

Attachment B

Regulatory advice

EA # 2246 – White Hill Pond JCL Quarry

Proponent: JCL Investments Inc.

1. Climate Change Branch (CCB)

- 1.1 Consider provincial climate change projections for St. John's in the planning for this undertaking as it is anticipated that extreme precipitation events will become more intense.
- 1.2 All heavy-duty equipment used in the Project be operated in a manner that maximizes fuel efficiency, thereby reducing greenhouse gas emissions that could contribute to climate change. For further information, please contact the CCB at (709) 729-1485.

2. Pollution Prevention Division (PPD)

- 2.1 A pesticide Applicator License is required for the application of a pesticide, and a contractor hired to perform that service must have a valid Pesticide Operator License. For more information, please contact the Pesticides Control Section at (709) 729-6054.
- 2.2 Proponent is advised to develop a contingency plan specific to the Project and to have spill response equipment readily available on-site to enable a quick and effective response to a spill event. Any spill or leak of gasoline or associated product is to be reported immediately to the Environmental Emergencies Telephone Line at 1-800-563-9089. For further information, please contact the PPD at (709) 729-5782

3. Water Resources Management Division (WRMD)

- 3.1 If the sedimentation pond meets the definition of a dam, then a permit is required under Section 48 of the **Water Resources Act**.
- 3.2 A water use licence must be applied for and obtained for the use of water from any source for any purpose.

- 3.3 Any effluent or runoff leaving the site must conform to the requirements of the Environmental Control Water and Sewage Regulations. For further information, please contact the WRMD at (709) 729-2563.

4 **Government Service Centre (GSC)**

- 4.1 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 the Storage and Handling of Gasoline and Associated Products Regulations and will require registration prior to installation.
- 4.2 The storage, handling, and disposal of used and or waste oil must be compliant with the Used Oil and Used Glycol Control Regulations.
- 4.3 A permit is required 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.
- 4.4 The extent of land clearing and grubbing should be restricted such that naturally vegetated areas between the site and surrounding properties and throughfares are maintained.
- 4.5 A tree screen of 30 metres is to be maintained between the highway right-of-way and this property.
- 4.6 Any existing tree screen concealing the operation from public view is to be maintained.
- 4.7 Transportation of quarry materials must comply with the Cargo Securement Regulations under the Highway Traffic Act. For further information, please contact the GSC at (709) 256-1420.

5 **Occupational Health and Safety (OHS)**

- 5.1 Ensure that activities 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 the legislation. For further information, please contact OHS at 1 (800) 563-5471.

6 Department of Fisheries, Forestry and Agriculture (FFA)

- 6.1 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 the Forest Fire Regulations to ignite a fire on or within 300 metres of forest land.
- 6.2 Pursuant to subsection 14(1) of the **Lands Act**, the construction of the quarry access road cannot begin until you are issued a Licence to Occupy by the minister for the construction of the access road. For further information, please contact FFA at (709) 637-2950.

7 Wildlife Division

- 7.1 Proponent is advised to operate under established legislation and regulations, such as the **Wild Life Act** and Wild Life Regulations, to avoid or minimize adverse impacts. In addition, the **Migratory Birds Convention Act**, 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 and Labrador. For more information on avoiding harm to avifauna, visit: <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html>. For further information, please contact Wildlife at (709) 637-2950.

8 Department of Transportation and Infrastructure (TI)

- 8.1 The use of Andrew's Road is not under the jurisdiction of TI. 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 permission for passage over any private land claims.
- 8.2 Proponent is advised the bridge over the CBS Bypass is under the jurisdiction of TI. Any damage to the bridge caused by 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.

- 8.3 Access to Route 2 (CBS Bypass) will not be permitted. For further information, please contact TI at (709) 729- 5399.

9 Environment and Climate Change Canada (ECCC)

- 9.1 ECCC recommends that you develop the following plans:

- 9.1.1 A wetland Compensation Plan.
- 9.1.2 An oil spill prevention and response plan.
- 9.1.3 A contingency plan that considers potential accidents and malfunctions that considers site-specific conditions and sensitivities.
- 9.1.4 A management plan that includes appropriate preventative measures to minimize the risk of impacts on migratory birds and wetlands.

- 9.2 ECCC further advises that in order to avoid nest destruction and to accommodate the breeding season of migratory birds, operations should consider nesting locations between mid-April and mid-August in this region. ECCC requests that species-at-risk sightings be reported to the Canadian Wildlife Service (CWS) at <http://accdc.com/en/contribute.html>. For further information, please contact the ECCC-CWS at (709) 777-4221.

10 Department of Fisheries and Oceans (DFO)

- 10.1 Consult the Projects Near Water website to obtain information about how to comply with the **Fisheries Act**. The 'Projects Near Water' website is located at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-enq.html>. For further information, please contact the Fisheries Protection Program at (709) 772-4140.