Dear [redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/24/2018]

On March 12, 2018, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"Any and all correspondence including maps between the Department of Environment and Conservation and the Town of Port Blandford regarding *Crown Five Year Operating Plan Forest Management Districts 02 and 03 (Zone 2) 2017-2021 including correspondence between Minister and Executive Staff and all staff within said Department from August 2015 to March 2017."

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Municipal Affairs and Environment to provide access to some of the requested information.

However, some of the information contained within the records has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act, 2015 (the Act):

"40(1): The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy."

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
P.O. Box 8700, St. John's, NL, Canada A1B 4J6 709 729 5677 709 729 0943 www.gov.nl.ca
You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that responsive records will be published following a 72-hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone at 709-729-7183 or by e-mail at lisas@gov.nl.ca.

Sincerely,

Lisa Sullivan
ATIPP Coordinator
Enclosures
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45(2).
REGISTRATION FORM
Pursuant of Part 10, Environmental Assessment
Section 49 of the Environmental Assessment Act

Name of Undertaking: Forest Management Districts 2 and 3 (Planning Zone 2)
Five Year Operating Plan 2017-2021

Proponent:
(i) Department of Natural Resources
Forestry Services Branch
(ii) Assistant Deputy Minister
Mr. Stephen Balsom
Forestry and Agrifoods Agency
(709) 637-2627
(iii) Principal Contact Person
Mr. Ivan Downton
Forest Ecosystem Management Director
(709) 637-2349

The Undertaking:
(i) Nature of Undertaking
To conduct forestry activities (harvesting, silviculture and primary road construction) from 2017 to 2021 in Forest Management Planning Zone 2.

(ii) Purpose/Rationale/Need for Undertaking
This undertaking will enable the Forest Services Branch to harvest approximately 951,520 m3 of core landbase timber, construct approximately 95 kilometres of primary forest access road and undertake appropriate Silviculture prescriptions.

This undertaking is necessary to maintain and/or expand the existing commercial industry and allow domestic harvest for home heating.
Description of Undertaking: (i) Geographic Location

Planning Zone 2 encompasses Forest Management Districts 2 and 3. It is located in eastern Newfoundland and extends from Long Harbour River, Northwest River, and Terra Nova National Park in the west to the Come By Chance in the east and includes all of the Bonavista Peninsula, Burin Peninsula, and all the islands in Placentia Bay. Districts 02 and 03 are administered from Clarenville District Office with satellite offices in Southern Bay and Winterland. Major towns located within the zone include Clarenville, Port Blanford and Marystown. The districts share common ecoregion characteristics and for forest management purposes have been combined to form Planning Zone 3. The overview and operational maps in the plan outline the general and exact locations of the zone.

(ii) Physical Features

The topography in the area contains a diversity of terrain types with generally rolling topography. Coastal hills dominate the landscape from Bull Arm north to Trinity and then strike north across the peninsula to Keels. The elevations of the hills on the peninsula are within a range of 150-250 metres above sea level, with the highest peak reaching 260 metres.

(iii) Operation

Commercial harvesting will be carried out manually and with shortwood harvesters and forwarders and domestic harvesting will be done by chainsaw with extraction be snowmobile and ATV. Roads will be constructed using excavators and/or bulldozers and silviculture will be carried out using brushesaws, pottiputikis, shovels and prescribed burning tools where required. All buffer requirements and operations will be carried out in accordance with the Environmental Protection Guidelines for Ecologically Based Forest Resource

Page 2 of 3

(iv) Occupants

Loggers, equipment operators, truckers, sawmills, silviculture workers and domestic cutters.

Approval of the Undertaking:

Commercial and domestic cutting permits as well as operating permits will be required from the District Forest Management Offices.

Schedule:

This plan is scheduled to commence upon approval and end on December 31, 2021.

\[s.40.1\]

Assistant Deputy Minister
Mr. Stephen Balsom
Forestry Services Branch

Date: Oct 31, 2016
area outlined in red from silviculture planning due to overlap with an established quarry site covered by a pair of quarry permits.
Raven Town, north of Northwest Pond (CC02034). Area outlined in red from silviculture planning due to overlap with an area covered by a quarry permit.
areas outlined in red from silviculture planning due to overlap with areas covered by a quarry permit (the western one of which contains an established quarry site).
burn Lake (CC02013).

area outlined in red from silviculture planning due to overlap with an area subject to an advanced mineral exploration program.
Mr. Bas Cleary
Director
Environmental Assessment Division
Department of Environment and Conservation

RE: 5 Year Operating Plan for Crown Managed Lands, Forest Management Zone 2 for the period January 1, 2017-December 31, 2021

Pursuant to Section 49 of the Environmental Protection Act (2002), the Forest Service of Newfoundland and Labrador is pleased to submit for registration as an undertaking, the 5 Year Operating Plan for Crown managed lands in Forest Management District 2 & 3 (Zone 2) for the period of January 1, 2017 to December 31, 2021. Twelve copies of the Plan (two paper and 10 digital CDs) have been forwarded to you under separate cover.

This Plan represents the culmination of many months of preparation by Forest Service staff, including a number of one on one meetings with various agencies and a number the public open house sessions meetings. The Plan outlines in considerable detail the forestry activities to be carried out over the coming five year period and provides a comprehensive description of the biological, physical and social environment in which these activities are to occur. The Plan is compliant with the Forestry Act (1990) and the Sustainable Forest Management Planning Regulations.

As part of the plan development, each member of the ADM Review Committee has been sent a copy of the proposed Forestry activities outlined in the Plan. Concerns by the Committee, along with the mutually agreeable mitigations are presented in the corresponding appendix. Thus, as a result of the Committee discussion, the Forest Service does not anticipate any inter-Governmental concerns to be raised during the EA assessment process.

If you have any questions regarding this registration, please contact Mr. Robert Sutton and details specific to the Plan, contact Dave Poole.

Attach. cc. R. Sutton D. Poole
S. Balsom

Ivan Downton
Director – Forest Ecosystem Management
Forest Service of Newfoundland and Labrador
November 16, 2016

Mr. Ivan Downton
Forest Ecosystem Management
P.O. Box 2006, Fortis Bldg.
Corner Brook, NL
A2H 6J8

Dear Mr. Downton:

On behalf of the Minister, I hereby acknowledge receipt on 2016/11/14 of your Registration pursuant to Section 49 of the Environmental Protection Act, SNL 2002, cE-14.2, for the following proposed undertaking:

**Crown Zone 2 Five Year Operating Plan 2017-2021**

It has been assigned the file number 2.1133.0215. The information contained in your Registration is now under review to determine whether the project can be released, rejected or may require further assessment. You can expect to receive notification of the decision of the Minister concerning this matter on or before December 29, 2016.

Please be aware that under provisions of the Act, undertakings may not proceed and other government agencies may not issue any relevant authorizations until a decision is rendered by the Minister. A decision by the Minister will be provided to you within 45 days following receipt of your registration.

Please be advised that, in accordance with Government’s Proactive Disclosure Initiative, all Ministerial decision letters related to your project will be posted online subject to any exceptions to disclosure provided under the Access to Information and Protection of Privacy Act, 2015.

If you have any questions concerning this review or any aspect of the environmental assessment process, please contact Joanne Sweeney at (709) 729-2822, toll free at 1-800-563-6181 or email at joannesweeney@gov.nl.ca.

Sincerely,

Bas Cleary
Director
Environmental Assessment Division
November 16, 2016

Town of Port Blandford
P.O.Box 70
Port Blandford NL A0C 2G0

RE: Proposed Undertaking for Crown Zone 2 Five Year Operating Plan 2017-2021

The above undertaking has been registered with this Department in accordance with the Environmental Protection Act, SNL 2002, cE-14.2 and Environmental Assessment Regulations 2003.

You are invited to review the enclosed document which describes the undertaking. If you have comments and/or concerns, please feel free to submit them in writing to my Minister on or before 12/20/2016, so that the Minister can meet the decision deadline of 12/29/2016.

Please indicate in any written submission if you DO NOT wish to have your comments made available to the proponent for informational purposes. 'A Guide to the Process' is enclosed for your information.

If you have any questions concerning the process or your involvement, please contact Joanne Sweeney at (709) 729-2822, toll free at 1-800-563-6181 or email at joannesweeney@gov.nl.ca.

Sincerely,

[Redacted]
Director
Environmental Assessment Division

PO Box 8700 St. John's, NL, Canada, A1B 4J6, t 709.729-0673, f 709.729-5518. www.gov.nl.ca
Environment and Climate Change

**November 16, 2016**

Environmental Assessment Bulletin

The Honourable Perry Trimper, Minister of Environment and Climate Change, has announced the following events relative to Part 10 Environmental Assessment of the *Environmental Protection Act*.

**UNDERTAKINGS REGISTERED:**

**Owl Head ATV Trail**
**Proponent: Arluk Outfitters Ltd.**

The proponent has submitted a proposal for a 4 kilometre all-terrain vehicle (ATV) trail extending from the existing Main River Lodge on the eastern end of Mansville Lake to a tent camp area. The trail will be used as an Argo travel route between September and October. Construction is scheduled to begin in June 2017.

The undertaking was registered on November 15, 2016; the deadline for public comments is December 21, 2016; and the minister’s decision is due by December 30, 2016.

**Bean Hill ATV Trail**
**Proponent: Arluk Outfitters Ltd.**

The proponent has submitted a proposal for a 6 kilometre all-terrain vehicle (ATV) trail extending from the western shore of Mansville Lake northwest to a tent camp. The trail will extend 1.25 kilometres west of Mansville Lake and turn northwest 4.75 kilometres to the tent camp area. The trail will be used as an Argo travel route between September and October. Construction is scheduled to begin in June 2017.

The undertaking was registered on November 15, 2016; the deadline for public comments is December 21, 2016; and the minister’s decision is due by December 30, 2016.

**Main River ATV Trail (Keough’s Brook)**
**Proponent: Arluk Outfitters Ltd.**

The proponent has submitted a proposal for a 3.5 kilometre all-terrain vehicle (ATV) trail extending from the existing Arluk Tilt Lodge near Keough’s Brook upstream to a tent camp area. The trail will be located within 50-100 metres from Keough’s Brook with one notable stream crossing. The trail will be used as an Argo travel route between September and October. Construction is scheduled to begin in June 2017.

The undertaking was registered on November 15, 2016; the deadline for public comments is December 21, 2016; and the minister’s decision is due by December 30, 2016.

**Crown Five-Year Operating Plan for Zone 2 (2017-2021)**
**Proponent: Crown**

Construction is scheduled to begin in March 2017.
Proponent: Forest Service, Department of Fisheries, Forestry and Agrifoods

The proponent has submitted a proposal for a five-year Sustainable Forest Management Plan for Zone 2, encompassing Forest Management Districts 2 and 3. Zone 2 is located in eastern Newfoundland and extends from Long Harbour River, Northwest River and Terra Nova National Park in the west to Come-By-Chance in the east and includes all of the Bonavista Peninsula, Burin Peninsula and all the islands of Placentia Bay. The plan describes timber harvesting operations, construction of access roads and silviculture activities. The undertaking is necessary to maintain and or expand the existing commercial industry and allow for domestic harvesting for home heating. The plan covers the period from January 1, 2017 to December 31, 2021.

The undertaking was registered on November 14, 2016; the deadline for public comments is December 21, 2016; and the minister’s decision is due by December 29, 2016.

MINISTER’S DECISION EXTENDED:

Stephenville Septage Treatment Facility (Reg. 1861)
Proponent: Enviro Green Septic Pumping Ltd.

The Department of Environment and Climate Change and the proponent have agreed to extend the deadline for the minister’s decision to November 24, 2016.

Southern Labrador Waste Disposal Facility (Reg. 1848)
Proponent: Labrador Straits Waste Disposal Incorporated

The Department of Environment and Climate Change and the proponent have agreed to extend the deadline for the minister’s decision to November 30, 2016.

Route 91 Cataracts Brook Bridge Replacement (Reg. 1843)
Proponent: Department of Transportation and Works

The Department of Environment and Climate Change and the proponent have agreed to extend the deadline for the minister’s decision to November 30, 2016.

ADDENDUM:

Fermeuse Offshore Marine Base Project (Reg.1773)
Proponent: Fermeuse Enterprises Limited

The proponent has submitted Addendum #2 to the Environmental Preview Report (EPR), as required by the Minister of Environment and Climate Change. Addendum #2 is posted on the department’s web page at the link below:
http://www.env.gov.nl.ca/env/env_assessment/projects/Y2014/1773/index.html. Public comments must be received by December 20, 2016 and may be submitted to the Chair of the environmental assessment committee, at joannesweeney@gov.nl.ca or by emailing EAProjectComments@gov.nl.ca. The minister’s decision is due by December 29, 2016. Written comments may be mailed to the address below:

Joanne Sweeney, Project EA Chair
Department of Environment and Climate Change
West Block, Confederation Building
P.O.Box 8700, St. John’s NL A1B 4J6
For further information on the environmental assessment process, please contact the Director of Environmental Assessment at (709) 729-0673 or toll-free: 1-800-563-6181 or by mail to:

Director, Environmental Assessment Division
Department of Environment and Climate Change
West Block, Confederation Building
P.O. Box 8700, St. John's, NL A1B 4J6

Public comments may be forwarded to EAprojectcomments@gov.nl.ca

Environmental assessment information is on the department’s website at: http://www.gov.nl.ca/env

-30-

Media contact:
John Tompkins
Director of Communications
Department of Environment and Climate Change
709-729-2575, 728-7762
jtompkins@gov.nl.ca
Good Morning:

Please be advised that the Environmental Assessment Division is currently reviewing a five year commercial and domestic harvesting and silviculture plan for Forest Management Planning Zone 2, proposed by Forestry Services Branch. Project information is available on the Department of Environment and Climate Change web page at the link below:


You are invited to review the project information and provide comments to the Department of Environment and Climate Change on or before December 20, 2016. The minister will provide a decision on the environmental acceptability of the project by December 29, 2016. All public comments will be considered in the environmental assessment of the project.

I have attached a pamphlet entitled “Environmental Assessment ...A Guide to the Process” to help you better understand the environmental assessment process. If you have questions regarding environmental assessment, please call me at (709) 729-2822 or toll free at 1-800-563-6181 or email joannesweeney@gov.nl.ca.

Regards,

Joanne

Joanne Sweeney
Environmental Scientist
Environmental Assessment Division
Department of Environment and Climate Change
PO Box 8700, St. John’s, NL A1B 4H6

Phone: (709) 729-2822; Fax: (709) 729-3138.
November 16, 2016

Town of Port Blandford
P.O. Box 70
Port Blandford NL A0C 2G0

RE: Proposed Undertaking for Crown Zone 2 Five Year Operating Plan 2017-2021

The above undertaking has been registered with this Department in accordance with the Environmental Protection Act, SNL 2002, cE-14.2 and Environmental Assessment Regulations 2003.

You are invited to review the enclosed document which describes the undertaking. If you have comments and/or concerns, please feel free to submit them in writing to my Minister on or before 12/20/2016, so that the Minister can meet the decision deadline of 12/29/2016.

Please indicate in any written submission if you DO NOT wish to have your comments made available to the proponent for informational purposes. ‘A Guide to the Process’ is enclosed for your information.

If you have any questions concerning the process or your involvement, please contact Joanne Sweeney at (709) 729-2822, toll free at 1-800-563-6181 or email at joannesweeney@gov.nl.ca.

Sincerely,

Bas Cleary
Director
Environmental Assessment Division

File Ref No. 211330215
Reg No. 1865
ENVIRONMENTAL ASSESSMENT

... A Guide to the Process
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Published under the Authority
of the Minister of
Environment and Climate Change,
Government of Newfoundland
and Labrador

SEPTEMBER 2016
ENVIRONMENTAL ASSESSMENT

A GUIDE TO THE PROCESS

INTRODUCTION

This booklet summarizes information on the environmental assessment (EA) process in Newfoundland and Labrador. It is not to be considered a final authority or legal document. For further information readers are advised to refer to the Environmental Protection Act, SNL 2002 cE-14.2 (the Act) and the Environmental Assessment Regulations, 2003 or contact the Department.

ENVIRONMENTAL PROTECTION ACT, 2002 AND ENVIRONMENTAL ASSESSMENT REGULATIONS

The Act and Regulations can be found at the Department of Environment and Climate Change web site at www.gov.nl.ca/env. Copies may be obtained from the Queen’s Printer, PO Box 8700, St. John’s NL A1B 4J6 or e-mail QueensPrinter@mail.gov.nl.ca

PURPOSE OF ENVIRONMENTAL ASSESSMENT

The purpose of the Act is “to facilitate the wise management of the natural resources of the province and to protect the environment and quality of life of the people of the province”. It requires anyone who plans a project that could have a significant impact on the natural, social or economic environment to present the project for examination. The EA process ensures that development projects proceed in an environmentally acceptable manner. When the potential environmental effects of projects are of concern, the EA process generates real benefits by: (i) providing for comprehensive project planning and design, (ii) maximizing environmental protection, (iii) enhancing government coordination, accountability and information exchange, (iv) facilitating permitting and regulatory approval of projects.

The Environmental Assessment Division of the Department of Environment and Climate Change administers the EA process including: (i) consulting at every stage with interested government departments and the public, (ii) evaluating submissions by proponents and reviewers, (iii) advising the Minister on potential environmental effects prior to decisions and (iv) monitoring approved undertakings to ensure compliance and effectiveness of mitigation.

FEES

Undertakings are subject to a fee structure in accordance with the current Cost Recovery Policy of the Department. The fee for registration is $400 plus HST (non-profit organizations are exempt). In addition, following registration, undertakings with an estimated capital cost
greater than $5 million are subject to a schedule of fees (available from the Department) to offset the Department’s cost of conducting the assessment. Make cheque or money order payable to the Newfoundland Exchequer.

OFFENCES

A proponent who proceeds with an undertaking without proper authorization or otherwise contravenes the Act may be ordered by the Minister to stop work and may be fined by the Courts. A person found guilty of an offence under the Act is liable to a fine of not less than $1,000 and not more than $50,000. For a corporation, fines range from $5,000 to $1,000,000.

ANNOUNCEMENTS AND INQUIRES

The Minister announces all events pertaining to environmental assessment in the Environmental Assessment Bulletin. Bulletins and project information can be viewed by going to the Department of Environment and Climate Change web page at www.gov.nl.ca/env and clicking on “Environmental Assessment”. The Department would be pleased to add the e-mail address of any interested person to the distribution list. Questions and comments about the environmental assessment process or about specific projects are welcome. Please direct inquiries to:

Director
Environmental Assessment Division
Department of Environment and Climate Change
PO Box 8700
St. John’s NL A1B 4J6

Telephone: (709) 729-2562
Toll free: 1-800-563-6181
Fax: (709) 729-5518
Web site: www.gov.nl.ca/env

WHEN THE ACT APPLIES

UNDERTAKINGS

A project that must be registered for environmental assessment is referred to as an undertaking. The terms “project” and “undertaking” are used interchangeably in this Guide. An undertaking is defined in the Act as “an enterprise, activity, project, structure, work or proposal and a modification, abandonment, demolition, decommissioning, rehabilitation and an extension of them that may, in the opinion of the Minister, have a significant environmental
effect”. A proponent may be a person, corporation or government department that owns, manages or controls a project.

Part III of the Environmental Assessment Regulations, 2003 lists designated undertakings that must be registered. Exceptions not requiring registration are also listed. An index to Part III of the Regulations is contained in Appendix 3 of this Guide, showing all types of undertakings and the section of the Regulations that applies to each. Undertakings are not solely large scale developments. Smaller projects may also trigger registration, such as scrap yards, quarries and ATV trails. Proposals involving resource conflicts, environmental degradation or public opposition, generally require registration. Notwithstanding Part III of the Regulations, if potentially significant environmental effects are indicated, the Minister may require registration of any proposed undertaking.

ENVIRONMENTAL ASSESSMENT PROCESS

STEP ONE: REGISTRATION AND REVIEW

An undertaking that is subject to the Act is required to be registered with the Department for examination. The registration describes the proposed project and outlines how it will effect the bio-physical and socio-economic environments. Proponents must demonstrate in the registration document how the best practicable technology and methods will be used to minimize harmful effects. The suggested registration format is shown in Appendix 1 of this guide.

The proponent must submit 10 paper copies and 1 digital copy of the registration document along with the appropriate fee. The Minister will announce in the EA Bulletin, within 7 days, the receipt of a registration. Copies of the registration are made available and members of the public have 35 days to submit written comments to the Minister. The registration is examined by all interested government departments. The EA Division coordinates the public and governmental review and prepares a recommendation for the Minister. Early registration of an undertaking may prevent costly delays and unnecessary expense.

STEP TWO: MINISTER’S DECISION

Within 45 days of receiving a registration, the Minister will advise the proponent of the decision on the undertaking. All decisions will be announced in the EA Bulletin within 10 days of notifying a proponent. There are four options for Ministerial decisions:

1. The undertaking may be released. The proponent may proceed as indicated in the registration, subject to any terms and conditions that the Minister may set, other Acts or regulations (federal, provincial or municipal). No permits, approvals or authorizations are to be issued or any associated physical activities are to proceed, until the project is released from the assessment process.
2. **An Environmental Preview Report (EPR) may be required.** An EPR is required when additional information is needed that is not contained in the registration. Upon receipt of the EPR the Minister may judge whether a project may be released or if an Environmental Impact Statement (EIS) is necessary.

3. **An Environmental Impact Statement (EIS) may be required.** The submission of an EIS is ordered where significant potential negative environmental effects are indicated or where there is significant public concern about a proposal. An EIS includes a comprehensive environmental review of a complete project description including alternatives, original research on the existing environment, identification and evaluation of potentially significant environmental effects, an evaluation of proposed mitigation measures to minimize harmful effects and monitoring programs.

4. **The undertaking may be rejected.** This may occur if an unacceptable environmental effect is indicated, the undertaking is not in the public interest, and/or if the undertaking is inconsistent with an existing law or government policy. A decision to reject would be made by Cabinet.

**STEP THREE: PREPARATION OF EPR/EIS GUIDELINES**

**Assessment Committee:** When an EPR or EIS is ordered, the Minister will appoint an Assessment Committee, in accordance with section 5 of the *Regulations*. Committees are comprised of technical experts from both provincial and federal government departments with an interest in a given project. The committee is chaired by a staff person from the Environmental Assessment Division. The basic roles of committees include: (i) recommending EPR and EIS guidelines for issuance by the Minister, (ii) reviewing and evaluating the EPR and EIS documents submitted by the proponent, (iii) reviewing public submissions, (iv) providing advice to the Minister. Proponents are guided by the Committee during the course of preparing the guidelines, the EPR and the EIS documents.

**EPR and EIS Guidelines:** Guidelines are based on comments received during the review of the registration and meetings with the proponent, government agencies and public groups. The Assessment Committee will consult with the proponent during the course of preparing Guidelines. Guidelines will focus on the main unanswered questions in determining the significance of environmental effects. EPR Guidelines are issued by the Minister to the proponent within 60 days of the EPR decision and then made available to the public. EIS Guidelines are issued within 120 days of the EIS decision and are subject to a 40 day public review prior to approval by the Minister.

**STEP FOUR: PROPOSENT PREPARATION OF EPR/EIS**

The Environmental Assessment Division will endeavour to facilitate the process for proponents at all stages.
Proponent prepares an Environmental Preview Report. An EPR will focus on the main unanswered questions in the registration, based on EPR Guidelines. EPRs typically rely on existing information and no original fieldwork is required.

Proponent prepares an Environmental Impact Statement. An EIS will focus on key issues relating to the effects of the project on both the bio-physical and socio-economic environments, based on EIS Guidelines. Original research is often required on the existing environment and anticipated effects. The EIS is required to contain information as outlined in Section 57 and 58 of the Act.

One or more component studies may be required in the preparation of an EIS, in accordance with the Regulations. This is typically done when data is needed on existing valuable ecosystem components (such as caribou, fish or rare plants), which may be significantly affected by the project. Component studies, although part of the EIS, are distinct documents with separate Guidelines, public review and approval.

In the course of gathering data for an EIS, the proponent is required to implement a public information program for the area affected by the undertaking. Through such a program, local residents will be fully informed of the nature of the project and its effects on the environment, and copies of all reports on original studies undertaken for the EIS will be made available. The concerns of the public must be recorded and addressed in the EIS.

STEP FIVE: EPR/EIS REVIEW AND DECISION

The EPR approval process is contained in section 54 of the Act and section 7 of the Regulations including receipt of the EPR, Ministerial announcement, public review and comment, EA Committee recommendation and Minister’s acceptance and decision.

The EIS approval process is defined in sections 57 to 67 of the Act and section 11 of the Regulations and includes the following steps: receipt of the EIS; Ministerial announcement; public review and comments; EA Committee recommendation and Minister’s acceptance; Ministerial recommendation to Cabinet; and Cabinet decision. If there is strong public interest or concern regarding an undertaking, the Minister may request Cabinet to appoint an environmental assessment board for the purpose of conducting public hearings.

Cabinet may reject any undertaking where (i) unacceptable impacts are identified, (ii) the undertaking is contrary to law or policy, (iii) it is in the public interest to do so.

FEDERAL ENVIRONMENTAL ASSESSMENT PROCESS:

Undertakings that are subject to the Act are also reviewed by the Federal government in accordance with the Canadian Environmental Assessment Act (CEAA) in an effort to informally harmonize the provincial and federal review process in an effective and timely manner.
The following series of questions will give proponents an idea of whether a federal authority is likely to require a federal environmental assessment of a project in Newfoundland and Labrador. These questions are for guidance purposes only and should in no way be a substitute for or replace the official version of the Canadian Environmental Assessment Act and Regulations.

If the answer to any of these 4 questions is "yes" a federal environmental assessment of the project would be required.

1: Is a federal authority proposing or implementing the project?

2: Are any federal authorities providing financial assistance to the project?

3: Are any federal authorities providing federal lands through a sale, lease or other disposal of an interest in federal land to enable the project to be carried out in whole or in part?

4: Will a federal authority have to exercise a regulatory duty in relation to the project, such as issuing a permit, licence or approval that is covered under the Law List Regulations? (The legal text of the Canadian Environmental Assessment Act and Regulations can be found on the Canadian Environmental Assessment Agency's web site www.ceaa-acee.gc.ca)

For further information on the federal environmental assessment process please contact:

Canadian Environmental Assessment Agency
1801 Hollis Street, Suite 200
Halifax NS B3J 3N4
Phone: (902) 426-6623
Fax: (902) 426-6550
email: http://www.ceaaacee.gc.ca
APPENDIX 1

REGISTRATION FORMAT

This format outlines the nature and sequence of the information required in an Environmental Assessment Registration. The proponent should reproduce the text of each section as it appears below, adding the required information. The information should be brief but comprehensive. The original (including attached large-scale maps) plus a minimum of 10 paper copies and 1 digital copy (including maps) should be submitted. See Appendix 2 for further information on the submission of computerized copies of documents.

NAME OF UNDERTAKING:

PROPOSENT:

(i) Name of Corporate Body:
(ii) Address:
(iii) Chief Executive Officer:
    Name:
    Official Title:
    Address:
    Telephone No:

(iv) Principal Contact Person for purposes of environmental assessment:
    Name:
    Official Title:
    Address:
    Telephone No:

THE UNDERTAKING:

(i) Name of the Undertaking:
(ii) Purpose/Rationale/Need for the Undertaking:

DESCRIPTION OF THE UNDERTAKING:

Under Sections (i), (ii), (iii) and (iv) below, the proponent shall provide complete information concerning the preferred choice of location, design, etc., together with additional information on any alternatives which may have been considered and rejected, but which may still be regarded as viable. Reasons for the rejection of those alternatives should be included.
(i) Geographical Location:
    - provide a description of the proposed site, including boundaries if possible.
- attach large scale (e.g. 1:12,500) original base map(s) and/or recent air photos clearly indicating the site location relative to existing communities and transportation facilities, and showing the proposed route of access. The National Topographic Survey edition should be affixed to the map(s).

(ii) Physical Features:

- describe the major physical features of the undertaking, including buildings, other large structures, roads, pipelines, transmission lines, marine facilities, etc.
- provide the size of the area to be affected by the undertaking.
- attach an artist's conceptual drawing, if available.
- describe the physical and biological environments within the area potentially affected by the project, e.g. topography, water bodies, vegetation, wildlife species, fish etc.

(iii) Construction (if applicable):

- provide the approximate total construction period (if staged, please list each stage and its approximate duration).
- proposed date of first physical construction related activity on site.
- describe the potential sources of pollutants during the construction period(s) including airborne emissions, liquid effluents and solid waste materials.
- describe any potential causes of resource conflicts.

(iv) Operation:

- describe how the undertaking will operate.
- estimated period of operation, if not a permanent facility.
- describe all potential sources of pollutants during the operating period, including airborne emissions, liquid effluents and solid waste materials.
- describe any potential causes of resource conflicts.

(v) Occupations:

- estimate the number of employees required for the construction and operation of the project as well as the expected duration of employment.
- provide an enumeration and breakdown of occupations anticipated for this undertaking according to the National Occupational Classification 2006 (http://www23.hrdc-drhc.gc.ca/2001/e/generic/welcome.shtml). This information is used to determine if any hazardous occupations are involved.
- identify what work will be carried out by direct hiring and/or contracting out.
- identify how employment equity will be addressed relative to age and gender.
- for further information on gender equity, contact the Women's Policy Office at 709-729-5009 or visit the website at www.gov.nl.ca/exec/wpo.
(vi) Project Related Documents:

- provide a bibliography of all project-related documents already generated by or for the proponent.
- provide one copy of any reports on environmental work already performed by or for the proponent.

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.)

SCHEDULE:

Indicate the earliest and latest dates when project construction could commence (assuming all approvals are in place). Briefly state the reasons for the selection of these dates.

FUNDING

If this project depends upon a grant or loan of capital funds from a government agency (federal, provincial or otherwise) provide the name and address of the department or agency from which funds have been requested.

To determine whether cost recovery is applicable in accordance with the Cost Recovery policy, provide an estimate of the capital costs of the project. Projects having capital costs in excess of $5 million will be subject to applicable cost recovery fees.

