

Habitat Conservation Plan Proposal

Town of Portugal Cove – St. Philip's



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Table of Contents

	Page
Section 1: Plan Overview.....	1
Section 2: Wetland Conservation in Newfoundland and Labrador.....	2
Section 3: General Policies for Habitat Conservation.....	6
Section 4: Wildlife Habitat within the Town of Portugal Cove – St. Philip’s.....	8

List of Figures

Figure 1: Voisey’s Brook Management Unit.....	9
Figure 2: Aerial Photo of Voisey’s Brook Park area.....	10
Figure 3: Map of Voisey’s Brook Park Management Unit.....	11
Figure 4: Blast Hole Pond.....	12
Figure 5: Wetland south of Blast Hole Ponds, adjacent to the road.....	13
Figure 6: Aerial Photo of the Blast Hole Ponds area.....	14
Figure 7: Map of Blast Hole Ponds Management Unit.....	15
Figure 8: Map of Main River Gully Management Unit.....	17
Figure 9: Map of Beachy Cove Brook Gully Management Unit.....	18
Figure 10: Map of Brood Cove River Gully Management Unit.....	19

Appendix

Appendix 1: Municipal Stewardship Agreement Template.....	20
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Section 1: Plan Overview:

Purpose: The Town of Portugal Cove – St. Philip’s wished to undertake to sign a Municipal Habitat Stewardship Agreement with the Province’s Department of Environment and Conservation. This Agreement would indicate the Town’s support for the long-term conservation of wildlife habitat within designated areas within municipal planning boundaries known as “Management Units”. The Agreement and this Habitat Conservation Plan would provide long-term guidance to the Town in relation to activities impacting these areas, its associated wildlife and inherent ecological functions.

Goals of the Stewardship Agreement:

- (1) To conserve wildlife habitat located within designated “Management Units” and to promote enhancement and/or restoration of those areas where applicable.
- (2) To maintain and/or increase wildlife use of Management Units, particularly by waterfowl, seabirds and other avian species.
- (3) To increase public education and awareness of the importance of wetland, upland and coastal habitat for conserving wildlife as well as for the valuable ecological functions provided by these habitats.

Section 2: Wetland Conservation in Newfoundland and Labrador

Wetland Conservation

Human development has resulted in the destruction of many types of habitat all over the world. Wetlands are among the areas most critically affected by this development and are, in fact, one of the most sensitive ecosystems on the planet. Wetlands are unique ecosystems that often occur at the edge of aquatic (water, fresh or salty) or terrestrial (upland) systems. They may be wet year-round, wet during certain seasons, or wet during part of the day. In general, “wetland” refers to land that has the water table at, near, or above the land’s surface and refers to land which is saturated for a long enough period to promote wetland processes. In addition to bogs and swamps, wetlands include tidal marshes, forested wetlands, fens, estuaries and shallow open water (at a depth less than two meters). Healthy wetlands and associated uplands contain fresh, brackish or salt water and are some of the most biologically diverse and productive ecosystems on earth.

Wetlands play a major role in the status of continental ecosystem health, as well as regional and local ecosystem health. Wetlands serve as important buffers to flooding, function as enormous sinks for carbon and as natural reservoirs for the holding, purifying and recharging of water resources. From an economic stance, wetlands are associated with a range of values from recreational and subsistence opportunities for hunting, fishing, trapping for food and fur, the gathering of fruit and berries and for non-extractive activities like wildlife viewing, ecotourism, paddling sports and hiking. Wetlands also provide for the seasonal resource requirements of many waterfowl species and serve as important habitat for waterfowl throughout breeding, feeding, staging and over-wintering. All migratory waterfowl, many other migratory birds, and half of all threatened and endangered species depend on wetlands and associated upland habitat for their existence.

The number and diversity of North America’s wildlife species has been declining over the latter half of the twentieth century. At least a portion of this decline can be directly attributed to the loss of natural habitats to urban, industrial and agricultural expansion. Wetlands have historically been among those areas most critically impacted by human development. Today, wetlands around the globe and within Newfoundland and Labrador are being looked at as viable options for development by a variety of industries and natural resource based sectors, as technological advances make the alteration of wetlands a reality. Canada, the United States and Mexico have signed the North American Waterfowl Management Plan (NAWMP), thereby committing to a long-term program of partnership projects aimed at assuring the survival and increase of waterfowl populations and protecting the wetland habitat on which their survival depends. A total of 21 joint ventures, ranging from species to regional-specificity, have been established to achieve and

implement the objectives of the NAWMP. The province of Newfoundland and Labrador, through the provincial Wildlife Division, became a partner of the Eastern Habitat Joint Venture (EHJV) in 1989.

Eastern Habitat Joint Venture (EHJV)

The premise behind the EHJV is to conserve, enhance and restore wildlife habitat for all-bird species, in particular wetlands for waterfowl, in the six eastern Canadian provinces including Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland and Labrador. Each province deals with wildlife habitat conservation issues slightly differently, depending on the unique requirements of each province and individual habitat concerns. Each provincial program, coordinated by a separate program manager, involves the cooperation of international partners, including government agencies and non-government groups, each working to forward specific goals and objectives of the NAWMP. In Newfoundland and Labrador, the program is administered through the provincial Wildlife Division of the Department of Environment and Conservation. Its local contributors, other than the province, include Ducks Unlimited Canada, Canadian Wildlife Service, Nature Conservancy of Canada and Wildlife Habitat Canada. While each province may function independently, the EHJV works towards attaining common goals of influencing wildlife habitat quality and quantity in Eastern Canada through conservation, enhancement and/or restoration initiatives.

