

Environmental Protection Plan
Cape Pond to Horse Chops Multi-Purpose Trail

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Note: Where a provision, statement or any correspondence made under this EPP is inconsistent or conflicts with a provision, term or condition of provincial or federal legislation, policy or guidelines, the provision, term or condition of provincial or federal legislation, policy or guidelines shall have precedence over the provision, statement or any correspondence made under this EPP.

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Abbreviations and Acronyms

ATV – All-Terrain Vehicle

BBBAA- Bay Bulls Bauline Athletic Association

COSEWIC – Committee on the Status of Endangered Wildlife in Canada

DFO – Department of Fisheries and Oceans

ECC-EA – Environment and Climate Change - Environmental Assessment Division

EPP – Environmental Protection Plan

FFA-RE - Fisheries, Forestry and Agriculture - Resource Enforcement Division

FFA-WD - Fisheries, Forestry and Agriculture – Wildlife Division

NLESA - Newfoundland and Labrador Endangered Species Act

SARA - Species at Risk Act

Abbreviations and Acronyms

Contact information for construction and maintenance personnel as well as the public

Contact for

FFA-WD (please quote EA number 2220):

Wildlife Division

P.O Box 2006, 192 Wheelers Road

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Section 1.0 Purpose

The Cape Pond to Horse Chops Multi-purpose Trail project was released from environmental assessment on July 07, 2023, subject to conditions. One of those conditions require the submission of an Environmental Protection Plan (EPP) to the Department of Fisheries, Forestry and Agriculture (FFA) for approval prior to the start of construction.

An Environmental Protection Plan is a field-ready document describing applicable environmental protection measures associated with 1) activities for construction personnel, 2) trail users as well as 3) our commitments for the long-term management of this multi-purpose trail.

The EPP is a document that describes mitigations in reference to the impacted areas such as wetlands and barrens, in addition to the mentioned stream crossings, as well as impacts on resident caribou. These environmental factors require mitigations to a standard that is consistent with Water Resources Act, All terrain Vehicle Act/Regulations and Schedule “C” of the ATV trail permit as issued by Crown Lands as well as the Wild Life Act.

The plan prescribes specific needed mitigation measures in detail to guide ground crews as well as the planning team and trail users while demonstrating commitment to the environment and regulations and understanding potential indirect impacts associated with the trails. (All-terrain vehicle use may occur to facilitate trail construction. Trails are to be inspected prior to use by the public.)

Please refer to registration document for EA 2220 for further details.

The location of this multi-purpose trail crosses several streams and boggy areas. It also falls within the caribou range for the Avalon caribou herd, but is located outside the Avalon Wilderness Reserve.

The EPP therefore will take into account mitigation measures around sensitive wildlife habitats such as stream crossings, appropriate buffering of waterbodies, avoidance of wetlands and measures to ensure minimal impacts on caribou from motorized vehicles throughout the life of this trail.

Section 2.0 Geographic Location

The proposed multi-purpose trail is located on the Avalon Peninsula of the Province of Newfoundland and Labrador, between the communities of Tors Cove and Cape Broyle. The trail is approximately 12 km southwest of Tors Cove and approximately 9 km northwest of Cape Broyle. It is located east of the Avalon Wilderness Area (approximately 2.7 km from the trail’s north end and 1.7 km from the trail’s south end) and west of La Manche Provincial Park (approximately 6.2km’s at its nearest point to the Provincial Parks 1km buffer).

The trail connects Horse Chops Resource Road, a cabin area road that lies outside of the municipal planning boundary for the Town of Cape Broyle, and Cape Pond Resource Road, a cabin area road that is south of the local service district of Tors Cove.

Cape Pond Road		Horse Chops Road
MTM Zone 1 N-5228170m; E-303525m	To	MTM Zone 1 N-5224060m; E-302160m

