

From: CBS CLB Old Comrades Branch 2 <cbsclboldcomrades@gmail.com>
Sent: Monday, November 9, 2020 11:08 PM
To: Planning
Cc: [REDACTED]
Subject: (EXT) Project 4329 Trans Canada Highway; and Environmental Assessment Black Diamond Quarry
Attachments: 201109-5A - Environmental Assessment Foxtrap Access Road Quarry - Black Diamond Construction.pdf, 201109-1A Application - 4329 Trans Canada Highway City of St Johns.pdf, 201109-1B Pic - Application - 4329 Trans Canada Highway City of St Johns.pdf

City of St. John's Planning Department,

Earlier this evening we were made aware of a number of quarry proposals (four) in the vicinity of the TCH and the Foxtrap Access Road that are being reviewed for approval by the City of St. John's. In fact, the deadline for input into application 4329 Trans Canada Highway is scheduled for tomorrow morning (November 10, 2020) at 9:30am, and that the council decision date is set for November 23, 2020.

The proposal of most concern to us (CBS CLB Old Comrades Branch 2) is the proposal described in the attached Environmental Assessment submitted by Black Diamond Quarry. Even though our property and our access road are included in this assessment, we have NEVER been notified by anyone or any organization listed in the permit agencies table on page 22 of the EA document.

We find it odd that our locked gated roadway that we built and have maintained for many years is being assumed to be consumed by this project. We have operated a wilderness camp on the north side of Scout Pond and the eastern side of Trout Pond since the very early 1990's, and we occupy an area of some seven hectares. There is also a Scout camp facility adjacent to our property.

At this late hour we have not had the reasonable opportunity to develop a proper input to your review process. While we are aware that the review of application 4329 Trans Canada Highway (see attached documents) is tomorrow morning, we are not aware if a date has been set for the Black Diamond proposal noted in the attached environmental assessment document.

Please advise what our next step options are regarding these quarry proposals.

Best regards,

Ralph Fagan - Treasurer
CBS CLB Old Comrades Branch 2
[REDACTED]

CC: Executive Committee – CBS CLB Old Comrades Branch 2
Scouts – 1st Cowan Heights Unit



November 12, 2020

Files: 122-03

Ms. Lindsay Lyghtle Brushett, MCIP **Via e-mail to:** llyghtlebrushett@stjohns.ca
Supervisor – Planning & Development
Department of Planning, Engineering, & Regulatory Services
City of St. John's P. O. Box 908
St. John's, NL A1C 5M2

Dear Ms. Lyghtle Brushett:

REFERRAL – CITY OF ST. JOHN'S - DISCRETIONARY USE APPLICATION (PROPOSED QUARRY) - 4329 TRANS CANADA HIGHWAY

In response to your letter of October 28, 2020, regarding the above-noted proposed 1.81-hectare quarry near Pasture Land Road, the City of Mount Pearl thanks you for the opportunity to provide commentary.

The referral was discussed at the City of Mount Pearl Community Development Committee meeting of November 9, 2020.

The City of Mount Pearl has no general objections to the proposed quarry as it is proposed to be located approximately 15.5 kilometres from the City of Mount Pearl boundary. If approved the quarry should be conditioned to operate as per all applicable regulations of the Department of Natural Resources – Mineral Lands Division and Occupational Health and Safety requirements.

The City of Mount Pearl thanks the City of St. John's for the opportunity to participate in the public consultation referral process. Please contact me at 709-748-1023 or by e-mail at chowell@mountpearl.ca if you require anything further.

Kindest regards,

A handwritten signature in black ink that reads "Catherine Howell".

Catherine Howell
Manager of Development and Planning

cc Jason Collins, Director of Community Development
Mona Lewis, Deputy City Clerk

Department of Community Development

3 Centennial Street | Mount Pearl, NL | A1N 1G4 | T 709-748-1029 | F 709-748-1111 | www.mountpearl.ca

From: [CityClerk](#)
To: [REDACTED] [CityClerk](#)
Cc: [Maureen Harvey](#); [Shanna Fitzgerald](#); [Andrea Roberts](#); [Ann-Marie Cashin](#); [Ashley Murray](#); [Dave Wadden](#); [Jason Sinyard](#); [Karen Chafe](#); [Ken O'Brien](#); [Lindsay Lyghtle Brushett](#); [Planning](#)
Subject: RE: (EXT) 4329 Trans Canada Highway
Date: Thursday, November 5, 2020 11:52:50 AM

Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley
City Clerk
t. 576-8202
c. 691-0451

-----Original Message-----

From: [REDACTED]
Sent: Thursday, November 5, 2020 11:32 AM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) 4329 Trans Canada Highway

Good morning:

I am a member of Scouts Canada, which has several Scouting interests that operate in and around the Foxtrap Pastureland Road, and have been for a significant period of time. I also note there are other organizations, such as the CLB, and cabin owners in the area. Hopefully those other interested parties are aware and presenting commentary.

