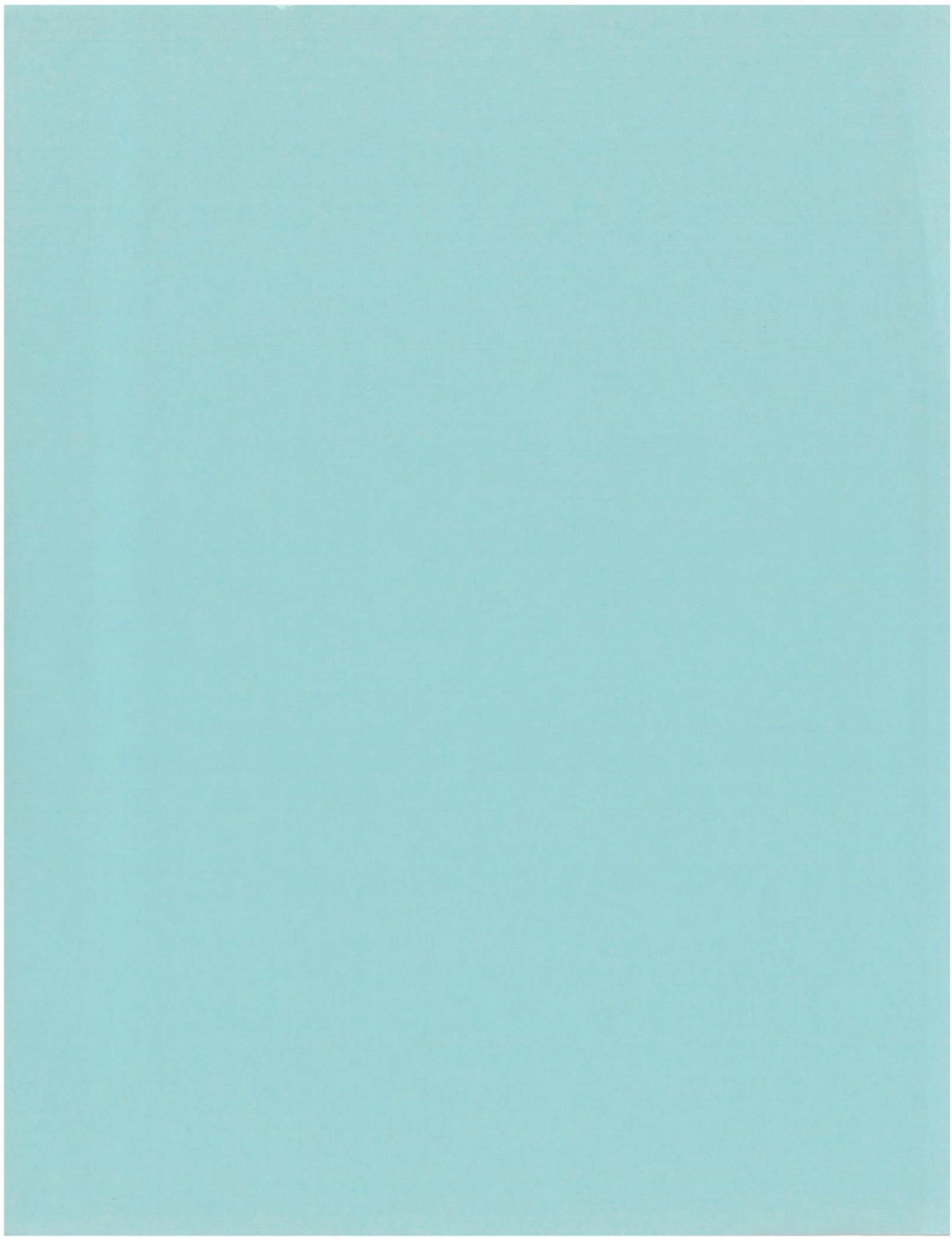
2. The visibility management plan must clearly illustrate the extent to which the quarry operation will be screened from the public and must make use of topographic sections (i.e., topographic profiles) with sightlines depicted for representative locations of concern.

