

DEC 07 2022

COR-2022-2905

Reg. # 2219

John Hurley
Trinity Resources Limited
250 Minerals Road
Conception Bay South, NL A1W 3J1
E-mail: jihurley@trinityresources.ca

Dear John Hurley:

**RE: Conception Bay South Pyrophyllite Processing Facility and Mine Development
(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. Please be advised that the Project undertaking is **released** from further environmental assessment subject to the following conditions:

- You must uphold all commitments made in your environmental assessment submission to mitigate the effects of the Project on the environment. This includes your commitment to provide permanent, uninterrupted public access to the back country via the by-pass road described in your submission.
- The Water Resources Management Division (WRMD) of my Department requires the following:
 - You must enter into a Memorandum of Understanding with the WRMD for the installation of a real-time water quality/quantity monitoring network for groundwater/surface water, as will be determined upon further consultation. You are to bear all costs associated with the monitoring network and must install the network prior to commencing Project operations to collect adequate background data; and
 - You must submit a groundwater assessment and monitoring report for approval by the WRMD, prior to commencing Project operations. The groundwater assessment must include existing/baseline groundwater levels, flow and quality and must describe how/whether mining operations will affect the groundwater levels, flow and quality in the area. For further information, please contact the WRMD at (709) 729-1646.



- The Department of Transportation and Infrastructure requires you to undertake and provide a Traffic Impact Study following the 'Guidelines for Preparation of a Traffic Impact Study,' to determine if upgrades to the on-ramp merge lane from Minerals Road are necessary to mitigate traffic safety concerns associated with the Project. For more information, please contact the Department of Transportation and Infrastructure at (709) 729-5399.
- You 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.
- You 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, 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.

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

The Pollution Prevention Division (PPD) of my Department advises that a Certificate of Approval (CoA) is required for the construction and operation of the processing facility and for the reactivation of mining at the Oval Pit and Mine Hill deposits. As part of the CoA process, a Waste Management Plan will be required. PPD recommends that you develop a contingency plan specific to the Project, and that you refer to the Best Management Practices for the Storage Of Waste Dangerous Goods/Hazardous Waste (WDG/HW), found at: <https://www.gov.nl.ca/ecc/files/env-protection-waste-guidancedocs-gd-ppd-077-best-management-practices-for-the-storage-of-waste-dangerous-goodshazardous-waste-wdghw-at-business-sites.pdf>. For further information, please contact the PPD at (709) 729-5782.

The Water Resources Management Division of my Department advises that you must obtain permits under the **Water Resources Act** for: any work in or within fifteen metres of a body of water (including wetlands); any infilling work within fifteen metres of a body of water (including wetlands); and for the use of water from any source for any purpose. In addition, any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations. For further information, please contact Water Resources Management Division at (709) 729-1646.



The Government Service Centre of the Department of Digital Government and Service NL advises that specifications for the proposed water and sewerage system must be submitted for approval. Should the development require the construction or renovation of on-site service buildings, an application must be made for fire/life safety and building accessibility approval. 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. For more information, please contact the Government Service Centre at (709) 729-3699.

The Occupational Health and Safety Division of Digital Government and Service NL advises you to ensure that the activities associated with the Project 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. It is recommended that an emergency response plan to address any foreseeable mishaps specific to the undertaking is developed. For further information, please contact the Occupational Health and Safety Division at (800) 563-5471.

The Department of Fisheries, Forestry and Agriculture (FFA) advises that mining operations are not to interfere with existing or proposed agricultural activities. Please see the attached image which indicates existing agriculture Crown land leases within the Project vicinity, and ensure that mining activities do not interfere with an agriculture lease. For further information, please contact the Department of Fisheries, Forestry and Agriculture at (709) 637-2535.

The Department of Immigration, Population Growth and Skills (IPGS) advises that it offers immigration programs that may enable a proponent to hire international candidates. Additionally, recruits may be available from post-secondary institutions in the province and may include Temporary Residents holding an Open Work Permit. For further information, please contact the Office of Immigration and Multiculturalism of IPGS at (709) 729-2480.

