

2014-03-24

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FEB 27 2014

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Dr. Don Downer, PhD., Independent Chair  
Humber Valley Regional Planning Advisory Authority  
Suite 25, Humber Trust Building  
19-21 West Street  
Corner Brook, NL A2H 2Y6

Don,  
Dear Dr. Downer:

**RE: Government of Newfoundland and Labrador Comments  
January 2011 Draft Humber Valley Regional Land Use Plan**

The Government of Newfoundland and Labrador has reviewed the January 2011 draft of the Humber Valley Regional Land Use Plan. The Department of Municipal and Intergovernmental Affairs has collated the comments received from various departments and agencies of Government and has arranged comments so that they correspond to the noted sections of the January 2011 draft of the Humber Valley Regional Land Use Plan.

Government will require that the Plan be revised to accommodate the following comments:

### **1.3 Water Quality Management**

- The plan proposes to increase certain buffers along waterways and water bodies. Buffers that extend beyond current legislative and regulatory requirements should only be proposed where there is science based evidence to support larger buffers. Section 7 of the *Lands Act* provides for a 15 m wide shoreline reservation for Crown lands that border on a lake, pond, river, seashore or foreshore after the year 2000. Prior to the amendments to the *Lands Act* in 2000 reservations were established at 10 m. Notwithstanding the above, Section 7 of the *Lands Act* also makes provision for certain uses having a reservation of 10 m by approval of the Lieutenant-Governor in Council. Such uses include: industrial undertaking, aquaculture, water and sewer works and public roads by a municipality, boat houses and wharves. If there is an essential argument for increasing the buffer sizes beyond that specified in the Act and to apply to private land in addition to Crown land, a different legislative/regulatory regime would have to be employed.

## **2.1 Forestry**

- The Forestry and Agrifoods Agency has concerns regarding the arbitrary increase to buffer zone widths related to trails and water bodies that would impede forest management practices. Buffers that extend beyond the current requirements should only be proposed where there is science based evidence to support those larger buffers.
- Policies should be revised to clarify that land use other than forestry uses in silviculturally treated areas can occur only after commercial harvest of fibre and subject to successful negotiation for the release of timber rights on those lands.
- The Regional Plan should indicate that a cutting permit from the local forestry office is required prior to cutting of any timber.

## **2.2 Agriculture**

- Lands on the north shore of Deer Lake that are not considered a priority for immediate cottage development should be designated for future agricultural uses subject to the relinquishment of any timber rights. The ability to utilize for future cottage development once the value of other uses has been extracted should be considered at the appropriate time.
- The Plan should include policies and regulations that proposed development within agricultural buffers be referred to the Agrifoods Development Branch.

## **2.3 Minerals and Aggregates**

- The Mines and Energy Branches of the Department of Natural Resources request that the Plan allow mineral and hydrocarbon exploration throughout its boundaries as a permitted use. The Plan should include policies for the negotiation of other surface and water rights in areas where commercially viable mineral deposits or hydrocarbon accumulations are found and deemed developable.
- The Energy Branch also recommends that Deer Lake Oil and Gas, having existing hydrocarbon exploration permits, be consulted on the content and further review of the draft plan.

## **3.4 Hydroelectricity**

- The plan should recognize Nalcor Energy and Newfoundland and Labrador Hydro's current rights and practices with respect to accessing, maintaining and operating existing or future transmission or distribution lines.
- The Plan should not prevent the development of new electrical transmission and distribution lines throughout the region.

#### **4.4 Cottage Development**

- The Plan should be revised to include policies to allow Crown Cottage Areas to be planned in accordance with the Crown Cottage Planning process and the amendment process for the HVR Plan prescribed by the *Urban and Rural Planning Act, 2000*.
- Remote cottage uses should be permitted in accordance with the policies of the Lands Branch of the Department of Environment and Conservation.

#### **4.7 Archeological Resources**

- As there are known archaeological sites within the boundaries of the proposed Humber Valley Regional Land Use Plan, the document could benefit from indicating that and suggesting that the Provincial Archaeology Office be consulted in the process of any major development that involves land use or ground disturbance in the region. As well, a reminder that accidental discoveries may occur in which case work should cease and that the Office be contacted would seem warranted.

#### **5.2 Agency of Authority**

- Service NL and Municipal and Intergovernmental Affairs require further clarification on how a shared resource person could be deployed and administered. There is concern over possible overlap with the review and enforcement functions on development control. Both recommend there should not be two separate processes.
- Government will not appoint an independent agency to administer the Plan. The Minister is the Authority for the Plan by virtue of the Act. SNL will administer the Plan.

#### **Appendix B**

- The *Historic Resources Act* RSNL 1990 H-4 should be added.

#### **Development Control Regulations**

- The draft development regulations provide for permitted uses and discretionary uses. Government requires that the plan include no discretionary uses. Rather, the plan should include adequate policies that will allow conditions to be applied to certain uses within the development regulations, as opposed to requiring discretion.

#### **General comment**

- It should be made clear in the proposed plan that stakeholders are obligated to be aware of, and compliant with, other government acts and regulations. While the plan is not intended to provide a comprehensive listing of these other obligations, it

also should not suggest that if they are compliant with the plan that there are no further obligations.

Upon submission of the revised plan to accommodate these comments, I will consider the draft Plan for adoption as provided by section 16 of the *Urban and Rural Planning Act, 2000*. Should I adopt the draft plan, I will also appoint a commissioner to hold public hearings regarding any objections or submissions in relation to the draft plan.

I trust that you find the foregoing in order, and if you have any questions please contact Mr. Corrie Davis of this Department by telephone at 709-729-5409 or by email to [corriedavis@gov.nl.ca](mailto:corriedavis@gov.nl.ca).

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Kent", written over a large, stylized circular flourish.

**STEVE KENT**  
**Minister of Municipal**  
**and Intergovernmental Affairs**