Each topographic section must show a complete cross-section of the proposed quarry, including a depiction of the ground that will eventually be excavated (i.e., a depiction of the current surface and the expected final surface).

Topographic sections with sightlines were submitted to satisfy the same requirement for other proposed quarries and the proponent is directed to use the examples contained in the documents linked below for guidance:

- a. [https://www.gov.nl.ca/eccm/files/env\\_assessment\\_y2020\\_1964\\_Viewsscape\\_management\\_plan.pdf](https://www.gov.nl.ca/eccm/files/env_assessment_y2020_1964_Viewsscape_management_plan.pdf)
  - b. [https://www.gov.nl.ca/eccm/files/env\\_assessment\\_y2021\\_2101-viewsscape\\_management\\_plan.pdf](https://www.gov.nl.ca/eccm/files/env_assessment_y2021_2101-viewsscape_management_plan.pdf)
  - c. <https://www.gov.nl.ca/ecc/files/EA-2153-Registration-document.pdf>
3. Measures proposed for screening the quarry operation must be fully described and depicted on a plan map of the site and their screening effects depicted on the topographic sections. For tree screens, the width or thickness of the treed buffer must be specified as well as the average height of the trees. For berms, the height, width, and composition of the berm must be specified.

Should a quarry lease be required for the operation, then the development and reclamation plan that will be required as part of the quarry lease must include the visibility management plan (updated from an earlier version of the visibility management plan if necessary) and each update of the development and reclamation plan must include an updated visibility management plan.



**From:** [Carter, Paul A.](#)  
**To:** [Chris Dunne](#)  
**Cc:** [Judy Farrell](#); [Darryl Gillingham](#)  
**Subject:** "[EXTERNAL]" Announcement in Environmental Assessment Bulletin on 2246 - White Hill Pond JCL Quarry  
**Date:** Friday, September 29, 2023 4:30:24 PM

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For Your Information

Hi Darryl,

See announcement below:

Regards,

Paul Carter

ECC, EA Division

Tel. 709-729-0188

---

**From:** EA Project Comments <EAProjectComments@gov.nl.ca>

**Sent:** Friday, September 29, 2023 2:53 PM

**Subject:** Environmental Assessment Bulletin

## **Environment and Climate Change**

September 29, 2023

### **Environmental Assessment Bulletin**

The Honourable Bernard Davis, Minister of Environment and Climate Change, has announced the following relative to Part 10 Environmental Assessment of the **Environmental Protection Act**.

#### **UNDERTAKINGS REGISTERED:**

**Deer Lake Tailrace Bridge Geotechnical Work** (Reg. 2271)  
**Proponent: Department of Transportation and Infrastructure**

The Proponent is proposing to complete a geotechnical investigation required for the replacement of the Deer Lake tailrace bridge on the Trans-Canada Highway in the Town of Deer Lake. Project activities would include drilling boreholes in the water and on land to determine subsurface soil and rock conditions at the site to provide recommendations for foundation design for the new abutments and spanning piers. A description of the project can be found on the department's webpage at: <https://www.gov.nl.ca/ecc/env-assessment/projects-list/>.

The undertaking was registered on September 28, 2023; the deadline for public comment is November 3, 2023; and the minister's decision is due by November 12, 2023.

**Flat Bay Brook Outfitters Lodge** (Reg. 2270)  
**Proponent: Mountain Top Cabin Ltd.**

The Proponent is proposing to construct an outfitter lodge to accommodate clients

with guided moose hunts. The site is located approximately 12 kilometres southeast of St. Georges on a gravel road known as Steel Mountain Road. The lodge would include an in-ground septic system and drilled water well. A description of the project can be found on the department's project web page at: <https://www.gov.nl.ca/ecc/env-assessment/projects-list/>.