_________________________  ________________________________
Date                                      Signature of Chief Executive Officer

The completed Registration and the digital and paper copies should be sent, together with a covering letter, to:

Minister of Environment and Climate Change
PO Box 8700
St. John’s NL A1B 4J6
Attention: Director of Environmental Assessment
APPENDIX 2

GUIDELINES FOR PREPARING COMPUTERIZED COPIES
OF ENVIRONMENTAL ASSESSMENT DOCUMENTS

Section 3(1) of the Environmental Assessment Regulations authorizes the Minister to require submission of computerized documents. These guidelines are provided to assist proponents with the preparation of such documents.

- The proponent must ensure that all electronic documents are accurate, legible and formatted properly before submission.
- PDF format is preferred, but other format may be accepted.
- The content of the computer file(s) should be identical to the paper copy.
- If multiple files are required, each file should be labelled to reflect its order of appearance in the paper copy (e.g. Registration, Appendix 1 etc)
- For maps, choose a font size for labels and legends that is easily read on screen or in print.
- Present maps in horizontal format to facilitate reading on the screen.
- Label all maps, charts, graphs etc. horizontally.
- Hyperlink headings in Table of Contents (including lists of figures/tables etc) to body of document.
- Hyperlink from references in text to maps/appendices etc.
- Include a single file of the entire document and:
  o if there is a summary, include it as a separate file
  o where the entire document is a large file, divide it into smaller files
  o generally file size should not exceed 2-3 MB and no file should exceed 10 MB
  o avoid numerous small files; instead group them into 2-3 MB file size.
  o for CD ROMs, include instructions for using the CD.
## APPENDIX 3

**EA Regulations**

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Let's chat on Monday.

Bas

-----Original Message-----
From: Sweeney, Joanne
Sent: Friday, December 16, 2016 2:23 PM
To: Cleary, Bas
Subject: FW: Proposed Undertaking for Crown Zone 2

Bas,

Shall I forward the email below to Forestry Services Branch and request that they reply to the Port Blandford Councilor?

Joanne

-----Original Message-----
Sent: Friday, December 16, 2016 2:17 PM
To: Sweeney, Joanne
Subject: Proposed Undertaking for Crown Zone 2

Thanks for your help. Re our telephone conversation about the Proposed Undertaking for Crown Zone 2 Five Year Operating Plan 2017-2021. In reference to this notice of File Ref No. 2.1133.2015 Reg No. 1865.

Our Council is expressing their concern in regards to areas within this Zone which is available to the development of dwellings(cottages), private land owners, domestic and commercial cutting. I refer to page 94 of the Five Year Forestry Plan and ask for a continuance to refer to maps to present our concerns. I thought that we were to have a series of Public Consultations to present these matters and as far as I know we have not received any notification to that effect.

I trust that our Council will be notified so are able to address this situation.

Thanks again, Cyril

Cyril Bennett, Councillor
Port Blandford, NL
Hi Joanne,

Comments that we provided state that forestry activities cannot occur on private land without the permission form the land owner. Forestry also requires a permit from any town that has Development and Control Regulations, so technically a town can put in their own stipulations and deny them access to certain areas. Forestry is also subject to Municipal Zoning in which there are some areas where forestry activities are not permitted or a discretionary uses. Discretionary uses require advertising/notification by the town.

The Town of Port Blandford has a Municipal Plan and thus has control of Forestry activities that may be permitted within their planning area boundary. In their plan forestry uses are a discretionary use in the Residential Rural zone, but would need a permit from the Town.

The town is more than welcome to notify the Forestry office in Clarenville that a permit is required from the town for any forestry related activities within the Town’s planning area boundary.

Peter

Peter Hearn, MES
Manager of Resource Evaluation and Policy Integration
Land Management Division, Dept. of Municipal Affairs
Email: peterhearns@gov.nl.ca | Tel: (709) 729-3231

This email and any attached files are intended for the sole and exclusive use of the named primary and copied addressee(s) and may contain confidential and privileged information intended for those addressee(s) only. Any distribution, use or copying by any means of this information by any other person or party is strictly prohibited. If you have received this email in error and are not an intended addressee, please delete it immediately and notify the sender.

-----Original Message-----
From: Sweeney, Joanne
Sent: Monday, December 19, 2016 10:45 AM
To: Hearn, Peter
Subject: FW: Proposed Undertaking for Crown Zone 2

Hi Peter,

Would you take a look at the email below and let me know how these comments from the Town of Port Blandford relate to EA #1865 - FSB Zone 2 Five Yr Plan? In particular, the councilor is concerned that the proposed harvesting area includes land area that’s also available for dwelling and cottage development and some private land. I'm not sure how this plays out if the land the councilor is referring to is Crown land outside the municipal boundary? Crown land inside the municipal boundary? Please advise. Feel free to call me at 2822 to discuss.
Joanne

---Original Message---

Sent: Friday, December 16, 2016 2:17 PM
To: Sweeney, Joanne
Subject: Proposed Undertaking for Crown Zone 2

Thanks for your help. Re our telephone conversation about the Proposed Undertaking for Crown Zone 2 Five Year Operating Plan 2017-2021. In reference to this notice of File Ref No. 2.1133.2015 Reg No. 1865.

Our Council is expressing their concern in regards to areas within this Zone which is available to the development of dwellings(cottages), private land owners, domestic and commercial cutting. I refer to page 94 of the Five Year Forestry Plan and ask for a continuance to refer to maps to present our concerns. I thought that we were to have a series of Public Consultations to present these matters and as far as I know we have not received any notification to that effect.

I trust that our Council will be notified so are able to address this situation.

Thanks again, Cyril

Cyril Bennett, Councillor
Port Blandford, NL
Thanks for prompt attention to my email. I will bring this forward in the New Year to Council.

Thanks and have a Merry Christmas, Cyril

Cyril Bennett
Port Blandford, NL

> On Dec 19, 2016, at 12:00 PM, Sweeney, Joanne <joannesweeney@gov.nl.ca> wrote:
>
> Dear Mr. Bennett:
>
> I've consulted with the Land Management Division (Crown lands) of Municipal Affairs regarding the concerns you've brought forward on behalf of the Town of Port Blandford in relation to the Crown Five Year Operating Plan for Zone 2, proposed by Forest Services. Land Management advises that the Town of Port Blandford has a Municipal Plan and thus has control of Forestry activities that may be permitted within their planning area boundary. Depending on the municipal zoning, there are areas within a municipal plan where forestry activities are permitted, areas where forestry activities are permitted as a discretionary use, and areas where forestry activities are not permitted. Land Management informs that the Town of Port Blandford is more than welcome to notify the Forestry office in Clarenville that a permit is required from the town for any forestry related activities within the Town's planning area boundary.
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>
> I trust these comments address the concerns provided in your email below. Please advise me of any further concerns the Town may have with the proposed Zone 2 Five Year Development Plan project. The deadline for public comments is December 21, 2016.
>
> Regards,
>
> Joanne
>
> Joanne Sweeney
> Environmental Scientist
> Environmental Assessment Division
> Department of Environment and Climate Change PO Box 8700, St. John's
> NL A1B 4J6 Tel. (709) 729-2822; Fax (709)729-5518
Sent: Friday, December 16, 2016 2:17 PM  
To: Sweeney, Joanne  
Subject: Proposed Undertaking for Crown Zone 2  

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Thanks again, Cyril

Cyril Bennett, Councillor

Port Blandford, NL

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Watton, Eric

From: Sweeney, Joanne
Sent: Thursday, January 05, 2017 10:19 AM
To: Cleary, Bas
Subject: FW: Proposed Crown Five Year Operating Plan for Zone 2 Project
Attachments: RE: Proposed Undertaking for Crown Zone 2
Categories: Orange Category

Bas,

As an alternative to requesting Forestry Services Branch to meet with the Town of Port Blandford, as suggested in the email below, I can forward the attached email which was sent to the proponent on December 19, 2016, and inform that it is EA Division's position that the concerns brought forward by the Town of Port Blandford can be addressed by the Town's municipal planning regulations and by the Land Management Division. Your thoughts?

The minister's decision is due by Jan 31, 2017 and time is ticking away, so if we're going with the option below - to request that Forest Services meet with the Town, we need to notify FSB asap.

I can drop over if you wish to discuss.

Joanne

-----Original Message-----
From: Sweeney, Joanne
Sent: Tuesday, January 03, 2017 3:43 PM
To: Cleary, Bas
Subject: FW: Proposed Crown Five Year Operating Plan for Zone 2 Project

Bas,

Will I forward the email below to Forestry Services (FS) and request that hey meet with the Town of Port Blandford to address their concerns?

I forwarded a letter to Corey Wight (FS) and requested that they address the concerns brought forward. This was the only other public submission received. The deadline for public comments is January 6, 2017.

Joanne

-----Original Message-----
From: Bas Neelin
Sent: Tuesday, January 03, 2017 3:31 PM
To: Sweeney, Joanne
Subject: Re: Proposed Crown Five Year Operating Plan for Zone 2 Project
Happy New Year Joanne, a couple of us from council would like to meet with the departments involved so we can review maps and present our views as to just how big or small this area is considering the types of developments that are eligible. Is this possible and do we have to contact Forestry directly with regard to permits?

Thanks, Cyril

Cyril Bennett
Port Blandford, NL

> On Dec 22, 2016, at 10:11 AM, Sweeney, Joanne <joannesweeney@gov.nl.ca> wrote:
> 
> Dear Mr. Bennett:
> 
> Please be advised that the deadline for public comments related to the above-noted project has been extended to January 6, 2017 and the deadline for the minister’s decision has been extended to January 31, 2017. Public comments may be submitted to me, at joannesweeney@gov.nl.ca or to EAPrjectComments@gov.nl.ca.
> 
> Information on this project is available on the Department of Environment and Climate Change web site at the following link: http://www.env.gov.nl.ca/env/env_assessment/projects/Y2016/1865/index.html. The deadlines are expected to be updated within the next couple of days. If you have further questions regarding the environmental assessment process, please call me at 729-2822, or toll free at 1-800-563-6181, or reply to this email.
> 
> Regards,
> 
> Joanne
> 
> Joanne Sweeney
> Environmental Scientist
> Environmental Assessment Division
> Department of Environment and Climate Change PO Box 8700, St. John's
> NL A1B 4J6 Tel. (709) 729-2822; Fax (709)729-5518
> 
> ———Original Message———
> From: Sweeney, Joanne
> Sent: Monday, December 19, 2016 12:00 PM
> Subject: RE: Proposed Undertaking for Crown Zone 2
> 
> Dear Mr. Bennett:
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informs that the Town of Port Blandford is more than welcome to notify the Forestry office in Clarenville that a permit is required from the town for any forestry related activities within the Town’s planning area boundary.

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> I trust these comments address the concerns provided in your email below. Please advise me of any further concerns the Town may have with the proposed Zone 2 Five Year Development Plan project. The deadline for public comments is December 21, 2016.

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> Joanne

> Joanne Sweeney
> Environmental Scientist
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> NL A1B 4J6 Tel. (709) 729-2822; Fax (709)729-5518

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> I trust that our Council will be notified so are able to address this situation.

> Thanks again, Cyril

> Cyril Bennett, Councillor
> Port Blandford, NL

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Good Afternoon Corey:

Please see the email below and advise me as to whether or not representatives from FSB will meet contact Mr. Bennett and arrange a meeting with the Town of Port Blandford to address their concerns. Keep in mind we are working with a short time-frame to meet the deadline for the minister's decision of Jan 31/17.

Regards,
Joanne

Joanne Sweeney  
Environmental Scientist  
Environmental Assessment Division  
Department of Environment and Climate Change  
PO Box 8700, St. John's NL A1B 4J6  
Tel. (709) 729-2822; Fax (709) 729-5518

-----Original Message-----

Sent: Tuesday, January 03, 2017 3:31 PM  
To: Sweeney, Joanne  
Subject: Re: Proposed Crown Five Year Operating Plan for Zone 2 Project

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Thanks, Cyril

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> Department of Environment and Climate Change PO Box 8700, St. John’s
> NL A1B 4J6 Tel. (709) 729-2822; Fax (709)729-5518
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> ---Original Message-----
> From: Sweeney, Joanne
> Sent: Monday, December 19, 2016 12:00 PM
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> Subject: RE: Proposed Undertaking for Crown Zone 2
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>
> Port Blandford, NL

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Watton, Eric

From: Sweeney, Joanne
Sent: Monday, January 09, 2017 9:40 AM
To: Wight, Corey
Subject: RE: Proposed Crown Five Year Operating Plan for Zone 2 Project

Ok thanks.

Joanne

---Original Message-----
From: Wight, Corey
Sent: Monday, January 09, 2017 9:40 AM
To: Sweeney, Joanne
Subject: RE: Proposed Crown Five Year Operating Plan for Zone 2 Project

Tim Andrews

---Original Message-----
From: Sweeney, Joanne
Sent: Monday, January 09, 2017 9:39 AM
To: Wight, Corey
Subject: RE: Proposed Crown Five Year Operating Plan for Zone 2 Project

Thanks Corey. Who is the district manager for Zone 2?

Joanne

---Original Message-----
From: Wight, Corey
Sent: Monday, January 09, 2017 9:39 AM
To: Sweeney, Joanne
Subject: RE: Proposed Crown Five Year Operating Plan for Zone 2 Project

I forwarded this correspondence to the district manager and will let you know what comes from this.

Thanks

Corey

---Original Message-----
From: Sweeney, Joanne
Sent: Friday, January 06, 2017 4:41 PM
To: Wight, Corey
Subject: FW: Proposed Crown Five Year Operating Plan for Zone 2 Project

Good Afternoon Corey:

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Joanne Sweeney  
Environmental Scientist  
Environmental Assessment Division  
Department of Environment and Climate Change PO Box 8700, St. John's NL A1B 4J6 Tel. (709) 729-2822; Fax (709) 729-5518

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Thanks again, Cyril

Cyril Bennett, Councillor

Port Blandford, NL

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From: Sweeney, Joanne  
Sent: Monday, January 09, 2017 1:58 PM  
To: Wight, Corey  
Subject: RE: Proposed Crown Five Year Operating Plan for Zone 2 Project

Thanks Corey. Please provide me with a summary of discussions/outcomes from the meeting, to be included with the environmental assessment for Zone 2.

Joanne

Joanne Sweeney  
Environmental Scientist  
Environmental Assessment Division  
Department of Environment and Climate Change PO Box 8700, St. John’s NL A1B 4J6 Tel. (709) 729-2822; Fax (709) 729-5518

-----Original Message-----
From: Wight, Corey  
Sent: Monday, January 09, 2017 1:55 PM  
To: Sweeney, Joanne  
Subject: FW: Proposed Crown Five Year Operating Plan for Zone 2 Project

FYI

-----Original Message-----
From: Andrews, Tim  
Sent: Monday, January 09, 2017 1:54 PM  
To: Wight, Corey  
Cc: Sutton, Robert; Poole, Dave C  
Subject: RE: Proposed Crown Five Year Operating Plan for Zone 2 Project

Hi Corey

I just spoke with Cyril Bennett of Port Blandford. He, and some other council members will be meeting with us at district office sometime over next couple days. From phone discussion it seems like more of an issue of increasing amount of private lands vs subsequent decreasing domestic timber availability. We will update after the meeting.

Tim
From: Sweeney, Joanne
Sent: Thursday, January 12, 2017 12:57 PM
To: Cyril Bennett
Subject: RE: Proposed Crown Five Year Operating for Zone 2 Project

Thanks for your information Cyril and for availing of the environmental assessment process to address the Town's concerns with the project.

Regards,

Joanne

From: Cyril Bennett
Sent: January 12, 2017 9:30 AM
To: Sweeney, Joanne
Subject: Proposed Crown Five Year Operating for Zone 2 Project

Good morning Joanne, at our regular Council meeting last evening it was resolved that we accept the proposed plan. Myself and our Deputy Mayor met with Tim Andrews and Sean(Shawn) Avery in the Forestry office and had a great discussion.

Trust this is what you require, all the best, Cyril

Cyril Bennett
Port Blandford, 709-
Sent from my iPad
Joanne,

This should finalize the Town of Port Blandford piece I hope:

It my understanding from the email dated December 16, 2016, from Mr. Cyril Bennett of Port Blandford Town Council, that the council had three main concerns: Conflict with domestic harvest block and private land development, Uncontrolled Commercial Harvesting resulting in clearcutting being visible from the town, and the decreasing availability of timber for domestic cutters. Mr Cyril Bennett and Mr. Wilf Peddle met with staff at the district FFA office in Clarenville on January 11, 2017 to discuss these concerns.

**Conflict with domestic harvest block and private land development**

In recent years Port Blandford has undergone extensive development with regard to town expansion and cottage development. The town has requested that the timber surrounding recent developments be protected from domestic harvest and identified on domestic harvest maps. After discussion of the proposed domestic harvest map for 2017 - 2021, the councillors agreed that the map, and no-cut buffers identified, would protect the areas of concern.

**Uncontrolled Commercial Harvesting resulting in clearcutting being visible from the town:**

After discussion of the proposed commercial harvest maps for 2017-2021, the need to strategically harvest commercially viable forest to ensure sustainability of industry, and the FFA controls currently in place to ensure compliance to proposed harvest blocks, the councillors had a better understanding of the proposed operations. FFA once again committed to harvesting in a manner that would avoid negatively impacting the viewscape from Port Blandford.

**Decreasing availability of timber for domestic cutters**

The councillors requested that the domestic harvest block be expanded in size to compensate for the loss of domestic timber harvest area to private land development. District staff explained how that request was reviewed and could not be accommodated due to competing values such as private land development, commercial forest, and protected areas. They were also informed that our forest inventory indicates that the designated harvest block can sustain current demand for domestic timber.

Both Mr. Bennett and Mr. Peddle seemed satisfied with the proposals and agreed to support them at the next council meeting.

---

[s.40.1]

Involves the same operating area. Our district manager for the area is planning on try to meet early next week. I will provide details when I hear back from the manager.

Have a great weekend.

Corey
Good Afternoon Corey:

Please address the concerns of the community of Portland in relation to the proposed 5-year operating plan for Zone 2, as outlined in the attached petition.

The deadline for public comments on this project has now passed. The unresolved public issues for Zone 2 are those expressed by the residents of Portland and surrounding communities. Please provide me with information to indicate how these concerns will be addressed, to ensure the mitigations will be included in the environmental assessment of this project.

The Town of Port Blandford (Mr. Cyril Bennett) has advised EA Division that they have met with Forestry Officials and their concerns with this project have been resolved. EA Division needs a brief summary of the meeting from FSB outlining how the concerns have been addressed.

I'll be away from the office for the next couple of days, but please contact Bas Cleary, Director of Environmental Assessment at 729-0673, if you wish to discuss.

Regards,

Joanne
From: Sweeney, Joanne <joannesweeney@gov.nl.ca>
Sent: January 6, 2017 4:13 PM
Subject: RE: Petitions to stop clear cutting in zone 2II

I've received the attachments and the petition will be considered in the environmental assessment of this project.

Regards,

Joanne

Joanne Sweeney
Environmental Scientist
Environmental Assessment Division
Department of Environment and Climate Change
PO Box 8700, St. John’s NL A1B 4J6
Tel. (709) 729-2822; Fax (709)729-5518

---

Sent: Friday, January 06, 2017 3:49 PM
To: Sweeney, Joanne
Subject: Petitions to stop clear cutting in zone 2II

Hi Joanne.

I have attached scanning’s of the petitions I have had out to stop the clear cutting in zone 2. I didn’t know if I had to email them to you or give them to our Representative for the meeting, so I figured better off doing both just in case. Please let me know if you received the attachments and if I was suppose to send them to you.

Thanks in advance

---

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Mr. Bas Cleary
Director
Environmental Assessment Division
Department of Environment and Conservation
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Mr. Cleary:

The conservation, protection and management of the province's avifauna and its habitat is enabled both 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.

In order to ensure that forestry-related activities comply with the legislation and regulations protecting avifauna, the "Environmental Protection Guidelines for Ecologically Based Forest Resource Management" (the Guidelines) should be enhanced through the incorporation of best management practices using a risk management approach to reduce the potential incidental take of avifauna, an approach that is in alignment with a number of provinces across Canada, such as Ontario and British Columbia that have adopted best management practices related to avifauna and forest operating activities.

As such, the Forestry Branch of the Department of Fisheries, Forestry and Agrifoods has committed to completing a jurisdictional scan across Canada of best management practices in consultation with the Department of Environment and Climate Change – Wildlife Division and Environment and Climate Change Canada - Canadian Wildlife Service with a goal of adapting and adopting these practices for Newfoundland and Labrador forest operating activities. 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. This approach will reduce the risk of potential incidental take of avifauna while striving to minimize the cost impacts on forest operations.

The best management practices that are to be incorporated into the Guidelines will include mitigation measures that will:

- employ a risk management approach with temporal exclusion from high risk sites
- be employed according to risk (i.e. the lower the risk the less extensive the mitigation measures)
- implement the risk management tools in a phased manner, with short and long-term goals, that allows for a response in forest management planning and infrastructure deployment.

In collaboration with the forest industry sector of Newfoundland and Labrador, the Forestry Branch of the Department of Fisheries, Forestry and Agrifoods will commit to provide a plan for the development of Best Management Practices related to the protection of avifauna by April 30, 2017. The plan will be developed in consultation with the Wildlife Division of the Department of Environment and Climate Change and the Canadian Wildlife Service of Environment and Climate Change Canada.

Sincerely,

[Signature]

Stephen Balsom, RPF
Assistant Deputy Minister, Forestry

cc. Mr. Ivan Downton
    Mr. Blair Adams
    Mr. Rob Sutton
ADVICE TO: Honourable Perry Trimper, Minister
Environment and Climate Change

THROUGH: Colleen Janes, Deputy Minister
Martin Goebel, Assistant Deputy Minister
Bas Cleary, Director, Environmental Assessment Division

FROM: Eric Watton, M.Sc. (for Joanne Sweeney)
Environmental Scientist

DATE: February 2, 2017

SUBJECT: Crown 5-Year Operating Plan for Zone 2 (2017-2021)
- Reg. 1865

BACKGROUND

Proponent: Forest Service Branch, Dept. Fisheries, Forestry and Agrifoods

The proponent has submitted a proposal for a five-year Sustainable Forest Management Plan for Zone 2, encompassing Forest Management Districts 2 and 3. Zone 2 is located in eastern Newfoundland and extends from Long Harbour River, Northwest River and Terra Nova National Park in the west to Come-By-Chance in the east and includes all of the Bonavista Peninsula, Burin Peninsula and all of the islands of Placentia Bay. The plan describes timber harvesting operations, construction of access roads and silviculture activities. The undertaking is necessary to maintain and or expand the existing commercial industry and allow for domestic harvesting for home heating. The plan covers the period from January 1, 2017 to December 31, 2021.

- November 14, 2016 - The undertaking was registered.
- December 21, 2016 - Deadline for public comments.
- December 29, 2016 - The Minister's decision is due.

The Minister's decision was extended to January 31, 2017 to allow for the incorporation of avifauna considerations and commitments into province-wide forest management planning and operations. A commitment was received from the Forestry Services Branch (FSB) on January 27, 2017.

INTER-DEPARTMENTAL AND PUBLIC REVIEW

The interdepartmental and public review of this registration has been completed. The interdepartmental review will be presented followed by the public review.
Inter-departmental Review

The number of members of the Screening Committee is taken from all provincial and federal agencies including specific branches, divisions, offices, etc. Comments were received from 23 (of 32) of the members of the Environmental Screening Committee (departments, divisions, offices, etc.). The following is a summary of the responses received on the Opinion Request Forms (ORF) or comments without returning the ORF.

0  An EIS is recommended.
0  An EIS may be required and an EPR is recommended
26  The Undertaking may be released from EA.
0  Recommend Undertaking be rejected due to unacceptable effects.
0  No Comment (a part of a responding department but no specific comment)
5  No response
0  Undecided

As of January 31, 2017, the members of the Screening Committee who did not respond are:
- Health and Community Services
- Transportation and Works
- CEAA
- Health Canada
- Natural Resources Canada

Recommendations for further assessment
- None

Recommendations for rejection of the undertaking
- None

Public Review

Communities and organizations were notified and asked to provide comments on the project. A divisional letter was emailed to 11 communities (with no particular selection criteria) on the Avalon Peninsula with instructions on how to view the registration online and a request to submit comments within 35 days:
- Town of Terra Nova
- Town of Port Blandford
- Town of Port Rexton
- Town of Musgravetown
- Town of Lawn
- Town of Grand LePierre
- Town of Elliston
- Town of Fortune
- Town of Come By Chance
- Town of Clarencville
- Town of Bonavista
- Town of Marystown
- Town of Duntara
- Town of Terrenceville
- Town of Trinity
Correspondence received (letters and emails)

As of January 31, 2017 there were three responses from:
1. Mr. Cyril Bennett, Councilor, Town of Port Blandford, and
2. Lethbridge and Area Local Service District

Most communities are familiar with the forest management planning process and related public meetings.

1. The Town of Port Blandford submitted comments on December 16, 2016 stating

   ...concern in regards to areas within this Zone which is available to the development of dwellings(cottages), private land owners, domestic and commercial cutting. I refer to page 94 of the Five Year Forestry Plan and ask for a continuance to refer to maps to present our concerns. I thought that we were to have a series of Public Consultations to present these matters and as far as I know we have not received any notification to that effect. I trust that our Council will be notified so are able to address this situation.

   • EAD forwarded the comment to MA, Land Management Division. They responded on December 19, 2016 stating that “

   forestry activities cannot occur on private land without the permission form the land owner. Forestry also requires a permit from any town that has Development and Control Regulations, so technically a town can put in their own stipulations and deny them access to certain areas. Forestry is also subject to Municipal Zoning in which there are some areas where forestry activities are not permitted or a discretionary uses. Discretionary uses require advertising/notification by the town.

   The Town of Port Blandford has a Municipal Plan and thus has control of Forestry activities that may be permitted within their planning area boundary. In their plan forestry uses are a discretionary use in the Residential Rural zone, but would need a permit from the Town.

   The town is more than welcome to notify the Forestry office in Clarenville that a permit is required from the town for any forestry related activities within the Town’s planning area boundary.

   • EAD forwarded comments to FSB and FSB set up a meeting with the Town on January 11, 2017.

   • The Town responded on January 12, 2017 indicating that these concerns are addressed: “…at our regular Council meeting last evening it was resolved that we accept the proposed plan. Myself and our Deputy Mayor met with Tim Andrews and Sean(Shawn) Avery in the Forestry office and had a great discussion.”

   • FSB responded to EAD on January 13, 2017 stating:
It my understanding from the email dated December 16, 2016, from Mr. Cyril Bennett of Port Blandford Town Council, that the council had three main concerns: Conflict with domestic harvest block and private land development, Uncontrolled Commercial Harvesting resulting in clearcutting being visible from the town, and the decreasing availability of timber for domestic cutters. Mr Cyril Bennett and Mr. Wilf Peddle met with staff at the district FFA office in Clarenville on January 11, 2017 to discuss these concerns.

**Conflict with domestic harvest block and private land development**

In recent years Port Blandford has undergone extensive development with regard to town expansion and cottage development. The town has requested that the timber surrounding recent developments be protected from domestic harvest and identified on domestic harvest maps. After discussion of the proposed domestic harvest map for 2017-2021, the councillors agreed that the map, and no-cut buffers identified, would protect the areas of concern.

**Uncontrolled Commercial Harvesting resulting in clearcutting being visible from the town:**

After discussion of the proposed commercial harvest maps for 2017-2021, the need to strategically harvest commercially viable forest to ensure sustainability of industry, and the FFA controls currently in place to ensure compliance to proposed harvest blocks, the councillors had a better understanding of the proposed operations. FFA once again committed to harvesting in a manner that would avoid negatively impacting the viewscape from Port Blandford.

**Decreasing availability of timber for domestic cutters**

The councillors requested that the domestic harvest block be expanded in size to compensate for the loss of domestic timber harvest area to private land development. District staff explained how that request was reviewed and could not be accommodated due to competing values such as private land development, commercial forest, and protected areas. They were also informed that our forest inventory indicates that the designated harvest block can sustain current demand for domestic timber.

Both Mr. Bennett and Mr. Peddle seemed satisfied with the proposals and agreed to support them at the next council meeting.

- Concerns resolved.

2. The Lethbridge and Area Local Service District (Brooklyn, Charleston, Jamestown, Lethbridge, Morley Siding, Portland, Sweet Bay and Winterbrook) have stepped forward to represent the comments and [s.40.1]

The comments and the petition are discussed below.

-s.40.1-

a) [s.40.1] reviewed the registration and engaged the LSD of Portland.
- [s.40.1] requested an extension to the public comments date on December 21, 2016.
submitted comments on December 21, 2016 (attached) detailing concerns regarding:

• Commercial cutting block CC02043b
  
  • a proposed commercial cutting block in a popular area for recreational activities
  
  • FSB response states "Clearcutting has been selected as the preferred harvesting prescription for older timber in this area. This method increases the amount of fiber that can be obtained during operations, accelerates the reforestation timeline, and sustains the AAC for the district. After discussion with representatives of the Local Service District, the area of specific concern was identified. District Staff agreed to remove an area from CC02043B that basically protects a 100 m buffer on John Ash's Road between Domestic Cutting Area and Ryan's Pond. See attached map. Shapefile will be forwarded (email January 18, 2017).

• Bridge over Southeast Brook
  
  • the potential construction of a forest access road that would provide public access to private property
  
  • FSB response states that "FFA will review the access options for the harvest blocks, and where possible, minimize the road upgrades and associated traffic flow in area of specific concern. The representatives of the LSD were informed that FFA has no plans to utilize John Ash's Road for Commercial Operations and no plans to upgrade the ATV bridge at Ryan's Pond" (Email January 18, 2017).

• Agriculture in FMD2
  
  • that proposed biological and chemical herbicide and insecticide treatments for silviculture activities may impact apiary, noting that most honeybees forage within 6km of colonies. has specifically requested that Forestry Services Branch (FSB) provide the names of herbicides and insecticides that may potentially be used in Zone 2 during the 5yr period, and requests that FSB consult beekeepers with apiaries in Zone 2, well in advance of any herbicide/insecticide/pesticide application with a view to determining and implementing appropriate mitigation and monitoring measures.
  
