

NOV - 9 2021

COR/2021/03561

Reg. # 2164

Stephen Balsom
ADM, Forestry and Wildlife
Department of Fisheries, Forestry and Agriculture
Email: StephenBalsom@gov.nl.ca

Dear Mr. Balsom:

Re: Crown Zone 1 Five-year Forestry Operating Plan (2022-2026)

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 that a Greenhouse Gas Management Plan must be prepared and submitted to the Climate Change Branch for approval by the Minister of Environment and Climate Change. A draft of this plan must be submitted within one year of the date of the Minister's decision letter with an update on the progress of this plan to be submitted in six months. The plan is to 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 more information, please contact the Climate Change Branch at (709) 729-1485.
- The Water Resources Management Division of my Department requires that a 30-metre buffer must be maintained around the hydrometric stations at:
 - Northeast Pond River at Northeast Pond (02ZM006); and

- Seal Cove Brook near Cappahayden (02ZM009).

For more information, please contact the Water Resources Management Division at (709) 729-1646.

- The Wildlife Division of the Department of Fisheries, Forestry and Agriculture requires the following:
 - You must work with the Wildlife Division to mitigate impacts to caribou in the operating areas specified below. Annual operating plans shall be submitted to the Wildlife Division for final approval before any project activities take place. Planning of forestry activities shall consider the following:
 - Operating area CC01060 overlaps with the southern portion of a sensitive wildlife area for caribou (Bay de Verde Peninsula), and you must maintain a 100-metre forested buffer towards the eastern and northern located lichen/barren grounds.
 - The lichens, *Erioderma mollissimum* and *Degelia plumbea*, are confirmed to be present in operating area CC01063. Both of these lichen species are designated and listed under the Newfoundland and Labrador **Endangered Species Act** and are also listed under the federal **Species at Risk Act** as Special Concern. The southern portion of this operating area is to be removed from the harvest areas.
 - Operating area CC01064 overlaps with a designated sensitive wildlife area for waterfowl. As per the Environmental Protection guidelines, a 50-metre undisturbed naturally vegetated buffer is required along all wetland/waterbodies within this designated area.

For more information, please contact the Wildlife Division at (709) 637-2052.

- The Land Management Division of Fisheries, Forestry and Agriculture requires the following:
 - Portions of the proposed Forestry Operating Plan areas fall within cottage planning areas, cottage development areas, community infilling limits and Crown land reserves. You are required to consult with the Land Management Division to determine if there are any land use conflicts.
 - There are issued Crown titles and applications for Crown land within and adjacent to the proposed harvest areas. You are required to implement a 100-metre buffer around established cottage development areas and consult with the Land Management Division to ensure buffers are adequate prior to implementation of the five-year plan.



For more information, please contact the Land Management Division at (709) 637-2353.

- The Department of Tourism, Culture, Arts and Recreation requires the following:
 - You are to coordinate forest management efforts with outfitters during the big game season from September 15 - December 31 and the spring bear harvest, which occurs from May 1 - July 15.
 - You are required to submit a Tourism Stakeholder Consultation Plan (Consultation Plan) that will report on consultations with tourism stakeholders. The Consultation Plan will identify the potential impacts of forestry operations on each tourism stakeholder and describe how harvesting, road construction and silviculture activities will be modified to minimize impacts to tourism stakeholder values, which include but are not limited to: wildlife populations and hunting success rates, pristine and remote wilderness settings, and, increased access by local residents. Tourism, Culture, Arts and Recreation has provided a list of Outfitters in the attached document entitled "Comments for the Proponent," whom you are to include in your consultations. The Consultation Plan must be reviewed and approved by the Minister of Tourism, Culture, Arts and Recreation prior to conducting forestry operations.
 - You shall implement measures that preserve the visitor experience and viewsapes along the Trans Canada Highway, Route 100 and Route 80. Cut blocks visible from these routes should be developed using landscape design techniques that mitigate the visibility to the motoring public. You are advised to continue to consult directly with the Manager of Tourism Product Development regarding efforts to minimize the visibility of clear cuts from the Trans Canada Highway.

For more information, please contact Tourism, Culture, Arts and Recreation at (709) 729-4518.

- You are to uphold the commitments made in your annual operating plans and the environmental assessment registration document with respect to reforestation. For more information, please contact the Environmental Assessment Division of my Department at (709) 729-0673.

- You are required to advise the Environmental Assessment Division when the conditions of release have been met, 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 your project, including a copy of all permits, licences, certificates, approvals and other authorizations required for your project, one year from the date of this release letter and to provide additional updates if required. Please email your 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 Pollution Prevention Division of my Department advises that if pesticides use is required, all pesticide purchase, storage, and use is to comply with the Pesticide Control Regulations. For more information, please contact the Pesticide Control Section at (709) 729- 6054.

The Water Resources Management Division of my Department requires you to obtain permits for any work within a designated flood risk area, for any work in shore water zones, or any infilling work within fifteen metres of a body of water. You must also obtain a water use licence for the use of water from any water source for any purpose. The Water Resources Management Division further advises that a permit is required for development adjacent to or within a protected public surface water supply area and/or within a protected public wellhead water supply area. You are advised to comply with my Department's policies on Flood Plain Management, Development in Shore Water Zones, Infilling Bodies of Water, and on Land and Water Developments in Protected Water Supply Areas. These policies are found on the Department's web page at <https://www.gov.nl.ca/ecc/waterres/regulations/policies/>.

