

Appendix “A”

Regulatory Approvals/Responses

Fisheries & Oceans Canada
Small Craft Harbours Branch
4A Bailey Street
Grand Falls-Windsor, NL A2A 2T5
Attention: Ms. Sharon Branton

Dear Ms. Branton:

Subject: Shoreline Protection Repairs at Carmenville, NL. This proposal is not likely to result in negative impacts to fish and fish habitat provided that additional mitigation measures are applied._____

Fisheries and Oceans Canada – Fisheries Protection Program (DFO) received your proposal on June 21, 2013. Please refer to the file number and title below:

DFO File No.: **13-HNFL-NA1-00159**

Title: **Shoreline Protection Repairs – Carmenville**

Your proposal has been reviewed to determine whether it is likely to result in impacts to fish and fish habitat which are prohibited by the habitat protection provisions of the Fisheries Act or those prohibitions of the *Species at Risk Act* that apply to aquatic species.*

Our review consisted of:

- *Application - Request for Project Review and associated documentation;*
- *Google Earth imagery*
- *Project description*
- *Conversation with C&P Detachment Supervisor*

We understand that you propose to:

- Repair and enhance the existing armourstone protection through the placement of additional armourstone protection at the DFO SCH facility in Carmenville, NL.
- Install approximately 1100 cubic metres of 0.5-2 tonne filterstone and approximately 2300 cubic metres of 4-6 tonne armourstone at the present location. The material will be placed over an area measuring approximately 15 m by 135 m long resulting in a new benthic footprint of approximately 1620 square metres. The project will replace and enhance existing armourstone protection at this location.

To reduce potential impacts to fish and fish habitat we are recommending the following mitigation measures be included into your plans:

- *Please refer to applicable FACTSHEETS at the following link for suggested mitigation techniques: <http://www.nfl.dfo-mpo.gc.ca/e0005361>*
- *Efforts should be made to limit silt arising as a result of infilling to the work area. Work should be completed at low (or falling) tide.*
- *Turbidity plumes should be monitored to ensure that the extent and duration of sedimentation are within acceptable limits as outlined in the Guidelines for Turbidity in Chapter 4 of the CCME "Canadian Environmental Quality Guidelines" (2002).*
- *There should be no silt and/or sediment, concrete, or any other substance deleterious to fish or fish habitat released to watercourses and/or water bodies as a result of these works. This could be accomplished as per the mitigations outlined in FACTSHEETS referenced above or by other means as appropriate to the site conditions.*
- *The rock fill must be obtained from an approved quarry site and should be clean, free of fine materials and of sufficient size to resist displacement during peak flood events. Any additional material (if needed) should not be removed directly from the water or shoreline below the high water mark..*
- *Shoreline disturbance should be restricted to the immediate work area.*
- *The use of heavy equipment in bodies of water is not permitted. The operation of such equipment (if required) must be confined to dry stable areas.*
- *Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks. All vehicles and equipment must be clean and in good repair, free of mud and oil, or other harmful substances that could impair water quality.*
- *Wash, refuel and service machinery and store fuel and other materials for the machinery away from the water to prevent any deleterious substance from entering the water.*

- *Keep an emergency spill kit on site in case of fluid leaks or spills from machinery.*
- *Local fishermen in the area should be advised of the project and starting date.*
 - *The Fisheries office at Twillingate should be notified in advance [telephone (709) 884-5139] of the startup of this work.*
 - *A copy of this letter should be provided to the successful contractor who should maintain the copy at the work site.*
 - *It will be the responsibility of both parties to this work to ensure that proper fish habitat mitigation measures as may be necessary are put in place.*

Provided that the additional mitigation measures described above are incorporated into your plans, DFO has concluded that your proposal is not likely to result in impacts to fish and fish habitat. You will not need to obtain a formal approval from DFO in order to proceed with your proposal. It remains your responsibility, however, to meet the requirements of any other federal, provincial and municipal agencies.

If your plans have changed or if the description of your proposal is incomplete you should consult our website to determine if a DFO review is required, and if so contact this office to determine if the advice in this letter still applies.

Please be advised that any impacts to fish and fish habitat which result from a failure to implement this proposal as described or incorporate the additional mitigation measures included in this letter could lead to corrective action such as enforcement. In addition, under the *Fisheries Act*, there is a requirement to notify DFO of any harmful alteration or disruption, or any destruction of fish habitat that has not been authorized. Such notifications should be directed to John O'Rourke, A/Senior Fisheries Protection Biologist at (709)772-2508 or email: john.orourke@dfo-mpo.gc.ca

If you have any questions please contact me by phone at (709)772-2508, by fax at (709)772-5562, or email: john.orourke@dfo-mpo.gc.ca

Yours sincerely,

John O'Rourke
A/Senior Habitat Biologist

CC: Cathy Martin - PWGSC
D. Holwell – C&P, Twillingate Detachment

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CEAA 2012 – SCH PROJECT ENVIRONMENTAL RISK ASSESSMENT

REPAIR, MAINTENANCE, AND MINOR WORKS (LOW RISK)

Repair and Maintenance: the action or process of restoring an existing physical work to unimpaired condition by simply replacing or fixing worn or damaged minor parts (e.g. deck boards, wheel guards, ladders, bollards, derricks, etc).

