

COR/2021/00515

March 11, 2021

Mr. Stephen Balsom
Dept. of Fisheries, Forestry and Agriculture
Box 2006, Wheeler's Road
Corner Brook NL A2H 6J8

Dear Mr. Balsom:

Re: Crown Zone 5 Five-year Forestry Operating Plan (2021-2025) Reg. # 2108

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 this undertaking is **released** from further environmental assessment subject to the following conditions:

- You are required to uphold all commitments made in your environmental assessment submission to mitigate the effects of the project on the environment.
- The Climate Change Branch of my Department requires you to submit a Greenhouse Gas Management Plan for my approval. A draft of the plan must be submitted within one year of the date of this decision letter with an update on the progress of the plan to be submitted in six months. The plan should include:
 - Any carbon modeling that has been or will be used to inform forest management planning;
 - Projections on the level of greenhouse gas emissions that are anticipated to be captured and/or released over the five year period; and,
 - A description of how forest management will be informed by carbon modelling with regard to climate change mitigation and climate change adaptation. For further information, please contact the Climate Change Branch at (709) 729-1485.
- The Water Resources Management Division (WRMD) of my Department advises that you must maintain a 30-metre buffer around the hydrometric stations at East Pond Brook below East Pond (02YO015); Tributary to Gills Pond Brook (02YO014); Peters

River near Botwood (02YO006); Great Rattling Brook above Tote River Confluence (02YO008); Exploits River at Badger Steps (NLENM0001); and Badger Brook below Foot Bridge (02YO019). For further information on these stations, please contact the WRMD at (709) 729-2563.

- The Department of Fisheries, Forestry and Agriculture (FFA) requires the following measures to be implemented to mitigate the potential effects of the project on woodland caribou and their habitat:
 - No harvesting in primary core caribou areas;
 - In secondary core caribou areas, at least 30% of suitable forest cover must remain intact and harvesting is prohibited during the calving and post calving period (May 15 – August 15) within secondary spring and summer core caribou areas; and,
 - Eleven operating areas outside of the previously identified core caribou areas have been identified as important for caribou migration for large herds, or as calving areas for smaller resident herds. Harvesting must be modified to maintain important caribou habitat in the areas (see updated tables and maps in the attached plan). The modified areas are CC10001, CC10002, CC10003, CC11001, CC11002, CC11004, CC11005, CC12001, CC13001, and CC13003. For further information, please contact the Wildlife Division at (709) 637-2025.

- FFA requires the following measures to be implemented to mitigate the potential effects of the project on the island population of Newfoundland marten:
 - All commercial forest operations (including road building) within identified marten critical habitat must be scheduled post June 30 in order to avoid the critical denning period for marten; and,
 - Permits for areas designated for domestic harvest that fall within marten critical and core (recovery) habitat must state that no harvesting is to occur between April 1 and June 30, which is a critical denning period for marten. For further information, please contact the Wildlife Division at (709) 637-2025.

- The Natural Areas Program requires that other than grading or ditching as required, there is to be no further development of Sepepet Lake Road, which crosses the Stony Lake Reserve, as proposed under the Protected Areas Plan. For further information, please contact the Policy, Planning and Natural Areas Division at (709) 729-1090.

- The Department of Industry, Energy and Technology (IET) advises that a portion of the southernmost proposed road segment in block CC10011 cannot be used, as it passes through a quarry permit held by a private party. The quarry permit holder is required, as a condition of their permit, to restrict access to their site (refer to map 3 provided by the Mines Branch). An alternative route was provided, which passes around the margin of the area covered by the quarry permit and between the three areas under quarry permit at this location. Most of the replacement route has been constructed, however, from the imagery it appears that additional construction may be needed along the last stretch of the route that would reconnect it with the pre-existing route. For further information, please contact the Mines Branch at (709) 729-5748.
- The Provincial Archaeology Office advises that 100-metre buffers are required on Red Indian Lake, Victoria River & Exploits River, and 30-metre buffers are required on Mary March Brook and Noel Paul's Brook. Should historic resources such as archaeological sites, objects or significant fossils be found in any of the impacted areas, activity must cease immediately and contact be made with the Provincial Archaeology Office in St. John's at (709) 729-2462, as soon as possible.
- The Department of Tourism, Culture, Arts and Recreation (TCAR) requires you to prepare and submit a Tourism Stakeholder Consultation Plan that will report on the consultations to be conducted by Forestry officials with tourism operators and outfitters as committed in the five-year operating plan. The consultation plan will identify the impacts of forestry operations on each tourism stakeholder and describe how harvesting, road construction and silviculture activities will be modified to minimize potential impacts to tourism stakeholder values, which include but are not limited to wildlife populations, hunting success rates, pristine and remote wilderness settings, and increased access by local residents. Efforts to coordinate forestry operations with the big game season and spring bear harvest should be included where applicable. TCAR will provide a list of potentially impacted tourism stakeholders and the Tourism Stakeholder Consultation Plan must be reviewed and approved by the TCAR Minister prior to conducting forestry operations. For further information, please contact TCAR at (709) 729-4518.
- TCAR requires you to utilize landscape design techniques along the Trans Canada Highway to minimize the negative visual effects of clear cuts. It is recommended that Forestry officials continue to have direct consultations with the Manager of Sector Development in efforts to minimize the visibility of clear cuts. For further information, please contact TCAR at (709) 729-4518.