  • FSB stated in an email on January 18, 2017 that "there are no plans to utilize herbicide, or any other pesticide, for forest management purposes in this area. FFA will also commit to consulting with [REDACTED] prior to any non-pesticide silviculture activities" (January 18, 2017).

• [REDACTED] content with the solutions to these matters (email February 1, 2017).

b) [REDACTED] submitted a comment on December 21, 2016. It reads:

Hello. [REDACTED] a resident of Portland. We just found out about the clear cutting planned for zone 2. I just wanted to say that we citizens of Portland disagree with this big time. We use that area for many recreational uses. There are walking trails, ATV/Ski-Doo trails, spots that people go for boil ups. Zone 2 (Ryan's pond)
there snow shoeing and skating and swimming and so does a lot of people not only from Portland. With the clear cutting come big equipment and lots of traffic which makes is dangerous for other citizens that go in there as well. This will cause worries and stress for us people. I would like to ask for an extension on the time as we want to put a petition in place where we just found out today about it.

- A petition (attached) entitled Stop the clear cut in Portland and surrounding communities (no date) was submitted to FSB containing 60 signatures from the local area.
- The comment and the petition was sent to FSB for consideration and response.
- FSB response states “Clearcutting has been selected as the preferred harvesting prescription for older timber in this area. This method increases the amount of fiber that can be obtained during operations, accelerates the reforestation timeline, and sustains the AAC for the district. After discussion with representatives of the Local Service District, the area of specific concern was identified. District Staff agreed to remove an area from CC002043B that basically protects a 100 m buffer on John Ash’s Road between Domestic Cutting Area and Ryan’s Pond. See attached map. Shapefile will be forwarded” (email January 18, 2017).
- As of January 31, 2017, [REDACTED] has not indicated that this mitigation is satisfactory or non-satisfactory.

In a letter dated January 24, 2017 the Lethbridge and Area LSD indicated that these issues were discussed with the FSB staff at the Clarenville District Office and “that any further concerns from area residents would be addressed through the Lethbridge and Area Local Service District.”

An Environmental Assessment (EA) News Bulletin was published on the Government of Newfoundland and Labrador’s web site and Department’s web site November 16, 2016, advising the public of plans for this undertaking and asking for comments to be submitted within 35 days (by December 21, 2016). The registration document describing the proposed undertaking was also posted. A notification was also sent to subscribers of the EA News Bulletin (includes environmental groups, media, government agencies, municipal organizations and interested members of the public).

PERMITTING ADVICE AND COMMENTS TO PROponent

The following is a summary of all advice provided by the Screening Committee. The original unedited comments, edited Comments for the Proponent and appendices are attached.

Environment and Conservation

Pollution Prevention Division: The ORF was received. They recommend release of the project from further EA. They provided requirements and advice related to the Environmental Protection Act and an additional comment on the use of pesticides. A Certificate-of-Approval from the PPD for construction and/or operation is not required.

Water Resources Management Division: The ORF was received. They recommend release from further EA. They provided regulatory requirements for work in bodies of water
(including wetlands) and inside Protected Public Water Supply Areas. They also advise that there has not been a consideration given to water quantity/quality or climate monitoring stations that are operated jointly by the federal/provincial government in the specified areas (a table of stations are in the comments). Contact information for permits and concerns related to water quantity/quality or climate monitoring stations are included in the comments and the attached letter. They indicated that permits would not be issued for forestry activities in the Protected Public Water Supply areas:

- Baine Harbour–Baine Harbour Pond PPWSA
- Bay L’Argent–Sugarloaf Hill Pond PPWSA
- Burin–Gripe Cove Pond PPWSA
- Elliston–Big Pond PPWSA
- Garnish–Witchazel Pond PPWSA
- George’s Brook–Milton–Lilly Pond PPWSA
- Grand Le Pierre–Nip Nose Pond PPWSA
- Hickman’s Harbour–Robinson Bight–Big Loss Pound Pond PPWSA
- Keels–Boland’s Pond PPWSA
- Little St. Lawrence–Butler’s Brook PPWSA
- Lower Lance Cove–Big Long Pond PPWSA
- Port Blandford–Noseworthy’s Pond PPWSA
- Random Sound West–Reservoir PPWSA

**Wildlife Division:** The ORF was received. They recommend release from further EA. They remind the proponent that the Forest Management Protection Guidelines apply to all operating areas. In addition to the mitigation commitments outlined in Table 9 (page 65) as per registration document, the Wildlife Division has identified a further harvesting block that requires mitigative measures:

- Domestic harvest blocks CC02502 (Come By Chance) are within the Come By Chance Stewardship Zone. The Town of Come By Chance is to be contacted to discuss harvesting within their Stewardship Zone.

**Parks and Natural Areas Division (PNAD):** The ORF was received. They recommend release from further EA. Advises that the public must be consulted on the Forestry Services Branch (FSB) proposal to use the T’Railway to transport timber and heavy equipment/logging trucks in that provincial park, which is used by thousands of all-terrain vehicle users and snowmobilers annually. PNAD requests that FSB provide confirmation that the proposal to utilize the T’Railway was discussed at public meetings. Requests that in all future public meetings and other venues of consultation, FSB specifically highlight to the public their proposal to use the T’Railway Provincial Park for the purposes of forestry activity. Informs that a Temporary Vehicle Access (TVA) permit is required for the use of a motorized vehicle on the T’Railway, other than an ATV or snowmobile. PNAD further informs that a Construction and Use (C&U) permit is required if access to any sites requires disturbing the state of the T’Railway (e.g., constructing/abutting a road/driveway, installing a culvert, or upgrading/maintaining existing access points along the T’Railway). They advise that permits issued to domestic timber harvesters by FSB should inform that no cutting is permitted in the Fortune Head Ecological Reserve and Lockston Path Provincial Park.

**Climate Change Branch:** The ORF was received. They recommend release from further EA. They provided general advice regarding climate change, advice to maximize fuel efficiency and a reminder that the Forestry and Agrifoods Agency has a lead role in the
2011 Climate Change Action Plan to explore the potential for changes in forest management practices to increase the carbon storage potential.

Executive Council

Women's Policy Office (WPO): The ORF was not received. They did submit a comment. WPO does not have any comments concerning this EA as employment opportunities are very low.

Service NL

Government Service Centre Central: The ORF was received. They recommended release of the project from further EA. They provided guidance regarding waste, gasoline and associated products.

Occupational Health and Safety Division: The ORF was received. They recommended release of the project from further EA. They provided advice relating to the Occupational Health and Safety Act and its Regulations.

Labrador and Aboriginal Affairs

Labrador Affairs Branch: The ORF was not received. Their comment indicated that they do not have any comments.

Aboriginal Affairs Branch (AA): The ORF was received. They recommend release of the project from further EA. Their comment indicated that they do not have any comments.

Advanced Education and Skills

Skills and Labour Market Research Division: The ORF was received. They recommend release of the project from further EA. They have no regulatory or additional information requirements.

Municipal and Intergovernmental Affairs: The ORF was received. They recommended release from EA. Comments:

Land Management/Crown Lands: indicated that the proponent should contact Crown Lands for up-to-date title information and that Crown Land Applications will be processed in some of the operating areas. “Lands proposed for harvesting in this Five Year Plan include some areas of private land. The Land Management Division of the Department of Municipal Affairs is satisfied with the Mitigations presented in the registration document.”

Land Use Planning: Provided a listing of all the municipalities that forestry activities are proposed within their planning boundaries and indicated that municipal development permits will be needed in order to operate within these municipal areas.

Fisheries, Forestry and Agrifoods: The ORF was received. They recommend release from EA. Comments:

Fisheries Branch: No issues.
Aquaculture Branch: No issues.
Forestry Services Branch: No issues.
Agriculture Branch: No issues.

Department of Natural Resources: The ORF was received. They recommend release from EA.

Mines Branch: They provided comment on overlaps with several mineral leases and permits. They also provided advice on quarry materials for access road construction. Informs that a number of overlaps have been identified between proposed silviculture areas and areas covered by a quarry permit, as well as an overlap with an area subject to an ongoing advanced mineral exploration program.

- Provides four maps (attached to the Unedited and Edited Comments) identifying areas which should be excluded from silviculture activities, including the following areas:
  1) an area southwest of Thorburn Lake corresponding to portions of CC02013 which overlap with the main area of gold mineralization so far discovered on the Big Easy gold project;
  2) an area northwest of Musgravetown, north of Northwest Pond corresponding to a portion of CC02034 which shares a small overlap with an area covered by a quarry permit upon which no production has been reported to date;
  3) an area east of Lethbridge located immediately south of the highway corresponding to a portion of CC02036 which overlaps with an established quarry site covered by a pair of quarry permits; two areas east of Winter Brook, one, an established quarrying overlapping with the northwestern tip of CC02044 (object id 1652), the other, an area covered by a quarry permit upon which no production has been reported to date bordering the northern edge of the same silviculture area;
  4) two areas east of Winter Brook, one, an established quarrying overlapping with the northwestern tip of CC02044 (object id 1652), the other, an area covered by a quarry permit upon which no production has been reported to date bordering the northern edge of the same silviculture area.

- Recommends the following for established quarry sites that overlap or border a planned silviculture area:
  1) silviculture treatments should not be carried out within 100 m of the edge of a quarry site to allow quarry sites room for expansion, except where quarry permit or lease boundaries were agreed upon in advance with Forestry in order to avoid specific areas;
  2) before silviculture treatment begins in the general vicinity of an overlap, Forestry should contact the Mines Branch for a re-evaluation of the extent of the overlap;
  3) should there be a proposal to expand a quarry site into a silviculture treated area, the Mines Branch and Forestry should work closely to determine whether quarry expansion should be allowed to proceed provided that compensation is paid by the proponent for the loss of the silviculture.

- Identifies areas where proposed forestry activities overlap or border quarry permits held by Labrador-Island Link Corp., and advises Forestry to contact the company (or Nalcor) in order to ensure that quarrying and silviculture do not conflict in these areas.
• Requests that Forestry Services re-consider the recommended practice on page 79 of the registration document that “parties carrying out mineral exploration should make every attempt to extract timber harvested as part of exploration and development. If timber cannot be feasibly extracted using conventional means then timber shall be piled so that it may be extracted during winter months by snowmobiles.” Mines Branch notes that often the timber stacked by exploration companies is not harvested but rather remains untouched. In addition, the Mines Branch, for the past several years, has been advising mineral exploration companies to use any timber they may have to cut for the purposes of corduroy over soft ground (to prevent rutting) and site rehabilitation (e.g. scattering over disturbed sites, especially those having lost their original organic cover), to minimize the environmental impact of mineral exploration.

• Requests that, towards the end of harvesting and silviculture activities, all road/bridge rehabilitation and decommissioning plans are provided to Mines Branch for review to determine whether mineral exploration, quarrying or mining activities may be affected.

• Provides additional permitting information relative to the Quarry Materials Act, 1998.

Energy Branch: It is recommended that the proponent consult with Newfoundland Power and NL Hydro regarding potential land use conflict as the proposal does not indicate whether any such consultation has occurred to date.

Strategic Planning and Policy Coordination, Natural Resources: SPPC offers no comment related to the proposed undertaking.

Transportation and Works: The ORF was not received. No comment.

Health and Community Services: The ORF was not received. No comment.

Business, Tourism, Culture and Rural Development:

Avalon Regional Office: The ORF was received. They recommend release from EA. Comment: No issues.

Provincial Archaeology Office: The ORF was received. They recommend release of the project from further EA. No additional comment.

Tourism and Culture Branch: The ORF was received. They recommend release of the project from further EA. Their comment indicates

• Informs that the Bonavista Peninsula is one of the most frequently traveled and well-developed tourist destinations in the Province. This area has been heavily promoted by NL Tourism and has seen significant strategic public and private investment for decades. Natural resources, such as viewscapes, trails, and scenic travel routes are valuable assets that drive visitor demand and are fundamental to the industry’s ability to continue to grow visitation and spending.

• Recommends that developments that would impact scenic settings near touring corridors and developed trails be managed to minimize the negative visual viewscapes that arise from forestry developments. The touring corridors in this area are Route 230, which extends from Clarenville to Bonavista and Route 235 along
Bonavista Bay. Mitigation measures should be put in place that preserve the visitor experience and viewscapes along touring routes and developed trails. It is recommended that forest harvesting along the Trans-Canada Highway, Route 230 and Route 235 not be visible and landscape design techniques and viewed management are utilized to design harvest blocks that minimize the negative visual effects of clear cuts. Mitigation measures beyond the 100 meter buffer may need to be put in place to preserve visitor experience and viewscapes. A list of proposed cut blocks that may be visible along these touring routes will be provided to the proponent in the Comments to the Proponent.

- Advises that the area proposed in the Zone 2 Forest Management Plan is occupied by two outfitting businesses. Forest harvesting and new access could be detrimental to these businesses. The Forest District Plan for Zone 2 should ensure the harvest will not negatively impact the region’s big game carrying capacity for the outfitting sector.

- Recommends that consultations take place with potentially affected outfitters and mitigation measures, to be implemented by Forest Services Branch, are agreed upon between Forestry officials and operators. It is recommended that forest harvesting not occur in this area from September 15- November 15. The Outfitter’s contact information will be provided to the proponent with the Edited Screening Agency Comments, when/if the project is released from environmental assessment.

**Canadian Environmental Assessment Agency (CEAA):** The ORF was not received. No comment.

**Health Canada (HC):** The ORF was not received. No comment.

**Natural Resources Canada (NRCAN):** The ORF was not received. No comment.

**Transport Canada (TC):** The ORF was received. They recommend release of the project from further EA. TC provided advice on new works or modifying or repairing existing works.

**Fisheries and Oceans Canada (DFO):** The ORF was received. They recommended release from EA. DFO has determined that an environmental assessment based upon the habitat provisions of the *Fisheries Act* is not required. They provided advice to the proponent regarding work in or near water and the option to self-assess and determine if their project requires a review by the DFO.

**Environment and Climate Change Canada (ECCC):** The ORF was received. They recommended release from EA. ECCC provided comments regarding the regulatory requirements under the *Fisheries Act*, *Migratory Bird Convention Act* and the *Canadian Environmental Protection Act*. They provided guidance regarding vegetation clearing, beneficial management practices for forestry activities, stockpiles, revegetation, invasive species, light attraction and migratory birds, Species at Risk, wetlands, and fuel leaks. Recommendations were also provided for erosion and drainage control, management of hazardous materials and waste, and the use of chemicals. They also provided two additional documents: *Birds and Oil - CWS Response Plan Guidance (Appendix 3)* and *BANK SWALLOWS in Pits & Quarries Guidance for Aggregate Producers (Appendix 4)*.
COMMENTS TO THE PROPOSENT

The attached unedited comments from the agencies were edited so as to include pertinent information and advice to guide the proponent. These edited comments or Comments to the Proponent and appendices (also attached) will be sent to the proponent upon release of the undertaking.

DISCUSSION

Public Comments

The public comments are addressed above.

Migratory Birds and Forestry Activities

The FSB currently operate using the 2015 Environmental Protection Guidelines for Forestry Operations in Newfoundland and Labrador (Appendix 5).

Forestry operations (road construction, harvesting, silviculture, etc.) in many Forest Management Districts in the province occur during migratory breeding, nesting and brood rearing seasons for many species (generally mid-April to mid-August). Province-wide, these operations clear or modify thousands of forested and, to a much lesser degree, non-forested hectares each year. For many commercial operators and contractors, this season represents much of their opportunity to do this work. Other than domestic cutting, the nature of the work involves clear cutting and removing vegetation and soil (roads and landings) that utilizes powered equipment from chain saws to large heavy equipment such as mechanical harvesters and forwarders. This equipment generates loud noise and causes various levels of disturbance on the landscape. Other activities such as scarification and thinning may also disrupt migratory bird activities and/or destroy nests.

A species of bird may use different parts of the six main forest types (vertically from the forest floor to upper canopy and horizontally from barren/wetland into mature/over mature stands) for foraging, feeding, breeding, nesting and brood rearing (e.g. Yellow Warbler). With many species of birds using various parts of forested and non-forested land, it is reasonable to state that all parts of the forest is utilized by one or more species during the breeding period (identified by ECCC-CWS to generally occur between April 15th and August 15th).

Migratory Birds are protected under the Migratory Bird Convention Act (MBCA). ECCC recommends that “to avoid the risk of nest destruction, the proponent should avoid vegetation clearing and field burning during the most critical period of the migratory bird breeding season” (between April 15th and August 15th). However, some species protected under the MBCA do nest outside of this time period. The Wildlife Division did not specifically comment on migratory birds for this registration; however, their position is similar to ECCC.

The 2015 Environmental Protection Guidelines for Forestry Operations in Newfoundland and Labrador does not adequately address migratory birds and the required habitat. Section 1.2.4 on Page 9 is entitled Leaving Buffers and Wildlife Trees and states
1. A 20-metre, no harvesting activity buffer zone shall be established around all water bodies that are identified on the latest 1:50,000 topographic maps and along streams greater than 1.0 metre in width that do not appear on the maps. Where the slope is greater than 30% there shall be a no-harvest buffer of 20 m + (1.5 x % slope). All equipment or machinery is prohibited from entering waterbodies; thus, structures must be created to cross over such waterbodies for the protection of aquatic habitat. Every reasonable effort will be made to identify intermittent streams and they will be subject to this buffer requirement.

The District Manager must adjust the specified buffer requirements in the following circumstances:

(i) the no harvesting activity buffer can exceed the 20 meters for sensitive fish habitat (e.g., salmonid spawning habitat).

(ii) a 50-metre, no harvesting activity buffer will be maintained around known black bear denning sites (winter) or those encountered during harvesting. These den sites must be reported to the Wildlife Division.

(iii) no forestry activity is to occur within 800 metres of an active bald eagle nest or osprey nest during the nesting season (March 15 to July 31) and 200 metres during the remainder of the year. For other raptor species like hawks, falcons, and owls) no forestry activity is to occur within 160 metres of a known nest at any time of the year. The location of any raptor nest site must be reported to the Wildlife Division.

(iv) all hardwoods within 30 metres of an active beaver lodge are to be left standing.

(v) a minimum 50-metre, no-cut, buffer will be maintained from the high water mark in Sensitive Wildlife Areas for waterfowl including breeding, moulting and staging areas. These sites will be identified by the Canadian Wildlife Service (CWS) and/or the Wildlife Division.

2. A minimum average of 10 snags (i.e., standing dead trees) or other suitable living trees per hectare shall be left individually or as small clumps on sites identified as habitat for wildlife (i.e., nesting and perching sites for birds, den sites for particular wildlife species, etc.). Preference should be given to the largest trees (i.e., standing dead trees or live hardwoods). Research has shown that larger diameter snags are more valuable (last longer and contribute more to the biomass pool) than smaller diameter snags. Consequently, the trees retained should be ones which are from the dominant or co-dominant portion of the stand and be left in a fairly evenly distributed manner.

Even though this section does provide buffers for water bodies (including some riparian habitat), sensitive fish habitat, bear denning sites, bald eagle nests, beavers, waterfowl, and provides for snags for birds species that utilize them, it does not address migratory bird breeding, nesting and brood rearing in target forest stands (and surrounding areas).
From personal experience (Conservation Officer and conducting song bird surveys) it is impossible to detect every nest and bird prior to or during harvesting operations, especially with the use of mechanical harvesters. Even the most experienced specialized ornithologist may miss nests and birds higher up in the canopy, in shrub or on the forest floor. Birds that nest in regen, in shrubs or on the forest floor may also be impacted by silviculture operations such as scarifying, thinning and prescribed burning. Experienced harvesters and silviculture workers may or may not have training to detect or recognize birds in their area. Harvesting is about selecting, cutting, piling and transporting pulpwood, sawlogs and fuelwood as efficiently as possible to maximize profit. The forest and some surrounding ecotones and other habitats may be impacted from falling trees and ground disturbance. This can impact many species that use different parts of the ecosystem from the ground to the upper canopy for foraging, nesting and brood rearing. A falling tree through the canopy to the forest floor or operating heavy equipment is indiscriminate.

To avoid vegetation clearing during the breeding season would effectively shut down forestry operations from April 15th to August 15th.

To minimize impacts to migratory bird populations throughout the province and maintain a forest industry presents a unique challenge. To address this challenge, the Department of Environment and Climate Change (Wildlife Division) and Environment and Climate Change Canada (Canadian Wildlife Service) have been engaged to assist the FSB in developing a path forward to reduce the impact of forestry activities on migratory birds.

Discussions between the FSB, Wildlife Division and the Canadian Wildlife Service resulted in the following recommended condition:

- **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 long-term goals.**

**Agency Comments and Concerns**

All responding agencies recommended release from EA and most provided general comments to specific advice and recommendations.

**Water Resources Management Division (WRMD) Comments**

13 Protected Public Water Supply Areas were identified where permits will not be issued for forestry operations. The FSB will be made aware of these areas through the *Comments to the Proponent* and the appendices. As in other forest management plans, the FSB will very likely work with WRMD in these areas. The WRMD also provided listings of domestic blocks, commercial blocks and road segments (Appendices 1-3) where permits will be required. The water quantity/quality or climate monitoring stations that are operated jointly by the federal/provincial government are included in the *Comments to the Proponent* and referenced in the attached letter.

**Pollution Prevention Division (PPD) Comments**
They advise that if the use of a pesticide(s) is required (e.g. for the control of insects, rodents, flies, weeds, vegetation), the Pesticides Control Section of the Department of Environment and Climate Change must be notified at (709) 729-2565. The FSB will be required to obtain a Pesticide Operator Licence or hire a licensed Pest Control Operator. The FSB as stated that “there are no plans to utilize herbicide, or any other pesticide, for forest management purposes in this area” (email January 18, 2017). There is no need to include this in the attached letter as the FSB will not be using pesticides.

**Wildlife Division Comments**

They advised that “In addition to the mitigation commitments outlined in Table 9 (page 65) as per registration document, the Wildlife Division has identified further harvesting blocks that require mitigative measures:

- Domestic harvest blocks **CC02502 (Come By Chance)** are within the Come By Chance Stewardship Zone. The Town of Come By Chance is to be contacted to discuss harvesting within their Stewardship Zone.

This is included in the Comments to the Proponent and in the attached letter. This process is also standard practice as outlined in Section 1.2.4 of the 2015 *Environmental Protection Guidelines for Forestry Operations in Newfoundland and Labrador* which states (v) a minimum 50-metre, no-cut, buffer will be maintained from the high water mark in Sensitive Wildlife Areas for waterfowl including breeding, molting and staging areas. These sites will be identified by the Canadian Wildlife Service (CWS) and/or the Wildlife Division.” As a reminder to the FSB, it is also mentioned in the attached letter.

**Tourism and Culture Branch Comments**

Tourism and Culture has recommended:

- Zone 2, Forest Management Plan, Five year Operating Plan references no dialogue with affected outfitters in District 2 and 3. Forest harvesting and new access could be detrimental to these businesses. It is recommended that consultations take place with outfitters in attached document and mitigation measures are put in place between Forestry officials and operators.

- Cut blocks **CC02009c, CC02009b, CC02009a** will negatively affect Mr. Dean Crocker owner of Beaulieu’s Caribou Hunts (2005) Limited. The new forest access road in CC02009c will further open the area to resident hunting and severely negatively affect his business. The Forest District Plan for Zone 2 should ensure the harvest will not negatively impact the region’s big game carrying capacity for the outfitting sector. Forest harvesting and new access on the identified cut blocks will be detrimental to this business. It is recommended that consultations continue to take place with Mr. Crocker and mitigation measures agreed upon. It is recommended that forest harvesting not occur in this area from September 15- November 15.
  - The registration makes reference to consultations and working relationships with local outfitters such as Mr. Dean Crocker who owns Beaulieu’s Caribou Hunts 2005 Limited (pp.96 and 99).
- Mitigation measures should be put in place that preserves the visitor experience and viewscapes along touring routes, including highway and trail buffers as well as viewshed management. It is recommended that forest harvesting along the Trans
Canada Highway, Route 230 and Route 235 not be visible and it is recommended that landscape design techniques are utilized to design harvest blocks that minimize the negative visual effects of clear cuts. The Forest Management Plan for Zone 2 should indicate how highway viewscape will be managed to minimize harvest visibility.

- The FSB state in the registration that the “Forest Service, where operationally feasible, will implement strategies to provide a balance between forest harvesting and the non-timber values identified by Tourism. At a minimum, the Forest Service will maintain 100 m no cut buffer along all highways” (p.99).

This is understood to be applied to all commercial and domestic blocks identified by Tourism and Culture. This is referenced in the attached letter.

Land Use Planning Comments

These comments refer to multiple municipalities where forest harvest blocks overlap municipal planning areas. A list of these areas is included in the Comments to the Proponent and is mentioned in the attached letter.

Natural Resources, Mines and Energy Branches

- The Mines Branch has identified a number of overlaps between proposed silviculture areas and areas covered by a quarry permit at or near Thorburn Lake, Musgravetown, Lethbridge and Winter Brook, as well as an overlap with an area subject to an ongoing advanced mineral exploration program. They recommend that these areas be excluded from the cut blocks.

- The operating plan, in relation to mineral exploration, states (p. 79) that parties carrying out mineral exploration should “Make every attempt to extract timber harvested as part of exploration and development. If timber cannot be feasibly extracted using conventional means then timber shall be piled so that it may be extracted during winter months by snowmobiles.” Many mineral exploration companies, having abided by this principle in the past, have stated that often the timber they have stacked is not harvested but rather remains untouched. In addition, the Mines Branch, for the past several years, has been advising mineral exploration companies to use any timber they may have to cut for the purposes of corduroy over soft ground (to prevent rutting) and site rehabilitation (e.g. scattering over disturbed sites, especially those having lost their original organic cover), and the Mines Branch is presently finalizing a draft set of ‘Environmental Requirements and Recommendations for Mineral Exploration’ which will encode practices such as these which minimize the environmental impact of mineral exploration. For these reasons, and in light of the referral process described below, the Mines Branch requests that the Forestry Services Branch reconsider the above statement. All applications for ‘exploration approval’ for exploration programs beyond basic prospecting and low-impact sampling are referred to the Forestry Services Branch (among other government agencies) and Forestry should continue to use these opportunities to communicate any project-specific concerns or requirements. Project-specific concerns and requirements are addressed in the conditions under which the exploration work is approved.
These comments are included in the Comments to the Proponent.

EAD sent these comments to the FSB. The FSB stated that they “are hesitant on changing the wording of this since we are mandated to ensure best use when it comes to timber. As indicated The Mines Branch adds that any project-specific concerns and requirements can be addressed in the mineral exploration application/referral process. In this application I suggest that they mention that they would like to use timber for the aforementioned purposes and our District managers can review on a case by case basis. In most instances I don’t think many would have any concerns with this” (email December 22, 2016)

The Mines Branch responded stating that they “disagree with [FSB] proposal, however this issue is not a live one and the status quo is fine. As long as our comments are conveyed in their feedback table that will be fine for now” (email December 22, 2016).

This matter will be handled in the permitting process. A reference to the Mines Branch comments is included in the attached letter.

- The Energy Branch indicate that the proposed operating Zone 2 covers a vast area of land which overlaps number of existing transmission and distribution lines belonging to Newfoundland Power (NP) and Newfoundland and Labrador Hydro (NL Hydro), and two new lines under construction (i.e. Labrador Island Link Transmission Link and TL 267 from Bay D’Espoir to Chapel Arm). It is recommended that the proponent consult with NP and NL Hydro regarding potential land use conflict as the proposal does not indicate whether any such consultation has occurred to date.

The FSB states that it “will consult with Newfoundland Power prior to conducting any harvesting operations inside a powerline easement” and that “District 02 FSB staff met with Ken Sparkes (Lower Churchill Project – NALCOR) on May 4, 2016 at FSB district office, to review plans. No concerns with proposed plans for 2017 to 2021. Ongoing communication will occur while clearing/cutting operations are ongoing” (p.97).

The other comments from the agencies referred to various permits needed under their respective legislation.

Public Comments and Concerns

The three public comments are addressed above.

APPENDICES

Appendix 1 – WRMD PWSA and Domestic Blocks
Appendix 2 – WRMD PWSA and Commercial Blocks
Appendix 3 – WRMD PWSA and Roads
Appendix 4 – Mines Branch Recommended Exclusion Areas
Appendix 5 – Birds and Oil - CWS Response Plan Guidance
Appendix 6 – BANK SWALLOWs in Pits & Quarries Guidance for Aggregate Producers
Appendix 7 - 2015 Environmental Protection Guidelines for Forestry Operations in Newfoundland and Labrador
RECOMMENDATION

It is recommended that the undertaking be released from environmental assessment with the following specific 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.

A draft letter to this effect is attached for your consideration.

Eric Watton, M.Sc.
Environmental Scientist
Appendix 1
WRMD PWSA and Domestic Blocks
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Appendix 4
Mines Branch Recommended Exclusion Areas
Mines Branch response EA 1866 (Zone 2, 2017-2021)

Map 1 of 4

Location: southwest of Throbsburn Lake (CC BY 3.0)

Recommend excluding the area outlined in red from agriculture planning due to overlap with an area subject to an advanced minerals exploration program.
Mines Branch response EA 1866 (Zone 2, 2017-2021)

Map 2 of 4

Location: northwest of Muiravox, north of Northwest Pond (C092014)

Recommend excluding the area outlined in red from silviculture planning due to overlap with an area covered by a quarry permit.
Mines Branch response EA 1865 (Zone 2, 2017-2021)
Map 3 of 4

Location: east of Lathom (CC BY 3.0)

Recommend avoiding the area outlined in red from adit routing planning due to overlap with an established quarry site covered by a pair of quarry permits.
Mines Branch response EA 1866 (Zone 2, 2017-2021)

Map 1 of 2

Infill
Location: west of Winter Brook (NGR: 004)

Recommend excluding the areas outlined in red from silviculture planning due to overlap with areas covered by quarry permit, the western one of which contains an established quarry site.
Appendix 5

*Birds and Oil - CWS Response Plan Guidance*
Birds and Oil - CWS Response Plan Guidance

In all circumstances where a polluter is identified the burden of cleanup and response lies with the polluter. However, responsibility for government overview of a response to an oil spill depends on the source of the spill. The identified lead agency has responsibility to monitor an oil spill response and to take control if an appropriate response is not undertaken by a polluter or their agent.