To say I'm not happy about this situation is a likely understatement. This will be the third such operation of this type operating from the same general location. And you are looking to, or have already approved, a similar operation on the north side of the TCH in close proximity. I was not aware of the first approval and only found out about the second location at close of receipt of comments by those affected. Apparently that too passed. It is very likely the general Scouting community was also unaware.

It is interesting to note that the land being occupied has already been cleared for operations so I guess any such comments to the contrary are in reality already too late. These clearings were thought to be sanctioned logging operations for environmental purposes, but alas proved to be something totally different. A question to be answered is how can land be cleared prior to any approval of operations by the City?

Scouting uses numerous locations in the area to conduct activities including, but not limited to, camping and hiking, with youth ranging in age from 5-18. Our access to nature based activities unencumbered by urban sprawl is important to Youth and Scouters alike. It gives youth the ability to learn more about our environment, nature and wildlife with more hands on involvement, leaving No Trace, and developing such skills as survival, leadership and teamwork, providing for well rounding personal growth and future leadership in our business and communities.

Given this use of the area, also leads to questions related to safety, given increased heavy equipment operations, blasting and noise pollution. How are these being addressed and in future?

There are a lot more "remote" areas where these operations can occur. I know economics plays a significant role in locations chosen, but why are such operations, unless grandfathered due to City expansion, allowed to

commence/operate within City boundaries? I think this is inappropriate.

Some may say precedent has been set with the allowing of the prior operations, however consideration needs to be given to the excessive concentration in this area.

I thank you for your consideration.

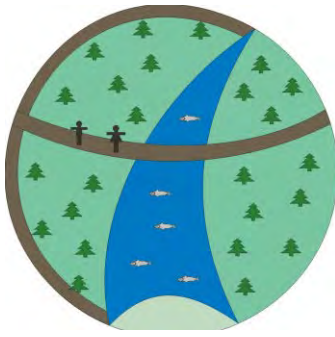
Respectfully submitted,

A black rectangular redaction box covering the signature area.

Sent from my iPhone

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Any correspondence with employees, agents, or elected officials of the City of St. John's may be subject to disclosure under the provisions of the Access to Information and Protection of Privacy Act, 2015, S.N.L. 2015, c.A-1.2.



Kelligrews Ecological Enhancement Program (KEEP)

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

Email: kelligrewseep@yahoo.ca

phone: 834-4915

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

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

November 10, 2020

RE: Undertaking Registered Foxtrap Pasture Land Road Quarry
registration 2103.

Dear Minister Bennett:

The Kelligrews Ecological Enhancement Program (KEEP) has reviewed the proposal to develop a 1.81-hectare sand and rock quarry on Pasture Land Road registered Foxtrap Pasture Land Quarry registration 2103 submitted by the proponent C.W Parsons Limited. Minister Bennett, as a volunteer group we ask that you do not approve this quarry application or any others in this area for the near future. This will give your staff the necessary time to consult with other government departments, review the antiquated Quarry legislation, undertake an extensive review of old, new and existing quarries in the Northeast Avalon.

The next time you return to your district and return to the Avalon Peninsula you will notice that east of Butterpot Park are many, many quarries, some new, many in existence for many years. If you, at some point in time, visit the Town of Conception Bay South and return to St. John's via the Manuels Access Road you will see land stripped of all vegetation, trees that remain, being choked by tailings and other debris. All entry points to St. John's have this same visual scene. The vistas are alarming.

KEEP is very concerned about the number of quarries either proposed or approved for the area, which includes Incinerator Road, both sides of the Foxtrap Access Road at the interchange and Pasture Land Road.

KEEP has written letters to your Department, over many years, raising our concerns. In the last year the Dog Hills Quarry, reg. 2034, of 29.8 hectares was approved and the same company applied for another 14.7 hectares (Reg. 2083) in the same area. This is in the same area as the current proposed 1.81-hectare sand and rock quarry on Pasture Land Road (reg. 2103). All of the area is zoned Forestry. In addition, a recent ad in The Telegram refers to an application to the City of St. John's for a 25 hectare quarry off the Foxtrap Access Rd.