The undertaking was registered on September 28, 2023; the deadline for public comment is November 3, 2023; and the minister's decision is due by November 12, 2023.

### **ENVIRONMENTAL PREVIEW REPORT GUIDELINES ISSUED:**

#### **White Hill Pond JCL Quarry**

(Reg. 2246)

**Proponent: JCL Investments Inc.**

The minister has approved the final guidelines for the preparation of the environmental preview report (EPR) for the White Hill Pond JCL Quarry. The EPR guidelines identify the information that the Proponent is required to include in the EPR. The EPR guidelines document is available on the department's project web page at: <https://www.gov.nl.ca/ecc/projects/project-2246/>

### **PLANS ACCEPTED:**

#### **Labrador – L1301 Transmission Line Decommissioning**

(Reg. 2236)

**Proponent: Newfoundland and Labrador Hydro**

On September 27, 2023, the minister advised the Proponent that the Waste Management Plan (WMP) and Caribou Protection and Impacts Mitigation Plan (CPIMP) for the Labrador – L1301 Transmission Line Decommissioning project were reviewed and found to be acceptable. The WMP and CPIMP were required by conditions of release from environmental assessment and are available on the department's project web page at: <https://www.gov.nl.ca/ecc/projects/project-2236/>.

### **UNDERTAKING RELEASED:**

#### **Windmill Bight Bridge Replacements**

(Reg. 2263)

**Proponent: Department of Transportation and Infrastructure**

The Project is released from environmental assessment subject to the following conditions:

- The Proponent must uphold all commitments made in the environmental assessment submission to mitigate the effects of the Project on the environment.

The Department of Fisheries, Forestry and Agriculture (FFA) requires the following:

- The registration document indicates that the Proponent will require the

contractor(s) to submit a Contractor Environmental Mitigation Plan to the Department of Transportation and Infrastructure for approval. FFA requires that the Contractor Environmental Mitigation Plan must also be submitted to its Wildlife Division for approval, prior to the start of Project construction.

The Proponent must advise the Environmental Assessment Division when the conditions of release have 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).

- The Proponent must 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 required. Please email the Project updates to [EAProjectComments@gov.nl.ca](mailto:EAProjectComments@gov.nl.ca).

### **Learn more**

Environmental Assessment Division  
Department of Environment and Climate Change  
West Block, Confederation Building  
P.O. Box 8700, St. John's, NL A1B 4J6

Environmental assessment information is available at:

<https://www.gov.nl.ca/ecc/env-assessment/>

[https://www.gov.nl.ca/ecc/files/GUIDE-TO-THE-PROCESS\\_September-2023.pdf](https://www.gov.nl.ca/ecc/files/GUIDE-TO-THE-PROCESS_September-2023.pdf)

Follow us on Twitter: [@GovNL](https://twitter.com/GovNL) and [@ECC\\_GovNL](https://twitter.com/ECC_GovNL)

Project comments may be forwarded to: [EAProjectComments@gov.nl.ca](mailto:EAProjectComments@gov.nl.ca)

**Anyone submitting comments on a project under environmental assessment is asked to please advise the Department if they DO NOT wish to have their comments shared with the Project Proponent.**

