

City of St John's Habitat Conservation Plan



Agreement Initial Draft: March 2010
Agreement Expansion Draft: March 2025



ST. JOHN'S



Preface

In the province of Newfoundland and Labrador (NL) some of the wildlife habitat that is in greatest danger of being negatively impacted is found within municipal planning boundaries. In this province, the primary focus of the Eastern Habitat Joint Venture (EHJV) is to conserve such valuable wildlife habitat through Habitat Conservation Agreements. The City of St. John's was identified as having ecologically valuable and unique habitat located within and adjacent to its Planning Area and first signed a Habitat Conservation Agreement in 2004 to protect Lundrigan's Marsh. Subsequently, the majority of those lands were privately purchased and conveyed to the City to support long-term protection.

The intent of this Habitat Conservation Plan is to build on the 2004 Agreement and outline the scope of the replacing 2025 Expansion Agreement designed to enact long-term conservation of Lundrigan's Marsh and additional areas of important wildlife habitat identified within City planning boundaries but found on crown lands. Notably, as the City is not the owner of the new expansion agreement lands, the City's ability to control and manage lands that it does not own, and that are owned by the Crown, is limited to its own regulatory jurisdiction. The City as a municipal government, and therefore, cannot enforce by-laws or regulations against the Province.

Centrally the Plan outlines the following objectives:

- (1) Presenting an assessment of the habitats and wildlife species designated for conservation.
- (2) Protection and enhancement strategies which will maintain and/or increase wildlife use in designated Conservation Areas.
- (3) Describing potential engagement initiatives designed to increase Council and public awareness of the value of 'their' habitat for conserving wildlife.
- (4) Supporting Council in conserving these habitats through informed development decision-making in partnership with community residents.

Acknowledgements

The Agreement signatories would like to thank the following partners for their financial and administrative support in the continued implementation of the Municipal Habitat Stewardship Program:

- Stewardship Association of Municipalities Inc
- Environment and Climate Change Canada
- United States Fish and Wildlife Service
- Wildlife Habitat Canada

Section 1: The NL Eastern Habitat Joint Venture

Human development has resulted in the destruction or alteration of many types of habitats all over the world. The number and diversity of North America's wildlife species has been declining over the latter half of the twentieth century. Natural wildlife habitats are regularly lost to urban, industrial, and agricultural expansion.

Recognizing the importance of habitat conservation to waterfowl populations, in 1986 Canada and the United States (later followed by Mexico) signed the North American Waterfowl Management Plan (NAWMP). This committed these countries to a long-term partnership to protect wetland habitats. Twenty-four 'joint ventures' have been subsequently established across North America to achieve the objectives of NAWMP. The province of Newfoundland and Labrador (NL) formally committed to its participation in the **Eastern Habitat Joint Venture** (EHJV) in 1989.

The **EHJV (ehjv.ca)** conserves, enhances, and restores wildlife habitat for birds found across the six eastern Canadian provinces of Ontario, Quebec, New Brunswick, Nova Scotia, PEI, and NL. Each province implements the partnership slightly differently, with each provincial program coordinated by a separate program manager and involving the cooperation of international partners, including government agencies and non-governmental conservation groups. In NL, the program is administered by the provincial Department of Fisheries, Forestry and Agriculture (Wildlife Division). Other NL partners include the Stewardship Association of Municipalities, Ducks Unlimited Canada, Canadian Wildlife Service (a branch of Environment and Climate Change Canada), Birds Canada, Intervale Associates Inc and the Nature Conservancy of Canada.

As its primary contribution to the EHJV in NL, the provincial Department of Fisheries, Forestry and Agriculture created a "municipal habitat conservation and stewardship program" to help municipalities conserve important wildlife habitat found within planning boundaries. The program signs formal agreements with municipalities so that when future land use decisions are made, the value of that wildlife habitat will not be forgotten and that future activities will not have negative impacts on the lands ability to sustain wildlife. Since 1993, over fifty municipalities have signed Municipal Habitat Conservation Agreements in NL becoming important links in a chain of conservation areas in NL and indeed, across North America.