If one puts these together with the existing quarries, it is clear to see that the whole area is being stripped. Habitat is being lost and all our rivers are threatened as the headwaters for all the watersheds in CBS are on the north side of the TCH.

There are numerous environmental issues; the result of clear cutting or bulldozing so much forested land in the confined area described in this letter.

Clear cutting has been studied extensively, the result being a major contributor to carbon emissions worldwide. The secondary stripping of all other vegetation adds to the carbon issue. The carbon sinks disappear and nothing is done to replace them. Or even mitigate the damages.

Flooding downstream from these quarries is a very real concern with the expected increase in heavy rain and snow melt as our climate warms.

Animals are being forced out of their natural habitat and have become a major safety concern for motorists. Recreational users are being forced out of areas they have used for a long time. The government does not appear to have considered conflicting uses when approving these quarries.

Quarries receive very long leases, one, five and twenty years, and leases are extended without much investigation and in some cases even sold to others so once established, the area can remain stripped for more than 20 years. Even when the proponent states they will rehabilitate the area, the

majority do not do anything at all. There has been little to no enforcement to ensure that rehabilitation is completed.

There has been no effort taken to study the short and long term cumulative impacts of all these quarries in an area that was/is forested and was/is a habitat for diverse flora and fauna.

As you can see, we have a number of concerns related to extensive quarrying in the area and, as such, are opposed to the approval of the proposed project, registration 2103. We would appreciate your earliest and written response to this issue. We would, of course, be willing to meet with you and your staff at any time.

Respectfully yours;

Karen Morris
Kelligrews Ecological Enhancement Program



**REGULAR
POWER
CLARKE
BENNETT
LAWYERS**

**Robert R. Regular, B.A., LL.B.
Keri-Lynn Power, LL.B. (Hons), LL.M.
Sarah Clarke, J.D.
Daniel Bennett, B.Comm. (Hons), J.D.**

November 10, 2020

City of St. John's
P.O. Box 908
St. John's, NL A1C 5M2
Attn: Office of the City Clerk cityclerk@stjohns.ca

RE: Application 4329 Trans Canada Highway

Dear Sir or Madam

In reference to the above matter we are the solicitors for the 1st Cowan Heights Scout Group, 1st Mount Pearl Lions Scout Group and 1st Paradise Scout Group as it relates to their properties, 1st Cowan Heights Camp and Camp Morristown.

On May 1, 1968 Her Majesty the Queen granted almost 2 Acres to The Boy Scouts Association of Newfoundland and Labrador in trust for the First Curtis Boy Scout Troop via Crown Grant. Said land bounds Scout Pond, and is 0.4 kms in Pasture Land Road. The Application before you is between Little Pond and Dog Pond about 0.4 km in Pasture Land Road, the two properties are on the same road and the Applicant will have to pass by 1st Cowan Heights Camp every time they use the quarry. We also note that the CLB also have a property next to this Camp. In 1988 there was a conveyance whereby the Land Grant was conveyed from First Curtis Boy Scout Troop to First Cowan Heights Scout Group.

The 1st Cowan Heights Cabin, has been in existence since the 1970's. It is operated/managed by Scouting volunteers on behalf of the Group. Users of the camp include Scouting groups from St. John's through to Conception Bay South and surrounding area, and by several Guide groups over the years. The cabin is "off the grid" so rustic in nature, but does have cell access for emergencies and has the ability to connect to a generator, if necessary, with potable water having to be brought in by users. The intent is for users to gain a better insight to working without the modern days' conveniences, thereby building the ability to learn in such circumstances.

Over the years thousands of Scouts and non-Scouts have used the facility, more specifically the area surrounding for year-round hiking, nature observance, remote camping, wildlife observance while at all times "leaving no trace".

On October 3, 1972 Her Majesty the Queen granted 5.60 Acres to The Boy Scouts Association of Newfoundland and Labrador in trust for the First Morris Group Committee Boy Scouts (our client's predecessor) via Crown Grant. Said land bounds Ocean Pond, and Gulleyes and is 2.4 kms in Pasture Land Road. The Application before you is between Little Pond and Dog Pond about 0.4 km in Pasture Land Road, hence approximately 2 kms separating our clients property and the Subject Property. On July 28, 1987 an agreement was entered into where Camp Morristown became owned jointly by the Paradise and Mount Pearl Scouting Group.