Minor Works: small works where environmental effects are similar, well understood, and mitigated as appropriate using established standard mitigation measures. These projects are non-complex and have minimal interaction with the environment (i.e. no impacts to fish habitat, species at risk, migratory birds, etc.). Examples include the following:

- Construction of small sheds
- Fence installation
- Resurfacing of upland parking areas
- Petroleum storage tank replacement
- Installation of signage
- Installation of water supply lines
- Installation of electrical supply lines
- Installation of monitoring equipment
- Installation of navigational aids

SCH has developed standard mitigation measures for low-risk projects (please refer to the next page). Regional DFO Operational Statements, Best Management Practices, Approved Work Practices, etc. may also exist for low-risk projects and are to be followed as appropriate.

Often, the only environmental risk for repair, maintenance, and minor works projects involves the collection and disposal of hazardous waste materials (e.g. used oil, treated timbers, paints and paint scrapings, batteries, metal scraps, solvents, etc.) and Small Craft Harbours policy is to dispose of such materials in accordance with applicable provincial regulations. Therefore, these works are considered **low-risk** with respect to possible significant adverse environmental effects when applicable regulations and standard mitigation measures are followed. A DFO Project Effects Determination is not required. However, this is a general rule only; the risk to the environment of a given project depends on a number of factors and requires the opinion and judgement of the SCH project manager and any other authorities involved in the project. The checklist below provides further indication of the likelihood of significant adverse environmental effects for a given SCH project under CEAA 2012.

YES NO

- ☐ ☒ The project has the potential to cause effects that impact on Aboriginal peoples, such as their use of lands and resources for traditional purposes.
- ☐ ☒ Project activities have the potential to affect fish or fish habitat, aquatic species, species at risk, migratory birds, or may require federal permits (e.g. *Fisheries Act*, *Species at Risk Act*, *Migratory Birds Convention Act*, *Navigable Waters Protection Act*, *Canadian Environmental Protection Act*, etc.)
- ☐ ☒ The project is to be undertaken in proximity to sensitive species, habitats, or geographical areas.
- ☐ ☒ The project may cause a change to the environment that occurs on the lands of another province or country.

If any of the above apply, the project cannot be considered low-risk and a DFO Project Effects Determination is required.

REPLACEMENT AND MODIFICATION (MEDIUM RISK)

Replacement: all or most of the parts of an existing physical work are being replaced.

Modification: means an alteration to an existing physical work that introduces a new structure or eliminates an existing structure and does not alter the purpose or function of the work, but does not include an expansion.

Replacement and modification projects are of medium complexity and may involve interaction with the environment. Therefore, these projects are generally considered **medium-risk** with respect to significant adverse environmental effects. A DFO Project Effects Determination for medium-risk projects is required.

EXPANSION, DEMOLITION, AND NEW CONSTRUCTION (HIGH RISK)

Expansion: an increase in the exterior dimensions or the production capacity of an existing physical work.

Demolition: destruction and removal of an existing physical work.

New Construction: the construction of a new physical work in a location where none existed before.

Expansion, demolition, and new construction projects are of higher complexity and involve considerable interaction with the environment. Therefore, these projects are considered **high-risk** with respect to significant adverse environmental effects. A DFO Project Effects Determination for high-risk projects is required including in-depth analysis, possibly consulting appropriate external expertise, and developing unique mitigation measures.

RISK ASSESSMENT RESULT

Harbour Name: Carmanville

Harbour Code:

Project Title: Shore protection repairs, DFO SCH Central NL P/N FO-C-2013-016

Project Description: The project involves the installation of approximately 1100 cubic metres of 0.5-2 tonne filterstone and 2300 cubic metres of 4-6 tonne armourstone over an area measuring approximately 135 m by 15 m. The works will be placed adjacent to armourstone which was installed in 2011 under project # R.050082.001.

Based on the above, the proposed SCH projects are:

- ☐ Low Risk (proceed with the project in accordance with all applicable regulations and SCH Standard Mitigation Measures for Repair, Maintenance, and Minor Works)
- ☒ Medium Risk or High Risk (carry out the project effects determination and complete the DFO Project Effects Determination Template, refer to the guidance document *PROJECT EFFECTS DETERMINATION PROCESS FOR SMALL CRAFT HARBOURS PROJECTS*)

Approved by: Paul Curran Date: July 15/13 Signature: Paul Curran