### **Media contact**

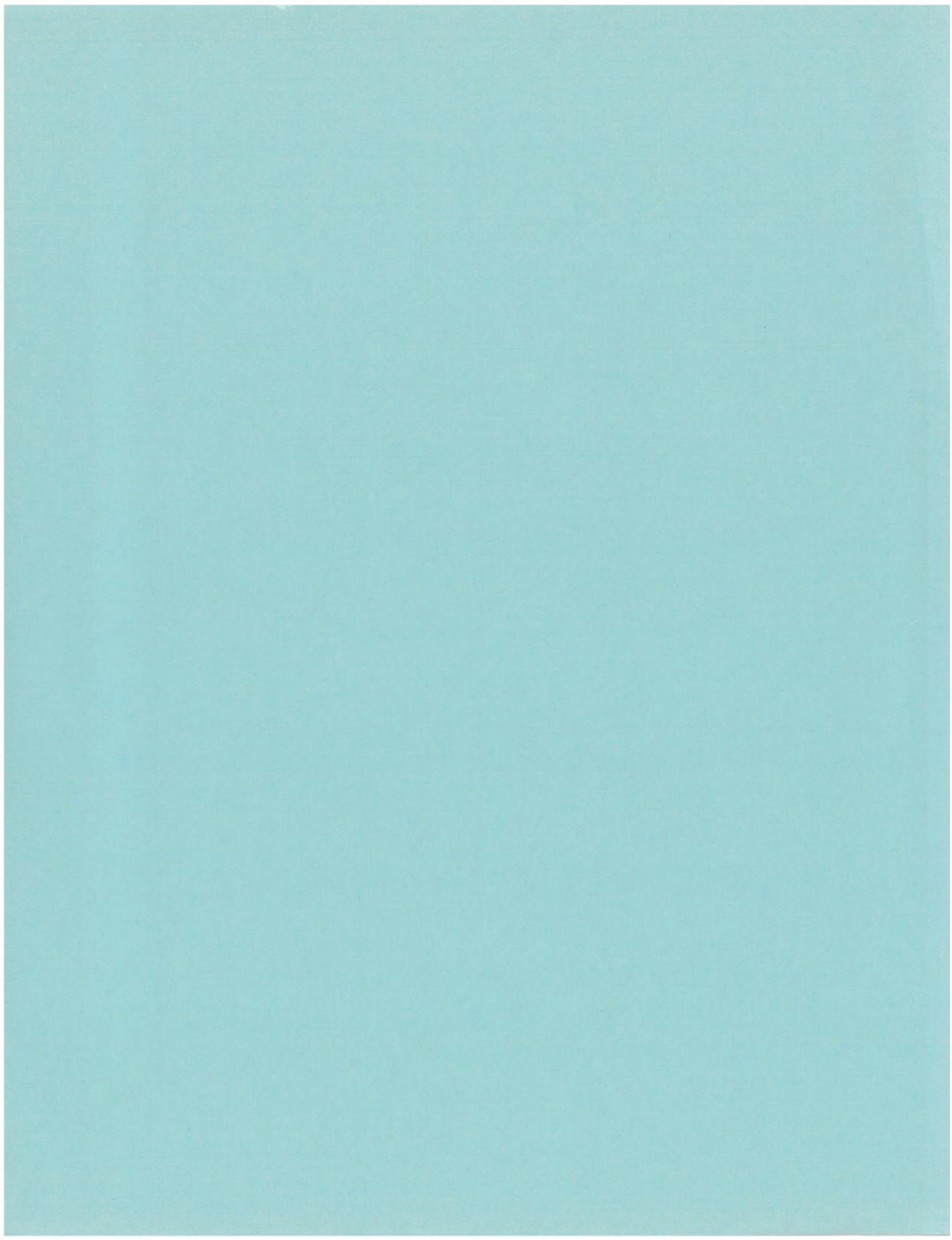
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Environment and Climate Change  
709-729-5449; 709-685-8594  
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WHENEVER. WHEREVER.  
We'll be there.



October 26, 2023

Government of Newfoundland and Labrador  
149 Smallwood Drive  
Mount Pearl, NL, A2A 4J6

To whom it may concern:

**Re: Application - 23 103800 JCL Investments  
Butterpot - Witless Bay Line Environs Development Control Regulations  
Off Granny Till Road, off Route 60 in Seal Cove.  
66,000-volt transmission line, White Hill Pond, Dam, Seal Cove Penstock and Water Quality**

