

**Attachment B**  
**Regulatory advice**

**EA # 2291 –White Hill Pond FEL Quarry**

**Proponent: Farrell's Excavating Ltd.**

**1. Climate Change Branch (CCB)**

- 1.1. The Proponent is advised that climate change is expected to result in precipitation and more frequent extreme weather events that may result in increased flooding, sedimentation, and damage to infrastructure and the Proponent is advised to consider provincial climate change projections for St. John's (nearest regional site) in Project planning.
- 1.2. The Proponent is advised to operate heavy equipment in a manner that 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. The 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. For further information, please contact the PPD at (709) 729-5782.

**3. Water Resources Management Division (WRMD)**

- 3.1. The Proponent is advised to contact Newfoundland Power to ensure that the Project will not impact the nearby dam developed by Newfoundland Power.
- 3.2. The Proponent is advised that a Section 48 Permit under the **Water Resources Act** shall be required if the containment berms for the proposed settling ponds meet the definition of a dam.
- 3.3. The Proponent is advised to obtain a water use licence for the use of water from any water source for any purpose prior to the start of the construction.

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

#### **4. The Government Service Centre (GSC)**

- 4.1. A development permit is required from the Government Service Centre for any work in the Rural Zone as defined in the Butterpot – Witless Bay Line Environs Regulations under the **Urban and Rural Planning Act**.
- 4.2. The Proponent is advised that the site is to be kept neat and tidy at all times. The extent of land clearing and grubbing should be restricted such that naturally vegetated buffers between the site and surrounding properties and thoroughfares are maintained. Any existing tree screen concealing the operation from the public view is to be maintained.
- 4.3. 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 GSC at (709) 729-0248.

#### **5. Occupational Health and Safety Division (OHS)**

- 5.1. The Proponent is advised to 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.
- 5.2. An emergency response plan should be in place that details measures to be taken to effectively respond to any foreseeable mishap that may occur as a result of the undertaking. For further information, please contact OHS at 1 (800) 563-5471.

#### **6. Department of Fisheries, Forestry and Agriculture (FFA)**

- 6.1. The Proponent is advised they must apply for a Crown Land Titles before commencing construction on Crown Land.
- 6.2. The Proponent is advised that titles must be issued for this undertaking prior to any development and the Proponent/applicant must follow all terms and conditions of the approvals.

- 6.3.** The Proponent is advised that a Commercial Cutting Permit is required prior to any harvesting or timber removal in the area. An Operating Permit 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 must be obtained to ignite a fire on or within 300 meters of forest land. For further information, please contact FFA at (709) 637-2353.

## **7. Department of Municipal and Provincial Affairs (MAPA)**

- 7.1.** The Proponent is advised that quarry activities in the Conservation zone as defined in the Butterpot - Witless Bay Line Environs Development Control Regulations (BWBLE) under the **Urban and Rural Planning Act** is prohibited.
- 7.2.** The boundary of the proposed Project is partially located in the Rural zone of the BWBLE, where it would be considered a discretionary use, and the development application would be subject to the regulatory conditions as well as the discretionary use process as outlined by the provincial development control regulations for the BWBLE.
- 7.3.** The Proponent is advised that the proposed quarry is subject to the Town of Conception Bay South Municipal Plan and Development Regulations, where it would be a discretionary use in the Rural zone, and therefore a development application would be subject to regulatory conditions as well as the discretionary use process under the authority of the Municipal Council. For further information, please contact MAPA at (709) 729-3090.

## **8. Department of Transportation and Infrastructure (TI)**

- 8.1.** The Proponent shall be fully responsible for identifying property and highways owned by the TI and the construction of access roads will require application approval prior to commencing any work within the Department's Right of Way. For further information, please contact TI at (709) 729- 5339.

## **9. Environment and Climate Change Canada (ECCC)**

- 9.1.** ECCC recommends that you develop 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.

- A contingency plan that considers potential accidents and malfunctions that take into account site-specific conditions and sensitivities.

**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 April 15 and August 15 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 ECCCCWS at (709) 777-4221.

## **10. Department of Fisheries and Oceans (DFO)**

**10.1.** Proponent is advised that the modernized Fisheries Act include fish and fish habitat protection provisions which came into effect on August 28, 2019. Proponent should refer to the Projects Near Water website to get information about how to comply with the Fisheries Act and as well as information on the project review process when conducting work in or near water. 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.