Section 2: Roles of Habitat Conservation Agreement Signatories

The City of St John's originally signed a Habitat Conservation Agreement in 2004, which conserves an important wetland on City owned land known as Lundrigan's Marsh off East White Hills Road. Since that time, City council and staff have remained committed to the Agreement and became an active member of the Stewardship Association of Municipalities Inc. Through approving the Expanded Agreement in 2025, the City agreed to the conservation of additional important wildlife habitat found within its planning boundaries but on crown lands. Upon the signing of the expanded Agreement (Appendix 1), each signatory committed to certain responsibilities. These responsibilities are consistent with, and unchanged from, those already committed to under the 2004 Municipal Habitat Conservation Agreement. However, the 2025 Expanded Agreement would then apply these responsibilities beyond just Lundrigan's Marsh to the additional areas of wildlife habitat found within the city's planning boundaries. Importantly, the City as a signatory to the Agreement which incorporates the expanded crown owned lands is signing on, not as an owner or manager of these lands, but as the regulatory authority over those lands owned by the Crown within its boundaries. The City has no legal authority to enforce its regulations against the Crown without the Crown's consent.

The Province: The NL Department of Fisheries, Forestry, and Agriculture, through its Wildlife Division, is expected to:

- Amend the Habitat Conservation Plan (this plan) in consultation with the City of St John's to include the additional designated wildlife habitat areas.
- Work with the City of St John's on the review of any future developments which would impact the designated "Conservation Areas" keeping sustainability and wildlife and habitat conservation as the primary objectives.
- Support Council and local groups in implementing the Habitat Conservation Plan as opportunities allow; often with support of the partners of the NL Eastern Habitat Joint Venture. This can include assisting in carrying out, where appropriate, wildlife and habitat conservation education, restoration, or enhancement projects.

The City: The City of St. John's and its Mayor and Council would be expected to:

- Inform the Crown (NL EHJV Program Manager- Wildlife Division) of activities that the City becomes aware of, that could impact the designated wildlife habitat areas ("Conservation Areas") to avoid negatively affecting the ecological sustainability of those areas.
- Incorporate the Habitat Conservation Plan into the Municipal Plan, through the next Municipal Plan Review or by making amendments to the present Municipal Plan. The City of St. John's Municipal Plan is prepared under the authority of the *Urban and Rural Planning Act, 2000* and incorporating the Habitat Conservation Plan into the Municipal Plan provides the City with authority to administer the Habitat Conservation Plan.
- Participate, as capacity allows, in the activities of the Stewardship Association of Municipalities Inc (SAM), recognizing that for lands which the City does not own, it cannot control or manage the activities on those lands except for its zoning jurisdiction under its Development Regulations.

Section 3: Wildlife Habitat within the Capital City

Summary

The City of St. John's is located fully within the *Maritimes Barrens* Ecoregion and the *Northeastern Barrens* Subregion. This region is characterized by barren ecosystems, interspersed with peatland and forest. Most of the geological composition of the *Maritimes Barrens* Ecoregion is ground moraine coupled with glacial erratic, while wetland ecosystems are dispersed throughout the area, comprised of hundreds of ponds, mixed with slope bogs, basin bogs, and fens. Forests are dominated by species such as Balsam fir (*Abies balsamea*), Black spruce (*Picea mariana*) and some White birch (*Betula papyrifera*). In riparian areas, Alders (*Alnus incana*) are common, while in peatland ecosystems, Sheep laurel (*Kalmia angustifolia*), rhodora (*Rhododendron canadense*), and Low-Bush blueberry (*Vaccinium angustifolium*) are abundant. Municipalities may have many excellent reasons to conserve undeveloped land, including for example, flood risk protection, to buffer waterways, to allow for recreational use, or to buffer residential development. The primary focus of this Habitat Conservation Plan is to identify land with a documented importance to wildlife.

The 2004 Habitat Conservation Agreement

In St John's, in the early 1990's, several environmental groups successfully lobbied to divert what would become the Outer Ring Road around Lundrigan's Marsh, instead of directly through the marsh as was the original development proposal. Over the years, general awareness of the value the marsh increased, centrally as an important birding area, and community support for its long-term conservation grew. In 2000, a group of local naturalists approached the Nature Conservancy of Canada (NCC) and requested that the NCC purchase the private wetland property within Lundrigan's Marsh, now centrally accessed from East White Hills Road, to prevent development and degradation of the area. The Lundrigan's Marsh Conservation and Stewardship Committee was formed and worked on the conservation project for 18 months. The committee included the NCC, City of St. John's, Ducks Unlimited Canada (DUC), NL provincial Wildlife Division (through staff of the Eastern Habitat Joint Venture (EHJV)), Virginia River Conservation Society, and the NL Department of Works Services and Transportation. In total, the Nature Conservancy of Canada and Ducks Unlimited Canada purchased 25.5 acres of wetland in Lundrigan's Marsh.

