

GUIDELINES

for

Environmental Preview Report

for the

Northern Peninsula ATV Trail System

Honourable Bernard Davis

Minister

Environment and Climate Change

July 2021

ENVIRONMENTAL PREVIEW REPORT GUIDELINES

The following guidelines are intended to assist the proponent, Northern Peninsula ATV Riders Association Inc. with the preparation of the Environmental Preview Report (EPR) for the Northern Peninsula ATV Trail System. The EPR will present additional information to supplement that provided upon initial registration of the undertaking. The purpose of the information in the EPR is to assist the Minister of Environment and Climate Change in making a determination as to the potential for significant environmental effects from the proposed undertaking and whether an Environmental Impact Statement (EIS) will be required. 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 document(s) 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 Environment and Climate Change to make an informed decision as to the potential for significant environmental effect from the undertaking.

For clarity and ease of reference, the EPR shall include a Table of Concordance that cross references the EPR guidelines so that points raised in the guidelines are easily located in the EPR.

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

1. NAME OF UNDERTAKING:

The undertaking has been assigned the Name "***Northern Peninsula ATV Trail System.***"

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 rationale shall include, but not be limited to:

- a) explanation of how the ATV trail network fits into the overall recreational trail system;
- b) justification for the location of the trail endpoints;
- c) identification of connections to other established trails or existing legal trails, along with confirmation that any other trail committees/associations are aware of the planned connections; and
- d) any intent to develop the trail system as a tourism destination.

4. DESCRIPTION OF THE UNDERTAKING:

Provide a complete overview of the project in the following subsections, including information about the preferred choice of location, design, construction standards, operation and maintenance standards, etc.

4.1 Geographical Location/Physical Components/Existing Environment:

- Provide an accurate description of the existing and proposed trail components, including ground-verified GPS location coordinates. Also attach original base maps (1:25,000 scale) and/or recent air photos/aerial imagery or include a Google Earth KMZ/KML file of the proposed trail. The GPS location coordinates should identify:
 - The existing trail and sections requiring new construction; including any cutting, in-filling, ditching, etc.
 - All water body crossings;
 - All wetland crossings that cannot be avoided;
 - Alternate routes to ensure compliance with zoning regulations, avoid sensitive wildlife habitat and eliminate conflict with outfitting operations.
 - All highway crossings and travel within highway corridors;
- Provide information regarding ownership and/or zoning of the land upon which the project is to be located and any restrictions imposed by that ownership or zoning, including municipal ownership/zoning, Crown, and private land. This section should include, but not be limited to:

- i. Acknowledgement that a development permit from the Town of St. Anthony must be applied for and acquired. Trails are classified as “recreational open space”, which is a discretionary use in most zones. The Town would have to advertise publicly before issuing a permit.
 - ii. Acknowledgement that the sections of the proposed trail located within the protected road building control lines will require permits from the Department of Digital Government and Service NL.
 - iii. In the Cottage zone, under the Northern Peninsula Protected Road Zoning Plan, (see map sheet C5, C6) neither recreational open space uses nor commercial recreation uses are listed as permitted, therefore, new sections of trail **cannot** be constructed within this Zone. Identify any elimination or re-routing of the proposed trail to ensure that it adheres to zoning restrictions.
 - iv. Identify all highway crossings. These will require permits and site investigations may be necessary prior to approval. Travel within the highway right-of way (ROW) should be avoided and the trail route amended to exclude the use of the ROW. It is recommended that you consult the Department of Transportation and Infrastructure regarding highway crossings and any proposed travel within the ROW prior to finalizing the trail route and submitting the EPR.
- Identify all streams, waterbodies, and wetlands within the project boundary. Identify any waterbodies and 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.

Should any discrepancy arise between water bodies/wetlands identified in the EPR and those identified by Water Resources Management Division, the proponent will be required to confirm their assessment using a qualified habitat biologist/consultant.

- The EPR should describe how the chosen trail route maintains a minimum 30 metre buffer along all wetlands to protect these sensitive habitats. In the case of required brooks/stream, wetland crossings, the EPR must acknowledge that a Notice of Intent under section 7 of the Lands Act will be required.

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.

The EPR shall include a description of:

- a) all trail cutting and land clearing and locations where this activity will take place;
- b) the type and amount of fill required for the trail bed, as well as the source for obtaining these materials;
- c) the dimensions, materials used and method of construction and placement of all proposed water body/wetland crossings such as bridges, culverts or bog matting, including the locations where this activity will take place;
- d) the number and location of any parking lots, ATV offloading areas, pit privies or shelters to be constructed; and
- e) methods by which construction materials are to be transported to the site and any heavy equipment to be used in trail construction.

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.