Lead agency responsibilities lie with:
- **Environment Canada**
  - For spills and incidents on federal lands and from federal vessels
  - Potentially for land-based incidents in waters frequented by fish
  - May take lead if environment is not being protected by other leads, Cabinet Directive 1973
- **Canadian Coast Guard**
  - For spills from ships
  - All spills of unknown sources in marine environment
- **Provincial Department of Environment**
  - For spills from land-based sources
- **Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)**
  - For spills related to offshore oil and gas exploration and production
- **Transport Canada**
  - To investigate ship source and mystery spills in the marine environment

The Canadian Wildlife Service has the responsibility for licensing activities which involve the handling or disturbance of birds, and of providing advice and often direction to other agencies, responders and the polluter during oil spill incidents.

1. **Hazing**

*Purpose:* Prevent birds from coming in contact with oil

*Options:*
- Hazing by helicopter
- Hazing by FRC or other watercraft
- Release of scare devices (e.g. Breco Buoys, Phoenix Wailer)
- Use of hazing sound makers: propane cannons, whizzers, banglers, pyrotechnic devices etc.

Scare devices have a limited range of influence and likely are not a viable option with a large slick. Use of Breco Buoys and Phoenix Wailers can be used but we consider them to be largely ineffective in the situation of a large slick. Logistically, helicopter hazing would be difficult unless it was possible for a helicopter to remain on a platform offshore overnight. Hazing by FRC or other vessels would be ideal.

---

1 There are several scare techniques which may be effective and do not require a permit, however a permit under the Migratory Bird Regulations is required for the use of aircraft or firearms (defined as capable of emitting at projectile at more than 495 feet per second). Propane cannons, blank pistols or pyrotechnical pistols firing crackers shells with less than 495 fps are legal without a permit. Most scare tactics are relatively short lived in terms of effectiveness as birds acclimatize to the disturbance so scare techniques should be alternated to be effective.
Short-term focused hazing by the most expedient means should be attempted to move the birds away from the slick, if logistical conditions permit. Vessels at the site should have the ability to use sound makers (propane canons, pyrotechnic devices) to disperse birds in local areas. Such equipment should be deployed immediately to these ships with trained personnel to operate them. The vessels on site should be tasked to actively search and monitor for congregations of birds which could be vulnerable to oiling. If such groups are found then attempts should be made to disperse the birds away from the oil.

2. Disperse oil

*Purpose:* Prevent birds from contacting oil by getting oil off the surface of the water as soon as possible.

*Options:*
- Dispersants
- Mechanical dispersal with FRCs or other vessels
- Natural dispersal by environmental conditions

For small spills, mechanical dispersal would be the preferred method.

3. Bird Collection\(^2\)

*Purpose:* Implement a humane response to oiled birds as required by Environment Canada's National Policy on Oiled Birds and Oiled Species At Risk (http://www.ec.gc.ca/ee-ue/default.asp?lang=En&n=A4DD63E4-1)

*Options:*
- The only option would be a ship-based effort to detect and collect dead and live oiled birds, both within the slick and adjacent to it.

All vessels in or near the slick should understand the need to collect birds. All vessels should have dip-nets, large plastic collecting bags to hold dead birds, and cloth bags or cardboard boxes in which to hold live oiled birds. Efforts should be made to retrieve live oiled birds to ensure they are dealt with humanely.

4. Wildlife monitoring

*Purpose:* Determine potential impact of spill

*Options:*
- Ship-based surveys for oiled and unoiled wildlife
- Aerial surveys for oiled and unoiled wildlife. Will require structured surveys (e.g., strip transect surveys of spill area)
- Placement of CWS staff on vessels and aircraft

\(^2\) Only those individuals authorized to do so (nominee on an existing federal salvage permit) can be involved with the collection of migratory birds.
Dedicated ship-based bird surveys should be initiated immediately. Ideally arrangements should be made to have a CWS observer on vessels or flights. In addition trained seabird observers need to be placed on all vessels monitoring a slick. This should continue until the slick is dispersed.

5. Beached Bird Surveys

*Purpose:* Determine impact of spill on wildlife and retrieve any live oiled wildlife on beaches.

*Options:*
- Conduct daily beached bird surveys during the incident and until one week after slick has been removed or dissipated.

CWS or other government officials (CCG, Enforcement Officers) will oversee the collection of dead and live oiled birds as instructed in CWS’ protocol for collecting birds during an oil spill response. This would only be required in circumstances where a large number of birds are potentially oiled or if the spill occurs in a sensitive area.

6. Drift Blocks

*Purpose:* Drift blocks may be deployed in slick to provide an estimate of bird mortality.

*Options:*
- Release from vessel
- Release from aircraft

The deployment of drift blocks would only be expected if there was a large spill and blocks should be released as soon as possible after a spill (CWS should be consulted to determine protocol for drift block deployment and tracking). The polluter or their agent would be expected to ensure drift blocks are tracked and collected as appropriate.

7. Live oiled bird response

*Purpose:* Implement a humane response to oiled birds as required by Environment Canada’s National Policy On Oiled Birds And Oiled Species At Risk

*Options:*
- Rehabilitation
- Euthanization

CWS will be consulted to determine the appropriate response and treatment strategies which may include cleaning and rehabilitation or euthanization. CWS policy specifically requires that species at risk or other species of concern be rehabilitated.

---

3 Only those individuals authorized to do so (nominee on an existing federal salvage permit) can be involved with the collection of migratory birds.
Appendix 6
BANK SWALLOWS in Pits & Quarries Guidance for Aggregate Producers
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Appendix 7
2015 Environmental Protection Guidelines for Forestry Operations in Newfoundland and Labrador
DEPARTMENT OF NATURAL RESOURCES
FORESTRY SERVICES BRANCH
2015 ENVIRONMENTAL PROTECTION GUIDELINES
FOR FORESTRY OPERATIONS IN NEWFOUNDLAND AND LABRADOR
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FORWORD

The 2015 Environmental Protection Guidelines for Forestry Operations in Newfoundland and Labrador is an updated version of the guidelines prepared in 1998 and has been developed through a consultative process with provincial Forest Managers and Planners, as well as other resource managers and stakeholders in the province. The Guidelines are intended to be stand level, on-the-ground guidelines to be used by Forest Managers and operators to ensure sustainable use of the forest resource without degrading the environment. More specifically, the Guidelines are designed to prevent and control degradation of soil, water, and vegetation and thus maintain healthy forest ecosystems.

The Guidelines set out sound and practical measures and are rooted in the best available scientific information. To ensure the incorporation of new research findings and technologies, the Guidelines will be reviewed periodically and adjusted to reflect any new ideas.

To facilitate use, the Guidelines are structured by forestry activity and include separate sections on harvesting, road construction, silviculture, forest protection, and operations within protected water supply areas. Each of these sections is sub-divided into a Planning section and a Conduct of Operations section and each list all the guidelines relevant to carrying out this activity.

These Guidelines will accompany Corner Brook Pulp and Paper’s annual Certificate of Managed Land and will also be associated with the issuance of commercial cutting permits. Compliance with these guidelines will be monitored by Departmental staff.

These Environmental Protection Guidelines will complement the Newfoundland and Labrador Forest Service Planning Guidelines. Broader, landscape level issues will be addressed in the Department’s new 20 Year Sustainable Forest Management Strategy. The recent revisions to the environmental protection guidelines, planning guidelines and provincial strategy will ensure that forestry activities in the province are carried out in an ecologically sound and sustainable manner.

The Department of Natural Resources (DNR) will continue to use science as a basis for refining and implementing sustainable forest policies and practices in the province. In particular, the development of these Environmental Protection Guidelines will continue to be an evolving process within which DNR will incorporate the best available information about forest ecosystems and sustainable forest management concepts in a timely fashion - through adaptive management and other innovative, scientific approaches.
1.0 HARVESTING GUIDELINES

1.1 Planning of Operations

1.1.1 Permits Required

1. When temporary water crossings are required to facilitate travel of harvesting equipment, the location and type of all water crossings must be submitted to the Department of Environment and Conservation (DEC). A permit is required from Water Resources Management Division of DEC, for any water identified on the latest 1:50,000 topographic maps. Appropriate protection (permit and Letter of Advice) is still required for streams greater than 1.0 m in width (at its narrowest point from the high water mark) not found on the 1:50,000 topographic maps. The intent of these measures is to safeguard water quality and fish habitat.

2. All waste disposal sites require a valid permit under the Environmental Protection Act. Application for approval can be made by contacting the nearest Government Services Centre.

3. Timber harvesting is considered a development under the Urban and Rural Planning Act and, when this activity is proposed within a planning area boundary or within 400 meters of a protected road, a development permit is required from Service NL, before any activity takes place.

1.1.2 Consultation Required

1. The Parks and Natural Areas Division (PNAD) of Department of Environment and Conservation will be consulted during the preparation of each District five-year operating plan. Where harvesting is proposed within one kilometer of an ecological reserve, wilderness reserve, provincial park or proposed reserve, PNAD will be expected to identify/discuss any concerns during the planning consultation process. Also, access roads will not be located within 500 m of the boundary of an ecological reserve, wilderness reserve, provincial park or proposed reserve, without first consulting PNAD.

2. The Wildlife Division (WD) of Department of Environment and Conservation will be consulted on timber harvesting within woodland caribou habitat during the preparation of each District five-year operating plan.

3. Rare and/or listed flora will be protected through mitigative measures, in consultation with the Wildlife Division (WD) of Department of Environment and Conservation.

4. Where specific forest cover is a requirement for the management of moose or other wildlife species, such areas will be identified by the Wildlife Division.
5. The impacts of forest operations on Newfoundland marten (hereafter referred to as marten) have been an ongoing issue. Until provincial guidelines are developed for marten habitat, forestry activities within known marten recovery areas will require consultation with the Wildlife Division, during the preparation of five-year operating plans.

6. During the preparation of five-year operating plans, areas identified as “Sensitive Wildlife Areas” require consultation with the Wildlife Division.

7. The Historic Resources Division will be contacted during the preparation of the five-year operating plans to determine the location of historic resources and appropriate mitigation measures.

1.1.3 Planning

Planning forest operations for both Industry and Crown may include, but is not limited to:

(i) boundaries of protected public water supplies (if applicable)
(ii) existing and proposed access roads
(iii) general location of extraction trails and landing locations
(iv) areas sensitive to erosion
(v) buffer zones around water bodies
(vi) location of approved stream crossings
(vii) location of fuel storage
(viii) sensitive wildlife areas as shown in the five-year operating plan.
(ix) sensitive fish habitat (e.g., salmonid spawning and rearing areas) identified in consultation with DFO.

1.1.4 Nutrient Poor Sites

If deemed necessary to harvest nutrient poor sites (e.g., those typed as Poor or Scrub on the Provincial Forest Inventory forest type maps), all efforts will be made to ensure such sites are regenerated in a timely manner.
1.2 Conduct of Operations

1.2.1 Minimizing Erosion and Disturbance

1. When extraction trails and winter roads are to be constructed, soil disturbance and impacts on water bodies are to be minimized. The operator will use culverts and/or temporary bridges, depending on site conditions, in order to minimize erosion and sedimentation, avoid restricting stream-flow, and ensure fish passage in fish-bearing streams. Erosion control measures (e.g., laying down brush mats and the construction of diversion ditches for water run-off) are to be maintained while an extraction trail is in use. The trail is to be left in an environmentally acceptable condition thereafter. All temporary crossings are to be removed at the end of the operating season. As well, when an extraction trail is located on steep ground and is no longer in use, cut-off ditches and push-lanes must be created.

2. No more than 6% of the forested floor within the harvested land base of an operating area can be disturbed by equipment. In situations where specific operating areas require more than 6% disturbance to capture available timber, the operator is required to obtain approval and then rehabilitate (i.e., leave the area in a condition suitable for successful forest regeneration and growth) the area to reduce the total net disturbance to the 6% maximum. Disturbance is defined as per the Ground Disturbance Survey Guidelines developed by the NL Forest Service.

3. Heavy equipment and machinery are not permitted in any waterbody, on a wetland or a bog (unless frozen) without a permit from Water Resources Management Division the Department of Environment and Conservation and without contacting the DFO Area Habitat Biologist.

4. In areas prone to erosion and silting:
   (i) conduct winter logging (i.e., harvest during winter), or
   (ii) place slash on extraction trails if conventional equipment is operating in an area.

5. Any forestry operation that directly or indirectly results in chronic sedimentation under normal conditions entering a waterbody must be dealt with immediately by notifying DFO's Area Habitat Biologist and/or the District Manager within 24 hours.

6. Woody material of any kind (trees, slash, sawdust, slabs, etc.) is not permitted to enter a waterbody. Depositing woody material on ice within the high water floodplain of any waterbody is also prohibited.

7. To minimize potential for erosion and sedimentation, temporary waterbody crossings shall:
   (i) have stable approaches
Newfoundland
Labrador

(ii) be at right angles, wherever possible, to the waterbody
(iii) be located where channels are well defined, unobstructed, and straight
(iv) be at a narrow point along the waterbody
(v) allow room for direct gentle approaches wherever possible

8. Extraction trails and landings shall not be established within 20 metres of a waterbody.

1.2.2 Archaeological Find

When an archaeological site or artifact is found, the Historical Resources Act requires that all development temporarily cease in the area and the discovery be reported to the Provincial Archaeology Office (709-729-2462). The Provincial Archaeology Office will respond immediately and will have assessment requirements and/or mitigation measures in place within seven days as agreed to by the Provincial Archaeology Office and the operator. Forestry activity can then continue.

1.2.3 Timing of Operations

1. Harvesting is not permitted within woodland caribou calving and post-calving areas from May 15 - July 31. Calving areas will be identified by WD during the 5 year planning process.

2. Harvest scheduling may be modified during the migration of wildlife (e.g., caribou, waterfowl) and during temporary wildlife concentrations. Areas of concern and mitigation measures will be identify as part of the 5 year planning process.

1.2.4 Leaving Buffers and Wildlife Trees

1. A 20-metre, no harvesting activity buffer zone shall be established around all water bodies that are identified on the latest 1:50,000 topographic maps and along streams greater than 1.0 metre in width that do not appear on the maps. Where the slope is greater than 30% there shall be a no-harvest buffer of 20 m + (1.5 x % slope). All equipment or machinery is prohibited from entering waterbodies; thus, structures must be created to cross over such waterbodies for the protection of aquatic habitat. Every reasonable effort will be made to identify intermittent streams and they will be subject to this buffer requirement.
The District Manager must adjust the specified buffer requirements in the following circumstances:

(i) the no harvesting activity buffer can exceed the 20 meters for sensitive fish habitat (e.g., salmonid spawning habitat).

(ii) a 50-metre, no harvesting activity buffer will be maintained around known black bear denning sites (winter) or those encountered during harvesting. These den sites must be reported to the Wildlife Division.

(iii) no forestry activity is to occur within 800 metres of an active bald eagle nest or osprey nest during the nesting season (March 15 to July 31) and 200 metres during the remainder of the year. For other raptor species, like hawks, falcons, and owls) no forestry activity is to occur within 160 metres of a known nest at any time of the year. The location of any raptor nest site must be reported to the Wildlife Division.

(iv) all hardwoods within 30 metres of an active beaver lodge are to be left standing.

(v) a minimum 50-metre, no-cut, buffer will be maintained from the high water mark in Sensitive Wildlife Areas for waterfowl including breeding, moulting and staging areas. These sites will be identified by the Canadian Wildlife Service (CWS) and/or the Wildlife Division.

2. A minimum average of 10 snags (i.e., standing dead trees) or other suitable living trees per hectare shall be left individually or as small clumps on sites identified as habitat for wildlife (i.e., nesting and perching sites for birds, den sites for particular wildlife species, etc.). Preference should be given to the largest trees (i.e., standing dead trees or live hardwoods). Research has shown that larger diameter snags are more valuable (last longer and contribute more to the biomass pool) than smaller diameter snags. Consequently, the trees retained should be ones which are from the dominant or co-dominate portion of the stand and be left in a fairly evenly distributed manner.

1.2.5 Petroleum Products

1. In the event of a spill and/or leak of petroleum products, the owner and/or the operator must make every effort to first, contain, and second, clean up the spill. Spills in excess of 70 liters, and all leaks must be reported by calling the following spill report line:

   Environmental Emergencies Spill Report Line
   Canadian Coast Guard
   1-(709) 772 – 2083 collect or 1-(800) 563-9089

In this province, spills and leaks must be remediated in accordance with the Guidance Document for the Management of Impacted Sites prepared by Pollution Prevention Division of DEC. (see Appendix I)
2. No heavy equipment or machinery is to be refueled, serviced, or washed within 30 metres of a waterbody. Gasoline or lubricant depots must be placed at least 100 metres from the nearest waterbody. All fuel-storage tanks (including GEEP tanks) must be registered with Service NL and installed in accordance with the Storage and Handling of Gasoline and Associated Products Regulations, 2003 as amended, under the Environmental Protection Act.

3. Used oil storage, handling and disposal is to comply with the Used Oil Control Regulations, NLR, 82/02 under the Environmental Protection Act.

4. Above ground storage tanks shall be surrounded by a dyke. The dyked area will contain not less than 110% of the capacity of the tank. The base and walls of the dyke shall have an impermeable lining of clay, concrete, solid masonry or other material, designed, constructed and maintained to be liquid tight to a permeability of 25L/m²/d. There shall be a method to eliminate water accumulations inside the dyke. Construction and installation standards are clearly listed in section 27 of the Storage and Handling of Gasoline and Associated Products Regulations, 2003 as amended, under the Environmental Protection Act.

5. Contaminated soil or snow must be disposed of at an approved treatment facility.

1.2.6 Clean Up of Site

Waste material is to be disposed of at an approved waste disposal site with the prior permission of the owner/operator. Prior to disposal it must be contained in a manner not to attract wildlife. All equipment and waste materials are to be removed from the operating area when operations are completed.

2.0 FOREST ACCESS ROADS GUIDELINES

2.1 Planning of Roads

2.1.1 Permits Required

1. Any alteration within 15 metres of a natural waterbody (i.e. any water identified on the latest 1:50,000 topographic map) or development within a protected public water supply area, will require prior approval by the Water Resources Management Division of the DEC. (For alteration of a waterbody, a permit is required under Section 48 of the Water Resources Act, SNL 2002 cW-4.01. For any development in a protected public water supply area a permit is required under Section 39(6) of the Water Resources Act, SNL 2002 cW-4.01.) Alteration of a waterbody may include culvert installations, stream crossings (temporary or permanent), outfalls, infilling; or bridge, dam, and wharf construction. A Letter of Advice is also required from DFO for any alterations. Appropriate protection (permit and Letter of Advice) is still required for streams greater than 1.0 m in width not found on the 1:50,000 topographic map.
2. In addition to approvals from Water Resources Management Division and DFO, approvals are also required for culverts, bridges and abutments on navigable waters (any waterbody capable of being navigated by floating vessels of any description for the purpose of transportation, commerce or recreation. This includes both inland and coastal waters) from Transport Canada.

3. Resource road construction or any forestry activity is considered a development under the Urban and Rural Planning Act. Where this activity occurs within a planning area boundary or within 400 metres of a protected road, a development permit is required from Service NL before any activity takes place.

2.1.2 Areas to Avoid

Forest access roads, borrow pits, and quarries shall, wherever possible:
   (i) deltas, floodplains or fluvial wetlands
   (ii) terrain with high potential for erosion
   (iii) known sensitive wildlife areas such as:
       - caribou areas (calving, post calving, migrations routes, rutting areas, and winter areas)
       - waterfowl areas (nesting and staging areas)
       - raptor nest sites
       - species at risk habitat, rare flora or fauna habitat, and other unique habitats as determined by qualified authorities
   (iv) known sensitive fish habitat areas such as spawning and rearing grounds
   (v) historically significant areas such as archaeological sites
   (vi) existing reserves such as parks (municipal, provincial, national), wilderness areas, ecological reserves and wildlife reserves
   (vii) riparian buffer areas

2.1.3 Waterbody Crossings

Waterbody crossings shall:
   (i) have stable approaches
   (ii) be at right angles, wherever possible, to the waterbody
   (iii) be located where channels are well defined, unobstructed, and straight
   (iv) be at a narrow point along the waterbody
   (v) allow room for direct gentle approaches wherever possible
2.1.4 Burrow Pits and Quarries

With respect to borrow pits and quarries, the operator shall wherever possible, avoid:
(i) minimize the number of new borrow areas opened for construction and/or maintenance
(ii) use existing borrow pits whenever practical
(iii) be in possession of a valid quarry permit from the Mineral Lands Division, DNR, for borrow pits outside resources roads right of way, prior to aggregate extraction activities as per the Quarry Materials Act.
(iv) not locate borrow pits and quarries in sensitive areas as identified by planning processes

2.1.5 Wildlife Values

1. Wherever possible, forest access roads shall not obstruct wildlife movement. The following guidelines should be followed:
   (i) roads should be of low profile (less than 1 m above the surrounding terrain)
   (ii) slash and other debris shall be removed or buried
   (iii) the slope of ditches and road banks shall be minimized

2. Where road construction is to occur around identified waterfowl breeding, moulting and staging areas, mitigating measures will be identified during the 5 year planning process.

2.1.6 Road Access

1. Areas proposed for harvest using winter roads shall not be harvested without an approved reforestation plan.

2. A regeneration survey is required for all forest areas that will be affected by access due to road decommissioning and/or bridge/stream crossing removals. Prior to decommissioning, an approved (i.e. by Silviculture and Research Section of the Forest ecosystem Management Division) reforestation plan is required for all areas that fail to meet the provincial silviculture stocking standards.
2.1.7 Decommissioning Roads

On a site specific basis, roads may be decommissioned. Levels of decommissioning include:

(i) barring access
(ii) removal of watercourse crossing(s)
(iii) restoration of roadway including planting of trees.

Decommissioning is as decided through the planning team process or, under compelling circumstances, as decided by DNR (e.g., emergency closures).

2.2 Construction and Decommissioning of Roads

2.2.1 Road Construction

1. There shall be no bulldozing or burying of merchantable timber or poor utilization of merchantable softwoods and hardwoods during cutting of road right-of-ways. All merchantable timber shall be utilized and processed.

2. Where brush mat or corduroy is required, sub-merchantable or non-merchantable stems should be used first. In the event that these are not present or sufficient, permission must be obtained from a DNR official prior to merchantable stems being utilized. Stems are to be placed in a “butt to top” alternating fashion for the entire length of the area to be brush matted.

3. Earth shall be excavated as required to complete earth cuts, ditching, sub-excavation and shall include hauling, handling and disposal as directed. Only with the approval of the Engineer or Inspector may excavation occur outside the limits of the roadway for the purpose of obtaining suitable and/or sufficient material to complete embankments. All holes/pits are to be rehabilitated.

4. Fill materials for road building must not be obtained from any waterbody, from within the floodplain of any waterbody, or within the 30m no-grub zone.
2.2.2 Pits and Quarry Activity

1. Where borrow pit or quarry activity is likely to cause sediment-laden run-off to contaminate a waterbody, sediment control measures such as filter fabric berms or sedimentation ponds are to be installed. Contact is to be made with the DNR official prior to construction where such conditions exist.

2. Overburden or grubbed material pushed off any gravel pit site must be retained in a manner that allows it to be pushed back into the pit after construction and spread in a neat and tidy fashion.

3. Existing pits are to be used, where possible, to minimize the opening of new pits.

4. Borrow pits are to be located at least 50 metres from the nearest waterbody.

2.2.3 Working near Waterbodies and In-stream Work

1. A "no-grub" zone of 30 metres of undisturbed ground vegetation must be maintained around any waterbody crossing to minimize the damage to the lower vegetation and organic cover, thus reducing erosion potential.

2. Trees are to be felled away from all waterbodies. Slash and debris should be piled above the high water mark so that it cannot enter waterbodies during periods of peak flow.

3. Right-of-way widths at waterbody crossings should be kept to a minimum, preferably to the width of the driving surface plus water control features.

4. Unnecessary side casting or backfilling in the vicinity of waterbodies is not permitted. Where topographical constraints dictate that the roadbed must be constructed adjacent to a waterbody, road slope stabilization is to be undertaken at the toe of the fill (an area where active erosion is likely). The placement of large riprap, armour stone or slope stabilization material is recommended in such areas.

5. Take-off ditching should be used on both sides of the road or in conjunction with culverts to divert the ditch flow off into the woods or stable vegetation areas before reaching the waterbody. The ditch itself shall not lead directly into the waterbody.

6. Grades in excess of 10% shall have culverts with baffle/ditch blocks on one end and cut-off ditches every 150 meters along the road. A baffle/ditch block can be constructed from gabion baskets, wooden structures, rock walls, or other approved materials. Unless otherwise specified, the height of the baffle shall be a minimum of one-half the diameter of the culvert requiring the baffle.
7. When working near waterbodies, road building operations causing erosion or siltation are to be suspended during periods of intense rainfall or when soils are saturated.

8. Any forestry operation that directly or indirectly results in sediment and/or turbid water entering a waterbody must be dealt with immediately. See Guideline 1.2.2.5 for further information.

9. Fording of equipment for stream crossing installation is to be kept to a minimum. Equipment activity in water crossing areas is to be kept to a minimum. All work is to be carried out from dry stable areas. Permission for exceptions must be obtained from DFO.

10. Heavy equipment and machinery are not permitted in any waterbody, on a wetland or a bog (unless frozen) without a permit from the DEC and without contacting the DFO Area Habitat Biologist.

11. Exposed mineral soil shall be stabilized during bridge construction and culvert installation.

12. All in-stream work is to be performed as per the DFO March 1998 “Guidelines for Protection of Freshwater Fish Habitat in NL.” Marine Environment and Habitat Management Division Science Branch.

13. Cofferdams are to be used to separate work areas from the stream when installing bridges or similar structures requiring abutments, or footings.

14. Water pumped from work areas and coffer dams is to be directed into a settling pond or stable vegetation areas.

15. Not more than one-third of the stream width is to be blocked at any one time.

16. The stream banks are to be rehabilitated upon completion and removal of a coffer dam.

17. All culvert in fish bearing streams are to be installed as per the DFO March 1998 “Guidelines for Protection of Freshwater Fish Habitat in NL.” Marine Environment and Habitat Management Division Science Branch.
18. In fish-bearing streams;
   (i) culverts having a diameter equal to or exceeding 2000mm should be
countersunk a minimum of 15% of the diameter below the streambed
elevation,
   (ii) a minimum water depth of 200mm should be provided throughout the culvert
length. To maintain this water depth at low flow periods an
entrance/downstream pool should be constructed,
   (iii) downstream outlet pools are of particular importance for long culverts or
culverts to be installed on steep slopes.

19. In-stream work should be scheduled to avoid potential adverse impacts on spawning
activities, egg incubation, spawning habitat and fish migration in consultation with the
DFO Area Habitat Biologist.

2.2.4 Archaeological Find

When an archaeological site or artifact is found, the condition in Guideline 1.2.2 should
will apply.

2.2.5 Petroleum Products

In the event of a spill and/or leak of petroleum products, see Guideline 1.2.6.1 for further
details.

Guidelines 1.2.5.2 to 1.2.5.5 relating to petroleum products also apply in road
construction and decommissioning operations.

2.2.6 Winter Roads

As with all season roads, soil disturbance and impacts on waterbodies are to be
minimized with winter roads. Culverts or temporary bridges are to be used. Erosion
control measures are to be maintained while the winter road is in use and, thereafter, left
in an environmentally acceptable condition. All temporary crossings are to be removed
at the end of the operating season and an inspection done by a DNR official, engineer or
other qualified person to ensure any remediation that may be required is applied.

2.2.7 Decommissioning Roads

1. When roads are decommissioned or barred by gating or ditching or placement of
obstacles, appropriate signage warning of any hazardous condition shall be placed in
open view.
2. When decommissioning is through removal of watercourse crossings, areas adjacent to former culverts or bridge locations shall be stabilized to reduce potential for erosion. Appropriate signage shall also be placed.

3. When decommissioning roads by replacing soil, overburden and other natural obstacles on former roadway (so as to deny vehicular access and to enable planting in order to restore productive forest on the site), standard precautions such as silt fencing shall be used to prevent entry of silt in waterways.

4. Decommissioning shall not normally be undertaken until all necessary reforestation activities beyond the decommissioning point have taken place.

3.0 SILVICULTURAL GUIDELINES

3.1 Planning of Silviculture

3.1.1 Permits Required

Silviculture is considered a development under the *Urban and Rural Planning Act*. Where this activity occurs within a planning area boundary or within 400 metres of a protected road, a development permit is required before any activity takes place.

3.2 Conduct of Silviculture Operations

3.2.1 Preventing Erosion

To prevent erosion on sites proposed for row scarification, every effort should be made to follow the contours where slopes exceed 15%. If in such instances scarification has to occur parallel to the slope, the scarified trenches are to be intermittent (i.e., for every 20 m of trench, an un-scarified section 2 m in length should be left).

3.2.2 Protection of Waterbodies

1. Heavy equipment and machinery are not permitted in any waterbody, on a wetland or a bog (unless frozen) without a permit from the DEC and without contacting the DFO Area Habitat Biologist.

2. Any forestry operation that directly or indirectly results in sediment and/or turbid water entering a waterbody must be dealt with immediately. See Guideline 1.2.1.5 for further information.

3. Trees thinned during pre-commercial thinning, diameter limit thinning, commercial thinning or any other silvicultural treatment shall not be felled into waterbodies.
3.2.3 Placement of Windrows

Where slash is piled into windrows, windrows should be located where slash cannot be washed into streams at peak flooding conditions.

3.2.4 Trees Left for Wildlife and Other Values

1. There is to be no cutting of white pine.

2. Hardwood species, such as birch, are to be left when encountered in a stand scheduled for thinning where these do not compete with the conifer crop trees. Portions of thinning areas which are pure hardwood may be left unthinned when encountered. In mixed regeneration, various hardwood or softwood species may be favoured in future stand development in accordance with management objectives stated in the approved operating plan for the area.

