

File # 2.1133.0213
Reg. #1863

FEB 08 2017

Mr. Stephen Balsom
Assistant Deputy Minister
Forestry Branch
Department of Fisheries, Forestry and Agrifoods
PO Box 2006
Corner Brook NL A2H 6J8

Dear Mr. Balsom:

RE: Crown District 1 Five Year Operating Plan (2017-2021) – Registration 1863

Your proposal has been reviewed by an interdepartmental screening committee and an opportunity to comment has been provided to the public as required by the Newfoundland and Labrador *Environmental Protection Act*, SNL 2002, cE-14.2.

The “Environmental Protection Guidelines for Ecologically Based Forest Resource Management” (the Guidelines) is a document created by the Forestry Branch of Newfoundland and Labrador, and is intended to be on-the-ground guidelines to be used by forest managers and operators to ensure sustainable use of the forest resource without degrading the environment. I appreciate recent discussions between representatives of the Department of Environment and Climate Change (ECC) and the Department of Fisheries, Forestry and Agrifoods (FFA) to enhance the Guidelines through the incorporation of best management practices in a risk management approach respecting avifauna.

As you are aware, the conservation, protection and management of the provinces’ avifauna and its habitat are enabled federally, under the *Migratory Birds Convention Act*, and provincially under the *Wild Life Act*. Additionally, avifauna species that are endangered, threatened or vulnerable receive additional protection under the federal *Species at Risk Act* (SARA) and/or the *Newfoundland and Labrador Endangered Species Act*. The enactment of the *Migratory Birds Convention Act* in 1916 stands as a conservation milestone that is still as relevant now as it was over 100 years ago.

I understand FFA will carry out a jurisdictional scan across Canada of best management practices, in consultation with the Wildlife Division of ECC and the Canadian Wildlife Service of Environment and Climate Change Canada (ECCC), with a goal of adapting and adopting these practices for Newfoundland and Labrador forest operating activities. My department commends this approach and also understands that once developed, these management tools will be continuously improved upon as new information is obtained and will incorporate the best

available spatial and non-spatial information in order to address the issue of incidental take of avifauna and to reduce operational costs.

As a requirement of the provincial environmental assessment process, please be advised that this undertaking is **released** from further environmental assessment subject to the following conditions:

1. A draft document that details a plan for the development and implementation of best management practices for avifauna management relative to forestry operations in Newfoundland and Labrador shall be submitted to the Minister of Environment and Climate Change for review and approval by April 30, 2017. This document will outline a more specific plan that includes both short and longterm goals.
2. Stand level maps are required to be submitted to the Wildlife Division of this Department in Domestic harvest block CC01547 (Southeast River) and Commercial harvest blocks CC01002 (Tower Road) and CC01015 (Mushroom Gully) prior to any activity taking place. These maps will inform any required pre-harvest surveys and buffering requirements for Boreal Felt Lichen (*Erioderma pedicellatum*) prior to harvesting.
3. A minimum of a 100 metre undisturbed naturally vegetated buffer must be maintained between the southern boundary of domestic harvesting block CC01573a (Cappahayden) and the Cape Race Access Road.
4. The proponent must conduct a viewshed analysis, including sightlines from the Cape Race Access Road and from the Mistaken Point Ecological Reserve, which will minimize any negative visual effects of cutting activity in the southern extent of CC01573a (Cappahayden).
5. The proponent must consult with the local communities of Trepassey and Portugal Cove South regarding the domestic harvest block CC01573a (Cappahayden) near Mistaken Point Ecological Reserve.

The Water Resources Management Division of this department requires that you obtain permits to operate in any body of water and within Protected Public Water Supply Areas (PPWSA). In addition, forestry activities will not be permitted in the Protected Public Water Supply Areas of Torbay (North Pond PPWSA), Bellevue Beach (Unnamed Brook PPWSA), Ferryland (Deep Cove Pond PPWSA) and Norman's Cove-Long Cove (John Newhooks Pond PPWSA). The Division would also like to discuss water quality and quantity monitoring stations and climate monitoring stations throughout the District. For further information, please contact the Water Resources Management Division at (709) 729-2563.

The Wildlife Division of this department requires further mitigations to select commercial harvest blocks CC01002 (Tower Road), CC01015 (Mushroom Gully), CC01006 (Munn Block South), CC01027 (Healeys Pond) and domestic harvest blocks CC01547 (Southeast River), CC01560 (Harricott), CC01604 (Western Island Pond) and CC01628 (Goose Pond). They have provided a list of these mitigations in the attached comments. For further information, please contact the Wildlife Division at (709) 637-2029.

The Parks and Natural Areas Division of this department require that you obtain permits to operate in or near the T'Railway Provincial Park. It is understood that you have committed to

maintaining a 100 metre buffer around all provincial protected areas. For further information, please contact the Parks and Natural Areas Division at (709) 637-4066.

The Tourism and Culture Branch of the Department of Business, Tourism, Culture and Rural Development recommended that landscape design techniques are to be utilized to design harvest blocks that minimize the negative visual effects of clear cuts on touring corridors, trails and outfitters. For further information, please contact the Tourism Branch at (709) 729-4815.

The Agrifoods Development Branch of the Department of Fisheries, Forestry and Agrifoods advises that you are required to consult with them regarding various commercial and domestic harvesting blocks. They have provided a list of these blocks in the attached comments. For more information, please contact the Agrifoods Development Branch at (709) 637-2084.

The Mines Branch of the Department of Natural Resources require further information regarding overlaps between silviculture blocks and quarry permit and lease areas. They also require you to apply for and obtain a Quarry Permit to source aggregate for access road construction from a location outside of the immediate road right-of-way. For further information, please contact the Mineral Lands Division at (709) 729-5748.

The Department of Municipal Affairs advises that a development permit must be obtained from each municipality before proceeding with development inside municipal boundaries. They have provided a list of these municipalities in the attached comments. For further information, please contact the Department of Municipal Affairs at (709) 729-5409.

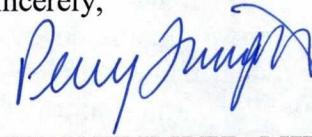
The Department of Service NL advises that a development permit is required from the Government Service Centre prior to development within Building Control Lines established under the *Protected Road Zoning Regulations*. For further information, please contact the Government Service Centre at (709) 729-2008.

I understand that you have discussed the Stewardship Management Unit at Western Island Pond with the Town of Torbay. As a result, the existing 75 metre and 125 metre buffer will be maintained around Western Island Pond.

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. Please note that 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.

If you have any questions concerning these matters, please contact Mr. Bas Cleary, Director, Environmental Assessment Division, at (709)729-0673.

Sincerely,



PERRY TRIMPER, MHA
District of Lake Melville
Minister

cc: Hon. Steve Crocker, Minister
Department of Fisheries, Forestry and Agrifoods

Mr. Brian Winter, Director
Town of Torbay