- Describe 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 schedule is required which is to include an outline of a regular commitment to inspect and maintain the trails, inspection of bridges, response to damage, placement of waste receptacles and the schedule and means of appropriate waste disposal/clean-up, maintenance personnel, and how the maintenance will be funded.
- If the trail is intended to promote tourism in the area, the EPR should demonstrate how the aforementioned signage and maintenance requirements can meet market readiness standards and expectations of the Department of Tourism, Culture, Arts and Recreation.

5. ALTERNATIVES

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

The EPR must identify, describe, and evaluate alternative locations for placement of the trail or sections of the trail. This should include:

- a) avoidance of wetland areas wherever possible;
- b) re-routing of the trail to satisfy the Cottage Zone requirements of 4.1(b)(iii) above;
- c) any re-routing necessary to meet the requirements of highway access and avoid travel in the highway ROW;
- d) if a centre loop is required (map D6 and D7 in the registration document), consideration of developing an alternate trail section further to the west to avoid wetlands, instead of using the northwestern section (map D6) of the loop.
- e) re-routing to avoid ATV access into the outfitter operation buffer near Island Pond (Map E3,E4,F3).

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 and provide rationale for selection; and,
- 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, if applicable.

Alternative locations should be clearly outlined on maps of a suitable scale (i.e. 1:50,000, 1:25,000) and aerial imagery.

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. This section should include, but is not limited to the following:

- a) Impacts to water flow and quality and mitigations to prevent erosion and sedimentation.
- b) Impacts to aquatic species due to construction and utilization of wetland crossings. It is recommended that the proponent contact Fisheries and Oceans Canada regarding the “Guidelines for the Protection of Freshwater Fish in Newfoundland and Labrador” and the Projects Near Water website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) to determine if a project review is required. The EPR will advise as to the status of any Project Review.
- c) Impacts to habitat for Short-eared Owl; a species listed as ‘Vulnerable’ under the Newfoundland and Labrador Endangered Species Act. This may require the removal of the most eastern trail section from the overall proposal and, therefore, the trail would end in St. Anthony.
- d) Impacts to limestone barrens, as listed plant species can be present there.
- e) Potential environmental effects and mitigations for federally listed species at risk and species of conservation concern, including Bank Swallow, Olive-sided Flycatcher, Red Crossbill, Little Brown Myotis and Caribou.
- f) Impacts on migratory birds. 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.
- g) Impacts of pollution. The proponent is to develop a contingency plan that accounts for site-specific conditions and 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.

- h) Illegal trail development. Outline potential mitigations to deter or prevent illegal spur trail development.

Identify how the project will avoid interference with the rights of other legitimate land owners/users, including, but not limited to:

- a) Any conflict of the trail with Newfoundland and Labrador Hydro transmission lines, terminal stations or diesel plant within the St. Anthony area, as well as distribution lines along the Northern Peninsula Highway. The proponent should consult with Newfoundland and Labrador Hydro and include any required mitigations in the EPR.
- b) Potential interference with navigable waterways. The proponent should consult the Navigation Protection Program (NPP), Transport Canada for information regarding the project review and approval process and report on the status of the process within the EPR.
- c) Should the portion of the trail as proposed, extend into the Little Steady Pond Potential Surface water Natural Drainage Area, the community of Great Breat should be consulted to determine any required mitigations.

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).

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; and,
- c) present the information gathered to fulfill the requirements of Section 5 of these guidelines.

The Public Information session must adhere to all restrictions to mitigate the impacts of COVID-19 that are in place at the time of the session. Information sessions may be conducted by virtual means through a live streaming, video conferencing or teleconferencing process, such as Facebook Live, Zoom, Microsoft Teams, Skype, Webex, Go To Meeting, and others.

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.)

In addition to permits already stated, this project may also require, the following:

- Registration with DGSNL for all fuel storage tank system installations other than those connected to a heating appliance of a capacity of 2,500 litres or less.
- A permit under the Water Resources Act, 2002, specifically Section 48 <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> for any work in any body of water (including wetland) prior to the start of construction.
- A permit under the Water Resources Act, 2002, specifically Section 48 <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> for any work in Shore Water Zones prior to the start of construction.
- A permit under the Water Resources Act, 2002, specifically Section 48 <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> for any infilling work within fifteen (15) metres of a body of water prior to the start of infilling.
- A Commercial Cutting permit.
- An Operating Permit for any work during forest fire season.
- A permit to burn during forest fire season.
- A Notice of Intent under section 7 of the Lands Act for trail development within the 15 m shoreline reservation.
- A Quarry Permit if quarry materials are required from a new quarry or re-activation of an in-active quarry.
- A Permit to Work for any work within the highway ROW.

The required 3 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
Environment and Climate Change
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 website (if permitted), proponent's web site (if applicable), and local community channel (if applicable), to be posted continually for 1 full week prior to meeting date.