3.2.5 Timing of Silviculture

Where possible, silviculture operations are to be reduced/avoided in areas identified by Wildlife Division during the periods of birth and/or hatching.

3.2.6 Archaeological Find

When an archaeological site or artifact is found, the condition in Guideline 1.2.3 will apply.

3.2.7 Fuels and Petroleum Products

1. In the event of a spill and/or leak of petroleum products, see Guideline 1.2.5.1 for further details.

2. Guidelines 1.2.5.2 to 1.2.5.5 relating to petroleum products also apply in silviculture operations.

3.2.8 Scarification Method

Where mechanical site preparation is required, methods selected shall be best suited for preparing the area for planting and for minimizing ground disturbance.
3.2.9 Choice of Species to Plant

In most planting situations, use of native species is preferred; however, judicious planting of non-invasive exotic tree species (such as those species which have been established in the province for decades, or other species which may come under review) may be planted in certain situations.

4.0 FOREST PROTECTION GUIDELINES

4.1 Planning for the Application of Pesticides (Insecticides and Herbicides)

4.1.1 Regulation of Pesticides

The use of pesticides is regulated by Health Canada and provincially by the DEC. The federal Pest Control Products Act states which products are registered for use in Canada. Hence, any products used must be contained in this list; and the provincial Environmental Protection Act, Pesticide Control Regulations state that you must obtain a license to purchase, sell or handle Commercial or Restricted class pesticides in NL.

4.1.2 Licenses Required

1. To apply pesticides (e.g., insecticides) in the province, two licenses are required from Pollution Control Division, DEC. The first is a Pesticides Operators License which is issued for a specific program and valid for five years. To obtain this the applicant must submit project details including a map of the area to be treated, product to be used, and time of the year to be used. Following the completion of the project, a report must be submitted to DEC. The second license required is a Pesticide Applicators License. To obtain this license, the applicator must complete an exam. Only people in possession of this license may use the pesticide. It is valid for a period of five years.

2. To apply herbicides, the same conditions apply as above. An Operators License must be obtained for the project and is valid for five years. In addition, each member of the crew involved with application of the herbicide must complete an exam and obtain a Pesticide Applicators License.

3. A third program which requires an Operators License and a Pesticide Applicators License is the tree nursery program which may uses pesticides to grow seedlings. Again the same conditions apply.
4.2 Conduct of Operations

4.2.1 Pesticides Use

Only bio-degradable pesticides will only be used and then only as part of an integrated pest management strategy.

5.0 GUIDELINES FOR FORESTRY OPERATIONS WITHIN PROTECTED PUBLIC WATER SUPPLY AREAS

The primary function of a Protected Public Water Supply Area is to provide the public with an adequate quantity of safe and good quality water on a permanent basis, to meet its present and future demands. By definition, a Protected Public Water Supply Area means the area of land and water designated as a Protected Public Water Supply Area, for a municipal authority operating a waterworks or using or intending to use a water sources, under Section 39 of the Water Resources Act. Any other activity within a Protected Public Water Supply Area is considered secondary and, if permitted, must be strictly regulated and monitored to ensure that the water supply integrity is not threatened and the quality of the water is not impaired.

In Newfoundland and Labrador, forestry operations are permitted in most Protected Public Water Supply Area on a limited and controlled basis provided the proposed operations have no, or minimal, water quality impairment potential. More specifically, commercial forest harvesting of any more than 10% of the total land area of the Protected Public Water Supply Area, or 10% of the total merchantable timber, whichever is less, in any 12 month permit will not be permitted.

The following permits and approvals are required prior to the beginning of any forestry operations (whether commercial or domestic operations and including road construction, silviculture activities, and harvesting) within a Protected Public Water Supply Area:

(i) Approval of the Five-year operating plan by the Environmental Assessment Division of DEC,

(ii) Issuance of a permit under section 39(6) of the Water Resources Act which will include consultation with the community involved. Applications for development inside Protected Public Water Supply Area can be obtained from the Water Resources Management Division website (see Appendix I for link).

5.1 Conduct of Operations

The permits issued to contract harvesters should include the conditions indicated on the section 39 permit. In addition to environmental guidelines specified in sections above, the following will apply in Protected Public Water Supply Areas;
5.1.1 Map of the Operating Area

The Forest Service or appropriate Company official will provide the operator with a map indicating the harvesting area and the location of no-cut treed buffer zones, and will ensure that the operator is familiar with the boundaries and conditions of the approved detailed plan of operations.

5.1.2 Prevention of Erosion

In areas sensitive to erosion, depending on the nature and location of the proposed forestry operation, the Water Resources Management Division may not permit the activity to take place. However, where permitted the following mitigating measures should be put in place:

1. Sensitive areas prone to erosion and areas which have high potential for erosion can be harvested if proper harvesting and site restoration techniques are a part of a detailed plan.

2. Wherever possible, extraction trails should run along contours and avoid wetlands.

3. Use of landings will be minimized. Any approved landing area shall be less than 0.25 ha and located at least 150 metres from PPWSA intake ponds.

5.1.3 Buffer Zones

No ground disturbance riparian buffer zone requirements in Protected Public Water Supply Areas are as follows:

<table>
<thead>
<tr>
<th>Water Body</th>
<th>Width of Buffer Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intake Pond or Lake or Reservoir</td>
<td>A minimum 150m</td>
</tr>
<tr>
<td>River intake (for a distance of 1000m upstream and 100m downstream)</td>
<td>A minimum 150m</td>
</tr>
<tr>
<td>Main river channel</td>
<td>A minimum of 75m</td>
</tr>
<tr>
<td>Major tributaries, lakes or ponds</td>
<td>A minimum of 50m</td>
</tr>
<tr>
<td>Other water bodies</td>
<td>A minimum of 30m</td>
</tr>
</tbody>
</table>

Any deviations will require approval from Water Resources Management Division.

5.1.4 Petroleum Products

Fuel storage and the operation of fuel storage equipment are regulated by the Storage and Handling of Gasoline and Associated Products Regulations, 2003 as amended and the Heating Oil Storage Tank System Regulations, 2003 as amended.
In addition to the above regulatory requirements and Sections 1.2.5.1 to 1.2.5.5 the following are to be adhered to;

(i) If fuel must be stored in the PPWSA, it must be in the least sensitive area and be approved by Water Resources Management Division.
(ii) Refueling must not take place within 150 metres of an intake pond.
(iii) All tanks must be located at a minimum distance of 500 metres from any major waterbody.
(iv) A fuel or oil spill clean-up kit must be kept on site to facilitate any clean-up in the event of a spill. This kit must include absorbent pads, loose absorbent materials such as dried peat, speedy-dry or sawdust, a container such as an empty drum for recovering the fuel or oil, and a containment boom.

5.1.5 Structures Prohibited in Water Supply Areas

1. Dormitory camps, garages or any other structures are prohibited within a Protected Public Water Supply Area.

2. The establishment of new sawmills is not permitted in Protected Public Water Supply Areas.

5.1.6 Reporting Water Quality Problems

Any water quality impairment problem should be reported immediately to the Water Resources Management Division.
APPENDIX I: RELEVANT LINKS

Applications:

Development Applications in Protected Public Water Supply Areas

Impacted Sites:


Federal Legislation Links:

Canada Fisheries Act
http://laws-lois.justice.gc.ca/eng/acts/F-14/index.html

Canada Navigable Waters Protection Act
http://laws.justice.gc.ca/eng/acts/N-22/

Canada Species at Risk Act
http://www.snareregistry.gc.ca/approach/act/default_e.cfm#1

Provincial Legislation Links:

Newfoundland and Labrador Endangered Species Act
http://www.assembly.nl.ca/Legislation/sr/statutes/e10-1.htm

Newfoundland and Labrador Environmental Protection Act
http://www.assembly.nl.ca/legislation/sr/statutes/e14-2.htm

Newfoundland and Labrador Forestry Act
http://www.assembly.nl.ca/legislation/sr/statutes/f23.htm

Newfoundland and Labrador Historical Resources Act
http://www.assembly.nl.ca/legislation/sr/tableofregulations/tableofregulations_h04.htm

Newfoundland and Labrador Quarry Material Act
http://www.assembly.nl.ca/legislation/sr/statutes/q01-1.htm

Newfoundland and Labrador Urban and Rural Planning Act
http://assembly.nl.ca/Legislation/sr/statutes/u08.htm
Newfoundland and Labrador Wildlife Act
http://www.assembly.nl.ca/Legislation/sr/statutes/w08.htm
ENVIRONMENT AND CLIMATE CHANGE

Office of Climate Change & Energy Efficiency: The ORF was received. They recommended release from EA. Comments:

CCB notes that forest management is directly related to climate change. Trees store CO₂, and deforestation can foster the release of sequestered CO₂ into the atmosphere. Responsible forest management can serve to mitigate the impacts of harvesting timber, from a climate change perspective. Silviculture prescriptions and appropriate forest management activities will be essential in restoring the carbon sequestration function of forests within this zone.

CCB suggests that heavy equipment used in logging and extraction, quarrying and road construction and mechanical site preparation be operated in a manner that maximizes fuel efficiency, so as to limit the amount of greenhouse gases that contribute to climate change during operations.

CCB also notes that, in the 2011 Climate Change Action Plan, the Provincial Government committed to explore the potential for changes in forest management practices to increase the carbon storage potential. The Forestry and Agrifoods Agency has lead responsibility within Government for the commitment.

The proponent notes that approximately 30 culverts and one bridge will be constructed over the course of this undertaking. CCB notes that provincial climate projections indicate that extreme precipitation events will become more intense. As such, CCB suggest the proponent consult these projections to ensure infrastructure is designed to the appropriate return periods.

More information on climate data can be provided by contacting Kyle Robar (729-1394) or at the following link:

Parks and Natural Areas Division: The ORF was received. They recommended release from EA. Comments:

T'Railway Provincial Park

- PNAD advises that the public must be consulted on FSB's proposal to use the T'Railway to transport timber and heavy equipment/logging trucks in that provincial park, which is used by thousands of all-terrain vehicle users and snowmobilers annually. PNAD requests that FSB provide confirmation that the proposal to utilize the T'Railway was discussed at public meetings. It would be helpful for PNAD to receive a summary of the comments from FSB. PNAD requests that in all future public meetings and other venues of consultation, that FSB specifically highlight to the public their proposal to use the T'Railway Provincial Park for the purposes of forestry activity.

- Maps provided in the registration document have erroneously included branch lines as being part of the T'Railway Provincial Park. Instead, the Park only includes the main trunk of the old railbed, and extends beyond the surface of the old railbed - the total width of this linear Park ranges from 15.24 m (50 feet) to 91.44 m (300 feet) across the Island.
Branch lines are not part of the Park. PNAD has provided FSB with geospatial data of the centerline of the T’Railway Provincial Park for use in all operating plans.

- FSB notes that it plans to use the T’Railway Provincial Park to access commercial harvest blocks CC02009 and CC02013 and to construct Beaver Pond Road so that it abuts the T’Railway. Pursuant to Section 10 of the Provincial Park Regulations, a Temporary Vehicle Access permit is required to access sites via the T’Railway with anything other than an approved off-road vehicle. A Construction and Use permit is required if access to any sites requires disturbing the state of the T’Railway (e.g., installation of infrastructure such as a road, driveway, culvert, etc; or upgrading or maintenance to existing access points along the T’Railway). Permits may be requested by emailing trailway@gov.nl.ca. PNAD advises that the maximum extent of time for which TVA and C&U permits may be issued is two consecutive years.

**Domestic Harvest**

- Proposed domestic harvest blocks abut Fortune Head Ecological Reserve and Lockston Path Provincial Park. Pursuant to the Wilderness and Ecological Reserves Act and Provincial Parks Act, cutting must not occur in these protected areas. Permits provided to domestic timber harvesters should include this information and maps of protected area boundaries to ensure encroachment does not occur; shapefiles for provincial protected areas are available for download at www.env.gov.nl.ca/env/parks/gis_data.html. Domestic harvesters must also be advised that a Temporary Vehicle Access permit is required for anyone wishing to use any motorized vehicle other than an ATV or snowmobile on the railbed. Permits may be requested by emailing trailway@gov.nl.ca.

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Pollution Prevention Division: The ORF was received. They recommended release from EA.

Comments:

General

- All activities associated with this project are subject to the Environmental Protection Act (EPA) and the Water Resources Act (WRA) and their regulations. Official copies of these may be obtained from the Queen’s Printer. Unofficial versions are available through the Government of Newfoundland and Labrador website (www.gov.nl.ca).
- These comments highlight the pertinent issues of these acts and regulations and the PPD’s policies and guidelines.

Environmental Protection Act, Part IV - Waste Disposal and Litter

- All activities associated with the construction and/or operation of this proposal are subject to the Waste Management Regulations, 2003.
- All waste material shall be considered, prior to disposal, for reuse, resale or recycling.
- Waste receptacles shall be installed at all active areas for use by workers.
- The proponent shall ensure that all waste (ex. empty oil containers) is recovered and disposed of appropriately.
- Waste materials not reused, resold or recycled, shall be disposed at an approved waste disposal site, provided the owner/operator is willing to accept such waste and the local Service Newfoundland and Labrador (SNL) has agreed with the disposal of the waste materials at the site.
- Signs shall be established along the roads which discourage users from littering.

Environmental Protection Act, Part VI - Air Quality Management

- All activities associated with this proposal are subject to Air Pollution Control Regulations, 2004, http://www.assembly.nl.ca/Legislation/sr/Regulations/rc040039.htm.
- Schedule E of the regulations prohibits the open burning of tires; plastics; treated lumber; asphalt and asphalt products; drywall; demolition waste; hazardous waste; biomedical waste; domestic waste; trash, garbage, or other waste from commercial, industrial or municipal operations; manure; rubber; tar paper; railway ties; paint and paint products; fuel and lubricant containers; used oil; animal cadavers; hazardous substances; materials disposed of as part of the removal or decontamination of equipment, buildings or other structures.

Environmental Protection Act, Part XI – Approvals

- A Certificate-of-Approval from the PPD for construction and/or operation is not required.
Environmental Protection Act, Part IX - Pesticides
- If the use of a pesticide(s) is required (e.g. for the control of insects, rodents, flies, weeds, vegetation), the Pesticides Control Section of the Department of Environment and Conservation must be notified at (709) 729-2565. You will be required to obtain a Pesticide Operator Licence or hire a licensed Pest Control Operator.

Environmental Protection Act - Storage and Handling of Gasoline and Associated Products Regulations
- All petroleum storage tanks shall be registered with the SNL and all leaks/spills must be reported to the Department.
- Oils, greases, diesel, gasoline, hydraulic and transmission fluids should be stored at least 100 m from any body of water. Re-fuelling and maintenance activities should also occur at least 100 m from any body of water and on level terrain.
- An environmental emergency contingency plan should be developed. This plan details information regarding the location of spill response equipment and a trained contractor, in the event of a spill.

Environmental Protection Act - Used Oil Control Regulations
- Waste oils and used lubricating oil shall be retained in a tank or closed container, and disposed of by a company licensed for handling and disposing of used oil products.

Environmental Protection Act - Halocarbon Regulations
- Any use of regulated substances, for example in fire suppression systems, associated with the proposed activity is subject to the Halocarbon Regulations, http://www.assembly.nl.ca/Legislation/sr/Regulations/rc050041.htm.

Water Resources Act - Environmental Control Water and Sewage Regulations
- All waters discharged from the proposed site, during construction and operation, are subject to compliance with the Environmental Control Water and Sewage Regulations, 2003, http://www.assembly.nl.ca/Legislation/sr/Regulations/rc030065.htm.

Additional Comments:
- In the event that a pesticide is required to control insects, stipulations relating to such operation as outlined in the Environmental Protection Act, Part IX – Pesticides must be adhered to. All pesticide purchase, storage, and use is subject to compliance with the Pesticides Control Regulations, 2012, http://assembly.nl.ca/Legislation/sr/regulations/rc120026.htm. If the use of a pesticide(s) is required (e.g. for the control of insects, rodents, flies, weeds, vegetation), the Pesticides Control Section of the Department of Environment and Climate Change must be notified
at (709) 729-2565. You will be required to obtain a Pesticide Operator Licence or hire a licensed Pest Control Operator.

**Water Resources Management Division:** The ORF was received. They recommended release from EA. Comments:

They also provided three spreadsheets:
- WRMD PWSA and Domestic Blocks (Appendix 1)
- WRMD PWSA and Commercial Blocks (Appendix 2)
- WRMD PWSA and Roads (Appendix 3)

Under the authority of the *Water Resources Act, SNL2002 cW-4.01*
http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm, the Water Resources Management Division (WRMD) http://www.env.gov.nl.ca/env/waterres/index.html is responsible for the management of water resources of the province of Newfoundland and Labrador. The WRMD has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province.

1. Regulatory requirements relevant to this proposal.

**Prior to the start of any proposed activity,** the proponent must apply for and obtain a permit under the *Water Resources Act, 2002,* specifically Section 48 http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm for any work including, but is not limited to, culverts, bridges, fording or other works in any body of water (including wetland EMPHASIS ADDED) along with the need for a site drainage plan.

**Contact:** Dr. Abdel-Zaher Kamal Abdel-Razek, Manager, Water Rights & Investigations Section - (709) 729-4795

**Prior to the start of any proposed activity,** the proponent must apply for and obtain a permit under the *Water Resources Act, 2002,* specifically Section 39 http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm any proposed developments within any non-sensitive designated Protected Public Water Supply Area servicing any community. Also, any work within any non-sensitive designated Protected Public Water Supply Area (PPWSA) must comply with this Department's Policy for Land and Water Related Developments in Protected Public Water Supply Areas http://www.env.gov.nl.ca/env/waterres/regulations/policies/water_related.html. Please find attached three files separated into commercial harvesting and domestic harvesting. Each file is the PPWSA identified that have proposed forest activities (commercial, domestic & road construction) within their boundaries. It should be pointed out that a maximum of 10% of a non-sensitive designated PPWSA will be permitted for forestry activities within a 5 year period. This includes an sum of commercial, domestic, and silviculture activities. The total percentage permitted will be dependent based on site specific conditions.

Forestry activities within the following PPWSAs will not be permitted as the watershed are classified as sensitive due to size and no activities are permitted:
- Baine Harbour–Baine Harbour Pond PPWSA
- Bay L’Argent–Sugarloaf Hill Pond PPWSA
- Burin–Gripe Cove Pond PPWSA
- Elliston–Big Pond PPWSA
- Garnish–Witchazel Pond PPWSA
- George’s Brook-Milton–Lilly Pond PPWSA
- Grand Le Pierre–Nip Nose Pond PPWSA
- Hickman's Harbour-Robinson Bight-Big Loss Pound Pond PPWSA
- Keels-Boland's Pond PPWSA
- Little St. Lawrence-Butler's Brook PPWSA
- Lower Lance Cove-Big Long Pond PPWSA
- Port Blandford-Noseworthy's Pond PPWSA
- Random Sound West-Reservoir PPWSA

Contact: Ms. Paula Dawe, Manager, Drinking Water & Wastewater Section and Dam Safety Program - (709) 729-4048

There has not been an assessment in the document that looks at the existing water quantity/quality or climate monitoring stations that are operated jointly by the federal/provincial government in the specified areas (Zone 2).

**ACTIVE STATIONS WITHIN A ONE KM BUFFER DISTANCE OF HARVESTING OPERATIONS**

<table>
<thead>
<tr>
<th>ZONE</th>
<th>HARVEST TYPE</th>
<th>PROGRAM</th>
<th>STATION #</th>
<th>STATION NAME</th>
<th>LATITUDE</th>
<th>LONGITUDE</th>
<th>DIST. TO HARVEST (m)</th>
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<tr>
<td>2</td>
<td>COMMERCIAL</td>
<td>CLIMAT E</td>
<td>8401141</td>
<td>CLARENVILLE</td>
<td>48.363</td>
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<td>2</td>
<td>COMMERCIAL</td>
<td>HYDROMETRIC</td>
<td>02J003</td>
<td>SHOAL-HARBOUR RIVER NEAR CLARENVILLE</td>
<td>48.220</td>
<td>54.0496</td>
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<td>DOMESTIC</td>
<td>CLIMAT E</td>
<td>8400578</td>
<td>BOAT HARBOUR</td>
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<tr>
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<td>SALMON COVE RIVER NEAR CHAMPNEYS</td>
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<tr>
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<td>SHOAL HARBOUR RIVER NEAR CLARENVILLE</td>
<td>48.220</td>
<td>54.0496</td>
<td>240</td>
</tr>
</tbody>
</table>

Consideration must be given to ensure a protective buffer is maintained around these particular monitoring stations due to their close proximity to the harvesting activities.

Additionally, there are a number of other monitoring stations located within watersheds that fall a little further outside the vicinity of the proposed harvesting operations. A detailed listing can be provided upon request.

**Contact:** Ms. Renee Paterson, Program Lead, Real-time Water Quality Monitoring Program - (709) 729-1159

Any effluent or runoff leaving the site will be required to conform to the requirements of the *Environmental Control Water and Sewage Regulations*, 2003 [http://assembly.nl.ca/Legislation/s1/regulations/rc030065.htm](http://assembly.nl.ca/Legislation/s1/regulations/rc030065.htm).


*Wildlife Division:* The ORF was received. They recommended release from EA. Comments:

*What are your agency’s regulatory requirements relevant to this proposal?*

The Wildlife Division advises applicant to operate under established regulations and guidelines with respect to wildlife and their habitats (e.g. nesting birds, caribou, waterfowl, wetlands, inland fish, rare plants, riparian species) to minimize adverse impacts (Section 106 of the *Wild Life Regulations* under the *Wild Life Act* (O.C. 96-809)).

Forest Management Protection Guidelines apply to all operating areas.
In addition to the mitigation commitments outlined in Table 9 (page 65) as per registration document, the Wildlife Division has identified further harvesting blocks that require mitigative measures:

a) Domestic harvest blocks **CC02502 (Come By Chance)** are within the Come By Chance Stewardship Zone. The Town of Come By Chance is to be contacted to discuss harvesting within their Stewardship Zone.

**ADVANCED EDUCATION, SKILLS AND LABOUR**

*Skills and Labour Market Research Division:* The ORF was received. They recommended release from EA. Comments: No regulatory requirements of the Department of Advanced Education, Skills and Labour apply to this project. No additional information required by the Department of Advanced Education, Skills and Labour for this project.

**BUSINESS, TOURISM, CULTURE AND RURAL DEVELOPMENT**

*Provincial Archaeology Office:* The ORF was received. They recommended release from EA. No further comment was provided.

*Regional Economic Development:* The ORF was received. They recommended release from EA. No further comments provided.

*Tourism and Culture Branch:* The ORF was received. They recommended release from EA. Comments:

The Department of Business, Tourism, Culture and Rural Development (BTCRD), Tourism and Culture Branch reviewed Zone 2 Forest Management Plan Five year Operating Plan. Zone 2 covers geographical areas in the Eastern region of the province.

Tourism contributes approximately 1 billion annually to the provincial economy and provides 18,000 jobs. In 2015, Business, Tourism, Culture and Rural Development invested in a multi-regional Tourism Destination Development planning process to guide regional strategic investments in product and destination development. The over-arching goals were to create an understanding of what needs to be done to strengthen the ability to grow the tourism industry in the Eastern region in ways that:

1. Resonate with travellers, reinforce the brand and increase visitation and tourism spending;
2. Continue to improve the visitor experience and visitor economy; and
3. Empower the Eastern Region to be a visible leader of responsible, sustainable tourism.

The Eastern region, and in particular, the Bonavista Peninsula is one of the highest visited tourism destinations in the province. The region's natural and cultural attractions are primary travel generators and there are a significant number of private tourism businesses operating both year round and seasonally. There has been considerable investment from provincial and federal sources to develop the Eastern region as a strong tourism destination. Natural resources, such as viewscapes, trails, scenic travel routes, are valuable assets that drive visitor demand and are fundamental to the industry's ability to continue to grow visitation and spending.

*Touring Corridors*
• The Bonavista Peninsula is one of the most frequently traveled and well-developed travel destinations in the Province. This area has been heavily promoted by NL Tourism and has seen significant strategic public and private investment for decades. In the 2011, Non-Resident Exit Survey, which profiled visitors who participated in Nature and Outdoor activities in the Eastern Region, Scenic Touring was identified as the highest rated activity in terms of participation. The Tourism and Culture Branch recommends that developments that would impact scenic settings, near touring corridors, be managed to minimize the negative visual viewscapes that arise from forestry developments. The touring corridor in this area is Route 230, which extends from Clarenville to Bonavista and Route 235 along Bonavista Bay.
  o The cut blocks that may be visible along this touring route:
    o Trans-Canada Highway
      o CC02014d, CC02014b, CC02013a, CC02013c, CC02013b, CC02012f, CC02011.
    o Route 230
      o CC02019c, CC02020a, CC02020e, CC02029b, CC02029c, CC02029e, CC02035a, CC02047d, CC02047e, CC020, CC02049, CC02050c, CC02042b, CC02042e, CC02042a.
    o Route 235
      o CC02056, CC02055a, CC02052c
  Mitigation measures beyond the 100 meter buffer may need to be put in place to preserve the visitor experience and viewscapes along these touring routes.

Outfitting
• The area utilized in the Zone 2 Forest Management Plan is also occupied by two outfitting businesses. Tourism and Culture Branch has prepared a list and the contact information for these outfitters who must be consulted and mitigations agreed upon, as part of the Forest Management Plan (See attachment). The Forest District Plan for Zone 2 should ensure the harvest will not negatively impact the region’s big game carrying capacity for the outfitting sector.

Trails
• Throughout Zone 2, trails, such as the T’railway, hiking and snowmobile trails, are high value tourism assets on which tourism operators build, package and sell tour experiences. The ability to offer premium value for these experiences depends on the pristine setting, remoteness and ambiance of these trails. These natural assets require special management, such as buffers and viewscape design.

Recommendations
• Zone 2, Forest Management Plan, Five year Operating Plan references no dialogue with affected outfitters in District 2 and 3. Forest harvesting and new access could be detrimental to these businesses. It is recommended that consultations take place with outfitters in attatched document and mitigation measures are put in place between Forestry officials and operators.
• Cut blocks CC02009c, CC02009b, CC02009a will negatively affect Mr. Dean Crocker owner of Beaulieu Caribou Hunts (2005) Limited. The new forest access road in CC02009c will further open the area to resident hunting and severely negatively affect his business. The Forest District Plan for Zone 2 should ensure the harvest will not negatively impact the region’s big game carrying capacity for the outfitting sector. Forest harvesting and new access on the identified cut blocks will be detrimental to this business. It is recommended that consultations continue to take place with Mr. Crocker.
and mitigation measures agreed upon. It is recommended that forest harvesting not occur in this area from September 15 - November 15.

- Mitigation measures should be put in place that preserves the visitor experience and viewscapes along touring routes, including highway and trail buffers as well as viewshed management. It is recommended that forest harvesting along the Trans Canada Highway, Route 230 and Route 235 not be visible and it is recommended that landscape design techniques are utilized to design harvest blocks that minimize the negative visual effects of clear cuts. The Forest Management Plan for Zone 2 should indicate how highway viewscapes will be managed to minimize harvest visibility.

EXECUTIVE COUNCIL

Labrador and Aboriginal Affairs Office

- Labrador Affairs Branch: The ORF was not received. Comment: Good day, The Labrador Affairs branch of the Labrador and Aboriginal Affairs Office has no comments on this registration.

- Aboriginal Affairs Branch: The ORF was not received. Comment: Aboriginal Affairs has no comments or concerns for registration #1855.

Women's Policy Office: The ORF was not received. Comment: The Women's Policy Office does not have any comments concerning this EA as employment opportunities are very low.

FISHERIES, FORESTRY AND AGRIFOODS: The ORF was received. They recommended release from EA. Comments:

Fisheries Branch: No issues.

Forestry Services Branch: No issues.

Agrifoods Branch: No issues.

Aquaculture Branch: No issues.

HEALTH AND COMMUNITY SERVICES: The ORF was not received. They did not provide comment.

MUNICIPAL AFFAIRS

Land Management and Crown Lands:

Cutting of timber on private land can only occur with the permission of the land owner. Forestry Services Branch staff should contact the appropriate Regional Lands Office for up-to-date titles information and their knowledge of private land claims prior to harvesting in designated areas during the five-year period. Lands proposed for harvesting in this Five Year Plan include some areas of private land. The Land Management Division of the Department of Municipal Affairs is satisfied with the Mitigations presented in the registration document.
During the term of this proposed five-year forest operating plan Crown lands applications will be accepted and processed in some of these forest operating areas. Each application is dealt with on a case by case basis and referrals will be sent to Forestry Services Branch for comments. A decision on each application is made with respect to the referrals that are returned to the Crown Lands Administration Division. It should be noted there are applications currently being processed in some of the proposed areas.

**Land Use Planning:**

The proposed undertaking occurs within the following municipalities:

<table>
<thead>
<tr>
<th>Town</th>
<th>Link to Municipal Boundary Description</th>
<th>Link to Municipal Planning Area Description</th>
</tr>
</thead>
</table>
Port Roberts  
http://www.assembly.nl.ca/Legislation/sr/Regulations/rc960349.htm
http://www.assembly.nl.ca/Legislation/sr/Regulations/rc969048.htm

St. Lawrence  
http://www.assembly.nl.ca/Legislation/sr/Regulations/rc060029.htm
http://www.assembly.nl.ca/Legislation/sr/Regulations/rc060049.htm

Sunnyside  
http://www.assembly.nl.ca/Legislation/sr/Regulations/rc960460.htm
http://www.assembly.nl.ca/Legislation/sr/Regulations/rc060007.htm

Centreville-Warham-Trinity  
http://www.assembly.nl.ca/Legislation/sr/Regulations/rc960124.htm
http://www.assembly.nl.ca/Legislation/sr/Regulations/rc960829.htm

Trinity Bay North  
http://www.assembly.nl.ca/Legislation/sr/Regulations/rc100069.htm
http://www.assembly.nl.ca/Legislation/sr/Regulations/rc120003.htm

Winterland  
http://www.assembly.nl.ca/Legislation/sr/Regulations/rc050019.htm
http://www.assembly.nl.ca/Legislation/sr/Regulations/rc130023.htm

Contact information for each town can be found via the Municipal Directory:

Permits are required from municipal councils prior to the erection or alteration of any structure included in the definition of "Building" at section 2(b) of the Municipalities Act, 1999 (http://www.assembly.nl.ca/Legislation/sr/statutes/m24.htm#2) in accordance with section 194 of the Municipalities Act, 1999 (http://www.assembly.nl.ca/Legislation/sr/statutes/m24.htm#194).

