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COR/2021/04242

Reg. #2152

Stephen Balsom
Assistant Deputy Minister, Forest and Wildlife Branch
Department of Fisheries, Forestry and Agriculture

E-mail: StephenBalsom@gov.nl.ca

Dear Mr. Balsam:

Re: **Crown Zone 3 Five-Year Operating Plan (2022-2026)**

Your proposal has been reviewed by an interdepartmental environmental assessment screening committee and an opportunity to comment has been provided to the public as required by Part X of the Newfoundland and Labrador **Environmental Protection Act**, SNL 2002 , cE-14.2. Please be advised that this undertaking is **released** from further environmental assessment subject to the following conditions:

- You are required to uphold all commitments made in your environmental assessment submission to mitigate the effects of the project on the environment.
- You are to uphold the commitments made in your annual operating plans and the environmental assessment registration document with respect to reforestation. For more information, please contact the Environmental Assessment Division of my Department at (709) 729-0673.
- A minimum 75-metre undisturbed buffer is to be maintained above the high water mark along both sides of the main stem of the Gander River, below Gander Lake. For more information, please contact the Environmental Assessment Division at (709) 729-0673.
- The Climate Change Branch of my Department requires you to submit a Greenhouse Gas Management Plan for my approval within one year of the date of this letter, with

an update on the progress of this plan to be submitted within six months. The plan is expected to include:

- any carbon modeling that has been or will be used to inform forest management planning;
- projections on the level of greenhouse gas emissions that are anticipated to be captured and/or released over the five year period; and,
- a description of how forest management will be informed by carbon modelling with regard to climate change mitigation and climate change adaptation .

For more information, please contact the Climate Change Branch at (709) 729-1485.

- The Water Resources Management Division of my Department requires that a 30-metre buffer must be maintained around hydrometric stations at:
 - Southwest Brook at Lewisporte (02YO012),
 - Salmon River near Glenwood (02YQ005),
 - Gander River at Big Chute (02YQ001),
 - Indian Bay Brook near Northwest Arm (02YR003),
 - Middle Brook near Gambo (02YR001),
 - Terra Nova River at Glovertown (02YS005), and,
 - Triton Brook above Gambo Pond (02YR004).

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

- The Natural Areas Program of my Department advises that all proposed commercial forestry activity and road work shall be deferred in the Indian Arm Brook Area of Interest to allow for the conclusion of the Wilderness and Ecological Reserves Act process being led by the Wilderness and Ecological Reserves Advisory Council in consultation with public stakeholders and my Department. This Area of Interest is being reviewed as a potential Protected Area under the Wilderness and Ecological Reserves Act and a map of the area is included in the attached document entitled "comments for the Proponent." Overlapping sections of proposed harvest in the Swan Islands proposed reserve must be removed from forestry operational activities. For more information, please contact the Natural Areas Program at (709) 637-4066.
- The Wildlife Division of the Department of Fisheries, Forestry and Agriculture requires the following:
 - You must work with the Wildlife Division to mitigate impacts to caribou in the operating areas within Zone 3: CC04005, CC00612, CC06215, CC06216, CC06222, CC08002 and CC08003. Annual operating plans shall be submitted for final approval of the Wildlife Division before any activities take place in these

areas. Planning of forestry activities in these areas will consider the conservation targets proposed by the Wildlife Division in an effort to mitigate impacts to the caribou core calving areas for the Mount Peyton herd, Pot Hill herd and the Hodges Hill herd.