Said property was named Camp Morristown back in the 1970's and currently includes a large bunkhouse, a large cookhouse, bathrooms, pond frontage with a sandy beach and a pond for kayaking, swimming, fishing, canoeing and other water activities, campfire area, picnic tables, cooking shelters, parking and a cleared field for pitching tents and/ or organised sports events and activities. There is an emergency phone, cell service in some areas and the washrooms and structures are wheelchair accessible. It is 15 minutes from the metro area.

Camp Morristown has been sustained by the work of volunteers for decades. In addition to the only Camp of its kind servicing the Avalon Peninsula and its Scouts, it has also been the camp for

Girl Guides, Cadet Groups, and other community groups including the YMCA. Over the summer the YMCA rents the facility for a Youth Summer camp, so there is daily traffic to the camp. The camp is decorated with mementos left over the decades by its users. It is also available for Corporate Retreats.

Those involved with 1st Cowan Heights Scout Group, 1st Mount Pearl Lions Scout Group and 1st Paradise Scout Group have used these Camps numerous times per year including for Family camp weekends in which scouts and their families spend the weekend together doing activities. The group has the mantra of “no child left behind.” That means registration is capped for families with more than three children, registration is subsidized and/ or covered by the group or community sponsor for those who face social and/ or economic barriers to an organised event. Also, the group fundraises and buys camping equipment to ensure those who do not have any, have access to the same. For many of the children Scouting is their only organised activity. For the majority in the Scouting community this is the only opportunity they have to enjoy the great outdoors and the activities therein.

We also advise you that there are other Crown Grants to Scouting groups and other Scout camps on Pasture Land Road including 6th St John’s Scout Group, Wesley Scout Group, Topsail Scout Group, MacDonald Drive Scout Group and Park Avenue Scout Group. None of the groups were notified of this Application and we believe there was a legal requirement to do so. We note that Application number 4329 is a discretionary use application that proposes to use 1.81 hectares of Crown Land for various types of quarrying. We note the application stated that those within 150 metres should be notified. We think that is incorrect in this case. We wish to express some potential concerns that rise from said application.

We understand that the quarry will involve drilling, blasting and crushing, transport of material over the road and mining of the area. Some of the potential concerns we have are as follows.

- Will the compass course, hiking trials and/or mountain bike trials be adversely affected by this proposed use?

- What will be the impact on the Summer Camp ran by the YMCA for the children who attend this camp daily, especially as it relates to vehicles, noise and pollution?
- These camps fall within the exclusion zone for blasting so how will blasting operations, be handled. Will the same only be permitted when the camps are not in use?
- Access to the camps are primarily by small passenger vehicles and the road has to be maintained to a condition that allows these vehicles to safely navigate without any undue stress or damages, or extra safety concerns. Will the increase in road traffic and/or the use of heavy equipment over the road, result in more wear and tear of a poorly serviced road and if so, who will be responsible to maintain the road?
- Will the transfer of mud, silt, and small gravel from the pit and dirt roads onto the paved portion of Foxtrap Access Road, the TCH access ramps, and the highway itself creates issues? Does that violate the Highway Traffic Act?
- Will the dust from the drilling, blasting, and crushing at the site as well as use of vehicles, impact the air quality and impact not only humans but others in their natural ecosystem found therein?
- Attached is a sound map showing that blasting therein will exceed permissive levels for the environment, and will impact many of the camps in the area. It is our belief that the uses as outlined above create noise pollution that is harmful to the natural ecosystem and humans who use the area, how will that be addressed?
- Is there any risk of fuel or other like contaminant from the quarry and/ or equipment going into the land/ wetlands and ponds in the area? The area is quite marshy and the ability for the same to spread can be quite concerning. Will it impact Surface water? Ground Water? What are the risks to the water quality? i
- We note the area is rife with squirrels, foxes, rabbits, fish and birds including nesting and migratory birds, as well as diverse vegetation. Will the uses as outlined above result in a loss of biodiversity, and/or cause harm or damage to the natural

ecosystem and what are the terrestrial, marine and human effects of this endeavour?

- Will the endeavour impact the natural light in the area and/ or create new greenhouse gas emissions?
- Are there cumulative environmental effects we should be aware of?
- What are the potential adverse and potential beneficial effects of this endeavor?
- We ask if there has been any environmental impact analysis or assessment on this and if so, request a copy of it, as well as the complete file. If there has not been, we ask for the same to be done by an independent qualified third party?
- Has the Applicant obtained the requisite approval from the Provincial and Federal Governments?
- Is approval required from Transport Canada because of the proximity to the Trans Canada Highway, Federal Department of Fisheries and Oceans. Department of Environment and Department of Natural Resources for Newfoundland and Labrador.
- What is the plan to minimise or mitigate identified risks?
- If approved, will the terms attached include criteria for environmental management, regular inspections, adequate buffer zones, protection resources, and have a community liaison assigned?