Roads constructed on privately owned land and those that will be used by the public within a municipality as part of the proposed undertaking require permits from the municipal council under authority of section 164(2) of the Municipalities Act, 1999. (http://www.assembly.nl.ca/Legislation/sr/statutes/m24.htm#164).

Development permits are required from municipal councils where the proposed forestry activities (such as road construction) are captured by the definition of development at section 2(g) of the Urban and Rural Planning Act, 2000 (http://www.assembly.nl.ca/Legislation/sr/statutes/u08.htm#2) and within the council’s Municipal Planning Area.

Shape files describing the land use zones in which forestry activities are not permitted have been provided to all District Forestry managers for your reference.

Any forestry activity (including road construction) occurring within the building control lines of a designated protected road requires a permit from Service NL. Details of the protected road development guidelines can be found in the Protected Road Zoning Regulations: http://www.assembly.nl.ca/Legislation/sr/Regulations/rc960996.htm.

**NATURAL RESOURCES:** The ORF was received. They recommended release from EA. Comments:

*Mines Branch:* Approved with the following stipulation(s):
This response includes four maps (JPG). Refer to as Mines Branch Recommended Exclusion Areas (Appendix 4):

- Mines Branch response EA 1865 Zone 2 (2017-2021)_Map 1 of 4
- Mines Branch response EA 1865 Zone 2 (2017-2021)_Map 2 of 4
- Mines Branch response EA 1865 Zone 2 (2017-2021)_Map 3 of 4
- Mines Branch response EA 1865 Zone 2 (2017-2021)_Map 4 of 4

A number of overlaps have been identified between proposed silviculture areas and areas covered by a quarry permit, as well as an overlap with an area subject to an ongoing advanced mineral exploration program. Several areas in particular should be excluded in advance from silviculture planning and are shown on the attached maps:

1. an area southwest of Thorburn Lake corresponding to portions of CC02013 which overlap with the main area of gold mineralization so far discovered on the Big Easy gold project. The Big Easy gold project has been subject to trenching and diamond drilling since 2010, with the most recent diamond drilling having been carried out earlier this year. Needless to say, preparation of trench sites, drill sites, and related access trails necessarily involve the cutting of timber and trampling of vegetation.

2. an area northwest of Musgravetown, north of Northwest Pond corresponding to a portion of CC02034 which shares a small overlap with an area covered by a quarry permit upon which no production has been reported to date.

3. an area east of Lethbridge located immediately south of the highway corresponding to a portion of CC02036 which overlaps with an established quarry site covered by a pair of quarry permits.

4. two areas east of Winter Brook, one, an established quarrying overlapping with the northwestern tip of CC02044 (object id 1652), the other, an area covered by a quarry permit upon which no production has been reported to date bordering the northern edge of the same silviculture area.

For any other location where a quarry site has been established that overlaps or borders of a planned silviculture area, the Mines Branch recommends the following:

- As a general rule-of-thumb, except where quarry permit or lease boundaries were agreed upon in advance with Forestry in order to avoid specific areas, silviculture treatments should not be carried out within 100 m of the edge of a quarry site (i.e. the edge of quarry workings marked by the limit of ground disturbance or stockpiling of grubbed materials). Providing a 100 m buffer will provide quarry sites room for expansion without impinging on silviculturally treated areas.

- Before silviculture treatment begins in the general vicinity of an overlap, Forestry should contact the Mines Branch for a re-evaluation of the extent of the overlap (contact: Stephen Hinchey, Land Use Geologist, 729-5748, stephenhinchey@gov.nl.ca). The Mines Branch is presently attempting to obtain digital mapping of all quarry permit and lease boundaries which will allow for more precise avoidance and mitigation of overlaps in the future.
Should there be a proposal to expand a quarry site into a silviculturally treated area, even in cases where a 100 m buffer was originally observed between the edge of a quarry site and a subsequent silviculture treatment, the Mines Branch and Forestry should work closely to determine whether quarry expansion should be allowed to proceed provided that compensation is paid by the proponent for the loss of the silviculture. Decisions in this respect should be based on long-term resource management considerations.

In addition, the central portion of CC02057 (object id 1757), the central portion of CC02012 (object id 1570), the northern, central, and southern portions of CC02014 (object id 1567) and the northeast portions of CC02013 (object ids 1600 and 1605) overlap or border quarry permits held by Labrador-Island Link Corp. and Forestry is advised to contact the company (or Nalcor) in order to ensure that quarrying and silviculture do not conflict in these areas.

Should future quarry or mineral resource developments or exploration programs (i.e. new quarry development, existing quarry expansion, new mine development, quarry materials exploration, mineral exploration) be considered by Forestry as having the potential to cause a significant impact on the forest resource and forest resource users, then Forestry should work closely with the Mines Branch and the proponent to ensure that mutual impacts are minimized.

The operating plan, in relation to mineral exploration, states (p. 79) that parties carrying out mineral exploration should “Make every attempt to extract timber harvested as part of exploration and development. If timber cannot be feasibly extracted using conventional means, then timber shall be piled so that it may be removed during winter months by snowmobiles.” Many mineral exploration companies, having abided by this principle in the past, have stated that often the timber they have stacked is not harvested but rather remains untouched. In addition, the Mines Branch, for the past several years, has been advising mineral exploration companies to use any timber they may have to cut for the purposes of corduroy or soft ground (to prevent rutting) and site rehabilitation (e.g. scattering over disturbed sites, especially ones having lost their original organic cover), and the Mines Branch is presently finalizing a draft set of ‘Environmental Requirements and Recommendations for Mineral Exploration’ which will encode practices such as these which minimize the environmental impact of mineral exploration. For these reasons, and in light of the referral process described below, the Mines Branch requests that the Forestry Services Branch reconsider the above statement. All applications for ‘exploration approval’ for exploration programs beyond basic prospecting and low-impact sampling are referred to the Forestry Services Branch (among other government agencies) and Forestry should continue to use these opportunities to communicate any project-specific concerns or requirements. Project-specific concerns and requirements are addressed in the conditions under which the exploration work is approved.

Many forest access roads and bridges are used by other land users, among them parties carrying out mineral exploration or quarrying. The Mines Branch requests that it be forwarded plans to decommission roads or bridges as a matter of course to ensure that all road/bridge rehabilitation and decommissioning plans are reviewed to consider whether mineral exploration, quarrying, or mining may be affected. Contact: Stephen Hinchey, Land Use Geologist, 729-5748, stephenhinchey@gov.nl.ca

What are your agency’s regulatory requirements relevant to this proposal?

Quarry materials required for the construction or maintenance of forest access roads must be sourced from a site permitted under the Quarry Materials Act, 1998, from an external source as a byproduct of an approved development and for which royalties have been paid under the Quarry
Materials Act, 1998, or from within the immediate right-of-way of the road provided that its excavation would be in compliance with other permits and understandings.

This requirement is referenced in the registration document on p. 79.

Options for sourcing from a site permitted under the Quarry Materials Act, 1998, include:
1. purchasing materials sourced from a permitted site,
2. the proponent applying for a subordinate quarry permit to obtain materials from a site for which a quarry permit or lease is held by a third-party, and
3. the proponent applying for a quarry permit, whether to establish a new quarry or re-activate an existing quarry.

Energy Branch: The Energy Branch offers the following comments:

The registration document overview maps in Appendixes 1, 2 and 3 indicate that the proposed operating Zone 2 covers a vast area of land which overlaps number of existing transmission and distribution lines belonging to Newfoundland Power (NP) and Newfoundland and Labrador Hydro (NL Hydro), and two new lines under construction (i.e. Labrador Island Link Transmission Link and TL 267 from Bay d’Espoir to Chapel Arm). It is recommended that the proponent consult with NP and NL Hydro regarding potential land use conflict as the proposal does not indicate whether any such consultation has occurred to date.

EA 1865 is not located in the sedimentary basins of western NL, therefore the Petroleum Geoscience Division has no objections to this submission.

Strategic Planning and Policy Coordination: Strategic Planning and Policy Coordination, Natural Resources: SPPC offers no comment related to the proposed undertaking.

SERVICE NL

Government Service Centre: The ORF was received. They recommended release from EA.
Comments:

Waste

(Environmental Protection Act, 2002) http://assembly.nl.ca/Legislation/sr/statutes/e14-2.htm
All waste material generated during operations is to be placed in suitable refuse containers and removed to an approved waste disposal site on a weekly basis, with the approval of the site owner/operator.

Derelict vehicles, scrapped equipment and other debris is not to be stored on included sites. This material must disposed of at an approved waste disposal site or scrap yard on a regular basis, with the prior approval of the site owner/operator.

Sites are to be kept neat and tidy at all times.

Tires and used or waste oil are not to be used to aid in the burning of brush.

Gasoline and Associated Products

(The Storage and Handling of Gasoline and Associated Products Regulations, 2003)
All fuel storage tank systems, other than those connected to a heating appliance of capacity of 2,500 litres or less, and any proposed fuel cache will require registration prior to installation.

The storage, handling and disposal of used and or waste oil must be in compliance with the Used Oil Control Regulations.

In order to ensure a quick and effective response to spill events, spill response equipment should be readily available. Response equipment, such as absorbents and open-ended barrels for collection of cleanup debris, should be stored in accessible locations where operations are occurring and where storage tanks or fuel caches are located. Personnel working on the projects should be knowledgeable about response procedures. Operators should consider developing a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event.

Any spill or leak of gasoline or associated product is to be reported immediately to Service NL by calling the Environmental Emergencies Telephone Line at 772-2083 or 1-800-563-9080.

**Occupational Health and Safety Division:** The ORF was received. They recommended release from EA. Comments:

The proponent must, generally, ensure that activities associated with forest operating plan 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, as per OHS Act s.10.

In particular, the proponent must:

1. Provide and maintain a workplace and the necessary equipment, systems and tools that are safe and without risk to the health and safety of his or her workers. NL OHS Act 5(a)
2. Provide the information, instruction, training and supervision and facilities, as necessary, for the health and safety of his or her workers. NL OHS Act 5(b)
3. Ensure that his or her workers, and particularly his or her supervisors, are made familiar with any health or safety hazards that may be encountered by them in the workplace. NL OHS Act 5(c)
4. Conduct his or her undertaking so that persons not in his or her employ are not exposed to health or safety hazards as a result of the undertaking. NL OHS Act 5(d)
5. Ensure that personal protective equipment and devices are worn according to the work being performed and that his or her workers are given operating instruction in the use of such equipment and devices provided for their protection. This may
include flotation devices depending on workers’ proximity to the water. NL OHS Reg s72.

6. Consult and co-operate with the occupational health and safety committee at the workplace, where one has been established, or the worker occupational health and safety representative where one has been elected or appointed. NL OHS Reg 25

7. Ensure that machinery and/or equipment is operated by competent persons. NL OHS Reg s252 (1)a

8. Ensure that powered mobile equipment is well maintained and equipped with:
   - a fire extinguisher,
   - protective screens, windows and doors,
   - a reverse alarm, and
   - a roll-over/fall-on protective structure.
   NL OHS Regulations Part 12 and 13

9. Ensure that an emergency response plan is in place that details measures to be taken to effectively respond to any foreseeable mishap that may occur as a result of the undertaking. The following minimum items should be considered when developing such a plan:
   - a proper first-aid kit, and other requirements of the First Aid regulations;
   - communication devices;
   - a list of emergency names and numbers, appropriately placed; and
   - an action plan (with the crew aware of their roles and responsibilities).
   NL OHS Reg s38 and First Aid Regulations

10. Ensure that a risk assessment is conducted where workers are assigned to work alone or in isolation; and where the assessment identifies a hazard, appropriate controls shall be implemented to eliminate, or where elimination is not practicable, minimize the risk associated with the hazard. A procedure must be written for checking the well-being of a worker assigned to work alone or in isolation. (Refer to all subsections of s.15 NL OHS Regs.)

TRANSPORTATION AND WORKS: The ORF was not received. No comment was provided.

HEALTH AND COMMUNITY SERVICES: The ORF was not received. No comment was provided.

FEDERAL AGENCIES

CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY (CEAA): The ORF was not received. No comment was provided.

HEALTH CANADA: The ORF was not received. No comment was provided.

NATURAL RESOURCES CANADA: The ORF was not received. No comment was provided.

ENVIRONMENT AND CLIMATE CHANGE CANADA: The ORF was received. They recommended release from EA. Comments:
They also provided two documents:
- Birds and Oil - CWS Response Plan Guidance (Appendix 5)
- BANK SWALLOWS in Pits & Quarries Guidance for Aggregate Producers (Appendix 6)

**Fisheries Act**
Pollution prevention and control provisions of the Fisheries Act are administered and enforced by Environment and Climate Change Canada (ECCC). The proponent should be aware of the general applicability of Section 36(3) of the Fisheries Act which states: "no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substances or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water". Environmental protection and mitigation measures should reflect the need to comply with Section 36(3) of the Fisheries Act. For example, measures should be taken to prevent substances such as lubricating fluids, fuels, etc. from being deposited into water frequented by fish, and drainage from construction and operational drainage must not be harmful to fish.

**Migratory Bird Convention Act**
Migratory birds, their eggs, nests, and young are protected under the Migratory Birds Convention Act (MBCA). Migratory birds protected by the MBCA generally include all seabirds (except cormorants and pelicans), all waterfowl, all shorebirds, and most landbirds (birds with principally terrestrial life cycles). The list of species protected by the MBCA can be found at: https://www.ec.gc.ca/nature/default.asp?lang=En&n=496E2702-1. Bird species not listed may be protected under other legislation.

Under Section 6 of the Migratory Birds Regulations (MBR), it is forbidden to disturb, destroy, or take a nest or egg of a migratory bird; or to be in possession of a live migratory bird, or its carcass, skin, nest or egg, except under authority of a permit. It is important to note that under the MBR, no permits can be issued for the incidental take of migratory birds caused by development projects or other economic activities.

Furthermore, Section 5.1 of the MBCA describes prohibitions related to deposit of substances harmful to migratory birds:
"5.1 (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area. 
(2) No person or vessel shall deposit a substance or permit a substance to be deposited in any place if the substance, in combination with one or more substances, results in a substance — in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area — that is harmful to migratory birds."
It is the responsibility of the proponent to ensure that activities are managed so as to ensure compliance with the MBCA and associated regulations.

**Canadian Environmental Protection Act**
The proponent should be aware of the potential applicability of the Canadian Environmental Protection Act (CEPA). The Canadian Environmental Protection Act enables protection of the environment, and human life and health, through the establishment of environmental quality objectives, guidelines and codes of practice and the regulation of toxic substances, nutrients, emissions and discharges from federal facilities, and disposal at sea.

2. Additional information required on the project and/or environmental planning of the project
In order to ensure compliance with the aforementioned acts and regulations, and to ensure minimal adverse impacts on the environment in general, ECCC provides the following guidance.

2.1 Migratory Birds and Species at Risk
The Canadian Wildlife Service of Environment and Climate Change Canada (ECCC-CWS) has reviewed the above project and offers the following comments.

Vegetation Clearing
Clearing vegetation may cause disturbance to migratory birds, and may inadvertently cause the destruction of their nests and eggs. Many species use trees, as well as brush, deadfalls and other low-lying vegetation for nesting, feeding, shelter and cover. This would apply to songbirds throughout the region, as well as waterfowl in wetland areas. Disturbance of this nature would be most critical during the breeding period. The breeding season for most birds within the project area occurs between April 15th and August 15th in this region, however some species protected under the MBCA do nest outside of this time period. Please see the webpage “General Nesting Periods of Migratory Birds in Canada” (Website: http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=4F39A78F-1) for more specific information concerning the breeding times of migratory birds. This project area falls within zone “D3-4”.
Environment and Climate Change Canada provides the following recommendations:
1. to avoid the risk of nest destruction, the proponent should avoid vegetation clearing and field burning during the most critical period of the migratory bird breeding season (see above).
2. to develop and implement a management plan that includes appropriate preventive measures to minimize the risk of impacts on migratory birds (See “Planning ahead to reduce risks to migratory bird nests”, PDF: http://www.ec.gc.ca/Publications/default.asp?lang=En&xml=50C4FE11-801E-4FE3-8019-B2D8537D76CE). It is the responsibility of the individual or company undertaking the activities to determine these measures. For guidance on how to avoid the incidental take of migratory birds nests and eggs, please refer to the Avoidance Guidelines (Website: http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=AB36A982-1). The management plan should include processes to follow should an active nest be found at any time of the year.

Beneficial Management Practices for Forestry Activities
Migratory birds (primarily forest songbirds) utilize forest habitats throughout the year, and should be discussed in the forestry management plan. In order to sustain migratory bird populations, it is necessary to maintain a forest landscape that has age classes with the structure, function and size that most closely resembles the full range of seral stages found under a natural disturbance regime.

To maintain migratory bird habitat in harvested forests, ECCC-CWS recommends that harvesting practices are conducted in a manner that:
- Minimizes fragmentation and maintains interior forest habitat.
- Maintains forest structure (e.g., understory vegetation, standing residual material, and downed woody material) in seral stages.
- Uses methods that promote natural regeneration in order to maintain forest structure, including understory vegetation.
- Schedules activities to reduce disturbance during the migratory bird breeding season. The breeding season for most migratory birds within the project area occurs between April 15th and August 15th in this region (but see “Vegetation Clearing” above), though some species protected under the MBCA do nest outside of this time period.
• Ensures no net loss of wetland functions in forests.
• Ensures that large snags are left standing in cut blocks, as a source of nesting cavities.
• Does not harvest hardwood stands within cut blocks.
• Uses appropriate buffers for sensitive or unique habitats.
• Maintains contiguous areas of uncut forest as control areas and reserves.
• Schedules activities associated with road construction, particularly in areas with wetlands and migratory bird habitat, to reduce disturbance during the breeding season.

Stockpiles
Certain species of migratory birds (e.g. Bank Swallows) may nest in large piles of soil left unattended/unvegetated during the most critical period of breeding season (April 25th through August 15th). To discourage this, the proponent should consider measures to cover or to deter birds from these large piles of unattended soil during the breeding season. If migratory birds take up occupancy of these piles, any industrial activities (including hydroseeding) will cause disturbance to these migratory birds and inadvertently cause the destruction of nests and eggs. Alternate measures will then need to be taken to reduce potential for erosion, and to ensure that nests are protected until chicks have fledged and left the area. For a species such as the Bank Swallow, the period when the nests would be considered active would include not only the time when birds are incubating eggs or taking care of flightless chicks, but also a period of time after chicks have learned to fly, because Bank Swallows return to their colony to roost.

See also the attached guidance concerning beneficial management practices that should be considered for implementation when designing mitigation measures for Bank Swallows.

Revegetation
A variety of species of plants native to the general project area be used in revegetation efforts. Should seed mixes for herbaceous native species for the area not be available, it should be ensured that plants used in revegetation efforts are not known to be invasive.

Invasive Species
Measures to diminish the risk of introducing invasive species should be developed and implemented during all project phases. These measures could include:
• Cleaning and inspecting construction equipment prior to transport from elsewhere to ensure that no vegetative matter is attached to the machinery (e.g., use of pressure water hose to clean vehicles prior to transport).
• Regularly inspecting equipment prior to, during and immediately following construction in areas found to support Purple Loosestrife to ensure that vegetative matter is not transported from one construction area to another.

Light Attraction and Migratory Birds
Attraction to lights at night or in poor visibility conditions during the day may result in collision with lit structures or their support structures, or with other migratory birds. Disoriented migratory birds are prone to circling light sources and may deplete their energy reserves and either die of exhaustion or be forced to land where they are at risk of predation.

To reduce risk of incidental take of migratory birds related to human-induced light, ECCC-CWS recommends implementation of the following beneficial management practices:
• The minimum amount of pilot warning and obstruction avoidance lighting should be used on tall structures. Warning lights should flash, and should completely turn off between flashes.
• The fewest number of site-illuminating lights possible should be used in the project area. Only strobe lights should be used at night, at the lowest intensity and smallest number of flashes per minute allowable by Transport Canada.

• Lighting for the safety of the employees should be shielded to shine down and only to where it is needed.

• LED lights should be used instead of other types of lights where possible. LED light fixtures are less prone to light trespass (i.e., are better at directing light where it needs to be, and do not bleed light into the surrounding area), and this property reduces the incidence of migratory bird attraction.

Species at Risk
The following avian species at risk (as listed on Schedule 1 of the Species at Risk Act) may occur within the study area: Olive-sided Flycatcher (Threatened), Harlequin Duck (Special Concern) and Red Crossbill (Percaia subspecies, Endangered). Though unlikely to be found within the project footprint, these species may occur within the study area and we request that sightings be reported to ECCC-CWS.

Wetlands
The proponent should be aware that as part of its commitment to wetlands conservation, the Federal Government has adopted The Federal Policy on Wetland Conservation (FPWC) with its objective to “promote the conservation of Canada’s wetlands to sustain their ecological and socio-economic functions, now and in the future.” In support of this objective, the Federal Government strives for the goal of No Net Loss of wetland function on federal lands or when federal funding is provided.

Though this project does not take place on federal lands, ECCC-CWS recommends that the goals of the policy be considered in wetland areas as a beneficial management practice.

A copy of the FPWC can be found at: http://publications.gc.ca/pub?id=9.686114&sl=0.

ECCC-CWS recommends using a 30 meter buffer from the high water mark of any water body (1:100 year Flood Zone) in order to maintain movement corridors for migratory birds. Please see https://www.ec.gc.ca/peom-itmb/default.asp?lang=En&n=8D910CAC-1#_03_1_1 for further information concerning buffer zones.

In order to promote wetland conservation EC-CWS recommends the following:
• Developments on wetlands should be avoided.
• Where development does occur in the vicinity of wetlands, a minimum vegetation buffer zone of 30 m should be maintained around existing wetland areas.
• Hydrologic function of the wetland should be maintained.
• Runoff from development should be directed away from wetlands.

Fuel Leaks
The proponent must ensure that all precautions are taken by the contractors to prevent fuel leaks from equipment, and that a contingency plan in case of oil spills is prepared. Furthermore, the proponent should ensure that contractors are aware that under the MBR, “no person shall deposit or permit to be deposited oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds.” Biodegradable alternatives to petroleum-based chainsaw bar oil and hydraulic fluid for heavy machinery are commonly available from major manufacturers. Such biodegradable fluids should be considered for use in place of petroleum products whenever possible, as a standard for best practices. Fueling and servicing of equipment
should not take place within 30 meters of environmentally sensitive areas, including shorelines and wetlands.

Provisions for wildlife response activities should be identified in the Oil Spill Prevention and Response Plan to ensure that pollution incidents affecting Wildlife are effectively and consistently mitigated. The document "Birds and Oil - CWS Response Plan Guidance" is attached and is provided to offer guidance on the development of wildlife response activities.

The following information should be included in any Oil Spill Prevention and Response Plan:
- Mitigation measures to deter migratory birds from coming into contact with the oil.
- Mitigation measures to be undertaken if migratory birds and/or sensitive habitat becomes contaminated with the oil.
- The type and extent of monitoring that would be conducted in relation to various spill events.

2.2 Erosion and Drainage Control
Given the close proximity to waterbodies and wetlands, the proponent should ensure that sediments are contained and not permitted to runoff into either water body. To ensure minimal adverse impacts on the watershed the following recommendations should be considered:
- Construction activities should be coordinated with seasonal constraints (e.g. time clearing, grubbing and excavation activities to avoid periods of heavy precipitation; avoid sensitive periods for fish and wildlife; shut down and stabilize the work site in accordance with pre-established criteria in advance of the winter season).
- Exposed soil areas should be minimized by limiting the area exposed at any one time, and by limiting the amount of time that any area is exposed. Revegetation of disturbed areas or covering disturbed areas with a thin layer of brush or slash is recommended to prevent erosion. Exposed soil should be stabilized with anti-erosion devices, such as rip rap, filter fabrics, gravel or wood chip mulches.
- A vegetated buffer zone should be maintained, as appropriate, to protect surface waters.
- Erosion prevention and drainage control measures should be installed or implemented prior to any land disturbance. Control devices such as filter fabrics, sediment traps and/or settling ponds should be in place to receive all drainage from areas disturbed by site preparation and any site clearing, grubbing, scarification and general construction activities. Regular maintenance and repair should be undertaken to ensure continued effectiveness of such control devices.

2.3 Management of Hazardous Materials and Waste
Provisions for the management of hazardous materials (e.g. fuels, lubricants) and wastes (e.g. contaminated soil, sediments, waste oil) should be identified and implemented in order to ensure compliance with Section 36 (3) of the Fisheries Act, and with CEPA and the Migratory Birds Convention Act and their Regulations. The following mitigation recommendations are made with respect to the transport, storage, use and disposal of petroleum products and toxic substances which, when employed, may minimize the risk of chronic and accidental releases and impacts to the environment:
- Biodegradable alternatives to petroleum-based chainsaw bar oil and hydraulic fluid for heavy machinery are commonly available from major manufacturers. Such biodegradable fluids should be considered for use in place of petroleum products whenever possible, as a standard for best practices.
The proponent should ensure that all precautions are taken by the contractors to prevent fuel leaks from equipment. Refueling and maintenance activities should be undertaken on level terrain, at least 30m from environmentally sensitive areas, including shorelines and wetlands, on a prepared impermeable surface with a collection system to ensure oil, gasoline and hydraulic fluids do not enter surface waters. Waste oil should be disposed of in an approved manner.

In order to ensure that a quick and effective response to a spill event is possible, spill response equipment should be readily available on-site. Response equipment, such as adsorbents and open-ended barrels for collection of cleanup debris, should be stored in an accessible location on-site. Personnel working on the project should be knowledgeable about response procedures. The proponent should have a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event. The proponent should indicate how the contingency plans will be prepared, and response measures implemented, to reflect site-specific conditions and sensitivities. In developing a contingency plan, it is recommended that the Canadian Standards Association publication Emergency Planning for Industry CAN/CSA-Z731-03, be consulted as a useful reference.

The proponent should report any spills of petroleum or other hazardous materials to the Environmental Emergencies 24 Hour Report Line (1-800-563-9089).

2.4 Use of Chemicals
It is stated in the registration document that “herbicides, while used sparingly, are sometimes a necessary tool to help establishment of a new forest particularly on the better sites” (page 107, section 7.2.1 Forest Renewal). The registration document indicates that specific strategies will include the use of “pertinent and approved biological and chemical insecticides such as BTK virus” in conjunction with Provincial and Federal initiatives (page 112, section 7.4.1 Insects and Disease).

The use of chemicals must be conducted in a manner which complies with all federal and provincial regulations, including those that fall within ECCC's mandate, namely the federal Fisheries Act, the Canadian Environmental Protection Act and the Migratory Birds Convention Act. Proponents are responsible for ensuring that appropriate mitigation measures are in place to avoid negative environmental effects on water quality and non-target organisms resulting from the use of chemicals.

Under Health Canada’s Pest Control Products Act, pesticides must be registered before they can be imported, manufactured, sold or used in Canada. Pesticides can only be used for the pests and treatment areas listed on the label, and used according to the label directions. More information is available on the Pest Management Review Agency’s website: http://www.pmra-ara.gc.ca/. The proponent should be aware of the need to comply with the pollution prevention provisions of the Fisheries Act when using pest control products. The use of a licensed product, even in accordance with the label, should not result in a contravention of Section 36(3) of the Fisheries Act ("no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substances or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water").

To avoid negative impacts with respect to the use of chemicals, proponents should consider the following prevention and mitigation measures:

- Keep records of all chemicals used during daily operations, including a description of quantities, use patterns (timing and area of application), and disposal methods for each
chemical product; this information is helpful to proponents in evaluating potential deleterious effects on water quality, as well as effects on non-target organisms;

- Where possible, use “environmentally friendly” chemicals (e.g. less toxic and persistent) or alternatives to chemical treatments;
- Prevent or control wastes and contaminants at source (i.e. practice pollution prevention) by applying the precautionary principle when designing management plans for the safe handling and disposal of chemicals;
- Ensure site personnel have training in the safe handling and effective application, and disposal of chemicals;
- Choose a safe and secure chemical storage area, preferably away from any water bodies;
- Manage all chemicals according to the directions on the label from the manufacturer and best management practices;
- Only use registered pesticides products on site, including in-feed treatments, in accordance to their intended use and the prescribed label requirements and veterinary prescription (please note the above cautionary with respect to the Fisheries Act);
- Contain operational waste for on-land disposal at an appropriate treatment facility; and
- Assume “cradle-to-grave” responsibility for chemicals, both on-site and off-site.

3.0 Environment and Climate Change Canada Contacts

<table>
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<th>Shelley Decker</th>
<th>Joshua Mailhiot</th>
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**FISHERIES AND OCEANS CANADA**: The ORF was received. They recommended release from EA. Comments:

Following review of the environmental registration documentation, Fisheries and Oceans Canada (DFO) has determined that an environmental assessment based upon the habitat provisions of the Fisheries Act is not required.

Proponents proposing work in or near water are advised to self-assess and determine if their project requires a review by the DFO. The Fisheries Protection Program website to obtain guidance on how to carry out a self-assessment of the proposed project is located at http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html.

This site also provides advice on various mitigation measures that will help avoid causing harm and comply with the Fisheries Act (http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/index-eng.html).

If after completing a self-assessment of the proposed works/undertaking/activity and it is determined that a review by DFO is required, the Request for Review form located at: http://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/index-eng.html should be completed. Please note that in-water project activities listed on the DFO “Projects Near Water” website as “not requiring review by DFO” should be avoided in certain time periods in some waters in Newfoundland and Labrador in order to reduce the risk of harm to salmon and trout populations.
during important or sensitive life stages. If the you cannot avoid working in water during those periods, you should also submit a Request for Review form.

Once completed, the application for review form should be sent to FPP-NL@dfo-mpo.gc.ca.