In October of 2004, the City of St. John's signed two Agreements which would ensure the protection and preservation of Lundrigan's Marsh for future generations. Firstly, an Implementation Agreement was signed between the City, the NCC, and DU, whereby these two non-governmental organizations entrusted the care and preservation of the 25 purchased acres of marshland to the City. Through this action, the City of St. John's committed to maintain and administer the land for long-term conservation and management. The deed transfer, and associated restricted covenant to the land title, was later (in 2008) recognized in the City's Municipal Plan as what was known as an 'environmentally valuable area'. In October of 2004 the City also signed a Habitat Conservation Agreement with the Government of Newfoundland and Labrador which protects a designated "Management Unit" encompassing the actual wetland boundaries of Lundrigan's Marsh, but also including the subset purchased properties.

The 2025 Expanded Habitat Conservation Agreement

In the 2022 Envision St. John’s Municipal Plan, section 3.1 “Protecting Natural Areas”, the City of St. John’s pledged to consider including additional land areas in an expanded Municipal Habitat Conservation Agreement in partnership with the NL Department of Fisheries, Forestry and Agriculture- Wildlife Divison. This Habitat Conservation Plan is a direct outcome of that objective and outlines the associated 2025 Habitat Conservation Agreement (Appendix 1) which replaces the 2004 Agreement.

The following lands are designated “**Conservation Areas**” under the 2025 Habitat Conservation Agreement. As a designated Conservation Area, the approval of future proposed land use developments that would impact these areas should only be made in mutual partnership by the Agreement signatories. The central intent of the Conservation Area designation is that these lands shall be managed by both parties sustainably with environmental protection as our highest priority. To this end it is recommended that applying consistent zoning as “Environmental Protection or Conservation” is the best approach to long-term protection of all Conservation Areas.

Lundrigan’s Marsh



Figure 1: View of Lundrigan’s Marsh from the lookout off East White Hills Road

The 2004 Habitat Conservation Agreement first identified Lundrigan’s Marsh in the east end of the city as a special wetland, worthy of long-term protection (Figure 1). Despite its proximity to surrounding industrial land use the marsh remains a productive wetland. Many waterfowl and marsh bird species use the wetland habitat for feeding, shelter and breeding. Species that depend on this important marsh include Northern pintail, Blue-winged teal, Mallard and American black duck. It also serves as a catchment area for water flowing into the Virginia River system and Quidi Vidi Lake, slowing down drainage flows, preventing flooding, and filtering those water outflows. The boundaries of the Conservation Area are unchanged from the 2004 Agreement and are again included within the 2025 expanded Agreement (Figure 2).

