

ENVIRONMENTAL PROTECTION PLAN
for the
PORTUGAL COVE SOUTH TO CAPE RACE
MULTI-PURPOSE TRAIL

Contact

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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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Section 1.0 Purpose

The Portugal Cove South to Cape Race Multi-purpose Trail project (herein referred to as '*the Trail*') was registered by the Town of Portugal Cove South (herein referred to as '*the Town*') with the Environmental Assessment Division and released on March 14, 2024, subject to conditions¹. One of those conditions requires the submission of an Environmental Protection Plan (EPP) to the *Department of Fisheries, Forestry and Agriculture* for approval prior to the start of construction.

An EPP is a field-ready document describing applicable environmental protection measures associated with 1) activities to guide construction and maintenance personnel, 2) trail users as well as 3) our commitments for the long-term management of *the Trail*. It demonstrates a commitment to the environment as well as regulations and an understanding of potential indirect impacts and effects associated with *this project*.

The EPP is a document that describes mitigations in reference to sensitive ecosystem components such as wetlands, barrens, stream crossings and species of conservation concern that may be impacted by trail development and usage.

These environmental factors require mitigations to a standard that is consistent with the **Water Resources Act**, the **Off-Road Vehicles Act/Regulations**, the **Wild Life Act/Regulations**, the **NL Endangered Species Act**, and Schedule "C" of the Licence to Occupy Crown land associated with *the Trail* (Application number 159769).

The 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. However, caribou on the Island are of conservation concern to the Wildlife Division. Any current or new footprint within this sensitive caribou area must be kept to a minimum and any long-term indirect effects on caribou habitat must be mitigated by avoiding any unnecessary disturbance of the habitat.

This EPP therefore considers mitigation measures around sensitive wildlife habitats such as stream crossings, appropriate buffering of water bodies, avoidance of wetlands and working around sensitive wildlife periods to ensure minimal impacts to these habitat as well as caribou from motorized vehicles throughout the life of this trail.

Section 2.0 Geographic Location

The Trail is located on the Avalon Peninsula of the Province of Newfoundland and Labrador, between the communities of Portugal Cove South and Cape Race. It runs from approximately 15 km east-northeast of Portugal Cove South to approximately 5 km north of Cape Race. It is

¹ Please refer to the [registration document for EA 2288](#) for further details.

located southeast of the Avalon Wilderness Area (approximately 18 km from *the Trail's* north end) and southwest of Chance Cove Provincial Park (approximately 0.9 km's at its nearest point to the Provincial Parks buffer).

The Trail connects a portion of the Old Southern Shore Highway (aka the “American Trail” as it was upgraded and used by the American Military in the 1940’s), which ran to Cappahayden, and a portion of the old Marconi Telegraph path, a historic trail, which ran a telegraph line from Cape Race to Cappahayden then on to St. John’s in the early 1900’s.

American Trail	to	Old Marconi Trail
MTM Zone 1 46°45'18"N 53°04'16"W		MTM Zone 1 46°41'58"N 53°03'36"W



Figure 1: Proposed trail that requires construction is outlined in blue, located west-southwest of Chance Cove Provincial Park buffer zone. The existing trail that does not require construction is outlined in yellow.

Section 3.0 Physical Features

The Trail connects two historic trails and runs in a north-south direction for a length of 7.6 km (Figure 1 and 2). It will be designed wide enough for pedestrians and All-Terrain Vehicles to occupy the space at the same time. The size of the area affected by the undertaking is approximately 1.9 km², or 8.45 acres. The width of disturbed ground is anticipated to be 2.5-meter driving surface with a berm width of 1 meter on both sides of trail where necessary.

We confirm that route of the trail has been ground truthed to avoid wetlands; it will however traverse through barren habitat and timber areas and crosses several streams.

