

REGULATORY APPROVALS

Cathy Martin

From: O'Rourke, John [John.ORourke@dfo-mpo.gc.ca]
Sent: June-20-13 11:43 AM
To: Doody, John
Cc: Cathy Martin; Bungay, Kerry
Subject: New Marginal Wharf Construction - Fermeuse
Attachments: Fermeuse.pdf

Fisheries & Oceans Canada

Small Craft Harbours Branch

1144 Topsail Road

Mount Pearl, NL A1N 5E8

Attention: Mr. John Doody

Dear Mr. Doody:

Subject: Marginal Wharf Construction at Fermeuse, 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 18, 2013. Please refer to the file number and title below:

DFO File No.: 13-HNFL-NA1-00139

Title: Marginal Wharf Construction – Fermeuse

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*
- *Personal knowledge of the area*

- *Conversation with local C&P officer*
- *Conversation with P. Curran - SCH*

We understand that you propose to:

- *Construct a new hockey stick shaped 107m long x 6.1m wide treated timber cribwork marginal wharf; backfill the area behind the marginal wharf to create a 1000m² of laydown area / parking lot; and*
- *Dredge approximately 1200m³ of bottom sediment material to accommodate a draft of - 4.5m below LNT at the new wharf face.*

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 any dredging/infilling to the work area. Work should be completed at low (or falling) tide.*
- *The actual placement of the newly constructed cribs and/or backfilling is recommended not to take place before November 18, 2013.*
- *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 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, unless part of the dredge spoils and after appropriate testing to determine suitability.*
- *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.*

- *The Fisheries office at Bay Roberts should be notified in advance [telephone (709) 786-0295] 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

K. Bungay – C&P, Bay Roberts Detachment

<<Fermeuse.pdf>>

John M. O'Rourke, B.Sc.
Fisheries Protection Program Biologist

P.O. Box 5667 St. John's, NL A1C 5X1

Telephone: (709) 772-2508
Fax: (709) 772-5562
Cell: (709) 687-1662
Email: John.O'Rourke@dfo-mpo.gc.ca



Response to Project Notification For:

New Marginal Wharf Construction, Fermeuse, NL

☒ Our Department/Agency may issue a letter of advice, permit or approval for this project.

Federal Authority Fisheries & Oceans Canada

Name & Title John O'Rourke A/Senior Biologist FPP

Signature John O'Rourke Date June 20, 2013

PLEASE SEND THE ORIGINAL SIGNED COPY TO
CATHY MARTIN
PWGSC ENVIRONMENTAL SERVICES
FAX NUMBER (709) 772-5852
cathy.martin@pwgsc.gc.ca



Public Works and
Government Services
Canada

Travaux publics et
Services gouvernementaux
Canada

August 2, 2013

Cathy Martin
Environmental Services
Public Works and Government Services Canada
10 Barter's Hill
P.O. Box 4600
St. John's, NL A1C 5T2



Dear Ms. Martin:

RE: New Marginal Wharf Construction – Sheep's Head – DFO Small Craft Harbour, Fermuse, NL

Your dredging application dated May 30, 2013 regarding the above noted project has been received. Service NL would have no objections to the dredged material being deposited at an approved waste disposal site, provided the following stipulations are met:

1. Sediment must be stock piled on site for a minimum of 24 hours to drain liquid off before being transported in water sealed trucks or containers to prevent leakage.
2. The material may be deposited at an approved waste disposal site with the prior permission of the site owner/operator.
3. Any on-site fuel storage tank system installations other than those connected to a heating appliance of a capacity of 2,500 litres or less are subject to the *Storage and Handling of Gasoline and Associated Products Regulations* and will require registration with the Government Service Centre, prior to installation. Any on-site fuel storage tank systems connected to a heating appliance of a capacity of 2,500 litres or less must comply with the *Heating Oil Storage Tank System Regulations with the Department of Environment and Conservation*.
4. All vehicles and heavy equipment must be clean, in good repair and inspected regularly to ensure there are no oil or fuel leaks.
5. In order to ensure that a quick and effective response to a spill event is possible, spill response equipment should be readily available on-site. Response equipment, such as absorbents and open-ended barrels for collection of cleanup debris, should be stored in an accessible location on-site. Personnel working on the project should be knowledgeable about response procedures. The proponent should consider developing a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event.