The Department of Industry, Energy and Technology (IET) reminds that you are required under the **Mining Act** to submit a development plan, a rehabilitation and closure plan and provide financial assurance for this Project. Before the project can commence, you are required to possess mineral rights in good standing. For more information, please contact IET at (709) 729-6437. IET further advises that power line realignment may be needed for the construction of the processing facility, and recommends that you contact Newfoundland Power regarding the power line realignment. For further information, please contact the Electricity Division of IET at (709) 729-3131.

The Department of Municipal and Provincial Affairs advises that permits are required from the Town of Conception Bay South, in order for the Project to proceed. For further information, please contact the Department of Municipal and Provincial Affairs at (709) 729-3090.



The Department of Transportation and Infrastructure advises you to identify and obtain the approval of that department prior to encroaching on any properties belonging to that department. For further information, please contact the Department of Transportation and Infrastructure at (709) 729-5399.

Environment and Climate Change Canada (ECCC) recommends that you prepare the following plans:

- A Management Plan that includes appropriate preventative measures to minimize the risk of impacts on migratory birds;
- An Oil Spill Prevention and Response Plan; and
- A Contingency Plan that considers potential accidents and malfunctions for site-specific activities.

ECCC further recommends that to avoid nest destruction and to accommodate the breeding season of migratory birds, operations should consider nesting locations between April 15 and August 15 in this region. The use of nest searches or pre-clearing surveys for active bird nests during the breeding season as mitigation is not recommended, given the difficulty associated with finding nests reliably and the high likelihood of disturbing nesting birds when searching. Vegetation clearing should be avoided during the time noted above. The Canadian Wildlife Service of the ECCC requests that species-at-risk sightings be reported to ec.scfatdonneesei-cwsatlidata.ec@ec.gc.ca. For further information, please contact the Canadian Wildlife Service at (709) 777-4221.

The Department of Fisheries and Oceans Canada advises you to follow the modernized **Fisheries Act** that includes fish and fish habitat protection provisions, which came into effect on August 28, 2019. If you are conducting work in or near water you should refer to the Projects Near Water website to get information about how to comply with the Fisheries Act as well as information on the project review process. The "Projects Near Water" website is located at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>. For further information, please contact the Fisheries Protection Program at (709) 772-4140.

Health Canada advises you to consider preparing a response plan in the event of an accident or malfunction with the potential to impact air quality, recreational and drinking water, noise and country foods. Response plans should include a spill response kit, adequate spill response training, and a communication plan to notify all recreational water and drinking water users and/or consumers of country foods in the impacted areas as well as all relevant authorities. For further information, please contact Health Canada at (902) 237-7478.

The Navigation Protection Program of Transport Canada advises the construction of a causeway across Johnnies Pond, the installation of a culvert at the road crossing of Cross River, as well as a proposed diversion of Cross Brook are considered works requiring approval under the **Canadian Navigable Waters Act**. For further information, please visit the external site for the Navigation Protection Program at <https://npp-submissions-demandes->



<ppn.tc.canada.ca/auth/login-connexion?ret=%2F> or contact the Navigation Protection Program at (506) 851-3113.

Although the undertaking as proposed is released from further environmental assessment, it is still subject to other legislative requirements. You must comply with all relevant legislation and obtain all necessary permits and approvals. You are required to inform this Department of any proposed significant changes to the undertaking.

Please note that in accordance with Section 17 of the Environmental Assessment Regulations, my decision is valid for a period of three years from the date of this letter. If you have not commenced the Project within this three-year period, you may apply to extend the term of my decision for a maximum of three periods of one year. Should the term of my decision expire, the Project will have to be registered again for environmental assessment if you wish to proceed. For further information, please email EAProjectComments@gov.nl.ca.

If you have any questions about the environmental assessment process, please contact Joanne Sweeney, Director of the Environmental Assessment Division, at (709) 729-0673 or email joannesweeney@gov.nl.ca.