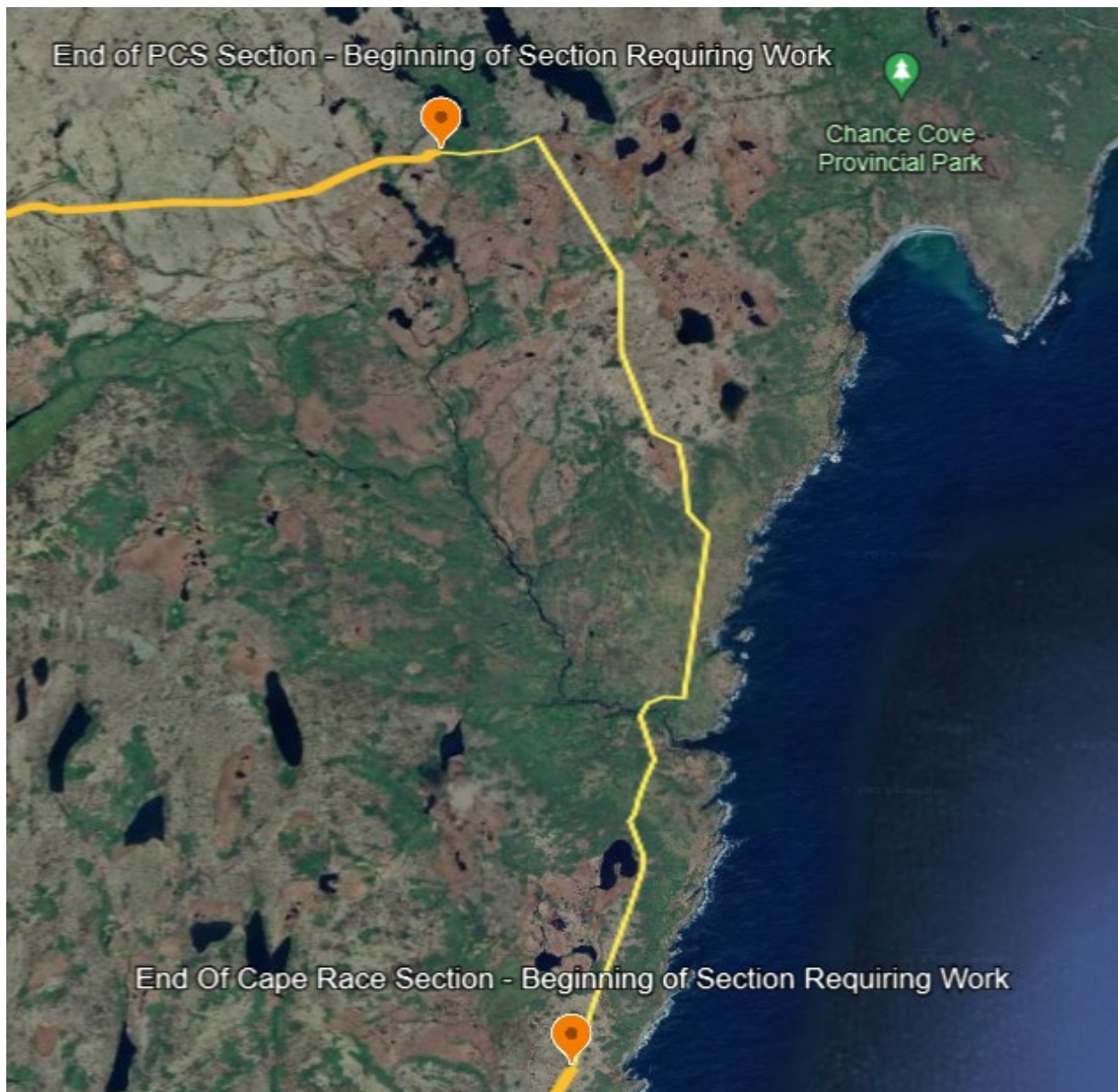


Figure 2: Close up of portion of trail requiring construction (thin yellow line). Beginning points marked by orange markers. (PCS = Portugal Cove South)

The following three water crossings have been identified along the 7.6 km new section through ground truthing and are visualized in Figures 3 through 5 with GPS coordinates. There have been no other visible areas along the remaining sections of *the Trail* determined to require a water body modification/ crossing permit at this time. This may change once construction commences.



Figure 3: **Water Crossing #1** has a 1.2 m wide cross section and a depth of 0.5 m;
Location: 46°44'57"N 53°03'22"W