AS advised earlier there are other Crown Grants to Scouting groups and other Scout camps on Pasture Land Road including 6th St John's Scout Group, Wesley Scout Group, Topsail Scout Group, MacDonald Drive Scout Group and Park Avenue Scout Group. Due to the lack of notification and short time frame to address this matter, we have been unable to confirm the retention of the undersigned on behalf of these groups but have been instructed by our clients to contest on their behalf for now as well.

A review of Crown Lands mapping shows that much of the Land has been granted to special groups such as ourselves to be used for camps, or is agricultural, or is not allowed to be granted

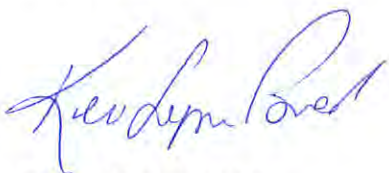
or has very limited use. If you go to this link <https://www.gov.nl.ca/landuseatlas/inquiry/?extent=-5899509.5092%2C6008442.3297%2C-5887871.9716%2C6016697.5287%2C102100> you can see the area and how it has been addressed. All of this is in line with the intent and purpose for the area to be either used for farming or camping and the application before you is contrary to the intent of all surrounding properties. It is also damaging to the surrounding properties. We ask for a complete copy of the Application and file as interested parties with standing so the matter can be canvassed more fully.

We submit until the above questions have been answered and there is an independent third-party reporting to address the same the City should not make a final decision on this matter.

There are also several non-Scouting properties owned by other non-profit organizations, as well as individuals, used in the same manner. It would appear there have been a number of applications seeking quarries in the area as of late and based on our discussions, the parties who should have been notified have not been, which means that any approval you may have granted were done contrary to law and policy. We also have concerns that the appropriate government approvals were not obtained. In light of that we also ask that you issue stop work orders for other quarries herein and revisit that process.

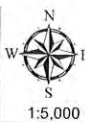
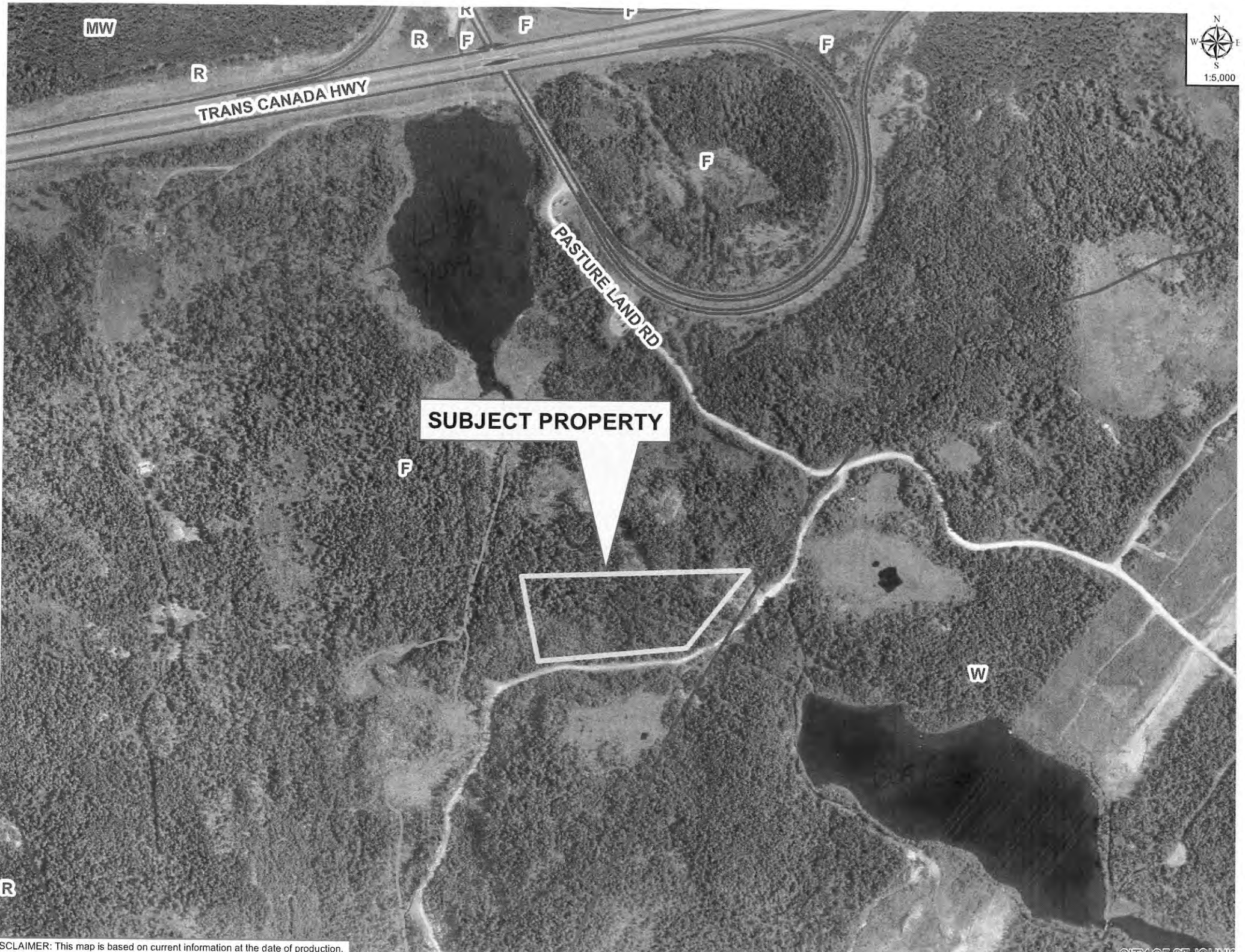
If you have any further questions, then please do not hesitate to contact the undersigned.