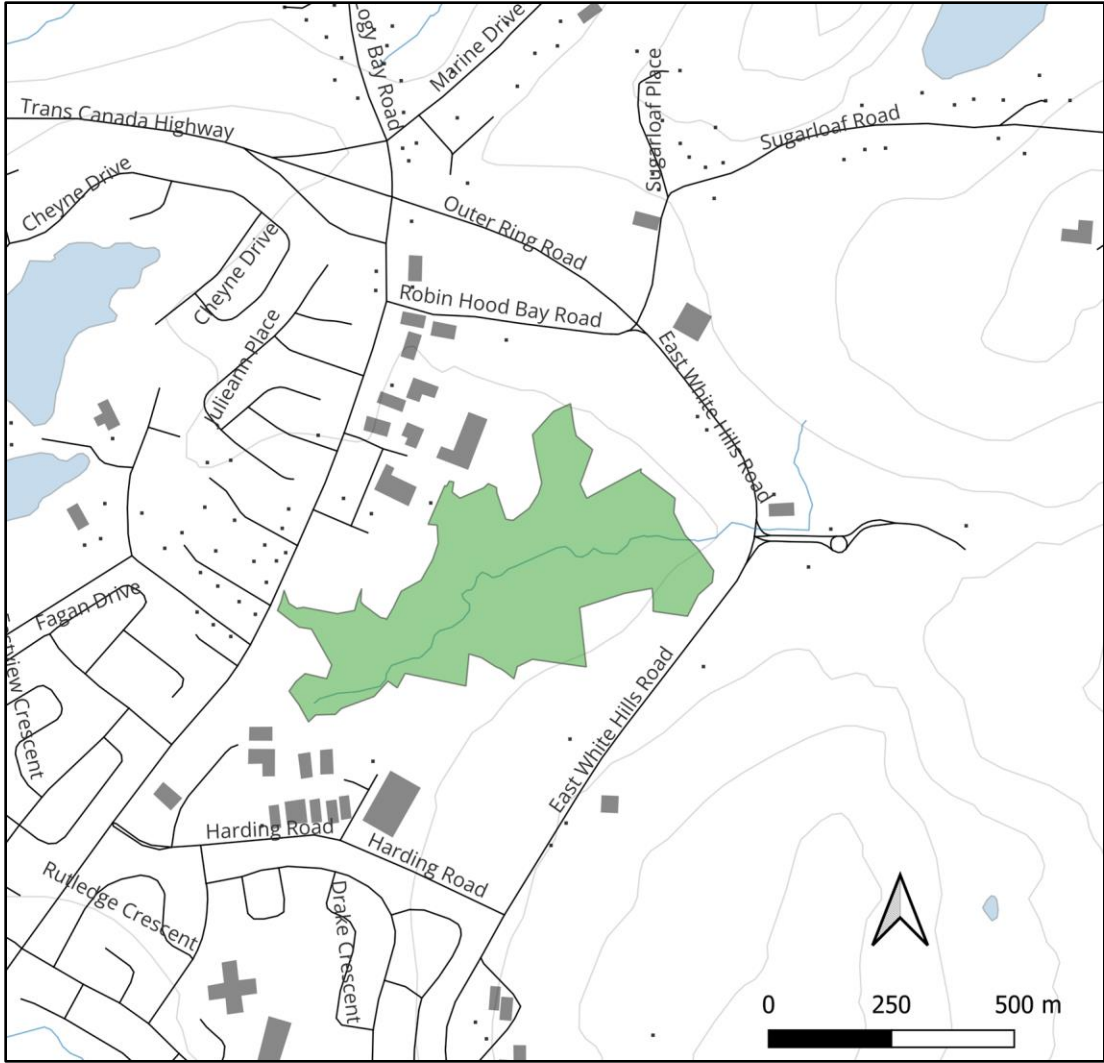


Figure 2: Lundrigan's Marsh Conservation Area

Southside Hills

The Southside Hills Conservation Area is east of downtown St John's overlooking the harbour. The Conservation Area is approximately 200 hectares in size and can be accessed off Blackhead Road where it buffers a portion of the East Coast Trail known as Deadman's Bay Path. The private lands owned by NL Power and other telecommunication companies atop St. Patrick's Hill (near Duck Pond), off Blackhead Road, and the crown lands reserve (9.E.29) by Freshwater Bay are purposefully excluded outside the boundaries of the Conservation Area. The lands centrally include upland forests and several wetlands (Figure 3). This area of Southside Hills has been envisioned as a potential future multi-use recreational space within the City (Figure 4). The potential future site development vision includes the establishment of hiking trails/boardwalk, cycling trails, and other sustainable infrastructure such as lookouts, picnic areas and interpretive signage. The Habitat Conservation Agreement aims to safeguard the area's biodiversity, but also allow for this sustainable development, in part to further connectivity between people and nature.