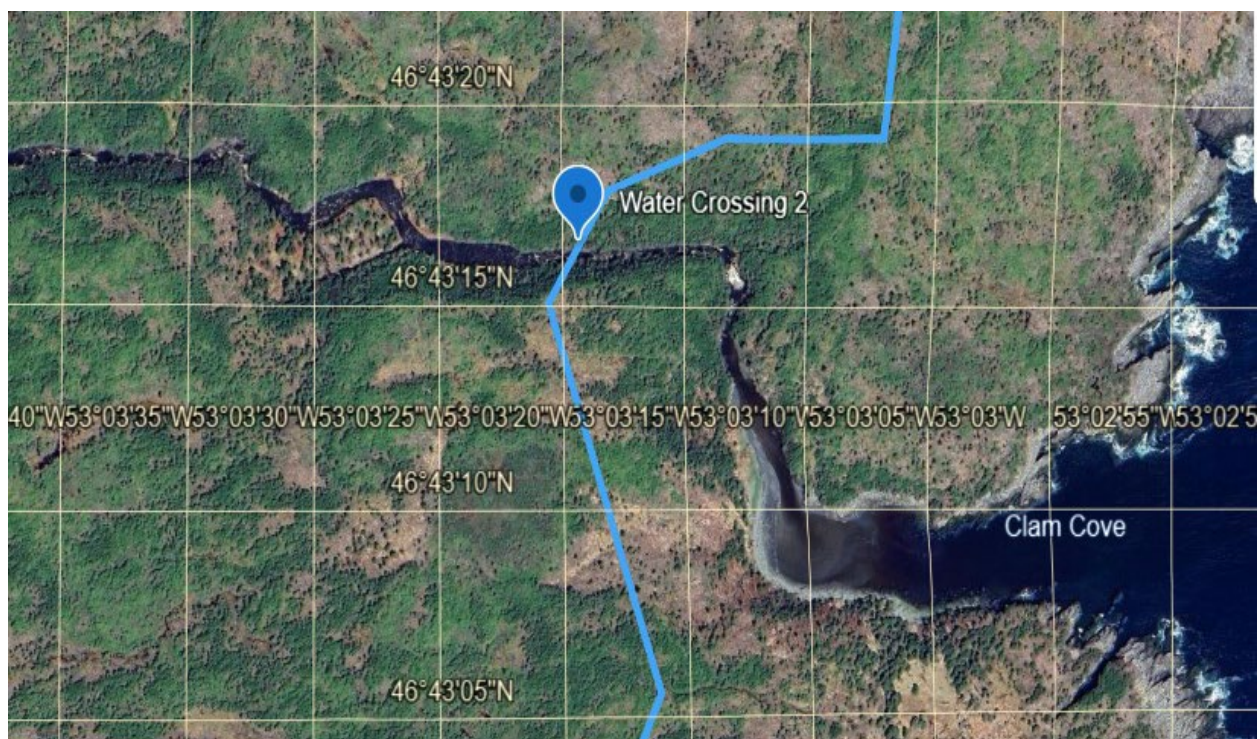


Figure 4: **Water Crossing #2** (Clam Cove River) has an 8 m cross section width and a depth of 0.4 m; Location: 46°43'16"N 53°03'14"W