The above-referenced by the application by JCL Investments – 23 103800 off the Conception Bay Bypass, near Seal Cove, CBS, causes concern for Newfoundland Power Inc. ("Newfoundland Power" or the "Company"). Newfoundland Power does not provide permission for any quarries within 1km of any dam structure. The list below outlines concerns, conditions and indemnities that Newfoundland Power Inc. seek in relation to any potential quarry leases in the one [1] km of the Seal Cove Newfoundland Power Facilities. Should any quarry site be approved, the Company will require strict adherence to the following conditions:

1. Blasting is not to be conducted within one [1] km of the hydroelectric facility including: hydro plant, penstock, hydro dam, intake, spillway, control outlet or 150 metres of the transmission line corridor.
2. Ground vibration or Peak Particle Velocity (PPV) are to be independently monitored and shall not be greater than 10mm/sec near ANY hydroelectric facility including: hydro plant, penstock, hydro dam, intake, spillway or control outlet.
3. If the Company determines that its facilities or operations are negatively impacted by the Applicant's operations, the Applicant shall compensate the Company and take all necessary steps to return the Company's operations to their prior operating status as specified by the Company.
4. All steps necessary shall be taken to prevent contamination in the watershed area, including preventative measures for erosion control and sedimentation control to ensure silt or other materials are not entering the tributaries, watercourse or pond. Water filtration and testing for water clarity and suspended sediment/silt shall be conducted at the Company's direction and/or at the Applicant's expense. If, in the Company's sole opinion, the area is contaminated, the Applicant shall be required to take all necessary steps to protect and remediate the watershed at Newfoundland Power's direction. The Applicant is not to create harm to the water system.
5. Dust levels from the road shall be monitored and water shall be used to alleviate particulate from impacting the pond, generating facilities and ecosystem. Pond is not to be used as a water source and is not to be accessed for any construction. Wells are not to be placed on any commercial sites within 1km of any pond.
6. Approval is conditional upon the inclusion of an indemnity clause saving the Company harmless against any claim for damages as a result of the Applicant's use (authorized or otherwise) of any watershed for which the Company holds a water use licence.

7. If quarry's filtration systems allow above-normal shutdowns of generating facilities, the Applicant is to compensate the company for purchased power costs and shall cease operations until remediation is complete.
8. Newfoundland Power will maintain a 66,000-volt critical infrastructure easement 15m wide [7.5m from the center wire] close to the site. Extreme caution is required when working near the Company's transmission lines, and all conditions stated under Section 498 of the Occupational Health and Safety Act shall be adhered to, including issuing of a permit by the Company for work carried out closer than 5.5 metres to any energized line.
9. Buildings, temporary or permanent structures are prohibited within any easement corridor. Should any structure be constructed within the corridor, it will be removed at the owners' expense. An obstruction on the transmission line right-of-way can interfere with the Company's ability to restore power in a timely way, and can threaten the safety of utility workers and the public.
10. Grading is not to take place on the transmission line easement and grading within the easement is not to change due to excavation on the adjacent property. Material is not to be stored or stacked on the transmission easement.
11. Changes within the transmission easement corridor are not approved without the prior express written consent of Newfoundland Power.
12. Newfoundland Power property in the area is not to be impacted or encroached upon.
13. The Company will not be responsible for damages caused by the use of the area and shall be indemnified and saved harmless from any actions or causes of actions occasioned by the use of that portion of our right-of-way by the applicant or others.
14. Newfoundland Power, as holder of the water use licences, is required to notify the minister of any problem that could threaten the structural stability of the hydro system or endanger the environment.

Newfoundland Power feels that operating a quarry, in such proximity to hydroelectric infrastructure has the potential to cause siltation issues that could adversely impact the water quality and potentially interfere with the operation of the dam, penstock and hydro plant. The Company shall be completely indemnified if such operations are responsible for causing environmental or operational problems for which Newfoundland Power may incorrectly be held responsible up to and including a dam breach. The Company recommends that the referenced applications be disallowed.

If you have any questions, please contact the undersigned at 737-5381.

Yours truly,



Byron Spencer  
Property Specialist