If you have any questions or concerns, please contact the undersigned at 729-4342.

Regards,



Chris Parsons, B.Sc., ADSA
Environmental Protection Officer



Environment
Canada

Environnement
Canada

Environmental Protection Operations
Environmental Stewardship Branch
6 Bruce Street
Mount Pearl, NL A1N 4T3

7 June 2013

Cathy Martin
Public Works and Government Services Canada
P.O. Box 4600
St. John's, NL, A1C 5T2

Dear Ms. Martin:

RE: New Marginal Wharf Construction, DFO – Small Craft Harbours, EAS 2013-059
Sheep's Head, Fermeuse, NL

As requested in your email of 30 May 2013, Environment Canada (EC) has reviewed the project description for the above-noted project. Please note that our review comments, in areas related to Environment Canada's mandate, are being provided to support your environmental management process for this project.

The scope of work involves the installation of a new marginal wharf at the Sheep's Head Small Craft Harbour in Fermeuse, NL, and includes:

- Minor demolition of uplands and dismantling of an existing floating dock headblock;
- Construction of a new hockey stick shaped 107m long x 6.1m wide treated timber cribwork marginal wharf;
- Backfilling of the area behind the marginal wharf to create a 1000m² of laydown area / parking lot; and
- Construction of approximately 30m of new access road and laydown area to the reinstated headblocks and floating docks on the western side of the harbor.

The project will require removal of approximately 1200m³ of bottom sediment material to accommodate a draft of -4.5m below the Lowest Normal Tide (LNT) at the new wharf face. The method of disposal of the material will be dependent on the results of the sediment analysis; but disposal is likely at an approved landfill site or utilized on the uplands. Construction debris will be disposed of appropriately as per regulatory approvals.

Environment Canada is also responsible for administering several statutes including the *Department of Environment Act*, *Fisheries Act* (Section 36), *Canadian Environmental Protection Act*, *Canada Water Act*, *Canada Wildlife Act* and the *Migratory Birds Convention Act*, which are focused on promoting sustainable development, protecting the environment, conserving certain renewable resources and reporting on environmental conditions. Environment Canada is also the lead federal department in promoting a variety of federal policies and programs including, *A Wildlife Policy for Canada*, the *Toxic Substances Management Policy*, and *Pollution Prevention - A federal strategy for action*. Stemming from these responsibilities, EC possesses expertise relevant to this proposed

project that should be considered by the proponent, in conducting the environmental review of this project.

REVIEW COMMENTS

Regulatory Requirements

Fisheries Act

The proponent should be aware of the general applicability of Section 36(3) of the *Fisheries Act* which states: "no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substances or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water". Environmental protection and mitigation measures should reflect the need to comply with Section 36(3) of the Fisheries Act. For example, measures should be taken to prevent substances such as lubricating fluids, fuels, etc. from being deposited into water frequented by fish, and drainage from construction and operational drainage must not be harmful to fish.

Migratory Birds Convention Act

Migratory birds, their eggs, nests, and young are protected under the Migratory Birds Convention Act (MBCA). Migratory birds protected by the MBCA generally include all seabirds except cormorants and pelicans, all waterfowl, all shorebirds, and most landbirds (birds with principally terrestrial life cycles). Most of these birds are specifically named in the Environment Canada (EC) publication, *Birds Protected in Canada under the Migratory Birds Convention Act*, Canadian Wildlife Service Occasional Paper No. 1.

Under Section 6 of the Migratory Bird Regulations (MBR), it is forbidden to disturb, destroy or take a nest or egg of a migratory bird; or to be in possession of a live migratory bird, or its carcass, skin, nest or egg, except under authority of a permit. It is important to note that under the current MBR, no permits can be issued for the incidental take of migratory birds caused by development projects or other economic activities.

Furthermore, subsection 5.1 of the MBCA describes prohibitions related to deposit of substances harmful to migratory birds:

- 5.1 (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.
- (2) No person or vessel shall deposit a substance or permit a substance to be deposited in any place if the substance, in combination with one or more substances, results in a substance — in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area — that is harmful to migratory birds.

It is the responsibility of the proponent to ensure that activities are managed so as to ensure compliance with the MBCA and associated regulations.

Species at Risk

The proponent should be reminded that the prohibitions under the Species at Risk Act (SARA) are now in force. The complete text of SARA, including prohibitions, is available at www.sararegistry.gc.ca.