- You are required to advise the Environmental Assessment Division when each of the conditions of release has been met, if required, by emailing a written description, documents, and images (where applicable) to demonstrate that the conditions have been fulfilled to EAProjectComments@gov.nl.ca.
- You are required to 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, within one year from the date of this release letter and to provide additional updates, if requested. Please email project updates to EAProjectComments@gov.nl.ca.

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

The WRMD advises that permits are required for any work in any body of water (including wetland), any work within a designated flood risk area, any work in Shore Water Zones, any infilling work within fifteen (15) metres of a body of water and any work within Protected Public Water Supply Areas. In addition, you must obtain a water use licence for the use of water from any water source for any purpose. The WRMD also advises that any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003. For further information, please contact the WRMD at (709) 729- 2563.

The Pollution Prevention Division (PPD) of my Department advises that you must comply with the *Storage and Handling of Gasoline and Associated Products Regulations, 2003*. You should develop a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event and spill kits should be kept on site. Any spill or leak of gasoline or associated product is to be reported immediately to Service NL by calling the Environmental Emergencies telephone line at 772-2083 or 1-800-563-9089. For further information, please contact the PPD at (709) 729-5782.

The Local Governance and Land Use Planning Division of my Department advises that development permits are required from the Towns of Botwood (709-257-2839), Norris Arm (709-653-2519), Bishop's Falls (709-258-6581), and Grand Falls-Windsor (709-489-0407). Please note that this undertaking also overlaps municipal zones within the Town of Bishop's Falls where forestry activities are not a permitted use and development permits cannot be issued. Please contact the Towns for further information on zoning and development permits.

The Occupational Health and Safety Division (OHSD) of the Department of Digital Government and Service NL (DGSNL) advises you to ensure that the activities associated with the development 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. The OHSD reminds you to consider procedures related to the protection of workers related to COVID-19. Procedures must follow the requirements set forth by the Chief Medical Officer Health for Newfoundland and Labrador (e.g. physical distancing, handwashing).

The Mines Branch of IET advises that a quarry permit is required to establish a new quarry or re-activate an inactive quarry to source quarry materials. The Mines Branch requests continued discussions with the Forestry Division regarding best management practices for timber harvested during mineral exploration activities, silviculture activities within 100 metres of quarry permit/lease areas and plans for decommissioning roads or bridges. For further information, please contact Mines Branch at (709) 729-5748.

The Electricity and Alternative Energy Division of IET advises that the proposed project area contains a number of electricity assets, including terminal stations and transmission lines. You are advised to contact Newfoundland and Labrador Hydro and Newfoundland Power, if you have not already done so.

The Provincial Parks Division of the Department of TCAR advises that a permit for temporary vehicular use is required if the T'Railway Provincial Park is to be used for forestry operations. For further information, please contact the Provincial Parks Division at (709) 637-8077.

Environment and Climate Change Canada (ECCC) recommends that in order to avoid nest destruction and to accommodate the breeding season of migratory songbirds and waterfowl, operations should consider nesting locations between April 15 and August 15 in this region. However, as some species protected under the Migratory Birds Convention Act (MBCA) nest outside of this period, it is your responsibility to ensure that project activities are in compliance with the MCBA and associated regulations. In addition, it is recommended that forest harvest practices minimize fragmentation, maintain interior forest habitat and maintain forest structure that resembles the full range of seral stages found under a natural disturbance regime. For further information, please contact ECCC at (709) 772-2126.

Fisheries and Oceans Canada advises that, as this project involves work in or near water, you should refer to the "Projects Near Water" website located at <http://www.dfo->

mpo.gc.ca/pnw-ppe/index-eng.html for information about how to comply with the fish and fish habitat protection provisions of the *Fisheries Act* and on the project review process. For further information, please contact the Fisheries Protection Program at (709) 772-4140.

Transport Canada advises that the proposed project appears to involve bridge and culvert installations for access roads across navigable waters not listed on the schedule of Navigable Waters under the Canadian Navigable Waters Act (CNWA). Under the CNWA, owners of works that are located on navigable waterways not listed in the schedule, which may interfere with navigation, have the option to either apply to the Minister of Transport for approval, or seek authorization through the public resolution process. Both processes can be accessed at the following link: <https://npp-submissions-demandes-ppn.tc.canada.ca/>. For further information, please 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. A summary of the comments received from government agencies during the review is attached to provide an indication of likely applicable permits, approvals and 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, the Minister's decision is valid for a period of three years from the date of this letter. If you have not commenced your project within this three-year period, you may apply to extend the three-year period for a maximum of three one-year periods, if needed. For further information, please email EAProjectComments@gov.nl.ca.

If you have any questions, please contact Joanne Sweeney, Director (A), Environmental Assessment Division, at 709-729-0673 or joannesweeney@gov.nl.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "Derek Bennett".

DEREK BENNETT
Minister

Enclosures