

GUIDELINES

for

Environmental Preview Report

for the

(Cape Freels South Walking Trail)

Honourable Graham Letto

Minister

Department of Municipal Affairs and Environment

March 2019

ENVIRONMENTAL PREVIEW REPORT GUIDELINES

The following guidelines are intended to assist the proponent with the preparation of the Environmental Preview Report (EPR) for the proposed undertaking. The EPR is a report that presents the results of an investigation based on readily available information that supplements the information already provided by the proponent upon registration of the undertaking. The purpose of the information in the EPR is to assist the Minister of Municipal Affairs and Environment in making a determination as to whether an Environmental Impact Statement (EIS) will be required for the proposed undertaking. The EPR is expected to be as concise as possible while presenting the comprehensive information necessary to make an informed decision.

The EPR should include and update the information provided in the original registration and focus on the information gaps identified during the government and public review of the registration. The EPR should address the information gaps in sufficient detail to enable the Minister of Municipal Affairs and Environment to make an informed decision as to the potential for significant environmental effect from the undertaking.

The contents of the EPR should be organized according to the following format:

1. NAME OF UNDERTAKING:

The undertaking has been assigned the Name “Cape Freels South Walking Trail.”

2. PROPONENT:

Name the proponent and the corporate body, if any, and state the mailing and e-mail address.

Name the chief executive officer if a corporate body, and telephone number, fax number and e-mail address.

Name the principal contact person for purposes of environmental assessment and state the official title, telephone number, fax number and e-mail address.

3. THE UNDERTAKING:

State the nature of the project.

State the purpose/rationale/need for the project. If the proposal is in response to an established need, this should be clearly stated. Identify needs that are immediate as well as potential future needs.

The proponent should demonstrate how the project aligns with the goals of the Provincial Product Development Plan to build high quality, people and program-based tourism experiences that attract more visitors, encourage them to stay longer and experience more of our province.

4. DESCRIPTION OF THE UNDERTAKING:

Provide complete information concerning the preferred choice of location, design, construction standards, maintenance standards, etc.

4.1 Geographical Location/Physical Components/Existing Environment:

- Provide an accurate description of the existing and proposed trail components including precise GPS location coordinates. Attach an original base map (1:25,000 scale) and/or recent air photos or a kml/kmz Google Earth file and map.
- Provide a description of the geographical location of the proposed project. This should include the local environment surrounding the trail as well as the broader regional setting. Identify any wetlands that may be impacted by the proposed project.
- The EPR should acknowledge and use the following definitions as defined in the *Water Resources Act, 2002*, for:
 - water body - section 2(1) (d) *"body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water;*

And

- wetland - section 2(1)(cc) *"wetland" means land that has the water table at, near or above the land surface and includes bogs, fens, marshes, swamps and other shallow open water areas.*

4.2 Construction:

- State the time period in which proposed construction will proceed (if staged, list each stage and its approximate duration) and proposed date of first physical construction-related activity.
- The details, materials, methods, schedule, and location of all planned construction activities must be presented, including but not limited to:
 - Involvement of experienced trail designers, builders and project managers in the design, enhancement and construction.
 - The specific locations indicating where the trail will be constructed using:
 - boardwalk
 - gravel/crushed stone infilling
 - bridges
 - culvertsThese locations should include precise GPS coordinates and a map should identify the full extent of the type of construction.
 - The dimensions, materials used and method of construction should be described for all boardwalks, gravel/crushed stone infilling, bridges and culverts. These descriptions should also include:
 - how the designs account for seasonal changes in water level as well as increased precipitation and more frequent extreme weather events due to climate change;
 - mitigations to prevent or minimize erosion and contain sediments.
- Describe how the project would be constructed if there was a future requirement to decommission and rehabilitate the area.