- Operating areas CC05010, CC05011, CC05012 and CC05016 overlap with Marten Critical habitat. To help reduce any negative impacts on marten, the Wildlife Division requires that necessary vegetation clearing or excessive noise be undertaken outside of the denning, breeding and brood rearing period, which runs from early April to the end of June. Disturbance could result in negative impacts on survival or condition of young or denning females (Marten Recovery Plan 2010).
- The Crown Land Administration Division of Fisheries, Forestry and Agriculture requires the following:
 - Portions of the proposed Forestry Operation Plan fall within cottage planning and cottage development areas. You are required to implement a 100- metre buffer around established cottage development areas and consult with the Land Management Division to determine if there are any land use conflicts.
 - You must be aware of any issued Crown titles and applications, and you are advised to consult the Land Use Atlas at <https://www.gov.nl.ca/ffa/gis/lua/> or with the Land Management Division to determine if there are any land use conflicts.
 - There may be private land within the project area, which may not be recorded with the Crown Land Administration Division. If work is planned on private land, permission is required from the land owners and access is not to be blocked. All domestic harvest areas are to avoid private land. You are required to consult with the Crown Lands Administration Division to determine if private land is located within the proposed plan. For more information, please contact the Crown Land Administration Division at 1-833-891-3249.
- The Fisheries and Aquaculture Branch of Fisheries, Forestry and Agriculture requires you to maintain a 50-meter no cut buffer near waterbodies hosting shellfish aquaculture operations. The Aquaculture Division will work with the Forestry and Wildlife Branch to determine locations of approved aquaculture leases. For more information, please contact the Fisheries and Aquaculture Branch at (709) 292-4100.
- The Department of Tourism, Culture, Arts and Recreation requires the following:
 - You are to coordinate forest management efforts with outfitters during the big game season from September 15 - December 31 and during the spring bear harvest, which occurs from May 1 - July 15.

- You are required to submit a Tourism Stakeholder Consultation Plan (Consultation Plan) that will report on consultations with tourism stakeholders. The Consultation Plan is to identify the potential impacts of forestry operations on each tourism stakeholder and describe how harvesting, road construction and silviculture activities will be modified to minimize impacts to tourism stakeholder values, which include but are not limited to: wildlife populations and hunting success rates, pristine and remote wilderness settings, and, increased access by local residents. The Consultation Plan must be reviewed and approved by Tourism, Culture, Arts and Recreation prior to conducting forestry operations. If the consultation plan is derived from the EngageNL process, Tourism, Culture, Arts and Recreation would like to review it with Fisheries Forestry and Agriculture to ensure that all stakeholders are represented; and,
- You shall implement measures that preserve the visitor experience and viewsapes along the Trans Canada Highway and Route 330. Cut blocks visible from these routes should be developed using landscape design techniques that mitigate the visibility to the motoring public. You are advised to consult directly with the Manager of Tourism Product Development regarding efforts to minimize the visibility of clear cuts from these routes.

For more information, please contact the Tourism Product Development Division at (709) 729-4518.

- You are required to uphold your commitment to meet with the Freshwater-Alexander Bays Ecosystem Corporation to discuss concerns related to proposed access roads, road decommissioning, salmonids and public consultation.
- You are required to advise the Environmental Assessment Division when the conditions of release have been met, by emailing a written description, documents, and images (where applicable) to demonstrate that the conditions have been fulfilled to EAProjectComments@gov.nl.ca.
- You are required to update the Environmental Assessment Division on the status of your project, including a copy of all permits, licences, certificates, approvals and other authorizations required for your project, one year from the date of this release letter and to provide additional updates if required. Please email your project updates to EAProjectComments@gov.nl.ca.

Federal and provincial government departments and agencies that reviewed your project during the environmental assessment provide the following advice:



The Pollution Prevention Division of my Department advises that if pesticides use is required, all pesticide purchases, storage, and use are to comply with the Pesticide Control Regulations. For more information, please contact the Pesticide Control Section at (709) 729-6054.

The Water Resources Management Division of my Department requires you to obtain permits for any work within any body of water (including wetlands), non-domestic water use for any purpose, infilling within 15 metres of bodies of water, development adjacent to or within a protected public water supply area, and development adjacent to or within a protected public wellhead water supply area. A list of Protected Public Water Supply Areas in the project area have been included in the attached document entitled "Comments for the Proponent." You are advised to comply with my Department's policies on Infilling Bodies of Water, and on Land and Water Related Developments in Protected Water Supply Areas. These policies are found on the Department's web page at <https://www.gov.nl.ca/ecc/waterres/regulations/>.

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

The Natural Areas Program of my Department recommends that the proposed new road associated with cut block CC08011 be relocated to at least 500 metres from the Swan Islands protected area boundary. For more information, please contact the Natural Areas Program at (709) 637-4066.