Thank you



KERI-LYNN POWER



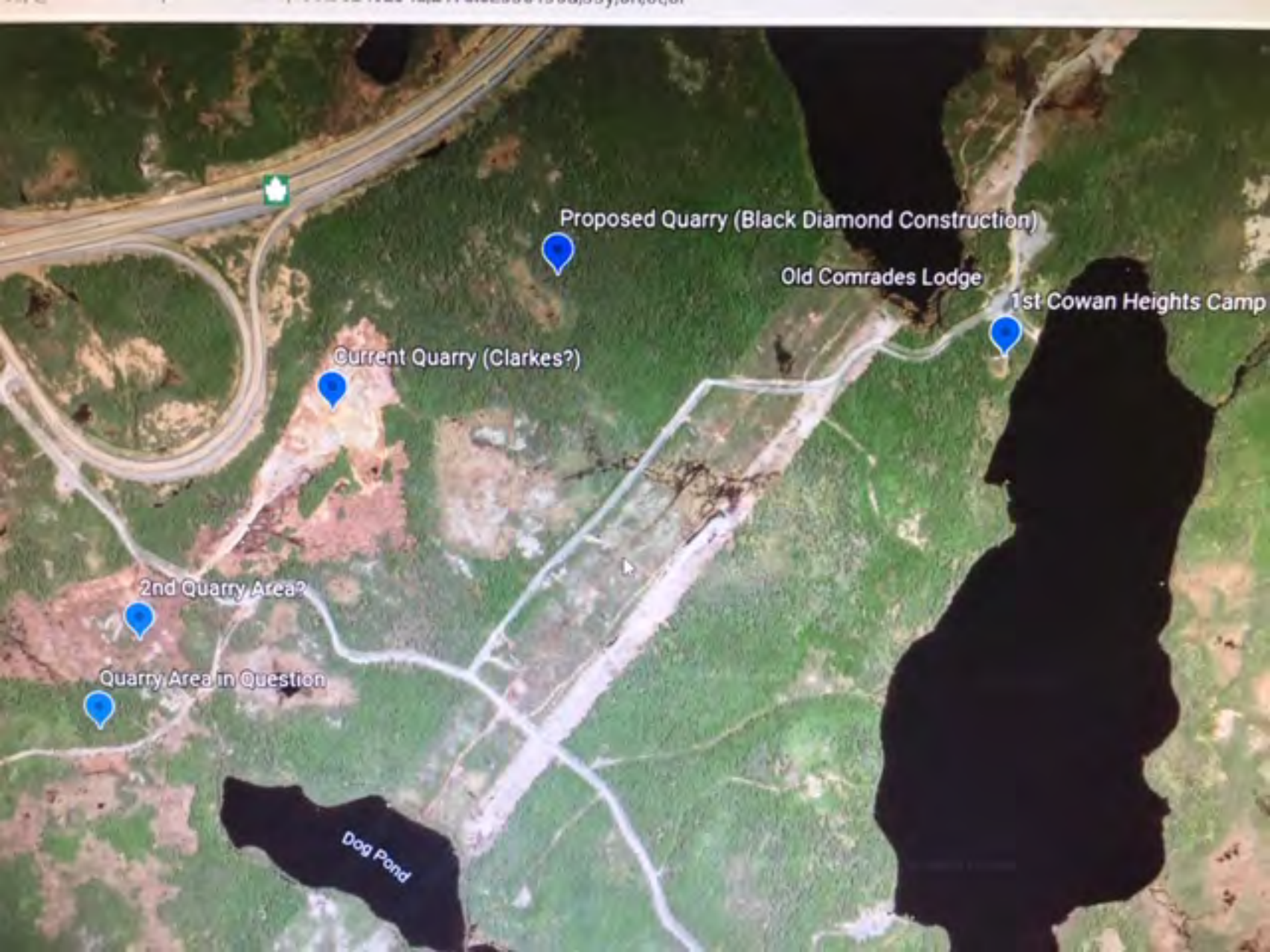


DISCLAIMER: This map is based on current information at the date of production.

Google Maps



Imagery ©2020 CNES / Airbus, Maxar Technologies, Map data ©2020 200 m



Proposed Quarry (Black Diamond Construction)

Old Comrades Lodge

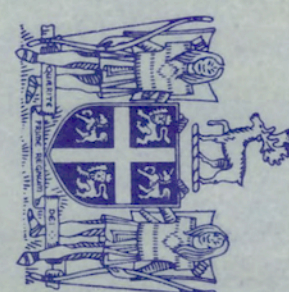
1st Cowan Heights Camp

Current Quarry (Clarkes?)

2nd Quarry Area?

Quarry Area in Question

Dog Pond



NOTE TO USERS. The information on this map was compiled from surveys registered in the Crown Lands Registry. Since the Registry does not contain