4.3 Operation and Maintenance:

All aspects of the operation and maintenance of the proposed development should be presented in detail, including but not limited to:

- A description of informational and directional signage for the trail (i.e. access points) and how the trail route will be marked for users to follow.
- A full description of how the trail is to be maintained. A maintenance plan should include:
 - a schedule to inspect and maintain the trail and any bridges or culverts;
 - an outline of response to damage and appropriate waste disposal/clean-up;
 - identification of the labour source; and

- the source of funding to support maintenance.
- The EPR should demonstrate how the proponent has been engaged with the Department of Tourism, Culture, Industry and Innovation to meet General Market-readiness Guidelines and Destination Trails Guidelines. Officials from Tourism Development in the Central Region have been working closely with the proponent as this trail is in a distinctive landscape that reflects the province's most distinguishing characteristics.

5. ALTERNATIVES

Alternative means of carrying out the project to meet the stated purpose and rationale must be provided.

The EPR must identify and describe alternative means and locations of carrying out the Project that are technically and economically feasible. The following steps for addressing alternative means and locations are recommended:

- Identify any alternative means and locations to carry out the Project;
- Identify the environmental effects of each alternative means and location;
- Identify the **preferred** means and location;
- Provide reasons for the rejection of alternative sites.

Include information from previous project related studies describing alternate locations that were considered, including the expansion of existing sites, reasons for rejection, and reasons supporting the proposed site as the preferred location.

Alternative locations should be clearly outlined on maps of a suitable scale (i.e. 1:50,000, 1:25,000) or provided as digital files and maps created in Google Earth.

6. POTENTIAL ENVIRONMENTAL EFFECTS and MITIGATION:

Provide detailed information regarding the potential effects of the project on the environment and the proposed mitigation to be used to avoid adverse environmental effects.

- Describe the potential environmental effects associated with the construction and operation of this trail including, but not limited to, the following:
 - impacts to water flow;
 - impacts to fish and fish habitat;
 - impacts to avifauna and habitat, including species listed under the Newfoundland and Labrador *Endangered Species Act, 2001*, and species listed under the federal *Species At Risk Act*;
 - damage to, or loss of, historic resources.

- Describe proposed mitigations to be used to avoid adverse environmental effects during construction and operation of this trail. These may include, but are not limited to, the following:
 - The EPR should acknowledge that permits and detailed descriptions will be required for all infilling work water within fifteen (15) metres of a body of water as well as for all culverts, bridges and boardwalks, prior to the start of construction.
 - The *Fisheries Act* requires that projects avoid causing serious harm to fish unless authorized by the Minister of Fisheries and Oceans Canada (DFO). People proposing to conduct work in or near water are now required to **self-assess** using the DFO “*Projects Near Water*” website, located at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>, and determine if their project requires a review by DFO. The EPR should describe measures taken to comply with DFO requirements.
 - The proponent is to develop an Avifauna Management Plan that includes appropriate preventative measures to minimize risk of impacts due to trail construction and operation on migratory birds, including species listed under the provincial *Endangered Species Act* and the federal *Species At Risk Act* such as the Olive-sided Flycatcher, the Red Crossbill, the Harlequin Duck, and the Piping Plover.
 - An independent third party is to conduct Short-eared Owl surveys prior to any trail maintenance and/or construction. The Wildlife Division must be consulted regarding survey methodology, survey permits and appropriate pre-and post-construction management actions should this species and its nests be found. This information is to be included within the EPR as part of the Avifauna Management Plan.
 - The proponent is to develop an environmental protection plan that details the measures to be taken to prevent potential fuel leaks, accidental spills or other pollution incidents. Response strategies to mitigate the effects of leaks, spills and other pollution incidents should be described.
 - The proponent is to hire an archaeologist to conduct a Historic Resource Impact Assessment. This assessment is required for areas of the existing trail where there is planned ground disturbance for infrastructure improvements such as the construction of boardwalks, bridges, and culverts. In these areas, test pits will be excavated to determine if any cultural resources might be impacted. A walkover survey that employs judgmental testing also must be conducted for all new areas of the proposed trail. Should historic resources be found in the way of the proposed trail, or where infrastructure improvements are planned, the consultant will notify the Provincial Archaeology

Office and appropriate recommendations will be made to mitigate the resources through excavation, or to preserve them by shifting the infrastructure or trail to avoid such resources. The EPR must demonstrate, to the satisfaction of the Provincial Archaeology Office, a commitment to comply with the above measures prior to trail construction.