Any questions regarding this project can be forwarded to the DFO to:

Triage and Planning
Fisheries Protection Program – Regulatory Review
Fisheries and Oceans Canada
Newfoundland and Labrador Region
Ph: (709) 772-4140
Fax: (709) 772 - 5562
Email: FPP-NL@dfo-mpo.gc.ca

TRANSPORT CANADA: The ORF was received. They recommended release from EA.

Comments:

The proposed work(s) are located in, on, over, though, across or under a waterway that are not listed on Navigation Protection Act - Schedule of Navigable Waters, and as such this waterway is referred to as a non-scheduled waterway. There are outcomes listed below based upon whether the work(s) is a new work(s) or an existing work(s) that was Approved under the Navigation Protection Act (NPA).

- New work(s) located in a non-scheduled waterway can proceed without Approval under the Navigation Protection Act (NPA). Should the owner want the new work(s) to be reviewed under the NPA, the NPA includes an Opt-in provision that allows the proponent(s) of the proposed work(s) in non-scheduled navigable waters to ask for a review under the NPA. The Minister may accept or refuse an Opt-in Request.

- Modifying/repairing an existing work(s) that was approved under the NPA, this work(s) has been automatically Opted-in to the NPA regime and as such the owner has two options:
  • Option A: submit a Notice of Works Form to the NPP for assessment to determine if an Approval is required or;
  • Option B: submit an Opt-out Request to NPP so that the existing work(s) may be opted-out of the NPA regime and then any future construction on this work can proceed without review under the NPA.

ENVIRONMENT AND CLIMATE CHANGE

Office of Climate Change & Energy Efficiency: The ORF was received. They recommended release from EA. Comments:

CCB notes that forest management is directly related to climate change. Trees store CO₂, and deforestation can foster the release of sequestered CO₂ into the atmosphere. Responsible forest management can serve to mitigate the impacts of harvesting timber, from a climate change perspective. Silviculture prescriptions and appropriate forest management activities will be essential in restoring the carbon sequestration function of forests within this zone.

CCB suggests that heavy equipment used in logging and extraction, quarrying and road construction and mechanical site preparation be operated in a manner that maximizes fuel efficiency, so as to limit the amount of greenhouse gases that contribute to climate change during operations.

CCB also notes that, in the 2011 Climate Change Action Plan, the Provincial Government committed to explore the potential for changes in forest management practices to increase the carbon storage potential. The Forestry and Agrifoods Agency has lead responsibility within Government for the commitment.

The proponent notes that approximately 30 culverts and one bridge will be constructed over the course of this undertaking. CCB notes that provincial climate projections indicate that extreme precipitation events will become more intense. As such, CCB suggest the proponent consult these projections to ensure infrastructure is designed to the appropriate return periods.

More information on climate data can be provided by contacting Kyle Robar (729-1394) or at the following link:

Parks and Natural Areas Division: The ORF was received. They recommended release from EA. Comments:

EA 1865 – Zone 2, FSB 2017-2021 5-year plans
Parks and Natural Areas Division comments
December 5, 2016

Regulatory requirements relevant to this proposal

T’Railway Provincial Park

- PNAD advises that the public must be consulted on FSB’s proposal to use the T’Railway to transport timber and heavy equipment/logging trucks in that provincial park, which is used by thousands of all-terrain vehicle users and snowmobilers annually. PNAD requests that FSB provide confirmation that the proposal to utilize the T’Railway was discussed at public meetings. It would be helpful for PNAD to receive a summary of the comments from FSB. PNAD requests that in all future public meetings and other venues
of consultation, that FSB specifically highlight to the public their proposal to use the T'Railway Provincial Park for the purposes of forestry activity.

- Maps provided in the registration document have erroneously included branch lines as being part of the T'Railway Provincial Park. Instead, the Park only includes the main trunk of the old railbed, and extends beyond the surface of the old railbed - the total width of this linear Park ranges from 15.24 m (50 feet) to 91.44 m (300 feet) across the Island. Branch lines are not part of the Park. PNAD has provided FSB with geospatial data of the centerline of the T’Railway Provincial Park for use in all operating plans.

- FSB notes that it plans to use the T’Railway Provincial Park to access commercial harvest blocks CC02009 and CC02013 and to construct Beaver Pond Road so that it abuts the T’Railway. Pursuant to Section 10 of the Provincial Park Regulations, a Temporary Vehicle Access permit is required to access sites via the T’Railway with anything other than an approved off-road vehicle. A Construction and Use permit is required if access to any sites requires disturbing the state of the T’Railway (e.g., installation of infrastructure such as a road, driveway, culvert, etc; or upgrading or maintenance to existing access points along the T’Railway). Permits may be requested by emailing trailway@gov.nl.ca. PNAD advises that the maximum extent of time for which TVA and C&U permits may be issued is two consecutive years.

**Domestic Harvest**

- Proposed domestic harvest blocks abut Fortune Head Ecological Reserve and Lockston Path Provincial Park. Pursuant to the Wilderness and Ecological Reserves Act and Provincial Parks Act, cutting must not occur in these protected areas. Permits provided to domestic timber harvesters should include this information and maps of protected area boundaries to ensure encroachment does not occur; shapefiles for provincial protected areas are available for download at www.env.gov.nl.ca/env/parks/gis_data.html. Domestic harvesters must also be advised that a Temporary Vehicle Access permit is required for anyone wishing to use any motorized vehicle other than an ATV or snowmobile on the railbed. Permits may be requested by emailing trailway@gov.nl.ca.

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*Pollution Prevention Division:* The ORF was received. They recommended release from EA.

**Comments:**

2016

To: Environmental Assessment Division

Reg. 1865 Crown 5-Year Operating Plan Zone 2 (2017-2021)

**General**

- All activities associated with this project are subject to the *Environmental Protection Act* (EPA) and the *Water Resources Act* (WRA) and their regulations. Official copies of these may be obtained from the Queen’s Printer. Unofficial versions are available through the Government of Newfoundland and Labrador website ([www.gov.nl.ca](http://www.gov.nl.ca)).

- These comments highlight the pertinent issues of these acts and regulations and the PPD’s policies and guidelines.

**Environmental Protection Act, Part IV - Waste Disposal and Litter**

- All activities associated with the construction and/or operation of this proposal are subject to the *Waste Management Regulations*, 2003.

- All waste material shall be considered, prior to disposal, for reuse, resale or recycling.

- Waste receptacles shall be installed at all active areas for use by workers.

- The proponent shall ensure that all waste (ex. empty oil containers) is recovered and disposed of appropriately.

- Waste materials not reused, resold or recycled, shall be disposed at an approved waste disposal site, provided the owner/operator is willing to accept such waste and the local Service Newfoundland and Labrador (SNL) has agreed with the disposal of the waste materials at the site.

- Signs shall be established along the roads which discourage users from littering.

**Environmental Protection Act, Part VI - Air Quality Management**

- All activities associated with this proposal are subject to *Air Pollution Control Regulations*, 2004, [http://www.assembly.nl.ca/Legislation/sr/Regulations/rc040039.htm](http://www.assembly.nl.ca/Legislation/sr/Regulations/rc040039.htm).
• Schedule E of the regulations prohibits the open burning of tires; plastics; treated lumber; asphalt and asphalt products; drywall; demolition waste; hazardous waste; biomedical waste; domestic waste; trash, garbage, or other waste from commercial, industrial or municipal operations; manure; rubber; tar paper; railway ties; paint and paint products; fuel and lubricant containers; used oil; animal cadavers; hazardous substances; materials disposed of as part of the removal or decontamination of equipment, buildings or other structures.

**Environmental Protection Act, Part XI – Approvals**
- A Certificate-of-Approval from the FPD for construction and/or operation is not required.

**Environmental Protection Act, Part IX - Pesticides**
- All pesticide purchase, storage, and use is subject to compliance with the *Pesticides Control Regulations*, 2012, [http://assembly.nl.ca/Legislation/sr/regulations/rc120026.htm](http://assembly.nl.ca/Legislation/sr/regulations/rc120026.htm).
- If the use of a pesticide(s) is required (e.g. for the control of insects, rodents; flies, weeds, vegetation), the Pesticides Control Section of the Department of Environment and Conservation must be notified at (709) 729-2565. You will be required to obtain a Pesticide Operator Licence or hire a licensed Pest Control Operator.

**Environmental Protection Act**

**Storage and Handling of Gasoline and Associated Products Regulations**
- Petroleum storage and handling, associated with construction and operation of this project/facility, shall be in compliance with the *Storage and Handling of Gasoline and Associated Products Regulations*, 2003, as amended, [http://www.assembly.nl.ca/Legislation/sr/Regulations/rc030058.htm](http://www.assembly.nl.ca/Legislation/sr/Regulations/rc030058.htm).
- All petroleum storage tanks shall be registered with the SNL and all leaks/spills must be reported to the Department.
- Oils, greases, diesel, gasoline, hydraulic and transmission fluids should be stored at least 100 m from any body of water. Re-fuelling and maintenance activities should also occur at least 100 m from any body of water and on level terrain.
- An environmental emergency contingency plan should be developed. This plan details information regarding the location of spill response equipment and a trained contractor, in the event of a spill.

**Environmental Protection Act - Used Oil Control Regulations**
- The proponent shall maintain constant compliance with the *Used Oil Control Regulations*, [http://www.assembly.nl.ca/Legislation/sr/Regulations/rc020082.htm](http://www.assembly.nl.ca/Legislation/sr/Regulations/rc020082.htm).
- Waste oils and used lubricating oil shall be retained in a tank or closed container, and disposed of by a company licensed for handling and disposing of used oil products.

**Environmental Protection Act - Halocarbon Regulations**
- Any use of regulated substances, for example in fire suppression systems, associated with the proposed activity is subject to the *Halocarbon Regulations*, [http://www.assembly.nl.ca/Legislation/sr/Regulations/rc050041.htm](http://www.assembly.nl.ca/Legislation/sr/Regulations/rc050041.htm).

**Water Resources Act - Environmental Control Water and Sewage Regulations**
- All waters discharged from the proposed site, during construction and operation, are subject to compliance with the *Environmental Control Water and Sewage Regulations*, 2003,
In the event that a pesticide is required to control insects, stipulations relating to such operation as outlined in the _Environmental Protection Act, Part IX—Pesticides_ must be adhered to. All pesticide purchase, storage, and use is subject to compliance with the Pesticides Control Regulations, 2012, [http://assembly.nl.ca/Legislation/sr/regulations/rc120026.htm](http://assembly.nl.ca/Legislation/sr/regulations/rc120026.htm). If the use of a pesticide(s) is required (e.g. for the control of insects, rodents, flies, weeds, vegetation), the Pesticides Control Section of the Department of Environment and Climate Change must be notified at (709) 729-2565. You will be required to obtain a Pesticide Operator Licence or hire a licensed Pest Control Operator.

**Water Resources Management Division:** The ORF was received. They recommended release from EA. Comments:

In addition to the comments below, they provided three excel files:
- Zone_2_FYOP_Commercial_OP_Areas
- Zone_2_FYOP_Domestic_OP_Areas
- Zone_2_FYOP_Roads

**Registration No.:** 1865

**File No.:** 2.1133.0215

**Project:** Crown ZONE 2 Five Year Operating Plan (2017-2021)

Under the authority of the _Water Resources Act_, SNL2002 cW-4.01 [http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm](http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm), the Water Resources Management Division (WRMD) [http://www.env.gov.nl.ca/env/waterres/index.html](http://www.env.gov.nl.ca/env/waterres/index.html) is responsible for the management of water resources of the province of Newfoundland and Labrador. The WRMD has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province.

1. Regulatory requirements relevant to this proposal.

**Prior to the start of any proposed activity**, the proponent must apply for and obtain a permit under the _Water Resources Act_, 2002, specifically Section 48 [http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm](http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm) for any work including, but is not limited to, culverts, bridges, fording or other works in any body of water (including wetland EMPHASIS ADDED) along with the need for a site drainage plan.

**Contact:** Dr. Abdel-Zaher Kamal Abdel-Razek, Manager, Water Rights & Investigations Section - (709) 729-4795

**Prior to the start of any proposed activity**, the proponent must apply for and obtain a permit under the _Water Resources Act_, 2002, specifically Section 39 [http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm](http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm) any proposed developments within any non-sensitive designated Protected Public Water Supply Area servicing any community. Also, any work within any non-sensitive designated Protected Public Water Supply Area (PPWSA) must comply with this Department's Policy for Land and Water Related Developments in Protected Public Water Supply Areas.
http://www.env.gov.nl.ca/env/waterres/regulations/policies/water_related.html. Please find attached three files separated into commercial harvesting and domestic harvesting. Each file is
the PPWSA identified that have proposed forest activities (commercial, domestic & road construction) within their boundaries. It should be pointed out that a maximum of 10% of a non-sensitive designated PPWSA will be permitted for forestry activities within a 5 year period. This includes an sum of commercial, domestic, and silviculture activities. The total percentage permitted will be dependent based on site specific conditions.
Forestry activities within the following PPWSAs will not be permitted as the watershed are classified as sensitive due to size and no activities are permitted:
- Baine Harbour–Baine Harbour Pond PPWSA
- Bay L’Argent–Sugarloaf Hill Pond PPWSA
- Burin–Gripe Cove Pond PPWSA
- Elliston–Big Pond PPWSA
- Garnish–Witchazel Pond PPWSA
- George’s Brook-Milton–Lilly Pond PPWSA
- Grand Le Pierre–Nip Nose Pond PPWSA
- Hickman’s Harbour-Robinson Bight–Big Loss Pound Pond PPWSA
- Keels–Boland’s Pond PPWSA
- Little St. Lawrence–Butler’s Brook PPWSA
- Lower Lance Cove–Big Long Pond PPWSA
- Port Blandford–Noseworthy’s Pond PPWSA
- Random Sound West–Reservoir PPWSA

Contact: Ms. Paula Dawe, Manager, Drinking Water & Wastewater Section and Dam Safety Program - (709) 729-4048

There has not been an assessment in the document that looks at the existing water quantity/quality or climate monitoring stations that are operated jointly by the federal/provincial government in the specified areas (Zone 2).

ACTIVE STATIONS WITHIN A ONE KM BUFFER DISTANCE OF HARVESTING OPERATIONS

<table>
<thead>
<tr>
<th>ZONE</th>
<th>HARVEST TYPE</th>
<th>PROGRAM</th>
<th>STATION #</th>
<th>STATION NAME</th>
<th>LATITUDE</th>
<th>LONGITUDE</th>
<th>DIST. TO HARVEST (m)</th>
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<td>SHOAL HARBOUR RIVER NEAR CLARENVILLE</td>
<td>48.220 17</td>
<td>54.0496 240</td>
<td></td>
</tr>
</tbody>
</table>

Consideration must be given to ensure a protective buffer is maintained around these particular monitoring stations due to their close proximity to the harvesting activities.

Additionally, there are a number of other monitoring stations located within watersheds that fall a little further outside the vicinity of the proposed harvesting operations. A detailed listing can be provided upon request.

Contact: Ms. Renee Paterson, Program Lead, Real-time Water Quality Monitoring Program - (709) 729-1159
Any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003

Application forms for permits and licences, fee schedules, and guidelines are available at:

2. Additional information that you require on the proposal and/or the environmental planning of the proposal.

   NONE

3. Original environmental or impact research before proceeding with this proposal? If so, provide details.

   NONE

4. Comments based on your experience and expertise, but not directly related to your agency’s mandate.

   NONE

Date of Response: December 5, 2016

Wildlife Division: The ORF was received. They recommended release from EA. Comments:

What are your agency’s regulatory requirements relevant to this proposal?
The Wildlife Division advises applicant to operate under established regulations and guidelines with respect to wildlife and their habitats (e.g. nesting birds, caribou, waterfowl, wetlands, inland fish, rare plants, riparian species) to minimize adverse impacts (Section 106 of the Wild Life Regulations under the Wild Life Act (O.C. 96-809)).

Forest Management Protection Guidelines apply to all operating areas.

In addition to the mitigation commitments outlined in Table 9 (page 65) as per registration document, the Wildlife Division has identified further harvesting blocks that require mitigative measures:

a) Domestic harvest blocks CC02502 (Come By Chance) are within the Come By Chance Stewardship Zone. The Town of Come By Chance is to be contacted to discuss harvesting within their Stewardship Zone.

Provide details of any additional information that you require on the proposal and/or the environmental planning of the proposal.

Does your agency require that the proponent conduct original environmental or impact research before proceeding with this proposal? If so, provide details:

Additional comments based on your experience and expertise, but not directly related to your agency’s mandate:
ADVANCED EDUCATION, SKILLS AND LABOUR

Skills and Labour Market Research Division: The ORF was received. They recommended release from EA. Comments:

1) Regulatory requirements:

No regulatory requirements of the Department of Advanced Education, Skills and Labour apply to this project.

2) Additional information required on the project and/or environmental planning of the project:

No additional information required by the Department of Advanced Education, Skills and Labour for this project.

3) Original Impact research:

4) Comments based on experience and expertise, but not directly related to the Departmental mandate:

BUSINESS, TOURISM, CULTURE AND RURAL DEVELOPMENT

Provincial Archaeology Office: The ORF was received. They recommended release from EA. No further comment was provided.

Regional Economic Development: The ORF was received. They recommended release from EA. No further comments provided.

Tourism and Culture Branch: The ORF was received. They recommended release from EA. Comment:

The Department of Business, Tourism, Culture and Rural Development (BTCRD), Tourism and Culture Branch reviewed Zone 2 Forest Management Plan Five year Operating Plan. Zone 2 covers geographical areas in the Eastern region of the province.

Tourism contributes approximately 1 billion annually to the provincial economy and provides 18,000 jobs. In 2015, Business, Tourism, Culture and Rural Development invested in a multi-regional Tourism Destination Development planning process to guide regional strategic investments in product and destination development. The over-arching goals were to create an understanding of what needs to be done to strengthen the ability to grow the tourism industry in the Eastern region in ways that:

1. Resonate with travellers, reinforce the brand and increase visitation and tourism spending;
2. Continue to improve the visitor experience and visitor economy; and
3. Empower the Eastern Region to be a visible leader of responsible, sustainable tourism.

The Eastern region, and in particular, the Bonavista Peninsula is one of the highest visited tourism destinations in the province. The region's natural and cultural attractions are primary travel generators and there are a significant number of private tourism businesses operating both
year round and seasonally. There has been considerable investment from provincial and federal sources to develop the Eastern region as a strong tourism destination. Natural resources, such as viewscapes, trails, scenic travel routes, are valuable assets that drive visitor demand and are fundamental to the industry’s ability to continue to grow visitation and spending.

Touring Corridors

- The Bonavista Peninsula is one of the most frequently traveled and well-developed travel destinations in the Province. This area has been heavily promoted by NL Tourism and has seen significant strategic public and private investment for decades. In the 2011, Non-Resident Exit Survey, which profiled visitors who participated in Nature and Outdoor activities in the Eastern Region, Scenic Touring was identified as the highest rated activity in terms of participation. The Tourism and Culture Branch recommends that developments that would impact scenic settings, near touring corridors, be managed to minimize the negative visual viewscapes that arise from forestry developments. The touring corridor in this area is Route 230, which extends from Clarenville to Bonavista and Route 235 along Bonavista Bay.

The cut blocks that may be visible along this touring route:

- Trans Canada Highway
  - CC02014d, CC02014b, CC02013a, CC02013c, CC02013b, CC02012f, CC02011.
- Route 230
  - CC02019c, CC02020a, CC02020e, CC02029b, CC02029c, CC02029e,
    CC02035a, CC02047d, CC02047e, CC020, CC02049, CC02050c,
    CC02042b, CC02042e, CC02042a.
- Route 235
  - CC02056, CC02055a, CC02052o

Mitigation measures beyond the 100 meter buffer may need to be put in place to preserve the visitor experience and viewscapes along these touring routes.

Outfitting

- The area utilized in the Zone 2 Forest Management Plan is also occupied by two outfitting businesses. Tourism and Culture Branch has prepared a list and the contact information for these outfitters who must be consulted and mitigations agreed upon, as part of the Forest Management Plan (See attachment). The Forest District Plan for Zone 2 should ensure the harvest will not negatively impact the region’s big game carrying capacity for the outfitting sector.

Trails

- Throughout Zone 2, trails, such as the T’railway, hiking and snowmobile trails, are high value tourism assets on which tourism operators build, package and sell tour experiences. The ability to offer premium value for these experiences depends on the pristine setting, remoteness and ambiance of these trails. These natural assets require special management, such as buffers and viewscape design.

Recommendations

- Zone 2, Forest Management Plan, Five year Operating Plan references no dialogue with affected outfitters in District 2 and 3. Forest harvesting and new access could be detrimental to these businesses. It is recommended that consultations take place with outfitters in attached document and mitigation measures are put in place between Forestry officials and operators.

- Cut blocks CC02009c, CC02009b, CC02009a will negatively affect Mr. Dean Crocker owner of Beaulieu Caribou Hunts (2005) Limited. The new forest access road in CC02009e will further open the area to resident hunting and severely negatively affect his business. The Forest District Plan for Zone 2 should ensure the harvest will not negatively impact the region’s big
game carrying capacity for the outfitting sector. Forest harvesting and new access on the identified cut blocks will be detrimental to this business. It is recommended that consultations continue to take place with Mr. Crocker and mitigation measures agreed upon. It is recommended that forest harvesting not occur in this area from September 15 - November 15.

- Mitigation measures should be put in place that preserves the visitor experience and viewscapes along touring routes, including highway and trail buffers as well as viewshed management. It is recommended that forest harvesting along the Trans Canada Highway, Route 230 and Route 235 not be visible and it is recommended that landscape design techniques are utilized to design harvest blocks that minimize the negative visual effects of clear cuts. The Forest Management Plan for Zone 2 should indicate how highway viewscapes will be managed to minimize harvest visibility.

Reviewed By: John Angelopoulos, Industry Development Officer
December 7, 2016

EXECUTIVE COUNCIL

Labrador and Aboriginal Affairs Office

- Labrador Affairs Branch: The ORF was not received. Comment: Good day, The Labrador Affairs branch of the Labrador and Aboriginal Affairs Office has no comments on this registration.

Thank you,
Michelle

Michelle Watkins
Director, Labrador Affairs
Government of Newfoundland and Labrador
Labrador and Aboriginal Affairs, Executive Council
Mailbag 3014, Stn. B
Happy Valley - Goose Bay, NL A0P 1E0
tel: 709-896-1780 fax: 709-896-0045 mobile: 709-899-1582
email: michelletwatkins@gov.nl.ca

Aboriginal Affairs Branch: The ORF was not received. Comment: Aboriginal Affairs has no comments or concerns for registration #1865.

Women’s Policy Office: The ORF was not received. Comment:

Comments Form
Environmental Assessment Registration #1865

Title of Project: Crown Five-Year Operating Plan for Zone 2 (2017-2021)

Proponent: Forest Service, Department of Fisheries, Forestry and Agrifoods
Description:
The proponent has submitted a proposal for a Five-year Sustainable Forest Management Plan for Zone 2, encompassing Forest Management Districts 2 and 3. It is located in Eastern Newfoundland and extends from Long Harbour River, Northwest River, and Terra Nova National Park in the west to Come by Chance in the east, and includes all of the Bonavista Peninsula, Burin Peninsula and all the islands of Placentia Bay. The plan describes timber harvesting operations, construction of access roads and silviculture activities. The plan covers the period from January 1, 2017 to December 31, 2021.

Comments:
The Women’s Policy Office does not have any comments concerning this EA as employment opportunities are very low.

Written By: Brenda Grzetic, Manager, Economic Policy  Date: December 14, 2016
Approved By: Donna Ballard                      Date: December 14, 2016

Contact Information:
Brenda Grzetic  
Manager, Economic Policy  
Women’s Policy Office  
St. John’s, NL  
Office: 709-729-2119  
Cell: 709-730-2002

FISHERIES, FORESTRY AND AGRIFOODS: The ORF was received. They recommended release from EA. Comments:

Fisheries Branch: No issues.

Forestry Services Branch: No issues.

Agrifoods Branch: No issues.

Aquaculture Branch: No issues.

HEALTH AND COMMUNITY SERVICES: The ORF was not received. No comment provided.

MUNICIPAL AFFAIRS: The ORF was received. They recommended release from EA. Comments:

Registration #: 1865
COMMENTS:
What are your agency’s regulatory requirements relevant to this proposal?

Land Management and Crown Lands: Cutting of timber on private land can only occur with the permission of the land owner. Forestry Services Branch staff should contact the appropriate Regional Lands Office for up-to-date titles information and their knowledge of
private land claims prior to harvesting in designated areas during the five-year period. Lands proposed for harvesting in this Five Year Plan include some areas of private land. The Land Management Division of the Department of Municipal Affairs is satisfied with the Mitigations presented in the registration document.

During the term of this proposed five-year forest operating plan Crown lands applications will be accepted and processed in some of these forest operating areas. Each application is dealt with on a case by case basis and referrals will be sent to Forestry Services Branch for comments. A decision on each application is made with respect to the referrals that are returned to the Crown Lands Administration Division. It should be noted there are applications currently being processed in some of the proposed areas.

*Land Use Planning:* The proposed undertaking occurs within the following municipalities:

<table>
<thead>
<tr>
<th>Town</th>
<th>Link to Municipal Boundary Description</th>
<th>Link to Municipal Planning Area Description</th>
</tr>
</thead>
</table>
Blandford  slation/sr/Regulations/rc969022.htm  gulations/rc960907.htm


Contact information for each town can be found via the Municipal Directory:

Permits are required from municipal councils prior to the erection or alteration of any structure included in the definition of “Building” at section 2(b) of the Municipalities Act, 1999 (http://www.assembly.nl.ca/Legislation/sr/statutes/m24.htm#2) in accordance with section 194 of the Municipalities Act, 1999 (http://www.assembly.nl.ca/Legislation/sr/statutes/m24.htm#194).

Roads constructed on privately owned land and those that will be used by the public within a municipality as part of the proposed undertaking require permits from the municipal council under authority of section 164(2) of the Municipalities Act, 1999. (http://www.assembly.nl.ca/Legislation/sr/statutes/m24.htm#164).

Development permits are required from municipal councils where the proposed forestry activities (such as road construction) are captured by the definition of development at section 2(g) of the Urban and Rural Planning Act, 2000 (http://www.assembly.nl.ca/Legislation/sr/statutes/u08.htm#2) and within the council’s Municipal Planning Area.

Shape files describing the land use zones in which forestry activities are not permitted have been provided to all District Forestry managers for your reference.

Any forestry activity (including road construction) occurring within the building control lines of a designated protected road requires a permit from Service NL. Details of the protected road development guidelines can be found in the Protected Road Zoning Regulations: http://www.assembly.nl.ca/Legislation/sr/Regulations/rc960996.htm.
NATURAL RESOURCES: The ORF was received. They recommended release from EA. Comments:

Mines Branch: Approved with the following stipulation(s):

This response includes four maps (JPG):
- Mines Branch response EA 1865 Zone 2 (2017-2021)_Map 1 of 4
- Mines Branch response EA 1865 Zone 2 (2017-2021)_Map 2 of 4
- Mines Branch response EA 1865 Zone 2 (2017-2021)_Map 3 of 4
- Mines Branch response EA 1865 Zone 2 (2017-2021)_Map 4 of 4

A number of overlaps have been identified between proposed silviculture areas and areas covered by a quarry permit, as well as an overlap with an area subject to an ongoing advanced mineral exploration program. Several areas in particular should be excluded in advance from silviculture planning and are shown on the attached maps:

1. an area southwest of Thorburn Lake corresponding to portions of CC02013 which overlap with the main area of gold mineralization so far discovered on the Big Easy gold project. The Big Easy gold project has been subject to trenching and diamond drilling since 2010, with the most recent diamond drilling having been carried out earlier this year. Needless to say, preparation of trench sites, drill sites, and related access trails necessarily involve the cutting of timber and trampling of vegetation.

2. an area northeast of Musgravetown, north of Northwest Pond corresponding to a portion of CC02034 which shares a small overlap with an area covered by a quarry permit upon which no production has been reported to date.

3. an area east of Lethbridge located immediately south of the highway corresponding to a portion of CC02036 which overlaps with an established quarry site covered by a pair of quarry permits.

4. two areas east of Winter Brook, one, an established quarrying overlapping with the northwestern tip of CC02044 (object id 1652), the other, an area covered by a quarry permit upon which no production has been reported to date bordering the northern edge of the same silviculture area.

For any other location where a quarry site has been established that overlaps or borders a planned silviculture area, the Mines Branch recommends the following:

- As a general rule-of-thumb, except where quarry permit or lease boundaries were agreed upon in advance with Forestry in order to avoid specific areas, silviculture treatments should not be carried out within 100 m of the edge of a quarry site (i.e. the edge of quarry workings marked by the limit of ground disturbance or stockpiling of grubbed materials). Providing a 100 m buffer will provide quarry sites room for expansion without impinging on silviculturally treated areas.

- Before silviculture treatment begins in the general vicinity of an overlap, Forestry should contact the Mines Branch for a re-evaluation of the extent of the overlap (contact: Stephen Hinchev, Land Use Geologist, 729-5748, stephenhinchev@gov.nl.ca). The Mines Branch is presently attempting to obtain digital mapping of all quarry permit and
lease boundaries which will allow for more precise avoidance and mitigation of overlaps in the future.

* Should there be a proposal to expand a quarry site into a silviculturally treated area, even in cases where a 100 m buffer was originally observed between the edge of a quarry site and a subsequent silviculture treatment, the Mines Branch and Forestry should work closely to determine whether quarry expansion should be allowed to proceed provided that compensation is paid by the proponent for the loss of the silviculture. Decisions in this respect should be based on long-term resource management considerations.

In addition, the central portion of CC02057 (object id 1757), the central portion of CC02012 (object id 1570), the northern, central, and southern portions of CC02014 (object id 1567) and the northeast portions of CC02013 (object ids 1600 and 1605) overlap or border quarry permits held by Labrador-Island Link Corp. and Forestry is advised to contact the company (or Nalcor) in order to ensure that quarrying and silviculture do not conflict in these areas.