Canadian Environmental Protection Act

The proponent should also be aware of the potential applicability of the *Canadian Environmental Protection Act* (CEPA). The *Canadian Environmental Protection Act* enables protection of the environment, and human life and health, through the establishment of environmental quality objectives, guidelines and codes of practice, and the regulation of toxic substances, emissions and discharges from federal facilities, international air pollution, and disposal at sea.

Disposal at Sea

It appears that the bottom sediment material is to be disposed on land. However, it should be clarified whether "upland" is above the ordinary high water mark. As well, the proponent should specify the material that will be being used for backfilling. Please note that if dredged material will be used for backfilling, these activities could be disposal at sea or placement.

If at any point project activities will include the placement or disposal of dredged or excavated materials into seawater or brackish waters (waters with salinity levels above 0.5 ppt measured under conditions of high tide, low flow), the proponent is advised to contact EC to verify the applicability of Part 7 Division 3 of the *Canadian Environmental Protection Act* (contact Ms. Natasha Boyd at 709-772-2161 or Natasha.Boyd@ec.gc.ca).

Migratory Birds

The Canadian Wildlife Service of Environment Canada (EC-CWS) has reviewed the above project and offers the following comments.

Vegetation Clearing

Clearing vegetation during construction activities may cause disturbance to migratory birds and inadvertently cause the destruction of their nests and eggs (<http://www.ec.gc.ca/paom-itmb>). Many species use trees, as well as brush, deadfalls and other low-lying vegetation for nesting, feeding, shelter and cover. This would apply to songbirds throughout the region, as well as waterfowl in wetland areas. Disturbance of this nature would be most critical during the breeding period. The breeding season for most birds within the project area occurs between May 1st and August 31st in this region, however some species protected under the MBCA do nest outside of this time period.

Blasting activities associated with construction activities will cause disturbance migratory birds and can result in the abandonment of nests during the breeding season. This would apply to songbirds throughout the region, as well as Common Loon and waterfowl in wetland and coastal areas. Disturbance of this nature would be most critical during the breeding period.

Environment Canada provides the following recommendations:

1. to avoid the risk of nest destruction, i.e. avoid vegetation clearing between the most critical period, May 1st and July 31st, to accommodate the breeding season.
2. to develop and implement a management plan that includes appropriate preventive measures to minimize the risk of impacts on migratory birds (See "Planning ahead to reduce risks to migratory bird nests", PDF: <http://www.ec.gc.ca/Publications/default.asp?lang=En&xml=50C4FE11-801E-4FE3-8019-B2D8537D76CF>). It is the responsibility of the individual or company undertaking the activities to determine these measures. For guidance on how to avoid the incidental take of migratory birds nests and eggs, please refer to the Avoidance Guidelines (Website: <http://www.ec.gc.ca/paom-itmb>).

Dredging

The project description does not definitively state how dredge material will be disposed of. If beach disposal is being considered, the proponent should be aware that EC-CWS has concerns about the disposal of dredge material on beaches. Material should not be deposited within the municipal bird sanctuary.

Should the proponent decide to proceed with beach disposal outside of the area of the bird sanctuary, EC-CWS recommends proceeding outside of the critical period of the migratory bird breeding season (May 1st to July 31st in this area; see comments concerning Vegetation Clearing). If this is not possible, then prior to commencing project activities, it should be determined if there are any nests or fledglings of migratory birds in areas where dredge material would be deposited on beaches. Presence of nests or fledglings must be determined by a professional ornithologist or a skilled birder. If any birds are found to be nesting or rearing chicks in the vicinity of the proposed dredge spoil disposal area, then EC-CWS should be contacted for further instructions before commencing with the project.

The proponent should be advised that old dredge spoils have been known to attract migratory birds such as Piping Plovers and other species of ground nesting birds such as terns or Killdeer.

Other Coastal Infrastructure Activities

EC-CWS has the following recommended beneficial management practices for working on shorelines:

- Project staff should not approach concentrations of seabirds, sea ducks or shorebirds.
- Project staff should use the main navigation channels to get to and from the site; and should have well muffled vessels and machinery.
- Project staff should undertake any measures that may minimize or eliminate discharge of oily waste into the marine environment.
- Food scraps and other garbage left on beaches and other coastal habitats can artificially enhance the populations of avian and mammalian predators of eggs and chicks. The proponent should ensure that no litter (including food waste) is left in coastal areas by their staff and/or contractors
- If there is any noticeable change in seabird numbers or distribution at the location during operations, EC-CWS should be notified.