NL EHJV Municipal Habitat Stewardship

Wetlands and coastlines have historically been affected by heavy development pressure. In Newfoundland and Labrador development pressure occurs regularly and most often within municipal boundaries. As such, wildlife habitat that exists within municipal boundaries is often at the greatest risk of destruction or alteration and often in greatest need of conservation and/or management. The principle goal of municipal habitat stewardship is to help make municipalities, corporations, developers, landowners, and other stakeholders more aware of the value of wildlife habitat within their jurisdiction and to empower them to take action to conserve these areas. This leads to more informed development decision-making and works towards minimizing negative impacts on local ecosystems as a whole.

This component of the program focuses largely upon signing Stewardship Agreements with municipalities, corporations and individual landowners who own or manage significant wildlife habitat. A Stewardship Agreement represents a formal public commitment by a community, corporation, individual and the province, to act together to conserve wildlife habitat. By signing a Stewardship Agreement, communities, corporations and individuals become an important link in a continental chain of conservation areas. To date there are thirty-three municipalities in the province, including Whitbourne, Gander, Carmanville, Come By Chance, Stephenville Crossing, Spaniard's Bay, Bay Roberts, Torbay, Winterland,

Springdale, Gambo, Grand Falls-Windsor, Channel-Port aux Basques, Happy Valley-Goose Bay, St. John's, Wabush, Labrador City, Hawke's Bay, Deer Lake, Flatrock, Burgeo, St. Anthony (Hare Bay), Mary's Harbour, St. Lewis, Red Bay (St. Peter's Bay), Flower's Cove, Port aux Choix, Cartwright (Table Bay), Steady Brook, Frenchman's Cove, St. Lawrence, Garnish and Bonavista who have signed Municipal Stewardship Agreements. Corporate Stewardship Agreements have also been signed by the Iron Ore Company of Canada and Corner Brook Pulp and Paper Limited. Private landowners in several of the communities surrounding the Grand Codroy Estuary (an estuary of international significance) as well as Burgeo have also been involved with the signing of Landowner "Good Steward" Agreements, demonstrating individual commitment to local wetlands and waterfowl habitat.

The Stewardship Agreement Process

Initial contacts are generally sought by both Wildlife Division staff and local community leaders who wish to take action to conserve coastal, wetland and/or upland habitat. A determination is made between the parties of whether there exists mutual interest in pursuing a Stewardship Agreement (Appendix 1). Surveys within a certain area of interest are carried out by the Wildlife Division to confirm that a significant relationship exists between coastal, wetland or upland habitat and local wildlife using those areas.

Following these positive assessments, more intensive field investigations will be carried out to determine and agree on formal boundaries for "Management Units". Management Units are significant habitat areas that have been identified as important to wildlife. Management Units are intended to be incorporated as environmentally "sensitive areas", "conservation areas" or "protected areas" within municipal planning documents as governed by the Urban and Rural Planning Act (2000). These areas are, consequently, set aside by a community, individual or corporation in an effort to prevent habitat alteration and diminished ecological function or degradation that might be caused by development.

When sufficient information has been gathered, a preliminary proposal is presented to a community, individual or corporation for review, with suggested boundaries for Management Units clearly indicated (Current proposal map found in Appendix 2). After the Management Units have been agreed upon by all parties, a formal Stewardship Agreement will be signed between the presiding body (town, corporation, or landowner) and the province. Under this agreement, the town, corporation or landowner maintains ultimate control over all areas under its jurisdiction, but are asked to abide by the details of the Stewardship Agreement.

After the signing of a formal agreement, Wildlife Division staff will assist the community, corporation or individual in preparing an area specific Habitat Conservation Plan. This plan will serve to offer best management practices and will provide recommendations and advice for conserving, enhancing and/or managing

the wildlife habitat contained within a body's area of authority. In the case of a municipal agreement, once the Habitat Conservation Plan has been accepted by council it is intended that it will be then incorporated into the town's existing or future municipal plan, operating plan or master plan for use during future development decisions. More generally, a Stewardship Agreement is signed with the idea that when land use decisions are made, the value of wildlife habitat will not be forgotten and that future land-use activities will not have a negative impact upon these values.

Roles of Stewardship Agreement Signatories

"The Province"- The Minister of Environment and Conservation is generally the designated signatory on behalf of the province. The Wildlife Division administers the Eastern Habitat Joint Venture in Newfoundland and Labrador. As such, staff of the Wildlife Division are assigned to implement, on a provincial basis, the EHJV partnership program.

As a result of signing a Stewardship Agreement, staff of the Wildlife Division are expected to:

- Provide the agreement signatory with technical advice and assist in the development of a Habitat Conservation Plan.
- Review proposed developments within the Management Units that have the potential to impact that wildlife habitat.
- Assist in carrying out, where appropriate, education and information initiatives to raise awareness of wildlife, wetland and coastal related issues, and
- Support community conservation groups in implementing the Stewardship Agreement and Habitat Conservation Plan.

As a result of signing a Municipal Habitat Stewardship Agreement, the Municipality and its designated Mayor/Council are expected to:

- Ensure that significant wildlife habitat areas designated as Management Units are protected from destruction or degradation and to contact the Wildlife Division in a timely manner when activities are proposed that may impact that habitat.
- Incorporate the Stewardship Agreement and Habitat Conservation Plan into its next Municipal Plan draft or revision with the assistance of the Wildlife Division.
- Educate residents and development planners about the stewardship program and their responsibilities, with the assistance of the EHJV partners.
- Implement, over time, the Habitat Conservation Plan recommendations in the community at large, with the assistance of the EHJV partners.
- Participate in the Stewardship Association of Municipalities Inc (SAM), a province-wide organization made up of municipalities which have signed Stewardship Agreements.