Figure 3: Aquatic grasses in a Southside Hills wetland

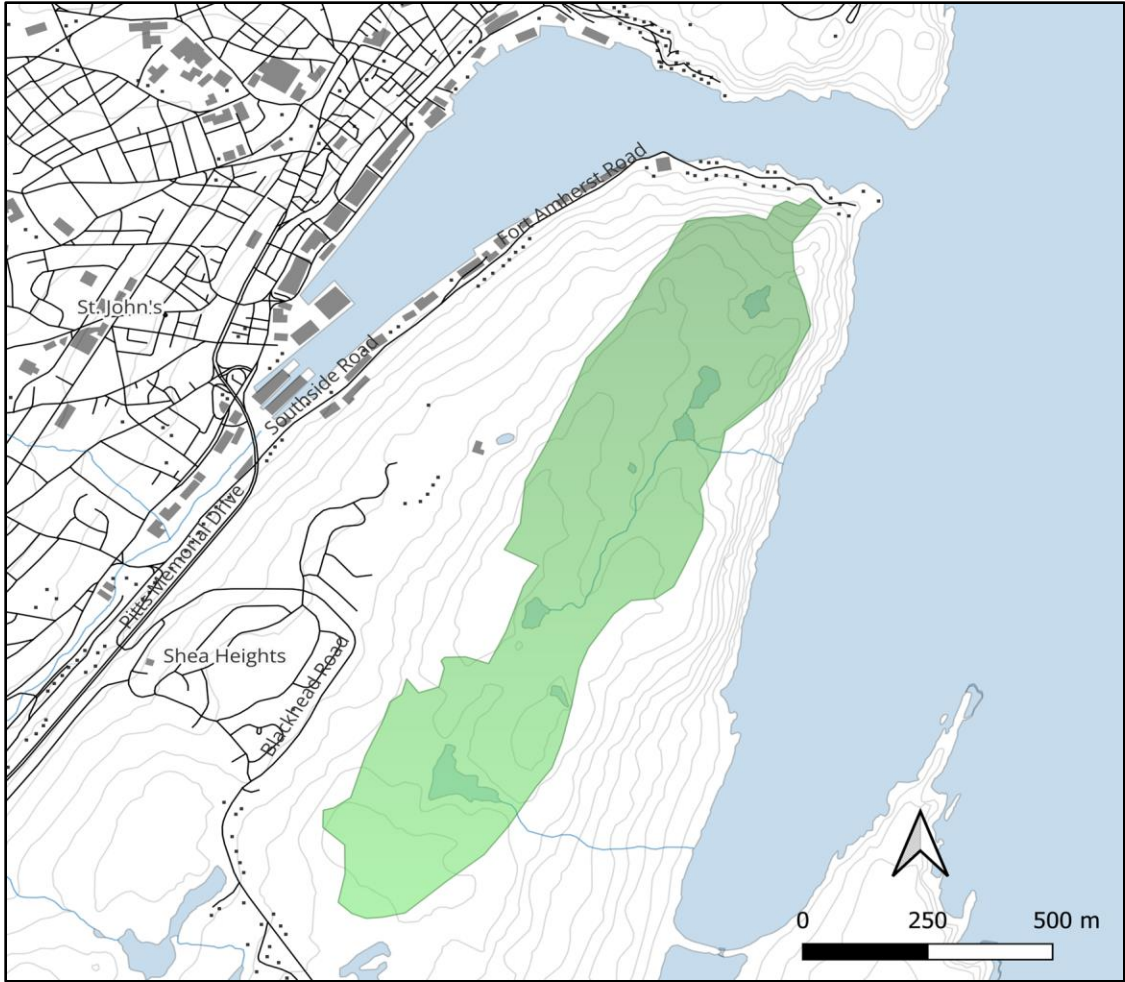


Figure 4: Southside Hills Conservation Area

Cape Spear South

The Cape Spear South Conservation Area is approximately 480 hectares in size and covers the barrenlands and wetlands south of Parks Canada's Cape Spear Lighthouse National Historic Site (Figure 5). A variety of wetlands are found within the conservation area including bog, fen, swamp, marsh, and open shallow water. As a result, a myriad of flora and fauna species can be found including Ericaceous shrubs like Labrador tea, Leatherleaf, and Sweet gale, with herbaceous plants such as Blue flag iris, Ostrich fern, and Pitcher plants. There is evidence of nesting birds throughout the area, with over 202 species of birds reported including inland rarer species such as Rusty blackbird, Short-eared owl, Snowy owl and Northern goshawk. The coastal portion is also known to provide habitat for a number of observed species including Red knot, King Eider, Harlequin duck, Surf scoter, Black scoter, Sora, Black bellied plover, American golden-plover and Semipalmated plover. Additionally, coastal sightings of Atlantic puffin, Murres and Razorbills have been documented.



Figure 5- East Coast Trail overlooking Cape Spear wetlands

The Conservation Area is bordered on east by the Atlantic Ocean, and west by undeveloped land owned by the City of St. John's (Figure 6). A portion of the Conservation Area extends westward to include an open water fen wetland complex that drains into the peatlands to the south. The boundary of the Conservation Area does not intersect with nor include any of the National Historic Site. The area does encapsulate a portion of the East Coast Trail known as the Cape Spear Path.