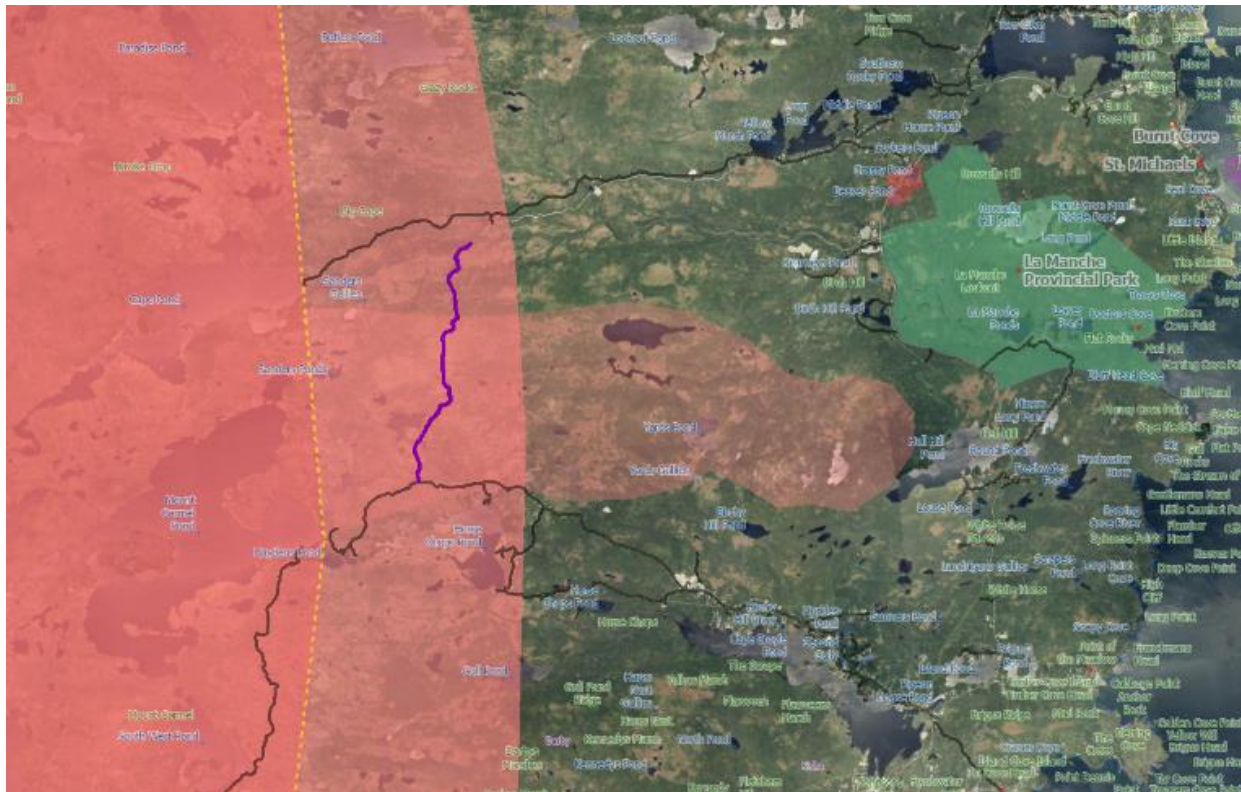


Figure 1: Proposed trail is outlined in purple, located east of the Avalon Wilderness reserve (yellow dotted line) and west of La Manche Provincial Park (green area). The trail is situated within the caribou range for the Avalon herd (red areas)

Section 3.0 Physical Features:

The trail is located on Crown land, habitat rich in forest, water bodies, wetlands and high grounds.

The trail connects two resource roads and runs in a north-south direction for a length of 5km. It will be designed wide enough for pedestrians and ATV to occupy the space at the same time. The size of the area affected by the undertaking is approximately 1 hectare or 2.5 acres. The width of disturbed ground will be 2.5-3meter driving surface with a berm width of 1 meter on one side or the other.

We confirm that the trail has been ground truthed to avoid wetlands. The trail however will traverse through barren habitat and timber areas.

The elevation for this trail changes from approx. 600ft in the south (start off from Cape Pond Resource Road) to about 810ft two thirds in and ends at about 380 feet at the northern end of Horse Chops Resource Road – see Figure 2 below.