Section 3: General Policies for Habitat Conservation

The Town's Commitment to Stewardship

In signing a Municipal Habitat Stewardship Agreement, the Town will make a public commitment to join an international network of important wetland and coastal habitat areas contributing to wildlife presence and abundance in North America. Further, the Town of Portugal Cove – St. Philip's will commit to using a Habitat Conservation Plan as a guide to best management practices in and around wetlands, and associated uplands, significantly within its Management Units. Perhaps most significantly, it is hoped that a stewardship ethic will be fostered within the community since the conservation of wildlife habitat depends not wholly on Habitat Conservation Plans or regulations, but on the conservation and stewardship ethic of Town residents and of visitors.

Benefits for Residents

Strategies outlined in a Habitat Conservation Plan will provide many long term recreational and "quality-of-life" benefits for local residents. Wildlife habitat is often ideally suited to a variety of consumptive and non-consumptive recreational activities, including fishing, hiking, canoeing, photography and bird-watching. The Town may wish to use these opportunities to increase tourism to the region. In developing employment, recreational and tourism opportunities, careful consideration for wildlife populations must be included in the planning process. Otherwise, human activities may result in negative impacts to the very resource that is providing the attraction.

Surely the most important benefit that people receive from stewardship is the opportunity to increase their knowledge of wildlife habitat and nature in general. Programs such as the Canadian Wildlife Federation's "Project Wild" foster an increased environmental ethic in youth and adults alike. Many of the enhancement and restoration strategies outlined in the Habitat Conservation Plan can be easily conducted by local community interest groups, thereby allowing "hands on" involvement in conservation efforts.

Management of the Management Units

Activities within the Management Units will be managed whereby permitted activities do not result in the loss of wildlife habitat or wildlife populations. Should they be necessary, efforts will be made to reduce pre-existing habitat degradation within Management Units. Only activities that have no negative or adverse impact upon wetland and associated upland habitat, and on the associated wildlife using those habitats, should be permitted in these areas. Development proposals which impact habitat or wildlife within the Management Units should be forwarded to staff of the Wildlife Division for comment with a thirty (30) day notice period.

Incorporating Management Units in the Municipal Plan

During the preparation of a draft Municipal Plan, or during the process of Municipal Plan Review, the Town Council shall incorporate the Stewardship Agreement into any resulting Municipal Plan or related "Master Plan". Specifically, the Management Units, and any future Management Units as may be desirable, shall be declared "conservation areas" or some similar consistent zoning designation. If such areas are outside municipal planning boundaries, the town could seek to have them designated "Protected Areas" under subsection 31 of the Urban and Rural Planning Act, 2000.

In approving permits, regulations or by-laws related to the area's designation within a Municipal Plan, or any amendments to a future Municipal Plan which could affect the Management Units, the Town Council will consult with staff of the Wildlife Division providing a thirty (30) day window of notice for comment.

Management by Committee

It is recommended that cities and/or towns seek to maintain/implement their Stewardship Agreement and its associated Habitat Conservation Plan via a formal committee of council. The Portugal Cove – St. Philip's Environment Committee is currently an active committee in the Town and could potentially be involved in carrying out conservation initiatives, such as those outlined in this plan, in the community as per a council dictated terms of reference.

It has been our experience that dedicated committees often have greater success in raising the profile of the environment and the protected areas within the larger community, thereby increasing public understanding and support over the long-term. By involving local individuals and youth in various stewardship initiatives a greater sense of ownership is fostered, ultimately strengthening the commitment to conservation in the Town.

Section 4: Wildlife Habitat within the Town of Portugal Cove – St. Philip’s

Management Units

Preliminary field assessments of wildlife habitat, particularly wetlands within the planning boundaries of Portugal Cove – St. Philip’s were conducted in the summer of 2012 by the staff of the Wildlife Division. The goal of these assessments was to determine the viability of particular areas within the municipal boundaries for wildlife habitat stewardship, protection and enhancement.

These assessments indicated that a significant quantity of wildlife habitat, such as wetlands for waterfowl and other wildlife species exists within the Town of Portugal Cove – St. Philip’s. Following discussion and feedback with council and staff, as well as input from members of the public, the following areas were selected as Management Units.

Voisey’s Brook:

The proposed Management Unit (Figures 1, 2 and 3) is located off Indian Meal Line, northeast of Millers Pond and spans approximately 42 hectares. The Town received a grant from the Department of Environment and Conservation to develop an extension to the Voisey’s Brook Park, which will include a four season nature trail, picnic areas, as well as a wetland interpretation boardwalk. It is believed that the expansion of the park, in the form of community conservation and education, adds to the importance of the wildlife habitat found in the area. The area was recommended to be included as a Management Unit by the Town and the Heritage Committee as its long-term purpose is complimentary to the goals of the Municipal Stewardship Program. The management unit includes only the area of expansion, not the remainder of the existing park, which is a widely used recreational area.



