

Attachment B
Regulatory and Technical Advice from Government Departments/Divisions

EA #: 2366 - Barachois Brook Sand Quarry (the Project)
Farrell's Excavating Ltd. (the Proponent)

1 Climate Change Branch (CCB), Department of Environment and Climate Change (ECC)

- 1.1 Proponent is advised that the clearing of trees and brush can contribute to climate change.
- 1.2 Proponent is advised to consider provincial climate change projections regarding precipitation for Stephenville (nearest regional site) in the planning for this undertaking.
- 1.3 Proponent is advised to operate heavy equipment 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), ECC

- 2.1 Proponent is advised activities associated with this project are subject to the Air Pollution Control Regulations.
- 2.2 All pesticide use must comply with the Pesticides Control Regulations. If pesticides are required, a Pesticide Applicator Licence is necessary and must follow required buffer zones for pesticide application around salmon rivers. Contracted pest control services must hold a valid Pesticide Operator Licence.
- 2.3 Proponent is advised that all waste material generated on site shall be removed and disposed of at an approved waste disposal facility. For further information, please contact PPD at (709) 729-5782.

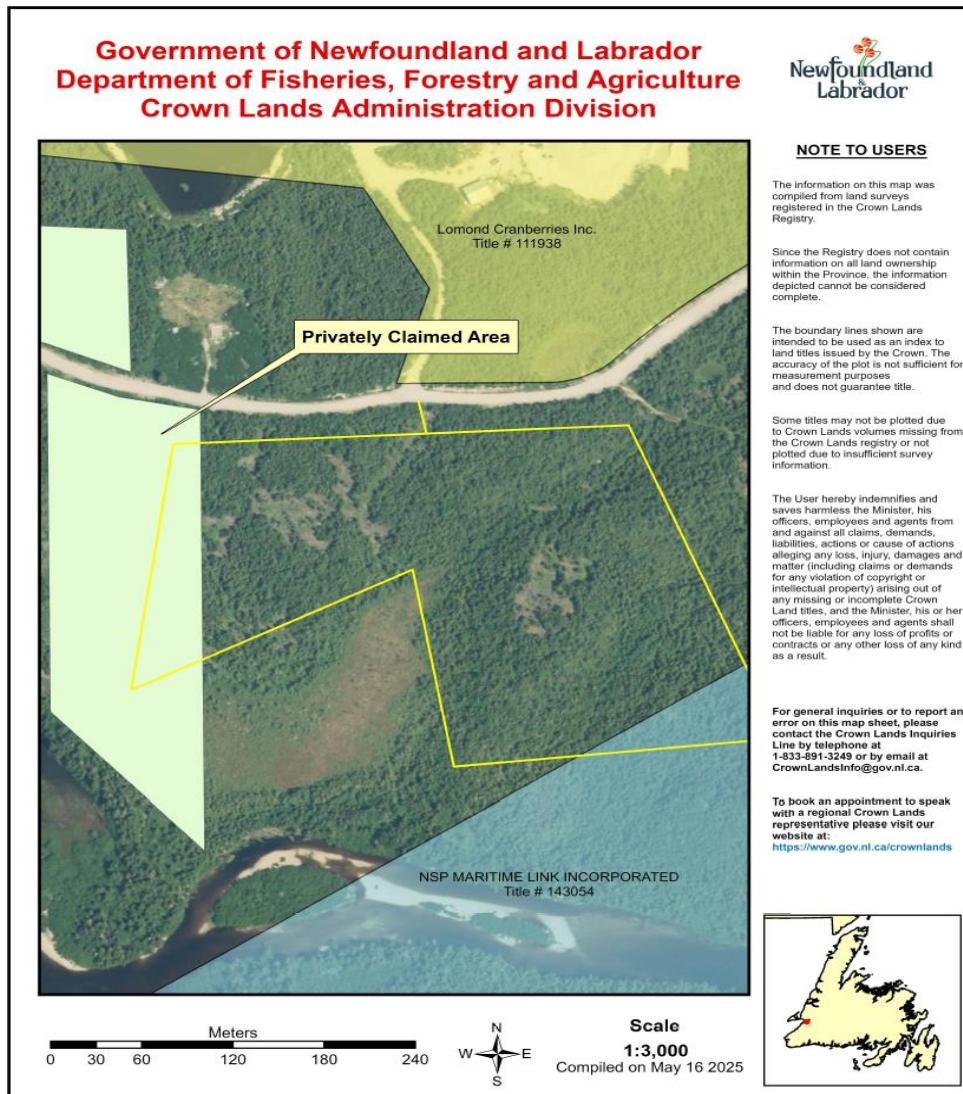
3 Water Resources Management Division (WRMD), ECC

- 3.1 Proponent is advised that any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations.
- 3.2 Prior to the start of construction, the proponent must apply for and obtain a water use licence under the **Water Resources Act**, 2002 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.
- 3.3 Proponent is advised that if the settling ponds meet the definition of a dam or very small dam, a permit under Section 48 of the **Water Resources Act** would be required prior to their construction. For further information, please contact the WRMD at (709) 729-2563.

4 Department of Fisheries, Forestry and Agriculture (FFA)

4.1 Proponent is advised to operate under the **Wild Life Act** and **Migratory Birds Convention Act** and associated regulations to avoid or minimize adverse impacts.