Species at Risk

The following species at risk may occur within the study area: Olive-sided flycatcher (Threatened) and Red Crossbill (*Percna* subspecies, Endangered). Though unlikely to be found within the project footprint, these species may occur within the study area and we request that sightings be reported to EC-CWS.

Fuel

The Canadian Wildlife Service of Environment Canada recommends that the proponent adhere to best practices with regard to fuelling and servicing equipment, using biodegradable fluids, fuel spills and spill contingency plans, to protect migratory birds and their habitats (described in more detail under **Management of Hazardous Materials and Waste**). Furthermore, the proponent should ensure that contractors are aware that under the *Migratory Birds Regulations*, "no person shall deposit or permit to be deposited oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds."

Suspension of Sediments

The disturbance of substrate during dredging increases sediment concentrations and turbidity in the water column. This disturbance may alter light penetration, temperature and water chemistry regimes, and may affect photosynthesis. The CCME (Canadian Council of Ministers of the Environment) *Canadian Environmental Quality Guidelines* (1999) recommend that, for protection of marine waters, human activities should not cause suspended solids levels to increase by more than 10% of the natural conditions expected at the time. The guidelines also recommend that no solid debris, including floating or drifting materials or settleable matter, be introduced into marine and estuarine waters.

On-land Disposal and Site Disturbance

The on-land disposal method should ensure that the dredged material will not be re-deposited in the ocean through environmental factors, such as heavy precipitation, storm surge, and/or significant wave action.

In general, impacts related to onshore disturbance should be designed so as to:

- place a priority on pollution prevention;
- facilitate compliance with the general prohibition against the deposit of a deleterious substance into waters frequented by fish (Section 36 of the *Fisheries Act*); and
- respect applicable Canadian Council of Ministers of the Environment (CCME) *Canadian Environmental Quality Guidelines*.

In terms of site disturbance the following 'best practices' should be reflected in efforts to manage impacts so as to respect the above-noted objectives:

- install siltation control structures (e.g. silt curtains, cofferdams, sediment fences) prior to beginning any activities involving disturbance of the site and work along the shoreline if appropriate;
- schedule work to avoid periods of heavy precipitation;
- maintain a vegetated buffer zone, as appropriate and where possible, to protect surface waters;
- immediately stabilize any disturbed areas along the shoreline to prevent erosion;
- monitor the integrity and effectiveness of the siltation control structures daily for the duration of the project; and
- upon completion of the project, only remove silt control structures when suspended sediment concentrations within any contained water have returned to background conditions.

Management of Hazardous Materials and Waste

In order to ensure compliance with Section 36 (3) of the *Fisheries Act* and with the *Migratory Birds Convention Act* and related Regulations, provisions for the management of hazardous materials (e.g. fuels, lubricants) and wastes (e.g. contaminated soil, sediments, waste oil) should be identified and implemented so as to ensure the risk of chronic and accidental releases is minimized. Additionally, the following mitigation recommendations are made with respect to the transport, storage, use and disposal of petroleum products and toxic substances which, when employed, may minimize impacts to nearby receiving waters:

- Even small spills of oil can have very serious effects on migratory birds and fish. Therefore, every effort should be taken to ensure that no oil spills occur in the area. Refuelling and maintenance activities should be undertaken on level terrain, at least 30m from any surface water (including shorelines), on a prepared impermeable surface with a collection system to ensure oil, gasoline and hydraulic fluids do not enter surface waters. Waste oil should be disposed of in an approved manner.
- Biodegradable alternatives to petroleum-based hydraulic fluid for heavy machinery and chainsaw bar oil are commonly available from major manufacturers. Such biodegradable fluids should be considered for use in place of petroleum products whenever possible, as a standard for best practices.
- Drums of petroleum products or chemicals should be tightly sealed against corrosion and rust and surrounded by an impermeable barrier in a dry, water-tight building or shed with an impermeable floor.
- In order to ensure that a quick and effective response to a spill event is possible, spill response equipment should be readily available on-site. Response equipment, such as adsorbents and open-ended barrels for collection of cleanup debris, should be stored in an accessible location on-site. Personnel working on the project should be knowledgeable about response procedures. The proponent should consider developing a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event. The proponent should indicate how the contingency plans will be prepared, and response measures implemented, to reflect site-specific conditions and sensitivities. In developing a contingency plan, it is recommended that the Canadian Standards Association publication Emergency Planning for Industry CAN/CSA-Z731-03, be consulted as a useful reference.
- The proponent should report any spills of petroleum or other hazardous materials to the Environmental Emergencies 24 Hour Report Line (St. John's 709-772-2083; other areas 1-800-563-9089).