Figure 1 – Voisey's Brook Management Unit. Photo by: Charmaine Barney



Figure 2 – Aerial Photo of Voisey's Brook Park area

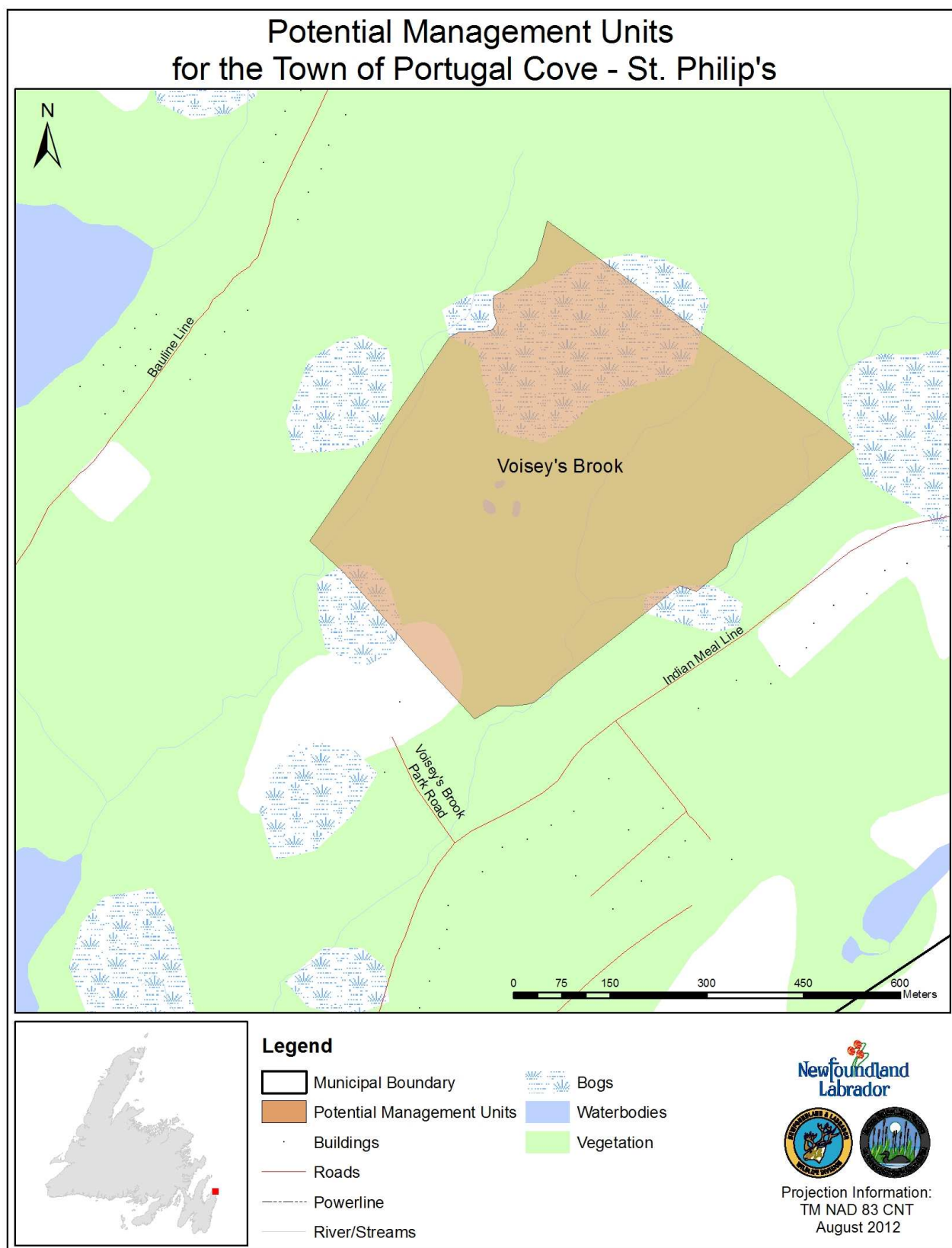


Figure 3 – Map of the Voisey's Brook Management Unit.

Blast Hole Ponds:

This Management Unit is located in the north-western portion of the Town. This area has been identified as the community's watershed area (Figures 4 & 5) and as such is limited to only passive recreational activities such as hiking and picnicking. The use of motorized boats and other vehicles is prohibited. As proposed by the town the boundaries of the Management Unit correspond with the existing Water Supply Area. (Figures 6 & 7)



Figure 4 – Blast Hole Pond. Photo by: Charmaine Barney



Figure 5 – Wetland south of Blast Hole Pond, adjacent to the road. Photo by: Charmaine Barney