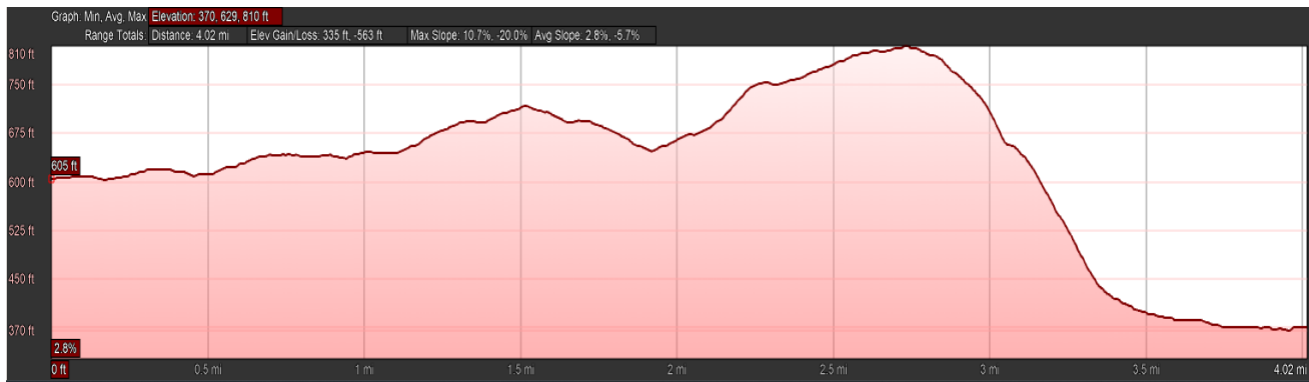


Figure 2: Elevation profile of the proposed trail

No buildings/shelters/look-out areas are planned along this trail.

Section 4.0 Construction/ Operations/ Maintenance:

This trail will be operated year around as a multi-purpose trail and utilized for walking, biking, cycling, snowshoeing, and ATV's.

The trail is located within the range of the Avalon caribou herd. The herd's population was significantly higher in the past (once over 7000 individuals), which has dwindled to approximately 350 animals in most recent years (Wildlife Division data 2023).

Multi-purpose trail development within caribou ranges are known to cause significant disturbances to the animals due to creating linear features which attracts predators; causing wildlife to avoid these areas (increasing distance with increasing amount of traffic), and can cause human induced injuries and/ or mortalities.

Multi-purpose trails have a tendency to offer public access into more remote wildlife areas, increasing the challenge to monitor illegal activities related to wildlife. Another negative side effect are the creation of offshoot trails that usually cause significant negative impacts to sensitive wildlife habitats such as wetlands, fish bearing streams, lichen covered barrens etc.

Approximately 3.5 km of trail (two thirds of the southern portion) have already been rough cleared. The rough clearing entailed scraping off the top vegetative layer down to the soil layer and moving it to one side of the trail.

During construction, silt barriers will be put in place to avoid any erosion of material into surrounding areas, especially waterbodies (ponds and streams) and wetlands.

The following water crossings have been identified through ground truthing and are visualized in Figure 3 (Photos of each crossing areas are attached in Appendix A):

Within the 3.5 km of rough cleared trail, there were 3 water crossings identified, and 2 spring run off areas that have since dried up.

Water Crossing #1 has a 1.2m wide cross section and 0.25m depth.

Water Crossing #2 has a 2 m cross section width and 0.4m depth.

Water Crossing #3 has a cross section of 0.45 – 0.6 m width and a 0.2 m depth



Figure 3: Location of Water Crossings

For the remaining northern section of uncleared area, there have been no visible areas determined to require a water crossing permit at this time. This may change once construction commences on the trail.

A Water Crossing permit application will be submitted to the Department of Water Resources for approval once a notice of approval for the trail is received from the Crown Lands Division, to ensure proper permits are in place for potential culvert or bridge construction. Once received, the permit will be attached to this EPP.

Ground personnel will be taking photos of these areas prior to disturbance and post culvert/ bridge installment to document the process and maintain adherence to the permits.

A minimum 30m undisturbed vegetated buffer will remain along all waterbodies and wetlands on either side of the proposed route – during construction and trail maintenance. This includes any laydown areas, equipment storage and access.

No fueling of vehicles will be done within 100m of any waterbodies (including streams) and wet areas. A spill kit will be on hand during construction and maintenance work.

Ditching along the trail will take place to ensure the surface of the trail remains dry/in place and any run-off is collected and redirected away from surrounding areas. The finished trail surface will be sloped to one side to allow for water runoff.

Any trees that are needed to be cut will be used for brush matting/ corduroying in areas deemed necessary due to wet soils (identified during the life of the trail due to seasonal weather events e.g. heavy rain falls throughout the years). Once a notice of approval for the trail has been received from the Crown Lands Division, a Forest harvesting permit will be obtained from the Paddy's Pond Forestry and Wildlife Office. These permits will be attached to this EPP (Appendix A).