information on all land ownership in the Province, the information depicted cannot be considered complete. The boundaries shown on this map are not intended as an index to land titles and are not accurate for measurement purposes and do not guarantee title.

Users finding errors or omissions on this map are asked to contact the Mapping Division, Howey Building, Higgins Line, St. John's, Newfoundland.

LEGEND

EXPIRED LEASE E
CANCELLED LEASE C
APPROXIMATE LOCATION OF BOUNDARIES ... _ _ _ _ _

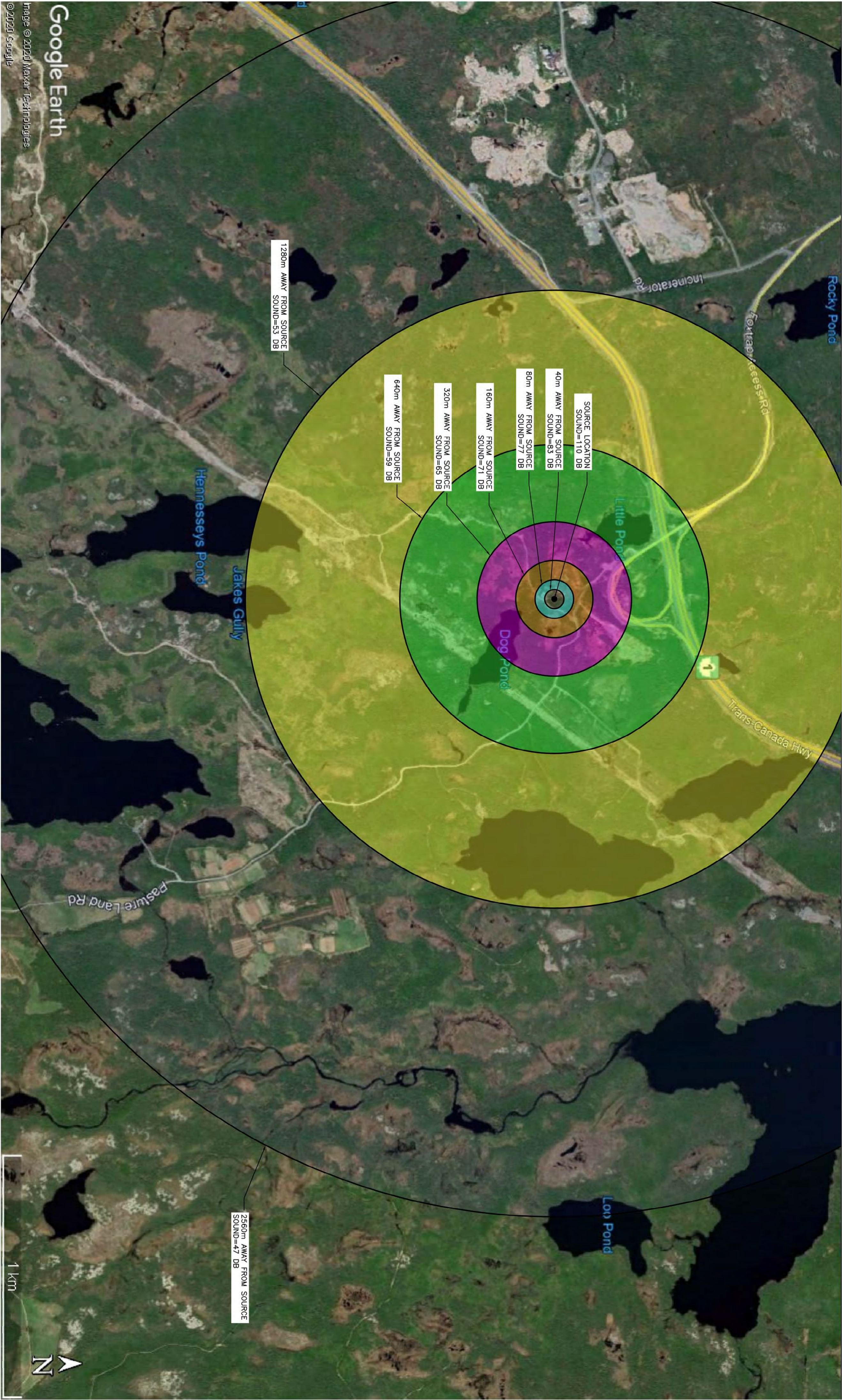
Notes: In areas of trees, contours are approximate only.