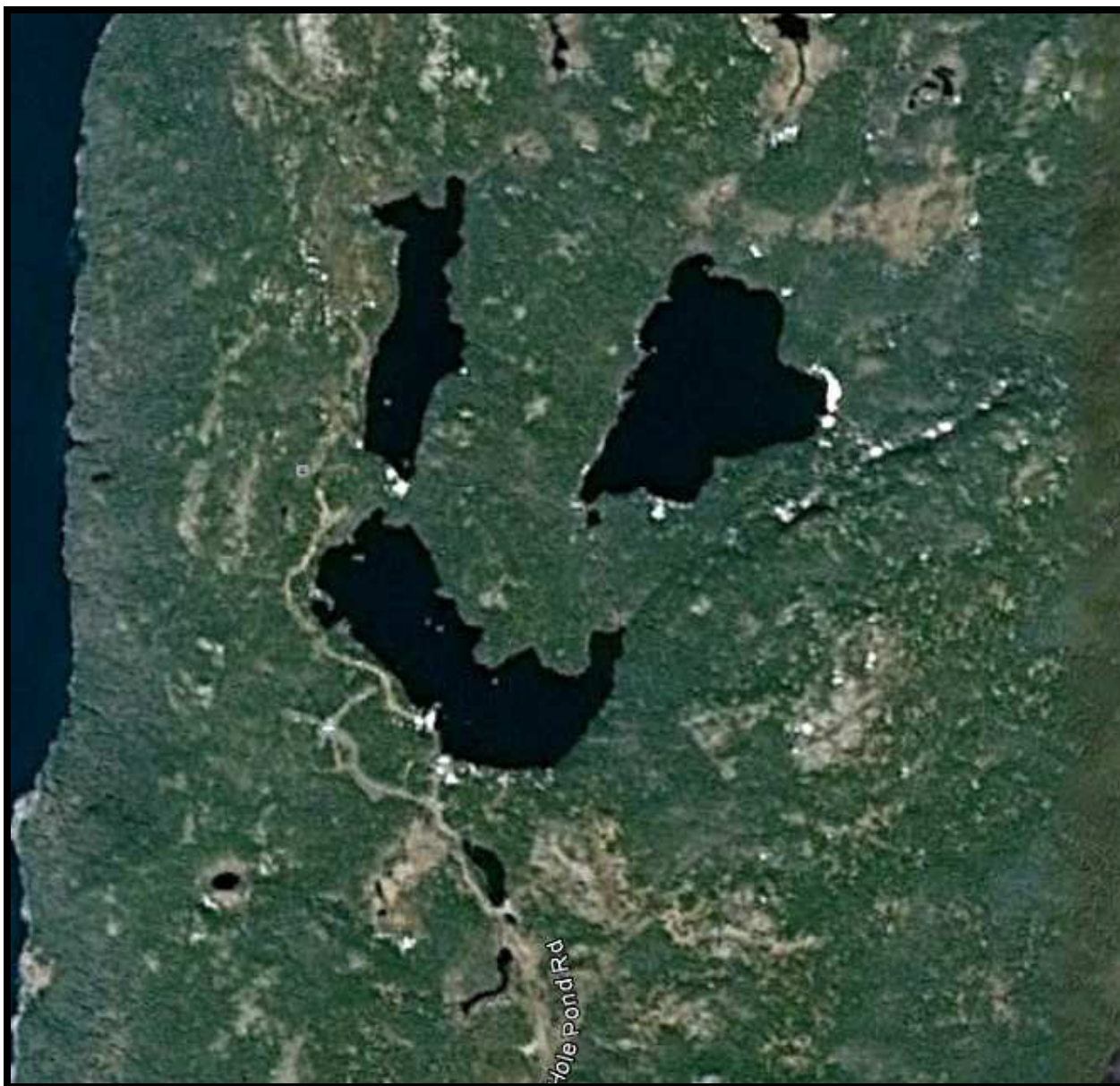


Figure 6 –Aerial Photo of the Blast Hole Ponds area.

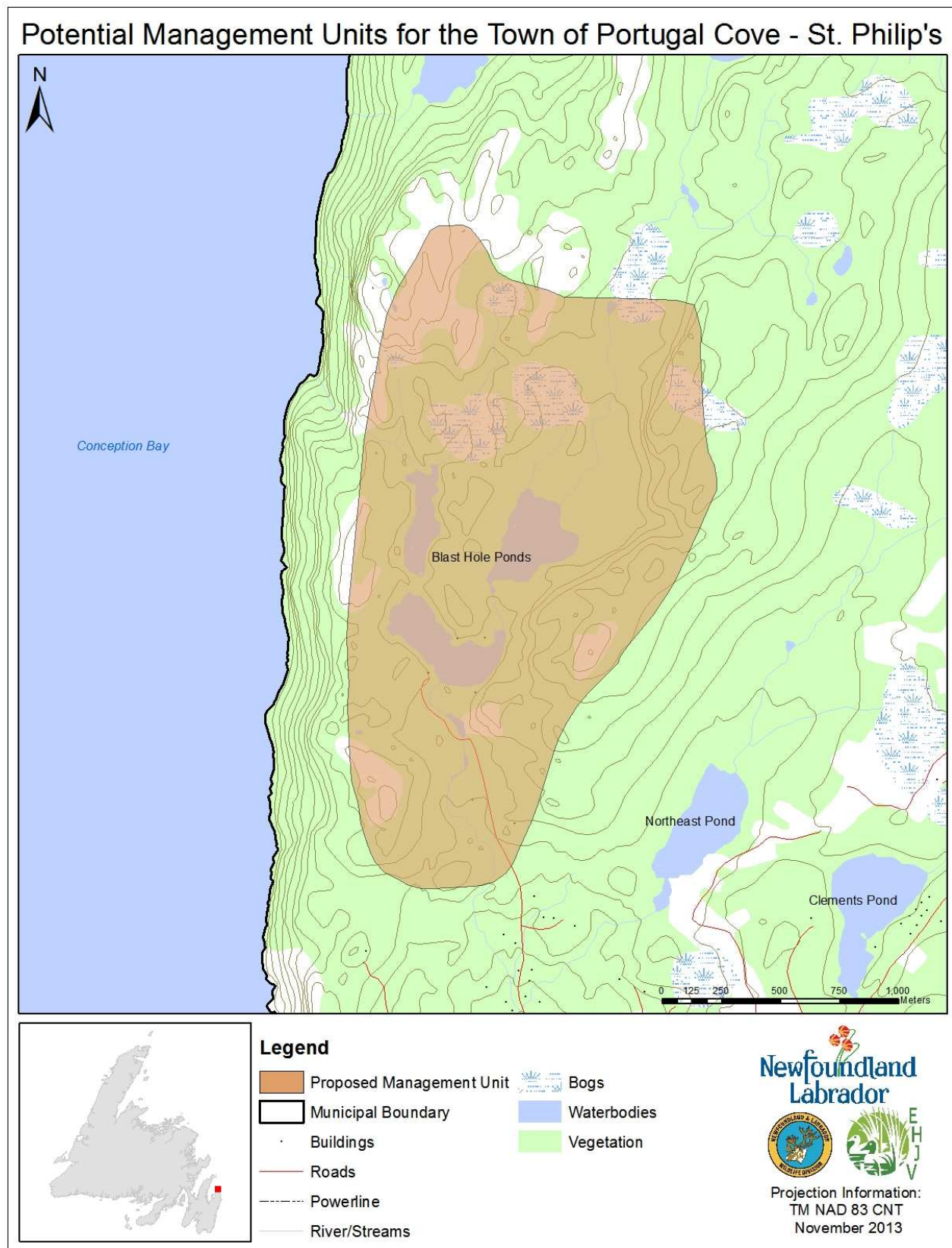


Figure 7 – Map of Blast Hole Ponds Management Unit.