The Migratory Birds Convention Act, 1994, Migratory Bird Regulations, Wild Life Act and Wild Life Regulations protect birds and prohibit the disturbance or destruction of bird nests and eggs in Newfoundland & Labrador.

To avoid incidental take of birds, nests and eggs, activities related to vegetation clearing and/ or heavy equipment usage (noise) will be limited during breeding and brood rearing period, which runs from May 15 to August 15.

No vegetation clearing will occur within 800 metres of a bald eagle or osprey nest during the nesting season (March 15 to July 31) and 200 metres during the remainder of the year. The 200m buffer also applies to all other active raptor nests (e.g. Northern Goshawk, Sharp-shinned Hawk, Merlin, American Kestrel, Great-horned Owl, Boreal Owl, Northern Saw-whet Owl) during the nesting season. The location of any raptor nest site will be reported to the Wildlife Division.

As the trail is also located within the caribou range of the Avalon herd, activities related to construction of the trail will avoid the sensitive caribou calving season. The timeframe to avoid is April 15 to July 15.

The trail will be inspected monthly (during spring, summer and fall) and after severe weather events to ensure the safety of the users. It is anticipated that maintenance will mainly include filling of potholes and bridge or culvert repairs.

Trail users and construction/ maintenance personnel will be required to report any caribou sightings to BBAA, who will keep track of these records and provide them to the Wildlife Division on a yearly basis. Human caused caribou injury and mortality along the new route will be reported to the Wildlife Division immediately upon notification to BBAA.

During construction, under no circumstances will wildlife (animals and plants/trees) be fed or removed from the area.

Wildlife will not be chased, caught, diverted, followed or otherwise harassed by volunteers involved with construction and maintenance and/ or trail users.

Construction/ maintenance equipment and trail user vehicles must yield the right-of-way to wildlife

Construction/ maintenance equipment and trail user vehicles are to be maintained in good working order to minimize noise and air/ground pollution

All construction, maintenance and operational activities should avoid disturbance to existing vegetation outside the trail route.

No buildings/shelters/look-out areas will be constructed along this trail.

Upon completion of the trail, signage will be installed at both entrances of the trail advising the public of the importance of the area to wildlife, yield to caribou, and directions on how to report a caribou sighting to the organization. The trail will be marked as required under ATV Trail Regulations to avoid secondary trail creation.

During the monthly trail inspections, the organization will put in place mitigations along sections that indicate secondary trail usage to discourage these types of developments. The trail will also be monitored for garbage and dumping. Should trail inspections reveal that measures are being disregarded or garbage being identified as an issue, BBAA will work with FFA-Resource Enforcement Division to rectify these issues.

Should these issues arise photo documentation and a brief description of the measures and activities undertaken to rectify issues will be added to this EPP and shared back with Crown Lands Division.

The proponent must maintain the established trail network at the standards outlined in the EPP and related provincial regulations. Deviations from the EPP resulting in negative impacts to the environment such as deteriorated water crossings or trail deviation from the final registered GPS track (to be submitted to FFA-RE and ECCC-EA) may result in cancellation of the lease under the Crown Lands Act.

Evidence that the approved trail network is facilitating illegal behavior under the Wild Life Act and Regulations or the Crown Lands Act (e.g. unauthorized departure from approved trail such as wide spread all-terrain vehicle use outside of the approved trail network) by the proponent or the general public, may also trigger cancelation of the Crown Land Lease.

All volunteers involved with construction and maintenance of the trail will receive environmental awareness training and receive an updated copy of this document.

Should BBBA no longer be willing or able to maintain the trail, the board of the Bay Bulls Bauline Athletic Association will consult with FFA-Wildlife Division and ECC-Environmental Assessment Division to determine the next steps. The EPP at that time will be updated to reflect the determined next steps.

The BBBA recognizes that the Avalon herd is currently at one of its lowest population levels. Caribou herds at low densities occupy ranges significantly smaller than range use at higher densities. The BBBA will develop and implement a monitoring program for the presence and absence of caribou and conduct these surveys during routine trail inspections as noted above (spring, fall, summer). These reports will be provided to the Wildlife Division on an annual basis. Furthermore, the BBBA will develop and implement an avoidance strategy to advise users or prevent trail usage should caribou occupancy of the area be identified.

6.0 References

Wildlife Division Data 2023, gov.nl.ca/ffa/wildlife

Appendix A

Water Crossing #1



Water Crossing #2



Water Crossing #3