I trust that this information will be of assistance in your review of this project. If you wish to discuss these comments or have further questions, please do not hesitate to contact me at 709-772-4313 or via email at jerry.pulchan@ec.gc.ca at your convenience.

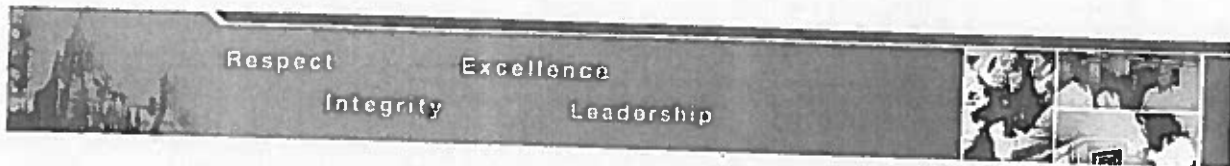
Yours truly,



Jerry Pulchan
Environmental Assessment Analyst
Environmental Protection Operations Directorate- Atlantic

Attachment

Cc: J. Corkum
M. Hingston



Response to Project Notification For:

New Marginal Wharf Construction, Fermeuse, NL

☒ Our Department/Agency may issue a letter of advice, permit or approval for this project.

Federal Authority Environment Canada

Name & Title Terry Pulchan, Environmental Assessment Analyst

Signature Terry Pulcha Date 5 June 2013.

PLEASE SEND THE ORIGINAL SIGNED COPY TO
CATHY MARTIN
PWGSC ENVIRONMENTAL SERVICES
FAX NUMBER (709) 772-5852
cathy.martin@pwgsc.gc.ca



Public Works and
Government Services
Canada

Travaux publics et
Services gouvernementaux
Canada

Federal Authority Advice RecordResponse due by: **June 7, 2013****Fermuese – Marginal Wharf Construction**

Department/Agency:	Transport Canada		
EA Contact Name:	Randy Decker	Telephone:	(709) 772-3061
Address:	Cabot Place, 100 New Gower Street PO Box 1300 St. John's NL A1C 6H8	Fax:	(709) 772-5127
Email:	randy.decker@tc.gc.ca		

Transport Canada may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed? ☒ Yes ☐ No

If yes, please specify the Act of Parliament (i.e. *Navigable Waters Protection Act*; *National Energy Board Act*; *Railway Safety Act*; *Aeronautics Act*; and/ or *Federal Real Property Regulations*) .

Part 1, Section 5 approval under the NWPA.

Has your department or agency already exercised the above-noted power or performed a duty or function to allow the proposed Project to proceed in whole or in part? ☐ Yes ☒ No

Is your department or agency in possession of specialist or expert information or knowledge that would be relevant to the conduct of an environmental assessment of the Project? ☒ Yes ☐ No

Specify as appropriate:

TC will work with PWGSC to conduct a single coordinated environmental effects determination in accordance with Section 67 of CEEA 2012.

Randy Decker

Print Name of departmental / agency responder

Senior Environmental Assessment Officer

Title of responder



Signature

2013-06-11

Date



Transport
Canada

Transports
Canada

WGSC

COPY

Navigable Waters Protection Program
PO Box/C.P. 1013
Dartmouth N.S. B2Y 4K2

SEP - 9 2013

Your file Votre référence

Records

Our file Notre référence
8200-09-1209

AUG 27 2013

VIA COURIER

Fisheries and Oceans Canada
Small Craft Harbour
10 Barter's Hill PO Box 5667
St. John's, NL A1C 5T2

Attention: Paul Curran

**RE: Application under the *Navigable Waters Protection Act* for approval to alter a
Marne Facility, located at Fermeuse Harbour, in the Province of Newfoundland
and Labrador.**

Enclosed please find an Addendum to the original approval(attached) signed on behalf of the Minister of Transport, Infrastructure and Communities pursuant to subsection 10(2) of the *Navigable Waters Protection Act* (NWP). Ensure to review your document in its entirety and acknowledge receipt via the contact information provided below.