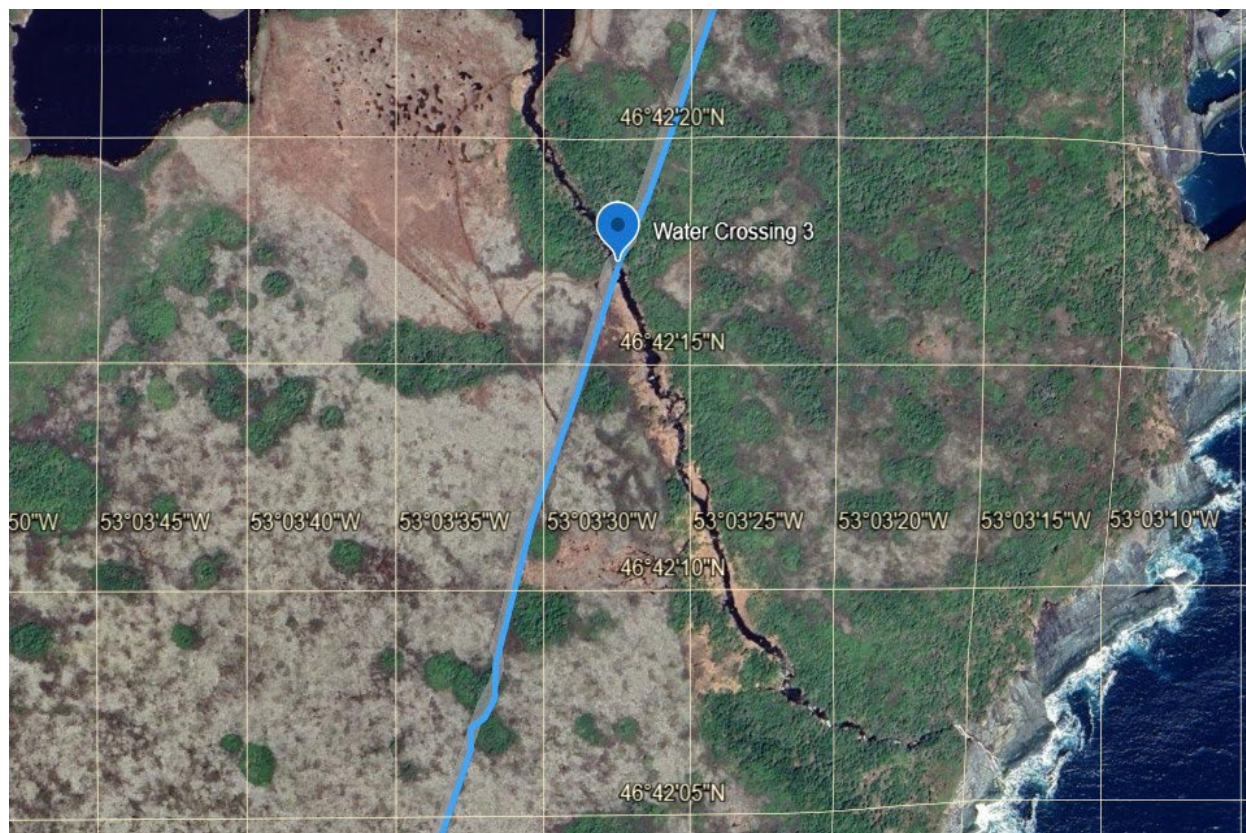


Figure 5: **Water Crossing #3** has a 10 m cross section width parted in middle by small island and a 0.2 m depth; Location: 46°42'17"N 53°03'27"W

Section 4.0 List of Mitigations - Construction/ Operations/ Maintenance Phases

Anyone involved in the construction and maintenance/upkeep of *the Trail* will be provided a copy of the most recent EPP and receive environmental awareness training based on this EPP by knowledgeable Town staff.

Once a notice of approval/ license has been received from the Crown Lands Division, *the Town* will apply to the Water Resources Division for a permit related to activities within 15 m of a body of water body (e.g. stream crossings) to ensure proper mitigations are in place for potential culvert or bridge construction and other impact avoidance measures. Permits will be attached to Appendix A of this EPP.

The Town will consult the Department of Fisheries and Oceans “Projects Near Water” website to ensure compliance with the Fisheries Act.

A minimum 30 m undisturbed vegetated buffer will be maintained along all water bodies and wetlands/bogs on either side of the proposed route. This includes any laydown areas, equipment storage, access and future maintenance requirements.

During construction, silt barriers will be put in place to avoid any erosion of material into surrounding areas such as barrens, water bodies (ponds and streams) and wetlands (including bogs).

Ground personnel/ construction crew will take photos of sensitive wildlife habitats such as streams, wetlands and barrens prior to disturbance and post-trail-development to document the process and maintain adherence to the permits. Photos will be attached to this EPP (Appendix).

No fueling of vehicles will take place within 100 m of any water bodies (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.

Once a notice of approval for *the Trail* has been received from the Crown Lands Division, *the Town* may obtain a Forest harvesting permit from the Paddy’s Pond Forestry and Wildlife Office. These permits will be attached to this EPP (Appendix).

Where necessary, only trees with less than 25cm DBH (*diameter at breast height*) may be removed as larger trees have the potential to function as roost sites for local bat species, which are Species at Risk, listed under the Newfoundland and Labrador **Endangered Species Act**.

Suitable removed vegetation will be used for brush matting/ corduroying in areas deemed necessary due to wet areas (identified during the life of *the Trail* due to seasonal weather events throughout the years).

The **Migratory Birds Convention Act**, 1994, and Regulations, and the **Wild Life Act** and Regulations protect birds and prohibit the disturbance or destruction of bird nests and eggs in Newfoundland & Labrador. *The Trail* is also located within the caribou range of the Avalon herd. Caribou are a Species of Conservation Concern.

Therefore, activities related to vegetation clearing and/ or heavy equipment usage during construction and maintenance phases will only take place outside the breeding and brood rearing/ calving/ post-calving season: April 15 to August 15.

If, during the maintenance phase, heavy equipment is absolutely necessary to be used during the April 15 to Aug 15 season, a short-eared owl presence/absence survey within 800m of the maintenance site will be completed by a knowledgeable birder within 7 days of planned start date.