- Identify how the project will avoid interference with the rights of other legitimate land owners/users, including but not limited to the following:
 - Identification of any ATV/snowmobile use on or around the area of the pre-existing portion of the proposed trail.
 - Descriptions of any impediments to ATV/snowmobile use caused by trail construction, and final trail development. Describe measures that will prevent the development of any offshoot ATV trails due to the presence of the walking trail.
 - Descriptions of measures to prevent access by ATVs in areas that have had no previous trail development.

7. DECOMMISSIONING and REHABILITATION:

Describe all aspects of the decommissioning and rehabilitation plans for the project, assuming the eventual need to eliminate the entire project footprint from the landscape.

8. PROJECT- RELATED DOCUMENTS:

Provide a bibliography of all project-related documents already generated by or for the proponent (e.g., feasibility study, engineering reports, etc).

- **Provincial Product Development Plan**
(https://www.tcii.gov.nl.ca/tourism/tourism_development/pdf/17-20_prov_prod_dev_plan.pdf)
- **Central Product Development Plan**
(https://www.tcii.gov.nl.ca/tourism/tourism_development/pdf/TDVAA-Central_Jan2016.pdf)
- **Market-Readiness Guidelines for Destination Trails (available online in the near future)**

9. PUBLIC INFORMATION MEETING:

An Open House Public Information Session shall be held at a place adjacent to or in the geographical area of the undertaking, or as the minister may determine, in order to:

- a) provide information concerning the undertaking to the people whose environment may be affected by the undertaking;
- b) record and respond to the concerns of the local community regarding the environmental effects of the undertaking;
- c) present the information gathered to fulfill the requirements of Section 5 of these guidelines.

You are required to notify the Minister and the public of the scheduled meeting **not fewer than 7 days** before that meeting. Public concerns shall be addressed in a separate section of the EPR.

Protocol for these public sessions will comply with Section 10 of the Environmental Assessment Regulations, 2003. Public notification specifications are outlined in Appendix A.

10. APPROVAL OF THE UNDERTAKING:

List the main permits, licences, approvals, and other forms of authorization required for the undertaking, together with the names of the authorities responsible for issuing them (e.g., federal government department, provincial government department, municipal council, etc.)

The required 5 copies of the EPR, and an electronic version for posting to the Environmental Assessment website, should be sent together with a covering letter to:

Minister
Municipal Affairs and Environment
P.O. Box 8700
St. John's NL A1B 4J6

APPENDIX A

Public Notices

Under the provisions of the Environmental Assessment Regulations 2003, Section 10, and where the approved Guidelines require a public information session(s), the following specified public notification requirements must be met by the proponent prior to each meeting:

PUBLIC NOTICE

Public Information Session on the Proposed

Name of undertaking
Location of undertaking

shall be held at
Date and Time
Location

This session shall be conducted by the Proponent,
Proponent name and contact phone number,
as part of the environmental assessment for this Project.

The purpose of this session is to describe all aspects of the proposed Project, to describe the activities associated with it, and to provide an opportunity for all interested persons to request information or state their concerns.

ALL ARE WELCOME

MINIMUM INFORMATION CONTENT OF PUBLIC ADVERTISEMENT

- Minimum newspaper ad size: 2 column widths. Minimum posted ad size: 7" x 5"
- Minimum newspaper ad coverage: Weekend preceding meeting and 3 consecutive days prior to meeting date; to be run in newspaper locally distributed within meeting area or newspaper with closest local distribution area.
- Minimum posted ad coverage: Local Town or City Hall or Office, and local Post Office, within town or city where meeting is held, to be posted continually for 1 full week prior to meeting date.