

FEB 10 2017

Registration 1864

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

Dear Mr. Balsom:

RE: Crown Five-Year Operating Plan Zone 3 (2017-2021)

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. Upon consideration of the comments received, please be advised that this undertaking is released from further environmental assessment subject to the following conditions:

- No harvesting shall take place in Natural Areas System Plan Candidate Reserves or Areas of Interest;
- No new roads or trails shall be built within 500 metres of existing protected areas, or Natural Areas System Plan Candidate Reserves or Areas of Interest;
- Where possible, a minimum 30 metre undisturbed buffer is to be maintained between forestry operations and any surrounding watercourse or water body;
- Where possible, a minimum 30 metre undisturbed tree screen will be maintained between public roadways and forestry operations to conceal operations from public view;
- Operations, including silviculture activities, will follow the mitigation commitments for wildlife and wildlife habitat as outlined in the five year forest operating management plan and as committed to by the proponent during the environmental assessment review of this undertaking. These mitigation commitments include restrictions for Sensitive Waterfowl areas, Sensitive Wildlife areas, sensitive lifecycle periods and cutblock boundary amendments. Please contact the Wildlife Division at (709) 637-2029 for further information;
- No forestry activity shall take place in the Indian Arm Brook Area of Interest to allow for the conclusion of the *Wilderness and Ecological Reserves Act* process being led by the Wilderness and Ecological Reserves Advisory Council (WERAC) in consultation with public stakeholders, the Department of Fisheries, Forestry and Agrifoods and the Department of Environment and Climate Change. This Area of Interest is being reviewed as a potential Protected Area under the *Wilderness and Ecological Reserves Act* and the results of this review may restrict forestry activities proposed for this area. A

final decision on harvesting in the Indian Arm Brook Area of Interest will occur after the WERAC process has concluded.

The "Environmental Protection Guidelines for Ecologically Based Forest Resource Management" (the Guidelines) is a document created by the Forestry Branch of FFA, 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 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. As a requirement of the provincial environmental assessment process, please note that the following condition also applies to this project's release:

- 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 by April 30, 2017 for review and approval. This document will outline a more specific plan that includes both short and long term goals.

The Tourism and Culture Branch of the Department of Business, Tourism, Culture and Rural Development (BTCRD) has advised that proposed forestry activities may negatively affect visitor experiences along touring corridors, rivers, trails, coastal communities, marine recreation areas as well as the outfitting industry. It is recommended that you contact both the BTCRD and the outfitters in Zone 3 to determine mitigation measures in an effort to minimize any potential negative effects. For further information, please contact Tourism and Culture Branch at (709) 729-4815.

Information is also attached from the Water Resources Management Division of this department relative to forestry operations in Zone 3, permits, locations of water quantity/quality and monitoring stations. Please be advised that prior to the start of any proposed activity you must apply for and obtain a permit under the *Water Resources Act, 2002*, specifically Section 48 for any work including, but is not limited to, culverts, bridges, fording or other works in any

body of water (including wetland) along with the need for a site drainage plan. Contact: Dr. Abdel-Zaher Kamal Abdel-Razek, Manager, Water Rights and Investigations Section (709) 729-4795.

Please be advised that prior to the start of any proposed activity you must apply for and obtain a permit under the *Water Resources Act, 2002*, specifically Section 39 for any proposed developments within any non-sensitive Protected Public Water Supply Areas (PPWSA's) servicing any community. The attached Agency Comments includes listings of the PPWSAs identified that have proposed forest activities (commercial, domestic and road construction) within their boundaries. Forestry activities will not be permitted in a number of watersheds that are classified as sensitive PPWSA's due to their size. A list of these watersheds is included in the attached Agency Comments. Please contact Ms. Paula Dawe, Manager, Drinking Water and Wastewater Section at (709)729-4048.

I also draw your attention to a list of water quantity/quality or climate monitoring stations that are operated jointly by the federal and provincial governments in Zone 3. Please ensure a protective buffer is maintained around these monitoring stations as they are located in close proximity to proposed harvesting activities. Please consult Ms. Renee Paterson, Program Lead with the Real-time Water Quality Monitoring Program at (709) 729-1159 to determine appropriate buffer sizes.

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 or via email at clearyb@gov.nl.ca.

Sincerely,



PERRY TRIMPER, MHA
District of Lake Melville
Minister

Attachments

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