The Water Resources Management Division further advises that you are to avoid any work or activities within 100 metres of drilled drinking water wells. A list of coordinates for private/drilled wells within the project area is included in the attached document entitled "Comments for the Proponent". For more information, please contact the Water Resources Management Division at (709) 729-1646.

The Government Service Centre of the Department of Digital Government and Service NL advises that a development permit may be required for any construction within 400 metres of the centre line of the Trans Canada Highway or other protected roads. For more information, please contact the Government Service Centre at (709) 637-2204.



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

The Department of Industry, Energy and Technology advises you that any quarry material needed for this undertaking must be obtained from approved sources, and recommends that you advise Newfoundland and Labrador Hydro and Newfoundland Power of this project due to the location of distribution assets in the project area. Industry, Energy and Technology further advises that it is of the understanding that plans for specific silviculture treatments within the project area will be submitted on an annual basis through the inter-departmental land use (ILUC) process. The Mines Branch will take those opportunities to review for specific overlaps. For more information, please contact the Department of Industry, Energy and Technology at (709) 729-5811.

The Department of Municipal and Provincial Affairs advises that, where harvesting areas overlap a municipal planning area, harvesters are to apply with the municipality for a development permit. For more information, please contact the Department of Municipal and Provincial Affairs at (709) 729-3090.

The Parks Division of Tourism, Culture, Arts and Recreation recommends a 100-metre no cut buffer between commercial harvesting and Provincial park boundaries and no new road or trail construction within 500 metres of Provincial park boundaries. The Parks Division requests to be referred on project activities within one kilometre of Parks property and within 50 metres around the NL T'Railway Provincial Park (T'Railway). The Parks Division advises that the operation of a motor vehicle or a four-wheel drive vehicle is not permitted along the T'Railway, although a permit for temporary vehicular use can be obtained through the Parks Division.

The Parks Division requests the following adjustments:

- The T'Railway intersects a domestic block, Brien's Pond, and the Parks Division requests that the boundary be amended to reflect the no cut buffer of the T'Railway.



- There are three proposed domestic cutting blocks near the LaManche Provincial Park, and the eastern block, Burnt Cove, is very near the Provincial park boundary. 'No Cutting' signs are to be placed around the Provincial park boundary.
- There are two proposed domestic cutting blocks near the Butter Pot Provincial Park, and one block, Duff's Straight, overlaps the Provincial park boundary. The boundaries need to be amended such that the domestic harvesting boundary is outside the Provincial park boundary, to uphold the 1-kilometer no cut buffer around Provincial parks. 'No Cutting' signs are to be placed around the Provincial park boundary.
- There are two domestic harvesting blocks with small overlaps of the Marine Drive Provincial Park boundary. The boundaries need to be amended such that the domestic harvesting boundary is outside the Provincial park boundary. 'No Cutting' signs are to be placed around the Provincial park boundary.
- The Parks Division reminds you that the one-kilometre buffer that applies to Provincial Parks and the 50-metre buffer around the T'Railway were previously reviewed and approved through the inter-departmental land use committee process, ILUC #1989. For more information, please contact the 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. ECCC provides advice on managing revegetation and invasive species, limiting noise, the protection of Bank Swallows and for effective wildlife response plans. ECCC recommend that you complete an analysis of project impacts on mature and interior forest habitat for migratory birds on a local scale. Further, you are requested to provide a GIS file of the project boundaries so that the project can be mapped for cumulative effects considerations. For further information, please contact ECCC at (709) 772-2126.

The Department of Fisheries and Oceans advises that the modernized **Fisheries Act** includes fish and fish habitat protection provisions which came into effect on August 28, 2019. If you are conducting work in or near water you should refer to the Projects Near Water website to get information about how to comply with the **Fisheries Act** and as well as information on the project review process. The "Projects Near Water" website is located at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>. For further information, please contact the Fisheries Protection Program at (709) 772-4140.

Health Canada advises that if there is potential for impacts to human receptors from changes to air quality, noise, drinking or recreational water quality, and country foods caused by forestry management activities (including the use of heavy equipment, prescribed burning,

and spraying of pesticides), you should consider establishing mitigation measures as well as a process to ensure complaints are collected and addressed. If complaints are received, you should consider additional mitigation measures.

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. Failure to apply for an extension will result in the expiry of the Minister's decision, and your project will have to be registered again for environmental assessment, should you wish to proceed. 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,



HON. BERNARD DAVIS, MHA
District of Virginia Waters – Pleasantville
Minister

Cc: The Honourable Pam Parsons, MHA, District of Harbour Grace – Port de Grave
Loyola O'Driscoll, MHA, District of Ferryland
Helen Conway Ottenheimer, MHA, District of Harbour Main
Sherry Gambin-Walsh, MHA, District of Placentia – St. Mary's
Jeff Dwyer, MHA, District of Placentia West - Bellevue
Paul Dinn, MHA, District of Topsail - Paradise

Enclosures