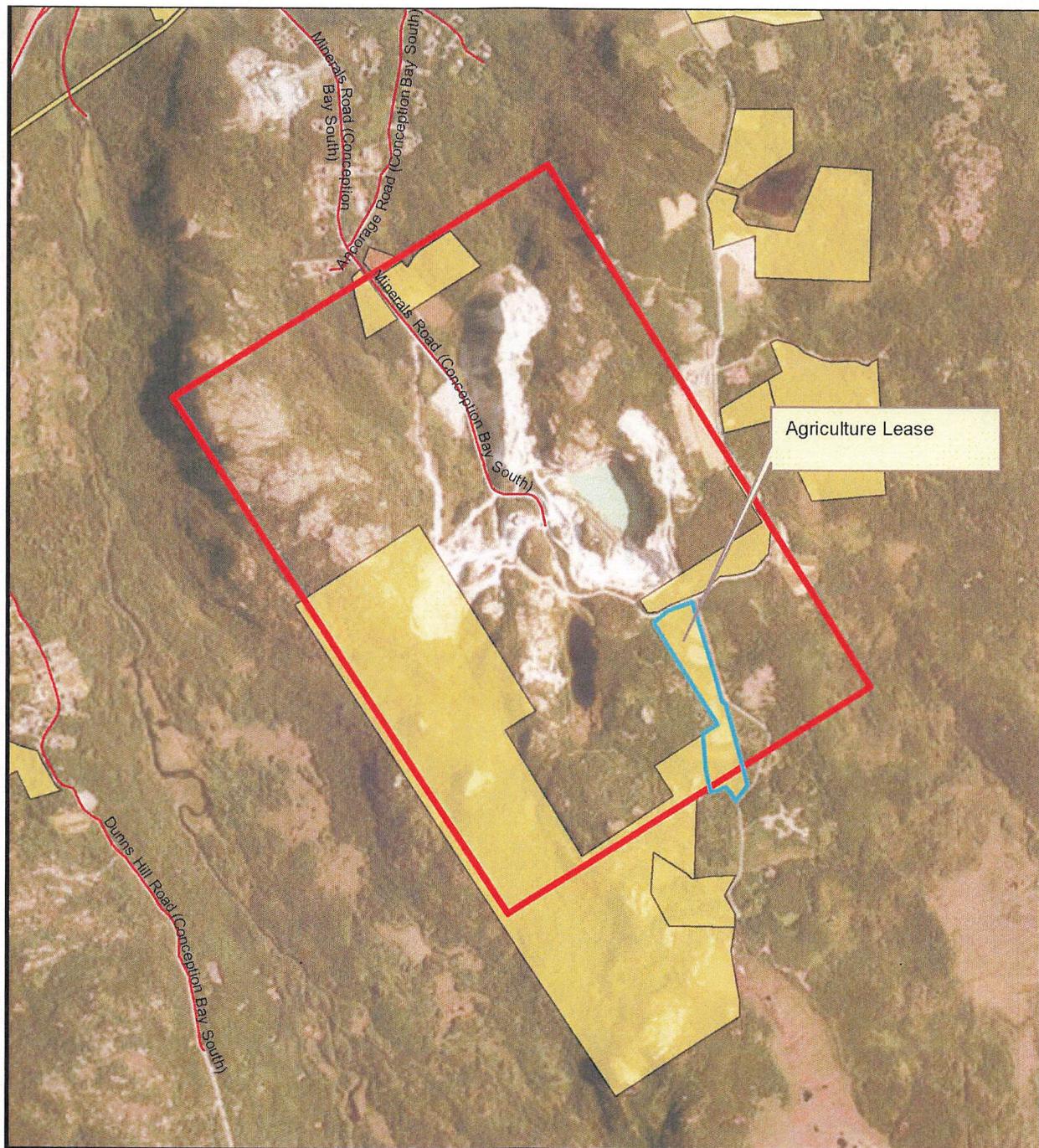
Sincerely,

A handwritten signature in blue ink, appearing to read "B. DAVIS".

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

Enclosures

Cc: Barry Petten, MHA – District of Conception Bay South



Agriculture Lease within the proposed project area.