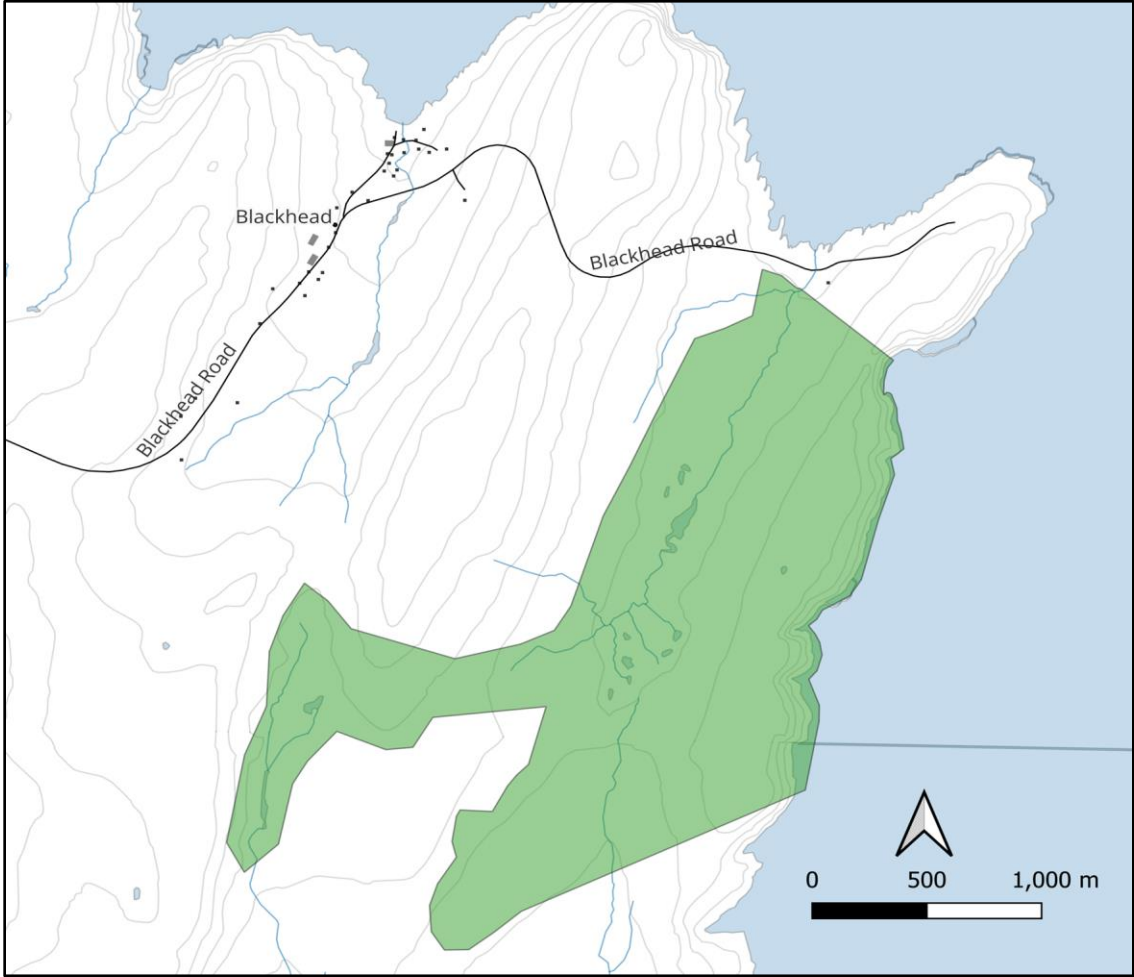


Figure 6: Cape Spear South Conservation Area

Section 4: Conservation Leadership by the City of St John's

Incorporate the Habitat Conservation Agreement into the Municipal Plan

During the preparation of any draft Municipal Plan, or during the process of a future Municipal Plan Review or development regulations, City Council will incorporate the Habitat Conservation Agreement and Plan concepts and maps into any resulting Municipal Plan or related Master Plan. The "Conservation Areas" **should be zoned Environmental Conservation or Protection**, or some similar consistent zoning designation within any future municipal planning documents as governed by the Urban and Rural Planning Act (2000).

Refer future proposed developments to the Wildlife Division

Within the limits of City jurisdiction, activities within the "Conservation Areas" will be managed whereby permitted activities do not result in the loss of wildlife habitat or wildlife populations. As such, wildlife conservation will be at the forefront of management decisions. When council reviews/approves land use permits, regulations, developments or by-laws which could impact Conservation Areas, **Council will first consult with the NL EHJV Program Manager** at the Wildlife Division, Department of Fisheries, Forestry and Agriculture providing a 30-day notice period.

Engage residents in wildlife habitat conservation with support of the Stewardship Association of Municipalities Inc.

When the City of St John's first signed a Habitat Conservation Agreement with the province in 2004, it was provided an opportunity to become a participating member of SAM (Stewardship Association of Municipalities, samnl.org). SAM is an incorporated, non-profit organization whose member municipalities together to secure, enhance, and restore important wildlife habitat and as a network of communities, contribute to provincial conservation of biodiversity. SAM also represents its municipal members on provincial issues related to wildlife and habitat conservation.