IN7 - 361	IN7 - 362	IN7 - 363
IN7 - 361	IN7 - 362	IN7 - 363
IN7 - 341	IN7 - 342	IN7 - 343

Note: In areas of trees contours are approximate only

Copies of this map are available from
MAPPING DIVISION, LANDS BRANCH
DEPT. OF FOREST RESOURCES & LANDS
HOWLEY BLDG., HIGGINS LINE
ST. JOHN'S, N.F.L.D.

APPROXIMATE MEAN DECLINATION 1980
FOR CENTRE OF MAP
Annual change decreasing $0^{\circ}11.2''$
USE DIAGRAM ONLY TO OBTAIN NUMERICAL VALUES



Google Earth

Image © 2020 Maxar Technologies
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Cc:



[CityClerk](#)

[Maureen Harvey](#); [Shanna Fitzgerald](#); [Andrea Roberts](#); [Ann-Marie Cashin](#); [Ashley Murray](#); [Dave Wadden](#); [Jason Sinyard](#); [Karen Chafe](#); [Ken O'Brien](#); [Lindsay Lyghtle Brushett](#); [Planning](#)

Subject:

RE: (EXT) Application - 4329 Trans Canada Highway

Date:

Thursday, November 5, 2020 11:41:10 AM

Good Morning:

We thank you for your feedback and advise that all submissions will be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley

City Clerk

t. 576-8202

c. 691-0451

From:



Sent: Thursday, November 5, 2020 9:31 AM

To: CityClerk <cityclerk@stjohns.ca>

Subject: (EXT) Application - 4329 Trans Canada Highway

I'm concerned about this discretionary use application which proposes that 1.81 hectares of Crown Land be "used for quarrying Borrow Material, Gravel, Rock, Sand, Stockpiled Material and Aggregate, which involves drilling, blasting and crushing".

The aerial view provided does not give a clear indication of the location of this piece of land; however, from the application title, I assume that it is within view of the Trans Canada Highway. As such, it will be an eye-sore for passing traffic, both tourist and local alike.

My main concern is environmental. Currently, the parcel of land is treed and near at least two bodies of water. Those trees will be destroyed and potential runoff from operations will enter at least one, possibly more, waterways. How will the trees be used? Is there a plan in place to restore the location to its natural state after cessation of operations? How long will operations be carried out?

Does the operator currently run a similar quarry or quarries elsewhere? What feedback has been obtained regarding that operation - any negative impacts on residents, wildlife, or habitat due to increased heavy traffic, drilling, blasting and crushing operations? Has that site been replanted to restore it to its natural state? Or has it just been left as a blight on the landscape?

I think that these, and similar or related, issues should be addressed before new land is approved for the proposed use, and I recommend that no new operations be permitted unless and until all former sites are restored. I recommend this not just for this particular proposal, but for all similar proposals regarding destructive land use.

Thank you,