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

The Occupational Health and Safety Division of the Department of Digital Government and Service NL advises you to ensure that the activities associated with the development are conducted in compliance with the **Occupational Health and Safety Act** and its regulations. This includes the responsibility for ensuring that contractors hired to perform work also comply with this legislation. The Occupational Health and Safety Division reminds you to consider procedures associated with the protection of workers related to COVID-19. Procedures must



follow the requirements set forth by the Chief Medical Officer of Newfoundland and Labrador (e.g. physical distancing, handwashing).

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

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

The Parks Division of the Department of Tourism, Culture, Arts and Recreation recommends a 100-metre no cut buffer between commercial boundaries, and no new road or trail constructing within 500-metres of park boundaries. Parks Division notes that the NL T'Railway Provincial Park (T'Railway) is not represented on the maps within the registration document as a provincial park and requests that the T'Railway be included on the planning maps. The Parks Division further advises that the operation of a motor vehicle or a four-wheel drive vehicle is prohibited along the T'Railway except under the authority of a Temporary Vehicle Access Permit, however, all-terrain vehicles are permitted to use the T'Railway. The Parks Division requests to be referred on any applications within one kilometre of Park's property and 50 metres of the T'Railway. For more information, please contact the Parks Division at (709) 637-8077.

The Provincial Archaeology Office of the Department of Tourism, Culture, Arts and Recreation advises that there are five known archaeological sites located within the registration area that require buffers; a 50-metre buffer for sites DiAp-03, DeAr-01, DfAo-02, and DgAq-03, and a 1-kilometre buffer for site DjAp (the Boyd's Cove Provincial Historic Site). The Provincial Archaeology Office advises that no ground-disturbing activities are to occur within those buffers. For further information, please refer to the map in the attached comments and contact the Provincial Archaeology Office at (709) 729-2462.



Environment and Climate Change Canada (ECCC) recommends that in order to avoid nest destruction and to accommodate the breeding season of migratory songbirds and waterfowl, operations should consider nesting locations between April 15 and August 15 in this region. ECCC provides advice on managing revegetation and invasive species, limiting noise, the protection of Bank Swallows and for effective wildlife response plans. ECCC recommends that you complete an analyses of project impacts on mature and interior forest habitat for migratory birds on a local scale. Further, you are requested to provide a GIS file of the project boundaries so that the project can be mapped for cumulative effects considerations. For further information, please contact ECCC at (709) 772-2126. For further information, please contact Environment and Climate Change Canada at (709) 772-2126.

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

Health Canada advises that if there is potential for impacts to human receptors from changes to air quality, noise, drinking or recreational water quality, and country foods caused by forestry management activities (including the use of heavy equipment, prescribed burning, and spraying of pesticides), you should consider establishing mitigation measures as well as a process to ensure complaints are collected and addressed. If complaints are received, you should consider additional mitigation measures.

Although the undertaking as proposed is released from further environmental assessment, it is still subject to other legislative requirements. A summary of the comments received from government agencies during the review is attached to provide an indication of likely applicable permits, approvals and legislative requirements. You must comply with all relevant legislation and obtain all necessary permits and approvals. You are required to inform this Department of any proposed significant changes to the undertaking.

Please note that in accordance with Section 17 of the Environmental Assessment Regulations, the Minister's decision is valid for a period of three years from the date of this letter. If you have not commenced your project within this three year period, you may apply to extend the three-year period for a maximum of three one-year periods, if needed. For further information, please email EAProjectComments@gov.nl.ca.



If you have any questions, please contact Joanne Sweeney, Director (A), Environmental Assessment Division, at (709) 729-0673 or joannesweeney@gov.nl.ca.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'B' followed by a horizontal line.

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

Cc: Hon. Derek Bennett, MHA, District of Lewisporte - Twillingate
Hon. Derrick Bragg, MHA, District of Fogo Island - Cape Freels
Hon. John Haggie, MHA, District of Gander
Pleaman Forsey, MHA, District of Exploits
Lloyd Parrott, MHA, District of Terra Nova

Enclosures