Rivers/Streams of Portugal Cove – St. Philips:

These Management Units include the riparian buffers around three of the major outlet/runoff rivers/streams which run into the eastern side of Conception Bay (Figures 8, 9 & 10). They include the stream and tributaries running from Western Pond and Millers Pond into Portugal Cove; the stream running into Conception Bay from Beachy Cove Ponds; and the stream running into Broad Cove from Little Power's Pond and Barking Kettle Pond. The intent of including these areas under the Stewardship Agreement was to recognize and highlight their strategic and environmental importance to the town, particularly in terms of flood control. These areas are currently municipally zoned as 'Conservation', and as such, have a complimentary form of protection under the Portugal Cove – St. Philip's Municipal Plan.

Riparian buffers are generally strips of untouched vegetation occurring between upland areas and wetlands, lakes, rivers, ponds and streams. They are composed of trees, shrubs, grasses, cattails and sedges and often possess a high level of wildlife use, generally as "corridors" for travel, protection from predators, and a safe haven against inclement weather. Buffers filter and reduce surface water runoff from upland areas, trapping sediment and filtering out excess nutrients, pesticides and bacteria. Vegetation in these areas also affects how readily water enters the soil and has a positive effect over the replenishing of local groundwater. They also serve to anchor soil with its roots, helping to build stream banks and prevent erosion. They are often important in controlling flood levels and are critical to a large variety of wildlife, including both plants and animals. Fish habitat quality is also influenced by the amount of riparian edge left along shorelines. Treed buffers provide shade and serve to keep water temperatures down. They also impact water quality and provide spawning and rearing areas for fish and nesting areas for waterfowl. They serve as a large food source for a variety of wildlife when leaves and insects/insect larvae drop into the water body off of surrounding trees and shrubs.

The province, via the provincial Lands Act – Section 7(1), generally requires a crown land reserve or easement of up to 15 meters along all water bodies. It is important that the Town helps to ensure awareness and adherence to this crown land reserve designation by all of its residents. Such vegetated (untouched) buffers exist as the minimum protection around all waterbodies and wetland areas and are considered critical within the designated Management Units. Agriculture and cabin development are two of the most common and most likely disturbances to riparian habitat.