Please note that this document expires in conjunction with the original/latest Approval.

Please be advised that all Terms and Conditions of the original Approval remain valid and therefore you should re-familiarize yourself with them. Note that you must also comply with any terms and conditions in the attached Approval document as well as any other requirements under the NWP, its regulations and other relevant legislation.

No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.

Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.

Please note that the attached document relates only to the effect of your work on navigation under the NWP. Other Federal and/or Provincial Acts and Regulations may apply. It is your responsibility to comply with any applicable legislation/regulation.

.../2

Should you have any questions, please do not hesitate to contact our office in Dartmouth by phone at (902) 426-2726, by fax at (902) 426-7585 or by e-mail at nwpdar@tc.gc.ca.

Respectfully,



Virginia Drew
Officer, Navigable Waters Protection Program
Marine Safety and Security
Transport Canada
Atlantic Region

Enclosure(s)

cc: Public Works and Government Services Canada – Cathy Martin



NAVIGABLE WATERS PROTECTION ACT (R.S.C. 1985, c. N-22) as amended by Part 7 of the *Budget Implementation Act*, 2009, S.C. 2009, c. 2 (*Navigable Waters Protection Act*), PART I
Subsection 10(2) – Alteration of Lawful Work

8200-09-1209

Addendum to Approval

APPLICANT: Fisheries and Oceans Canada
Small Craft Harbour
10 Barter's Hill PO Box 5667
St. John's, NL A1C 5T2

LAWFUL WORK: Marine Facility

SITE LOCATION: Located at Approximately 46° 58' 18.00" N x 052° 56' 56.00" W,
Fermuse Harbour, in the Province of Newfoundland and Labrador

IMPORTANT NOTICE: This document approves the proposed alteration of the lawful work in terms of its effect on marine navigation pursuant to the *Navigable Waters Protection Act*. In accordance with the *Navigable Waters Protection Act*, the work must be built, placed, maintained, operated, used and removed as per this Approval including the Terms and Conditions and attached plans as well as regulations made pursuant to the *Navigable Waters Protection Act*.

It is the applicant's responsibility to obtain any other forms of approval, including building permits, under any applicable laws.

WHEREAS on August 31, 2009, the above-referenced work and site was made lawful under the *Navigable Waters Protection Act*;

WHEREAS the above-named applicant has made application to the Minister of Transport, Infrastructure and Communities under the *Navigable Waters Protection Act* for approval of the attached plan(s) for proposed alteration of the above-referenced lawful work by the addition of a 107 metre long by 6.1 metre wide marginal wharf and removal of 4 floating docks, 2 of which will be relocated;

WHEREAS in the opinion of the Minister of Transport, Infrastructure and Communities, the proposed alteration of the above-referenced lawful work will not increase the degree of interference with navigation;

WHEREAS it is considered advisable to approve the plan(s) for the proposed alteration of the above-referenced lawful work;

WHEREAS the alteration will expire in conjunction with the above-referenced lawful work, on August 31, 2039;

THEREFORE, the Minister of Transport, Infrastructure and Communities, pursuant to subsection 10(2) of the *Navigable Waters Protection Act*, hereby approves the proposed alteration of the said work at the said site and plan(s) thereof in accordance with the following terms and conditions:

1. All vessels navigating the waterway shall be allowed access through or around the work site at all times during construction and shall be assisted as necessary.

.../2



2. All dredged material must be deposited above the high water mark.
3. A "Notice to Shipping" is to be requested ten (10) days prior to the commencement of any work, or deploying or removing site markings and again upon completion of the work to alert vessel operators in the area. Contact Canadian Coast Guard's Marine Communications and Traffic Service (MCTS) Centre by telephone at (709) 695-2168 or e-mail to notshippax@dfo-mpo.gc.ca.

SIGNED in two copies on AUG 27 2013 in St. John's, NL

Virginia Drew
Officer, Navigable Waters Protection Program
Marine Safety and Security
Transport Canada
Atlantic Region

for the Minister of Transport