4.2 Proponent is advised that part of the proposed quarry boundary overlaps an area that is subject to claim under section 36 of the **Lands Act** and are considered privately owned. There may also be private land located within this area which may not be on record with the Crown Lands office. Any quarry operations located on privately owned or claimed lands must have permission of the landowner or the boundaries of the quarry must be adjusted to exclude the area:



4.3 Proponent is advised that all constructed resource roads for this project are to remain open for public access and quarry operations must not impede public access to roads or surrounding Crown lands. If new road construction is planned on Crown land, the proponent must apply for and obtain appropriate Crown title prior to commencement of construction.

4.4 Proponent is advised that several species are currently being assessed for designation and listing under the **Newfoundland and Labrador Endangered Species Act (NLESA)** and the federal **Species at Risk Act (SARA)**. The Proponent should be aware that if species that are designated and listed under endangered species legislation are found within the Project area, the **NLESA** and/or the federal **SARA** will apply and the Proponent may be required to develop mitigations, in consultation with FFA-Wildlife Division, for the protection and recovery of the species.

Proponent is advised that the surveys for Black Ash should be conducted prior to project commencement. Survey protocol and permits shall be obtained from the Wildlife Division. If occurrences of the species is documented, the proponent shall consult with the Wildlife Division to identify appropriate mitigations. For further information, please contact FFA at (709) 639-3802.

4.5 Proponent is advised that the location of any raptor nest sites shall be reported to the Wildlife Division wildlifereferrals@gov.nl.ca and no vegetation clearing is to occur within:

- 800 metres of a bald eagle or osprey nest between March 15 and July 31; 200 metres during the remainder of the year.
- 800 meters of a short-eared owl (ground) nest between May 15 to August 15.
- 200 meters of any other raptor nests between March 15 and July 31.

4.6 Proponent is advised to maintain a minimum 50-metre naturally vegetated buffer to be maintained along all salmon rivers to protect critical and sensitive habitats for spawning, rearing, nursing, feeding, and migration.

4.7 Proponent is advised to contact the nearest local Forestry district office for appropriate permits that are required under the **Forestry Act** and Regulations, including section 3 of the Cutting of Timber Regulations, and to obtain relevant advice on wildland fire prevention and mitigation recommendations. For further information, please contact FFA at (709) 729-1582.

5 **Government Service Centre (GSC), Department of Government Modernization and Service Delivery (GMSD)**

5.1 Proponent is advised that 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.

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

5.3 The Proponent is advised to consider developing a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event. Any spill or leak of gasoline or associate product is to be reported immediately to GMSD by calling the Environmental Emergencies Telephone Line at 772-2083 or 1-800-563-9089.

- 5.4 Any proposed fuel cache will require approval by GMSD prior to installation.
- 5.5 Electrical plans must be submitted to GMSD for review and approval. For further information, please contact the GSC at (709) 729-2008.

6 Occupational Health and Safety (OHS), GMSD

- 6.1 Proponent is advised to ensure that activities are conducted in compliance with the Occupational Health and Safety Act (OHS Act) and related regulations. This includes the responsibility for ensuring that, should contractors be hired to perform work, also comply with the legislation. For further information, please contact OHS at (709) 729-7454.

7 Department of Industry, Energy and Technology (IET)

- 7.1 Proponent is advised that the Project site falls within the service area of Newfoundland Power and recommend consultation with Newfoundland Power to ensure there is no conflict with existing or planned electricity infrastructure.
- 7.2 Proponent is advised that the Project site falls within a hydrocarbon basin and that the area has oil and gas potential.
- 7.3 Proponent is advised that a Quarry Permit or Quarry Lease is required under the Quarry Materials Act, 1998, prior to commencement of Project. A release from environmental assessment does not guarantee approval. Further, IET may require the Proponent to submit additional information in support of the application. For further information, please contact the Mines Branch of IET at (709) 729-5748.

8 Jobs, Immigration and Growth (JIG)

- 8.1 Proponent is advised that should the labour or workforce needs change beyond the 10 estimated positions noted by the proponent, it is recommended that the proponent notify JIG by contacting Sarah Geck at SaraGeck@gov.nl.ca. This keeps the department informed on labour needs for projects and allows the department to provide details on programs and services that may assist the proponent. For further information, please contact JIG at (709) 729-5054.

9 Department of Municipal Affairs and Community Engagement (MAC)

- 9.1 Proponent is advised to obtain an Approval for proposed quarry development within the Rural Zone with the Town of Stephenville Crossing. For further information, please contact MAC at (709) 729-3090.

10 Environment and Climate Change Canada (ECCC)

- 10.1 ECCC advises that 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 sighting be reported to the Canadian Wildlife Service (CWS) at <http://www.accdc.com/en/contribute.html>.

10.2 Proponent is advised to develop the following plans:

- A Contingency Plan that considers potential accidents and malfunctions, and site-specific conditions and sensitivities
- An Oil Spill Prevention and Response Plan
- A Wildlife Emergency Response Plan

10.3 Proponent is advised to maintain a 30-metre buffer from the high-water mark of any water body (1:100 Flood Zone) to maintain movement corridors for migratory birds.

10.4 Proponent is advised to establish vegetated buffer zones and to reduce activities around any active nests discovered during project activities to reduce the risk of impacting nests or birds caring for pre-fledged chicks at those times.

10.5 Proponent is advised to develop and implement measures to diminish the risk of introducing invasive species. For further information, please contact ECCC at (709) 772-4313.

11 Fisheries and Oceans Canada (DFO)

11.1 Proponent is advised to refer to the Projects Near Water website for information about how to comply with the **Fisheries Act** as well as information on the project review process when conduction work in or near water. The 'Projects Near Water' website is located at <https://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>. For further information, please contact the Fisheries Protection Program at (709) 772-4140.