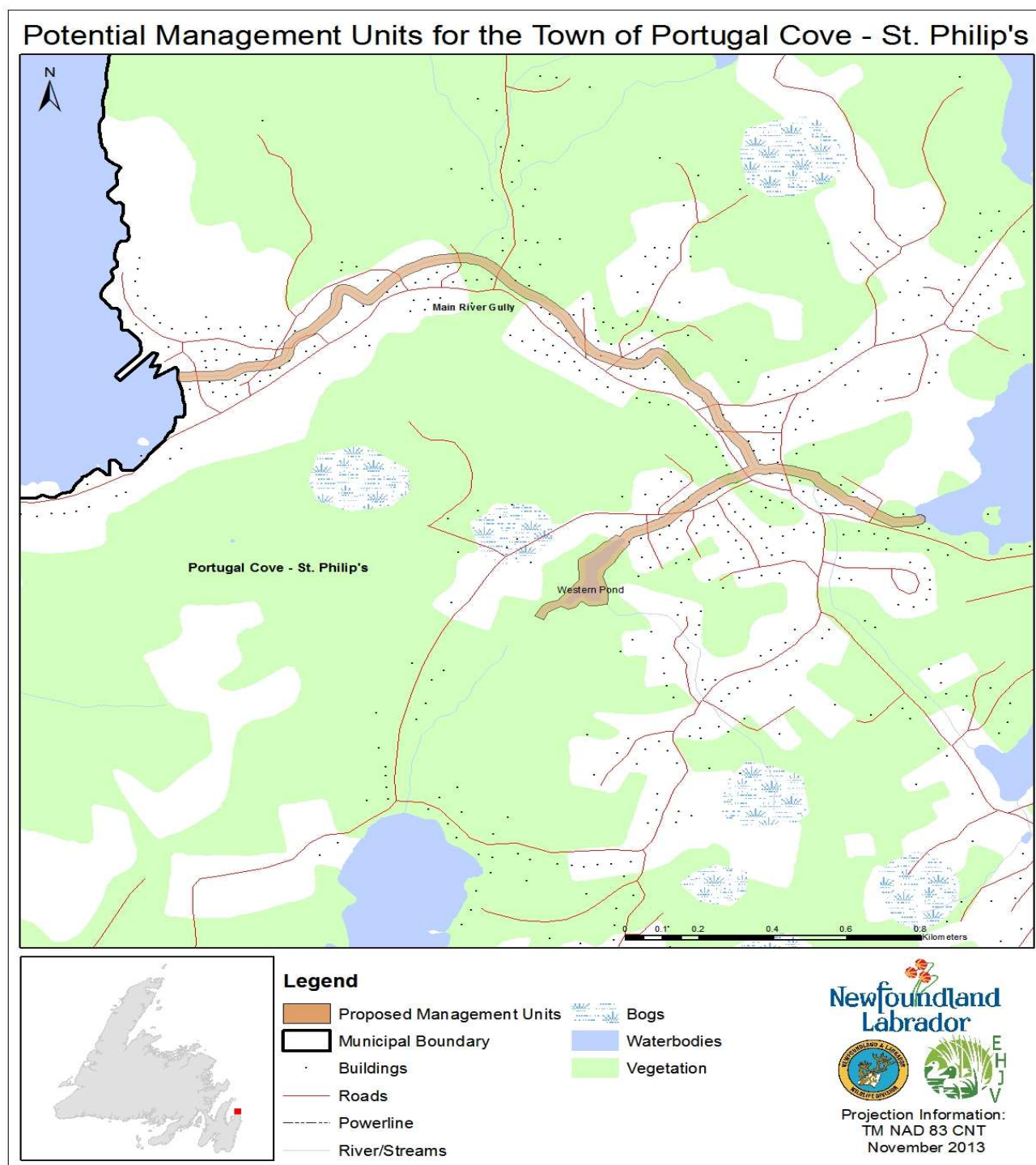


Figure 8 - Map of Main River Gully Management Unit

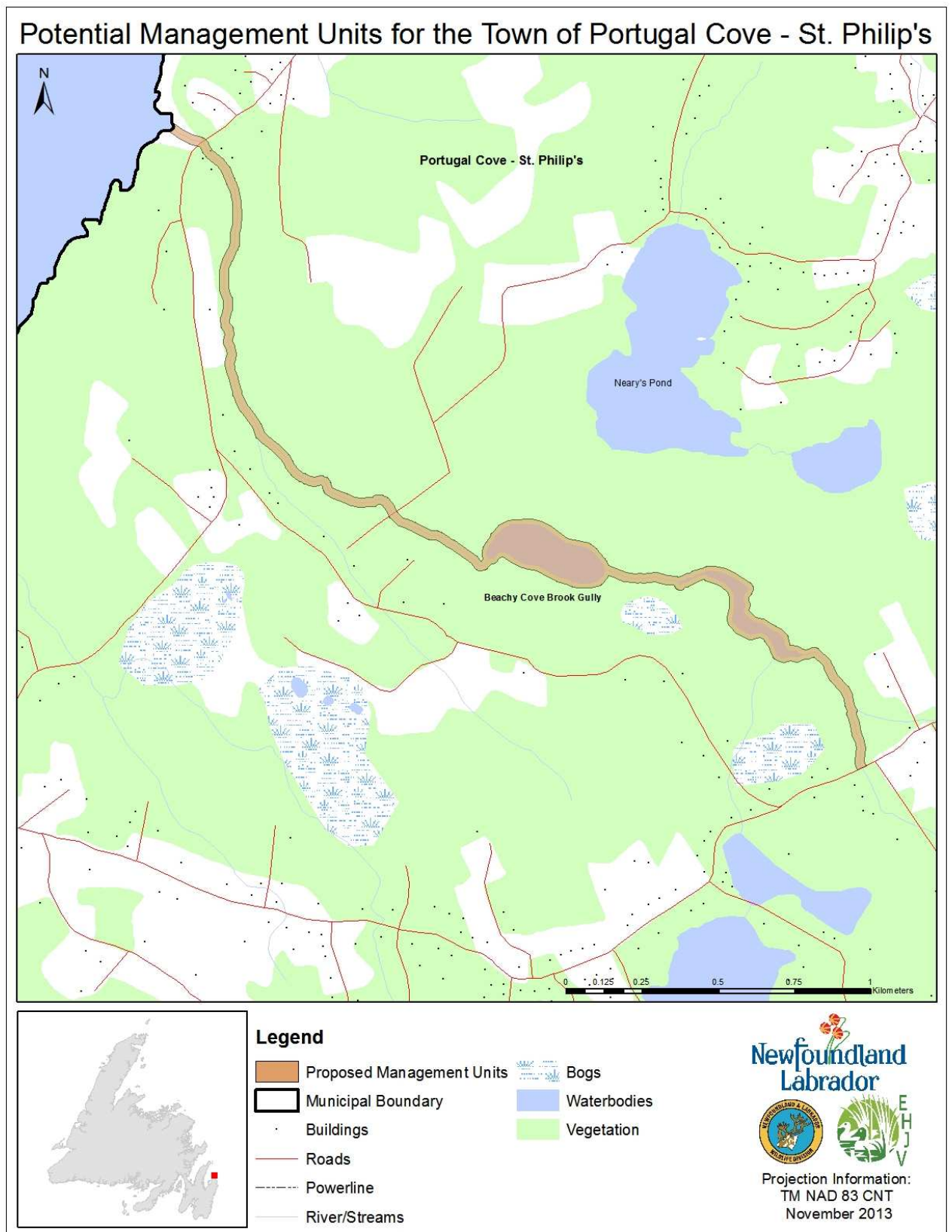


Figure 9 – Map of the Beachy Cove Brook Gully Management Unit.