Should future quarry or mineral resource developments or exploration programs (i.e. new quarry development, existing quarry expansion, new mine development, quarry materials exploration, mineral exploration) be considered by Forestry as having the potential to cause a significant impact on the forest resource and forest resource users, then Forestry should work closely with the Mines Branch and the proponent to ensure that mutual impacts are minimized.

The operating plan, in relation to mineral exploration, states (p. 79) that parties carrying out mineral exploration should “Make every attempt to extract timber harvested as part of exploration and development. If timber can not be feasibly extracted using conventional means then timber shall be piled so that it may be extracted during winter months by snowmobiles.” Many mineral exploration companies, having abided by this principle in the past, have stated that often the timber they have stacked is not harvested but rather remains untouched. In addition, the Mines Branch, for the past several years, has been advising mineral exploration companies to use any timber they may have to cut for the purposes of corduroy over soft ground (to prevent rutting) and site rehabilitation (e.g. scattering over disturbed sites, especially those having lost their original organic cover), and the Mines Branch is presently finalizing a draft set of ‘Environmental Requirements and Recommendations for Mineral Exploration’ which will encode practices such as these which minimize the environmental impact of mineral exploration. For these reasons, and in light of the referral process described below, the Mines Branch requests that the Forestry Services Branch reconsider the above statement. All applications for ‘exploration approval’ for exploration programs beyond basic prospecting and low-impact sampling are referred to the Forestry Services Branch (among other government agencies) and Forestry should continue to use these opportunities to communicate any project-specific concerns or requirements. Project-specific concerns and requirements are addressed in the conditions under which the exploration work is approved.

Many forest access roads and bridges are used by other land users, among them parties carrying out mineral exploration or quarrying. The Mines Branch requests that it be forwarded plans to decommission roads or bridges as a matter of course to ensure that all road/bridge rehabilitation and decommissioning plans are reviewed to consider whether mineral exploration, quarrying, or mining may be affected. Contact: Stephen Hinchey, Land Use Geologist, 729-5748, stephenhinchey@gov.nl.ca

What are your agency’s regulatory requirements relevant to this proposal?
Quarry materials required for the construction or maintenance of forest access roads must be sourced from a site permitted under the Quarry Materials Act, 1998, from an external source as a byproduct of an approved development and for which royalties have been paid under the Quarry Materials Act, 1998, or from within the immediate right-of-way of the road provided that its excavation would be in compliance with other permits and understandings.

This requirement is referenced in the registration document on p. 79.

Options for sourcing from a site permitted under the Quarry Materials Act, 1998, include 1) purchasing materials sourced from a permitted site, 2) the proponent applying for a subordinate quarry permit to obtain materials from a site for which a quarry permit or lease is held by a third-party, the 3) the proponent applying for a quarry permit, whether to establish a new quarry or re-activate an existing quarry.

Provide details of any additional information that you require on the proposal and/or the environmental planning of the proposal.

None.

Does your agency require that the proponent conduct original environmental or impact research before proceeding with this proposal? If so, provide details.

No.

Additional comments based on your experience and expertise, but not directly related to your agency’s mandate.

None (however note any stipulation(s) above).

Energy Branch: The Energy Branch offers the following comments:

The registration document overview maps in Appendixes 1, 2 and 3 indicate that the proposed operating Zone 2 covers a vast area of land which overlaps number of existing transmission and distribution lines belonging to Newfoundland Power (NP) and Newfoundland and Labrador Hydro (NL Hydro), and two new lines under construction (i.e. Labrador Island Link Transmission Link and TL 267 from Bay d’Espoir to Chapel Arm). It is recommended that the proponent consult with NP and NL Hydro regarding potential land use conflict as the proposal does not indicate whether any such consultation has occurred to date.

EA 1865 is not located in the sedimentary basins of western NL, therefore the Petroleum Geoscience Division has no objections to this submission.

Strategic Planning and Policy Coordination: Strategic Planning and Policy Coordination, Natural Resources: SPPC offers no comment related to the proposed undertaking.

SERVICE NL

Government Service Centre: The ORF was received. They recommended release from EA. Comments:

ENVIRONMENTAL ASSESSMENT REFERRAL.
File Ref. No.: 2.1133.0215
Reg No.: 1865
Date: November 24, 2016.
RE: Crown Zone 2 Five Year Operating Plan (2017-2021)
By: Forest Service, FFA
At Crown Planning Zone 2 – Districts 2 and 3:
GSC File:

✓ Government Service Centre provides the following conditions

Waste

(Environmental Protection Act, 2002)
http://assembly.nl.ca/Legislation/sr/statutes/e14-2.htm
All waste material generated during-operations is to be placed in suitable refuse containers and removed to an approved waste disposal site on a weekly basis, with the approval of the site owner/operator.

Derelict vehicles, scrapped equipment and other debris is not to be stored on included sites. This material must disposed of at an approved waste disposal site or scrap yard on a regular basis, with the prior approval of the site owner/operator.

Sites are to be kept neat and tidy at all times.

Tires and used or waste oil are not to be used to aid in the burning of brush.

Gasoline and Associated Products

(The Storage and Handling of Gasoline and Associated Products Regulations, 2003)
http://assembly.nl.ca/Legislation/sr/regulations/rc030058.htm

(Heating Oil Storage Tank System Regulations, 2003)
http://www.assembly.nl.ca/legislation/sr/regulations/rc030060.htm

(Used Oil Control Regulations, 2002)
http://www.assembly.nl.ca/legislation/sr/regulations/rc020082.htm

All fuel storage tank systems, other than those connected to a heating appliance of capacity of 2,500 litres or less, and any proposed fuel cache will require registration prior to installation.

The storage, handling and disposal of used and or waste oil must be in compliance with the Used Oil Control Regulations.
In order to ensure a quick and effective response to spill events, spill response equipment should be readily available. Response equipment, such as absorbents and open-ended barrels for collection of cleanup debris, should be stored in accessible locations where operations are occurring and where storage tanks or fuel caches are located. Personnel working on the projects should be knowledgeable about response procedures. Operators should consider developing a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event.

Any spill or leak of gasoline or associated product is to be reported immediately to Service NL by calling the Environmental Emergencies Telephone Line at 772-2083 or 1-800-563-9089.

Regional Office
Service NL

Occupational Health and Safety Division: The ORF was received. They recommended release from EA. Comments:

Re: Crown ZONE 2 Five Year Operating Plan(2017-2021)
By: Forest Service, FFA
Location: Crown Planning Zone 2 - Districts 2 and 3
Comment Date: November 29, 2016

OCCUPATIONAL HEALTH AND SAFETY DIVISION COMMENTS:

1. Regulatory Requirements:

The proponent must, generally, ensure that activities associated with forest operating plan 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, as per OHS Act s.10.

In particular, the proponent must:

Provide and maintain a workplace and the necessary equipment, systems and tools that are safe and without risk to the health and safety of his or her workers. NL OHS Act 5(a)

Provide the information, instruction, training and supervision and facilities, as necessary, for the health and safety of his or her workers. NL OHS Act 5(b)

Ensure that his or her workers, and particularly his or her supervisors, are made familiar with any health or safety hazards that may be encountered by them in the workplace. NL OHS Act 5(c)

Conduct his or her undertaking so that persons not in his or her employ are not exposed to health or safety hazards as a result of the undertaking. NL OHS Act 5(d)
Ensure that personal protective equipment and devices are worn according to the work being performed and that his or her workers are given operating instruction in the use of such equipment and devices provided for their protection. This may include flotation devices depending on workers' proximity to the water. NL OHS Reg s72.

Consult and co-operate with the occupational health and safety committee at the workplace, where one has been established, or the worker occupational health and safety representative where one has been elected or appointed. NL OHS Reg 25

Ensure that machinery and/or equipment is operated by competent persons.
   NL OHS Reg s252 (1)a

8)  Ensure that powered mobile equipment is well maintained and equipped with:
   - a fire extinguisher,
   - protective screens, windows and doors,
   - a reverse alarm, and
   - a roll-over/fall-on protective structure.
   NL OHS Regulations Part 12 and 13

9)  Ensure that an emergency response plan is in place that details measures to be taken to effectively respond to any foreseeable mishap that may occur as a result of the undertaking. The following minimum items should be considered when developing such a plan:
   - a proper first-aid kit, and other requirements of the First Aid regulations;
   - communication devices;
   - a list of emergency names and numbers, appropriately placed; and
   - an action plan (with the crew aware of their roles and responsibilities).
   NL OHS Reg s38 and First Aid Regulations

10) Ensure that a risk assessment is conducted where workers are assigned to work alone or in isolation; and where the assessment identifies a hazard, appropriate controls shall be implemented to eliminate, or where elimination is not practicable, minimize the risk associated with the hazard. A procedure must be written for checking the well-being of a worker assigned to work alone or in isolation. (Refer to all subsections of s.15 NL OHS Regs.)

2. Additional Information Required on the Project and/or Environmental Planning of the Project

No.

3. Original Impact Research

No.
4. Comments Based on Your Experience and Expertise, But Not Directly Related to Your Departmental Mandate.

No.

TRANSPORTATION AND WORKS: The ORF was not received. No comment was provided.

HEALTH AND COMMUNITY SERVICES: The ORF was not received. No comment was provided.

FEDERAL AGENCIES

CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY (CEAA): The ORF was not received. No comment was provided.

HEALTH CANADA: The ORF was not received. No comment was provided.

NATURAL RESOURCES CANADA: The ORF was not received. No comment was provided.

ENVIRONMENT AND CLIMATE CHANGE CANADA: The ORF was received. They recommended release from EA. Comments:

They also provided two documents:
- Birds and Oil - CWS Response Plan Guidance
- BANK SWALLOWS in Pits & Quarries Guidance for Aggregate Producers

Crown Five-Year Operating Plan for Zone 2 (2017-2021)

1. Regulatory Requirements

\textit{Fisheries Act}

Pollution prevention and control provisions of the Fisheries Act are administered and enforced by Environment and Climate Change Canada (ECCC). The proponent should be aware of the general applicability of Section 36(3) of the \textit{Fisheries Act} which states: “no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substances or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water”. Environmental protection and mitigation measures should reflect the need to comply with Section 36(3) of the Fisheries Act. For example, measures should be taken to prevent substances such as lubricating fluids, fuels, etc. from being deposited into water frequented by fish, and drainage from construction and operational drainage must not be harmful to fish.

\textit{Migratory Bird Convention Act}

Migratory birds, their eggs, nests, and young are protected under the \textit{Migratory Birds Convention Act} (MBCA). Migratory birds protected by the MBCA generally include all seabirds (except cormorants and pelicans), all waterfowl, all shorebirds, and most landbirds (birds with principally terrestrial life cycles). The list of species protected by the MBCA can be found at: https://www.ec.gc.ca/nature/default.asp?lang=En&n=496E2702-1. Bird species not listed may be protected under other legislation.
Under Section 6 of the *Migratory Birds Regulations* (MBR), it is forbidden to disturb, destroy, or take a nest or egg of a migratory bird; or to be in possession of a live migratory bird, or its carcass, skin, nest or egg, except under authority of a permit. It is important to note that under the MBR, no permits can be issued for the incidental take of migratory birds caused by development projects or other economic activities.

Furthermore, Section 5.1 of the MBCA describes prohibitions related to deposit of substances harmful to migratory birds:

“5.1 (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.

(2) No person or vessel shall deposit a substance or permit a substance to be deposited in any place if the substance, in combination with one or more substances, results in a substance — in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area — that is harmful to migratory birds.”

It is the responsibility of the proponent to ensure that activities are managed so as to ensure compliance with the MBCA and associated regulations.

**Canadian Environmental Protection Act**

The proponent should be aware of the potential applicability of the *Canadian Environmental Protection Act* (CEPA). The *Canadian Environmental Protection Act* enables protection of the environment, and human life and health, through the establishment of environmental quality objectives, guidelines and codes of practice and the regulation of toxic substances, nutrients, emissions and discharges from federal facilities, and disposal at sea.

2. Additional information required on the project and/or environmental planning of the project

In order to ensure compliance with the aforementioned acts and regulations, and to ensure minimal adverse impacts on the environment in general, ECCC provides the following guidance.

2.1 *Migratory Birds and Species at Risk*

The Canadian Wildlife Service of Environment and Climate Change Canada (ECCC-CWS) has reviewed the above project and offers the following comments.

**Vegetation Clearing**

Clearing vegetation may cause disturbance to migratory birds, and may inadvertently cause the destruction of their nests and eggs. Many species use trees, as well as brush, deadfalls and other low-lying vegetation for nesting, feeding, shelter and cover. This would apply to songbirds throughout the region, as well as waterfowl in wetland areas. Disturbance of this nature would be most critical during the breeding period. The breeding season for most birds within the project area occurs between April 15th and August 15th in this region, however some species protected under the MBCA do nest outside of this time period. Please see the webpage “General Nesting Periods of Migratory Birds in Canada” (Website: [http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=4F39A78F-1](http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=4F39A78F-1)) for more specific information concerning the breeding times of migratory birds. This project area falls within zone “D3-4”.

Environment and Climate Change Canada provides the following recommendations:

1. to avoid the risk of nest destruction, the proponent should avoid vegetation clearing and field burning during the most critical period of the migratory bird breeding season (see above).
2. To develop and implement a management plan that includes appropriate preventive measures to minimize the risk of impacts on migratory bird nests (See “Planning ahead to reduce risks to migratory bird nests”, PDF: http://www.ec.gc.ca/Publications/default.asp?lang=En&xml=50C4FE11-801E-4FE3-8019-B2D8537D76CE). It is the responsibility of the individual or company undertaking the activities to determine these measures. For guidance on how to avoid the incidental take of migratory bird nests and eggs, please refer to the Avoidance Guidelines (Website: http://www.ec.gc.ca/paom-itimb/default.asp?lang=En&n=AB36A082-1). The management plan should include processes to follow should an active nest be found at any time of the year.

**Beneficial Management Practices for Forestry Activities**

Migratory birds (primarily forest songbirds) utilize forest habitats throughout the year, and should be discussed in the forestry management plan. In order to sustain migratory bird populations, it is necessary to maintain a forest landscape that has age classes with the structure, function and size that most closely resembles the full range of seral stages found under a natural disturbance regime.

To maintain migratory bird habitat in harvested forests, ECCC-CWS recommends that harvesting practices are conducted in a manner that:

- Minimizes fragmentation and maintains interior forest habitat.
- Maintains forest structure (e.g., understory vegetation, standing residual material, and downed woody material) in seral stages.
- Uses methods that promote natural regeneration in order to maintain forest structure, including understory vegetation.
- Schedules activities to reduce disturbance during the migratory bird breeding season. The breeding season for most migratory birds within the project area occurs between April 15th and August 15th in this region (but see “Vegetation Clearing” above), though some species protected under the MBCA do nest outside of this time period.
- Ensures no net loss of wetland functions in forests.
- Ensures that large snags are left standing in cut blocks, as a source of nesting cavities.
- Does not harvest hardwood stands within cut blocks.
- Uses appropriate buffers for sensitive or unique habitats.
- Maintains contiguous areas of uncut forest as control areas and reserves.
- Schedules activities associated with road construction, particularly in areas with wetlands and migratory bird habitat, to reduce disturbance during the breeding season.

**Stockpiles**

Certain species of migratory birds (e.g. Bank Swallows) may nest in large piles of soil left unattended/unevegetated during the most critical period of breeding season (April 25th through August 15th). To discourage this, the proponent should consider measures to cover or to deter birds from these large piles of unattended soil during the breeding season. If migratory birds take up occupancy of these piles, any industrial activities (including hydroseeding) will cause disturbance to these migratory birds and inadvertently cause the destruction of nests and eggs. Alternate measures will then need to be taken to reduce potential for erosion, and to ensure that nests are protected until chicks have fledged and left the area. For a species such as the Bank Swallow, the period when the nests would be considered active would include not only the time when birds are incubating eggs or taking care of flightless chicks, but also a period of time after chicks have learned to fly, because Bank Swallows return to their colony to roost.

See also the attached guidance concerning beneficial management practices that should be considered for implementation when designing mitigation measures for Bank Swallows.
Revegetation
A variety of species of plants native to the general project area be used in revegetation efforts. Should seed mixes for herbaceous native species for the area not be available, it should be ensured that plants used in revegetation efforts are not known to be invasive.

Invasive Species
Measures to diminish the risk of introducing invasive species should be developed and implemented during all project phases. These measures could include:

- Cleaning and inspecting construction equipment prior to transport from elsewhere to ensure that no vegetative matter is attached to the machinery (e.g., use of pressure water hose to clean vehicles prior to transport).
- Regularly inspecting equipment prior to, during and immediately following construction in areas found to support Purple Loosestrife to ensure that vegetative matter is not transported from one construction area to another.

Light Attraction and Migratory Birds
Attraction to lights at night or in poor visibility conditions during the day may result in collision with lit structures or their support structures, or with other migratory birds. Disoriented migratory birds are prone to circling light sources and may deplete their energy reserves and either die of exhaustion or be forced to land where they are at risk of predation.

To reduce risk of incidental take of migratory birds related to human-induced light, ECCC-CWS recommends implementation of the following beneficial management practices:

- The minimum amount of pilot warning and obstruction avoidance lighting should be used on tall structures. Warning lights should flash, and should completely turn off between flashes.
- The fewest number of site-illuminating lights possible should be used in the project area. Only strobe lights should be used at night, at the lowest intensity and smallest number of flashes per minute allowable by Transport Canada.
- Lighting for the safety of the employees should be shielded to shine down and only to where it is needed.
- LED lights should be used instead of other types of lights where possible. LED light fixtures are less prone to light trespass (i.e. are better at directing light where it needs to be, and do not bleed light into the surrounding area), and this property reduces the incidence of migratory bird attraction.

Species at Risk
The following avian species at risk (as listed on Schedule 1 of the Species at Risk Act) may occur within the study area: Olive-sided flycatcher (Threatened), Harlequin Duck (Special Concern) and Red Crossbill (Percno subspecies, Endangered). Though unlikely to be found within the project footprint, these species may occur within the study area and we request that sightings be reported to ECCC-CWS.

Wetlands
The proponent should be aware that as part of its commitment to wetlands conservation, the Federal Government has adopted The Federal Policy on Wetland Conservation (FPWC) with its
objective to "promote the conservation of Canada's wetlands to sustain their ecological and socio-economic functions, now and in the future." In support of this objective, the Federal Government strives for the goal of No Net Loss of wetland function on federal lands or when federal funding is provided.

Though this project does not take place on federal lands, ECCC-CWS recommends that the goals of the policy be considered in wetland areas as a beneficial management practice.

A copy of the FPWC can be found at: http://publications.gc.ca/pub?id=9.686114&sl=0.

ECCC-CWS recommends using a 30 meter buffer from the high water mark of any water body (1:100 year Flood Zone) in order to maintain movement corridors for migratory birds. Please see https://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=8D910CAC-1#_03_1_1 for further information concerning buffer zones.

In order to promote wetland conservation EC-CWS recommends the following:

- Developments on wetlands should be avoided.
- Where development does occur in the vicinity of wetlands, a minimum vegetation buffer zone of 30 m should be maintained around existing wetland areas.
- Hydrologic function of the wetland should be maintained.
- Runoff from development should be directed away from wetlands.

Fuel Leaks

The proponent must ensure that all precautions are taken by the contractors to prevent fuel leaks from equipment, and that a contingency plan in case of oil spills is prepared. Furthermore, the proponent should ensure that contractors are aware that under the MBR, "no person shall deposit or permit to be deposited oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds." Biodegradable alternatives to petroleum-based chainsaw bar oil and hydraulic fluid for heavy machinery are commonly available from major manufacturers. Such biodegradable fluids should be considered for use in place of petroleum products whenever possible, as a standard for best practices. Fueling and servicing of equipment should not take place within 30 meters of environmentally sensitive areas, including shorelines and wetlands.

Provisions for wildlife response activities should be identified in the Oil Spill Prevention and Response Plan to ensure that pollution incidents affecting Wildlife are effectively and consistently mitigated. The document "Birds and Oil - CWS Response Plan Guidance" is attached and is provided to offer guidance on the development of wildlife response activities.

The following information should be included in any Oil Spill Prevention and Response Plan:

- Mitigation measures to deter migratory birds from coming into contact with the oil.
- Mitigation measures to be undertaken if migratory birds and/or sensitive habitat becomes contaminated with the oil.
- The type and extent of monitoring that would be conducted in relation to various spill events.
2.2 Erosion and Drainage Control
Given the close proximity to waterbodies and wetlands, the proponent should ensure that sediments are contained and not permitted to runoff into either water body. To ensure minimal adverse impacts on the watershed the following recommendations should be considered:

- Construction activities should be coordinated with seasonal constraints (e.g. time clearing, grubbing and excavation activities to avoid periods of heavy precipitation; avoid sensitive periods for fish and wildlife; shut down and stabilize the work site in accordance with pre-established criteria in advance of the winter season).
- Exposed soil areas should be minimized by limiting the area exposed at any one time, and by limiting the amount of time that any area is exposed. Revegetation of disturbed areas or covering disturbed areas with a thin layer of brush or slash is recommended to prevent erosion. Exposed soil should be stabilized with anti-erosion devices, such as rip rap, filter fabrics, gravel or wood chip mulches.
- A vegetated buffer zone should be maintained, as appropriate, to protect surface waters.
- Erosion prevention and drainage control measures should be installed or implemented prior to any land disturbance. Control devices such as filter fabrics, sediment traps and/or settling ponds should be in place to receive all drainage from areas disturbed by site preparation and any site clearing, grubbing, scarification and general construction activities. Regular maintenance and repair should be undertaken to ensure continued effectiveness of such control devices.

2.3 Management of Hazardous Materials and Waste
Provisions for the management of hazardous materials (e.g. fuels, lubricants) and wastes (e.g. contaminated soil, sediments, waste oil) should be identified and implemented in order to ensure compliance with Section 36 (3) of the Fisheries Act, and with CEPA and the Migratory Birds Convention Act and their Regulations. The following mitigation recommendations are made with respect to the transport, storage, use and disposal of petroleum products and toxic substances which, when employed, may minimize the risk of chronic and accidental releases and impacts to the environment:

- Biodegradable alternatives to petroleum-based chainsaw bar oil and hydraulic fluid for heavy machinery are commonly available from major manufacturers. Such biodegradable fluids should be considered for use in place of petroleum products whenever possible, as a standard for best practices.
- The proponent should ensure that all precautions are taken by the contractors to prevent fuel leaks from equipment. Refueling and maintenance activities should be undertaken on level terrain, at least 30m from environmentally sensitive areas, including shorelines and wetlands, on a prepared impermeable surface with a collection system to ensure oil, gasoline and hydraulic fluids do not enter surface waters. Waste oil should be disposed of in an approved manner.
- In order to ensure that a quick and effective response to a spill event is possible, spill response equipment should be readily available on-site. Response equipment, such as adsorbents and open-ended barrels for collection of cleanup debris, should be stored in an accessible location on-site. Personnel working on the project should be knowledgeable about response procedures. The proponent should have a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event. The proponent should indicate how the contingency plans will be prepared, and response measures implemented, to reflect site-specific conditions and sensitivities. In developing a contingency plan, it is recommended that the Canadian Standards Association publication Emergency Planning for Industry CAN/CSA-Z731-03, be consulted as a useful reference.
- The proponent should report any spills of petroleum or other hazardous materials to the Environmental Emergencies 24 Hour Report Line (1-800-563-9089).
2.4 Use of Chemicals
It is stated in the registration document that “herbicides, while used sparingly, are sometimes a necessary tool to help establishment of a new forest particularly on the better sites” (page 107, section 7.2.1 Forest Renewal). The registration document indicates that specific strategies will include the use of “pertinent and approved biological and chemical insecticides such as BTK virus” in conjunction with Provincial and Federal initiatives (page 112, section 7.4.1 Insects and Disease).

The use of chemicals must be conducted in a manner which complies with all federal and provincial regulations, including those that fall within ECCC’s mandate, namely the federal Fisheries Act, the Canadian Environmental Protection Act and the Migratory Birds Convention Act. Proponents are responsible for ensuring that appropriate mitigation measures are in place to avoid negative environmental effects on water quality and non-target organisms resulting from the use of chemicals.

Under Health Canada’s Pest Control Products Act, pesticides must be registered before they can be imported, manufactured, sold or used in Canada. Pesticides can only be used for the pests and treatment areas listed on the label, and used according to the label directions. More information is available on the Pest Management Review Agency’s website: http://www.pmra-aria.gc.ca/. The proponent should be aware of the need to comply with the pollution prevention provisions of the Fisheries Act when using pest control products. The use of a licensed product, even in accordance with the label, should not result in a contravention of Section 36(3) of the Fisheries Act (“no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water”).

To avoid negative impacts with respect to the use of chemicals, proponents should consider the following prevention and mitigation measures:

- Keep records of all chemicals used during daily operations, including a description of quantities, use patterns (timing and area of application), and disposal methods for each chemical product; this information is helpful to proponents in evaluating potential deleterious effects on water quality, as well as effects on non-target organisms;
- Where possible, use “environmentally friendly” chemicals (e.g. less toxic and persistent) or alternatives to chemical treatments;
- Prevent or control wastes and contaminants at source (i.e. practice pollution prevention) by applying the precautionary principle when designing management plans for the safe handling and disposal of chemicals;
- Ensure site personnel have training in the safe handling and effective application, and disposal of chemicals;
- Choose a safe and secure chemical storage area, preferably away from any water bodies;
- Manage all chemicals according to the directions on the label from the manufacturer and best management practices;
- Only use registered pesticides products on site, including in-feed treatments, in accordance to their intended use and the prescribed label requirements and veterinary prescription (please note the above cautionary with respect to the Fisheries Act);
- Contain operational waste for on-land disposal at an appropriate treatment facility; and
- Assume “cradle-to-grave” responsibility for chemicals, both on-site and off-site.

3.0 Environment and Climate Change Canada Contacts
FISHERIES AND OCEANS CANADA: The ORF was received. They recommended release from EA. Comments:

Registration #: 1865 Crown Five Year Forestry Plan ZONE 2 (2017-2021)

COMMENTS:
What are your agency’s regulatory requirements relevant to this proposal?

Following review of the environmental registration documentation, Fisheries and Oceans Canada (DFO) has determined that an environmental assessment based upon the habitat provisions of the Fisheries Act is not required.

Proponents proposing work in or near water are advised to self-assess and determine if their project requires a review by the DFO. The Fisheries Protection Program website to obtain guidance on how to carry out a self-assessment of the proposed project is located at http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html.

This site also provides advice on various mitigation measures that will help avoid causing harm and comply with the Fisheries Act (http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/index-eng.html).

If after completing a self-assessment of the proposed works/undertaking/activity and it is determined that a review by DFO is required, the Request for Review form located at: http://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/index-eng.html should be completed. Please note that in-water project activities listed on the DFO “Projects Near Water” website as “not requiring review by DFO” should be avoided in certain time periods in some waters in Newfoundland and Labrador in order to reduce the risk of harm to salmon and trout populations during important or sensitive life stages. If the you cannot avoid working in water during those periods, you should also submit a Request for Review form.

NL Timing
windows .pdf

Once completed, the application for review form should be sent to FPP-NL@dfo-mpo.gc.ca.

Any questions regarding this project can be forwarded to the DFO to:

Triage and Planning
Fisheries Protection Program – Regulatory Review
Fisheries and Oceans Canada
Newfoundland and Labrador Region
Ph: (709) 772-4140
Fax: (709) 772 - 5562
Email: FPP-NL@dfo-mpo.gc.ca

Provide details of any additional information that you require on the proposal and/or the environmental planning of the proposal.


Does your agency require that the proponent conduct original environmental or impact research before proceeding with this proposal? If so, provide details.


Additional comments based on your experience and expertise, but not directly related to your agency’s mandate.


**TRANSPORT CANADA:** The ORF was received. They recommended release from EA.

Comments:

Registration #: 1865 Crown Five Year Forestry Plan ZONE 2 (2017-2021)

**COMMENTS:**

What are your agency’s regulatory requirements relevant to this proposal?

The proposed work(s) are located in, on, over, though, across or under a waterway that are not listed on Navigation Protection Act - Schedule of Navigable Waters, and as such this waterway is referred to as a non-scheduled waterway. There are outcomes listed below based upon whether the work(s) is a new work(s) or an existing work(s) that was Approved under the Navigation Protection Act (NPA).
• New work(s) located in a non-scheduled waterway can proceed without Approval under the Navigation Protection Act (NPA). Should the owner want the new work(s) to be reviewed under the NPA, the NPA includes an Opt-in provision that allows the proponent(s) of the proposed work(s) in non-scheduled navigable waters to ask for a review under the NPA. The Minister may accept or refuse an Opt-in Request.

• Modifying/repairing an existing work(s) that was approved under the NPA, this work(s) has been automatically Opted-in to the NPA regime and as such the owner has two options:
  o Option A: submit a Notice of Works Form to the NPP for assessment to determine if an Approval is required or;
  o Option B: submit an Opt-out Request to NPP so that the existing work(s) may be opted-out of the NPA regime and then any future construction on this work can proceed without review under the NPA.

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 Zone 2 Five Year Operating Plan (2017-2021) – Registration 1865

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 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 condition:

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.

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. 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 domestic harvest block CC02502 (Come By Chance). 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'SRailway 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 Tourism Branch at (709) 729-4815.

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 Mines Branch 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.

I understand that District 2 Staff have met with the Local Service District of Lethbridge and Area to discuss concerns around clear cutting at Commercial Harvesting Area CC02043B, local forestry-related traffic concerns and apiculture. As a result, the Forestry Services Branch
has agreed to maintain a 100 metre buffer along a section of John Ash's Road, not utilizing John Ash's Road for commercial operations, not to upgrade the All-terrain Vehicle Bridge at Ryan's Pond and consult with Mr. Peter Armitage, as a representative of all beekeepers in the area, prior to any non-pesticide silviculture activities.

I understand that District 2 Staff have met with the Town of Port Blandford to discuss land development and commercial and domestic cutting. As a result, these discussions have led to an enhanced understanding of the forest management planning process and the plan.

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. Roy Holloway, Chair
Local Service District of Lethbridge and Area

Mr. Cyril Bennett, Councilor
Town of Port Blandford