The short-eared owl is a Species at Risk, listed as Threatened under the Newfoundland and Labrador **Endangered Species Act**. The survey is necessary to ensure that no ground nesting short-eared owls are disturbed by the planned activities. Any identified short-eared owl nests will be buffered immediately by a minimum of 800 m and any maintenance activities will be postponed until after Aug 15. Survey results including GPS location of approximate nest site(s) will be e-mailed to the Wildlife Division as soon as possible post survey completion.

No vegetation clearing will occur within 200 metres of a raptor nest, e.g. bald eagle or osprey. The location of such a nest will be e-mailed to the Wildlife Division.

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 must avoid disturbance to existing vegetation outside the trail route.

Upon completion of *the Trail*, signage will be installed at entrances to the trail advising the public of the importance of the area to wildlife e.g. such as caribou, yield to wildlife, garbage in/ garbage out policies, directions on how to report important wildlife sightings such as caribou to the Town and other relevant information. The trail will be marked as required under the **Off-Road Vehicles Act** to avoid secondary trail creation. A photo of the sign will be attached to this EPP (Appendix).

Town staff will inspect *the Trail* monthly during the spring, summer and fall season as well as after severe weather events to ensure the user's safety.

During these monthly trail inspections, *the Town* 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 these issues arise, photo documentation with brief descriptions of applied measures and activities undertaken to rectify issues will be added to this EPP (Appendix).

Should trail inspections reveal that *the Town's* measures are being disregarded or garbage being identified as an issue, the *Town* will discuss further steps with the Resource Enforcement Division.

The most recent EPP, any Occupational Health & Safety related information, trail updates etc. will be made available to trail users and construction/maintenance personnel via tailgate meetings, *the Town's* social media account and signs. Users will be encouraged to report any caribou sightings, trail repairs, off-branching signs, garbage sightings etc. to the *Town*, who will keep track of these records. Updated findings will be included in this EPP.

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

Section 5.0 Further Commitments and Acknowledgments

The Town commits to maintaining the established trail network at the standards outlined in this EPP and related provincial and federal regulations. We understand that any deviations from the EPP and commitments made in the Environmental Assessment registration document may result in negative impacts to the environment including wildlife, such as deteriorated water crossings, unauthorized departure from the approved trail and/or an increase in wildlife mortality rates.

Should *the Town* be unable to rectify any adverse negative impacts, we understand that this may result in cancellation of the Crown Land Lease title (as outlined in the Environmental Assessment release letter from the Minister of Environment and Climate Change), at which point *the Town* will be required to restore the trail and area to its original natural habitat.

Any further motorised vehicle usage of the area post Title cancellation will be considered illegal and subject to charges.

In the event that *the Town* is no longer willing or able to maintain *the Trail*, the town council will consult with the Environmental Assessment Division to determine the next steps.

As requested, *the Town* will provide a revised version of this EPP (including updated Appendices) as well as a digital geospatial file (e.g., a GPS file) of the final trail route to the Department of Fisheries, Forestry and Agriculture, the Wildlife Division and the Environmental Assessment Division within 30 days of trail completion.

Any further revised EPPs are to be submitted to the Environmental Assessment Division for publication to *the Trail's* EA website¹.

The Town recognizes that the Avalon caribou 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. We commit to reporting incidental observations of caribou to the Wildlife Division on an as needed basis. Should caribou occupancy of the area be identified as significant at certain seasons, we will contact the Wildlife Division to develop and implement appropriate mitigations.

Appendix A: Government Contacts for the purpose of communicating required information such as:

Action Item	Submitted to	Submitted on	Submitted by	Update required
updated Environmental Protection Plans (Appendices completed)	<i>Environmental Assessment Division</i> EAProjectComments@gov.nl.ca <i>Wildlife Division</i> WildlifeReferrals@gov.nl.ca <i>Department of Fisheries, Forestry and Agriculture</i> FFAReferrals@gov.nl.ca <i>Please use Subject line "EA 2288 - EPP"</i>			
digital trail route file (GPS format accepted)	<i>Department of Fisheries, Forestry and Agriculture</i> FFAReferrals@gov.nl.ca <i>Please use Subject line "EA 2288 – EPP"</i>			
potential owl survey results or other raptor nest locations	<i>Wildlife Division</i> WildlifeReferrals@gov.nl.ca <i>Please use Subject line "EA 2288 – EPP – raptor nests"</i>			

Appendix B: Permits

Notice of Approval received from the *Crown Lands Division*

Permit received from the *Water Resources Division*

Permit received from the *Paddy's Pond Forestry and Wildlife Office*

Appendix C: Photo Documentation

Comparing environmental sensitive areas: pre- and post-construction phase