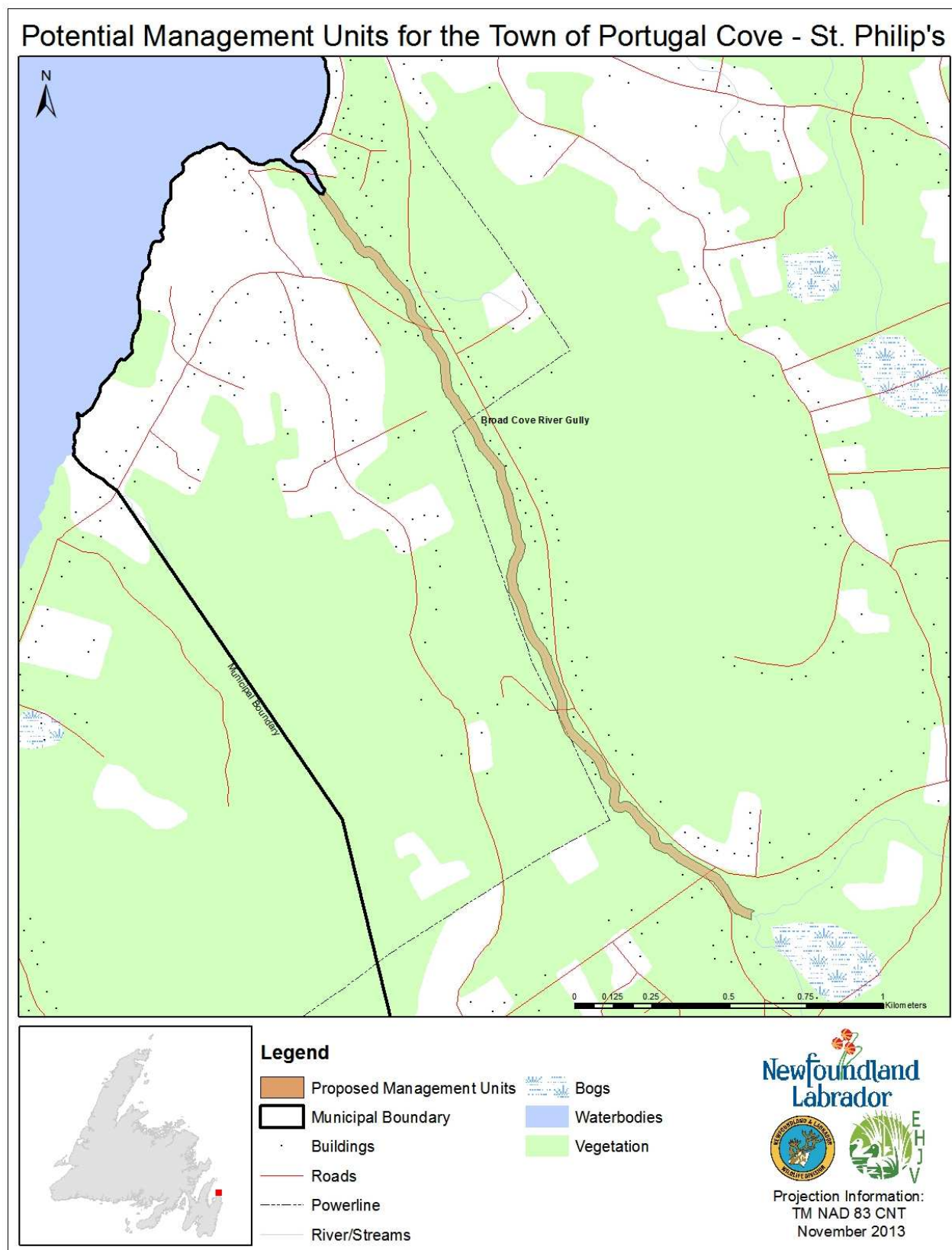


Figure 10 – Map of the Broad Cove River Gully Management Unit

APPENDIX 1

Municipal Stewardship Agreement Template

THIS AGREEMENT made at _____, in the province of Newfoundland, this _____ day of _____, 2011

BETWEEN: **HER MAJESTY THE QUEEN IN RIGHT OF
NEWFOUNDLAND AND LABRADOR**, as represented by the
Honourable the Minister of Environment and Conservation
(herein called the “Minister”)
- of the one part -

AND: **THE TOWN COUNCIL OF THE TOWN OF _____**
a municipal corporation pursuant to Section 15 of the
Municipalities Act, 1999 (herein called the “The Town”)
-of the other part-

WHEREAS the Government of Newfoundland and Labrador has entered into an Agreement with others for the implementation of the of the North American Waterfowl Management Plan through the Eastern Habitat Joint Venture;

AND WHEREAS the parties hereto recognize that the proper protection and management of coastal, wetland and upland habitats are fundamental tools in maintaining and enhancing the wildlife populations, particularly birds, in the province;

AND WHEREAS the Minister proposed that certain important wetlands and associated wildlife habitats within the Town be protected and enhanced through and with the cooperation of the Town in accordance with this Agreement and a Habitat Conservation Plan developed hereafter;

AND WHEREAS the Town has agreed to enter into this Agreement for the purpose of protecting and enhancing those areas of important habitat within its jurisdiction.

NOW THEREFORE IT IS AGREED BY THE PARTIES AS FOLLOWS:

1. The lands herein delineated and designated as a Management Unit (being the lands outlined on a certain Schedule annexed hereto and marked "A") shall be managed in accordance with the terms and conditions of this Agreement including any Habitat Conservation Plan developed hereunder for better protection of the wetlands for waterfowl and other wildlife.
2. Within the limits of its jurisdiction, the Town shall permit only those activities within the Management Units that have no negative or adverse impact upon the wetland habitat or the waterfowl or other wildlife which utilize those habitats.
3. The parties may establish other Management Units as may be desirable from time to time. The Management Units shall be subject to the terms and conditions of the Habitat Conservation Plan developed to enhance and protect the wetland habitats, the waterfowl and other wildlife which utilize those habitats.
4. The Habitat Conservation Plan shall be developed in cooperation with the Town and the Minister agrees to provide such advice and expertise necessary or advisable for the development of the Habitat Conservation Plan.
5. The Town agrees that in the preparation of a Municipal Plan for the Town or any amendments to any existing Municipal Plan, the areas designated as Management Units shall be recommended by the Town to be appropriately declared protected areas as it prescribed under subsection 13(3)(f) of the *Urban and Rural Planning Act (2000)* (or such other legislation in amendment or substitution therefore as may be brought into effect from time to time). The Town in passing regulations or by-laws related to the protected areas so designated under the Municipal Plan or

amendments thereto and which may affect the Management Unit(s) shall do so in consultation with the Minister and in keeping with the principals of this Agreement.

6. The parties to this Agreement, their consultants, servants or agents, shall have and exercise reasonable rights of access to the Management Unit(s) for all purposes necessary or incidental to this Agreement and in particular, but without limiting the generality of the foregoing, for the purpose of developing and carrying out the Habitat Conservation Plan.

7. Each of the parties hereto agree that they will exercise their best efforts to further develop management measures for more effectively carrying out of their mutual intentions as expressed in this Agreement.

IN WITNESS WHEREOF the parties have caused these presents to be executed in accordance with their respective rules and regulations the day and year first before written.

SIGNED, SEALED AND DELIVERED

by the Honourable the Minister of Environment
and Conservation in the presence of:

Witness

**THE HONOURABLE THE
MINISTER OF ENVIRONMENT
AND CONSERVATION**

THE SEAL OF the Town Council of the
Town of _____ hereunto
affixed in the presence of:

Witness

**THE TOWN COUNCIL OF THE
TOWN OF _____**