SAM maintains a public webpage about the Habitat Conservation Agreement featuring maps, photos, facts, and information on local attractions. This link can be included on the City's website; this will help increase residents' knowledge and understanding of the agreement and program. To view examples of these pages, please refer to samnl.org/membership.

SAM meets each spring (May or June) and fall (September or October) with host municipalities rotating among members and regions. Identify a representative of the City (mayor, councilor, staff, or involved resident) to attend at least one of these meetings per year (Figure 7). This will connect St John's to like-minded municipalities and link you to resources and training. You may also be interested in co-hosting a SAM meeting in the City in the future; many municipalities enjoy this for the exposure it provides for their wildlife habitat and associated projects.



Figure 7: A field trip to Cobb's Pond, Gander during a SAM Annual General Meeting.

In addition to contributing to SAM membership, participating municipalities can avail of abundant environmental conservation resources on the SAM website: www.samnl.org/resources. It is the Stewardship Association's mandate to help support the conservation efforts of its membership. On an ongoing basis, SAM and its partners, particularly the Wildlife Division, actively support municipalities in engaging community residents in conservation awareness, and habitat enhancement and restoration projects. SAM staff regularly consult on, and facilitate support to municipal projects such as (but not limited to):

- grant funding applications.
- sustainable trail development and recreational infrastructure (bird blinds, boardwalks).
- educational outreach to and engagement of community groups.
- restoration of degraded and threatened habitats.
- enhancement of wildlife habitat through mechanisms such as nest box building or the placement of interpretive signage.
- scientific and technical assessment, and advice relating to municipal conservation programs.

With community engagement and the delivery of conservation programming, being a contributing member of SAM can increase environmental awareness and a build a more environmentally conscious community of stewards. The City of St John's has significant capacity to be a leader in the province on wildlife and habitat conservation and conservation issues and we are excited to support your efforts as we broaden our existing partnership. It has been our experience that **community engagement and partnerships are the true strengths of any stewardship agreement.**

APPENDIX A:

Habitat Conservation Agreement for the City of St. John's

THIS AGREEMENT made in the City of St. John's, in the province of Newfoundland, this
14 day of April, 2025

BETWEEN: **HIS MAJESTY THE KING IN RIGHT OF NEWFOUNDLAND AND
LABRADOR**, as represented by the Honorable the Minister of
Fisheries, Forestry and Agriculture (herein called the "Minister")

- of the one part -

AND: **CITY OF ST. JOHN'S**, municipal corporation pursuant to the
provisions section 4 of the *City of St. John's Act*, RSNL 1990,
Chapter C-17 (herein called the "The City")

-of the other part-

WHEREAS the Government of Newfoundland and Labrador has entered into an
Agreement for the implementation 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 in the Province;

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

AND WHEREAS the City has agreed to enter into this Agreement for the purpose of
protecting and enhancing those areas of important wildlife habitat within the limits of
its jurisdiction;

AND WHEREAS the parties have agreed to repeal the original Municipal Stewardship
Agreement signed between the parties on October 18th, 2004.

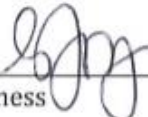
NOW THEREFORE IT IS AGREED BY THE PARTIES AS FOLLOWS:

1. This agreement shall replace the agreement signed by the parties on October 18, 2004.
2. The lands herein delineated and designated as Conservation Areas (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 wildlife.
3. Within the limits of its jurisdiction, the City shall use its best efforts to permit only those activities within the Conservation Areas that have no negative or adverse impact which affect the stewardship and/or conservation of the land, or of the wildlife which utilize those areas.
4. The parties may mutually establish other Conservation Areas as may be desirable from time to time. Conservation Areas shall be subject to the terms and conditions of the Habitat Conservation Plan developed by the Parties to enhance and protect the land, and the wildlife which utilize those habitats.
5. The Habitat Conservation Plan shall be developed in cooperation with the City and the Minister agrees to provide such advice and expertise necessary or advisable for the development of the Habitat Conservation Plan.
6. The City agrees that in the preparation of a Municipal Plan for the City or any amendments to any existing Municipal Plan, the areas designated as Conservation Areas shall be recommended by the City 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).
7. The parties to this Agreement, their consultants, servants or agents, shall have and exercise reasonable rights of access to the Conservation Areas 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 managing the Habitat Conservation Plan.
8. If at any time during the term of this Habitat Conservation Agreement the Parties mutually deem it necessary or desirable to make alterations or additions to it, they may do so by means of a written agreement between them which shall be supplemental to and form part of this agreement.
9. Each of the parties hereto agree that they will carry out the 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 Honorable the Minister of Fisheries
Forestry and Agriculture in the presence of:



Witness



**HONORABLE GERRY BYRNE, MINISTER
OF FISHERIES,
FORESTRY AND AGRICULTURE**

THE SEAL OF the City Council of the
City of St. John's hereunto
affixed in the presence of:



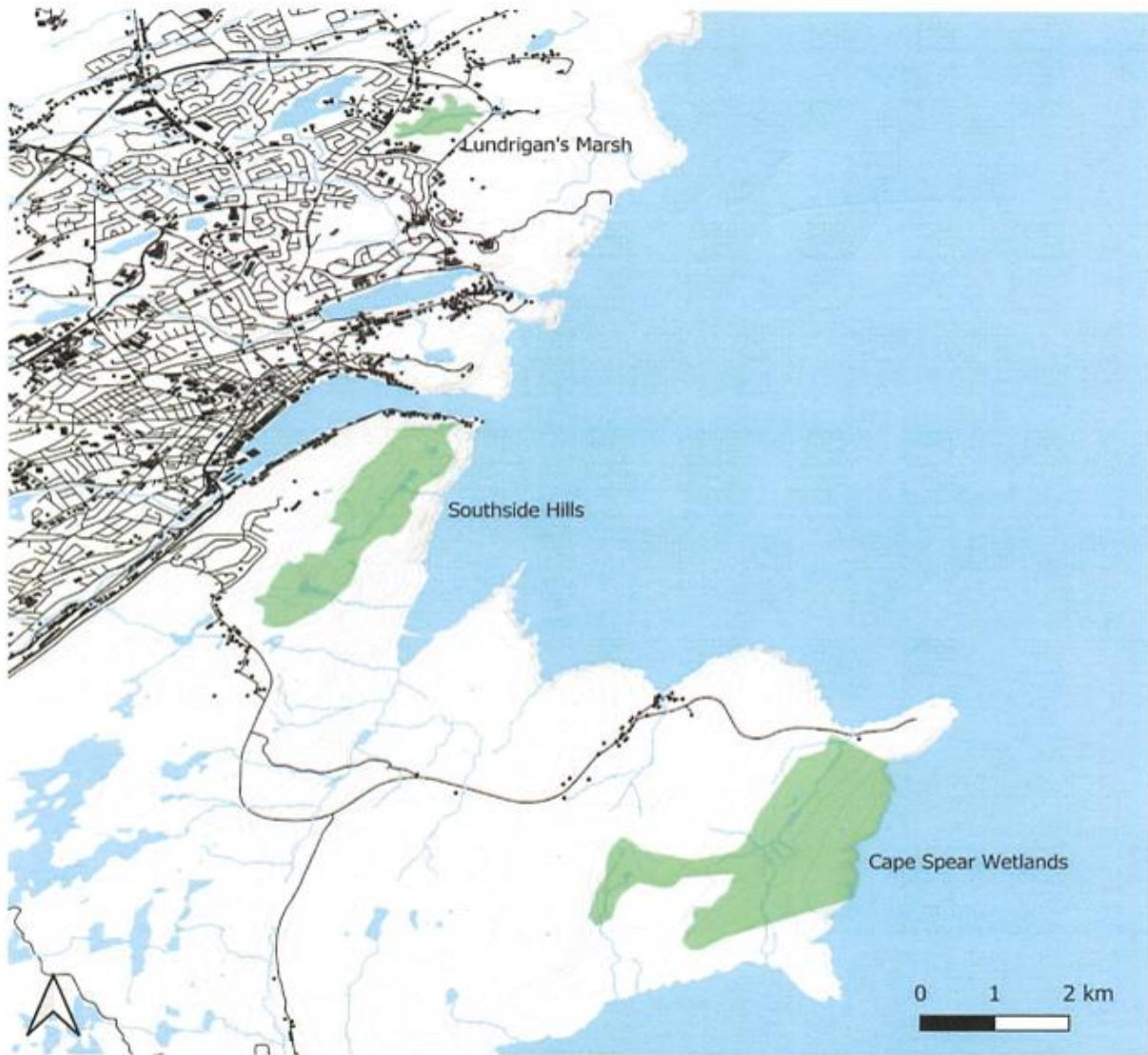
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Schedule A: Conservation Areas

City of St. John's, Newfoundland and Labrador, Canada



Legend	
	Conservation Area
	Road
	Water
	Contour Line
	Building

April 2024
Projection: WGS 84

