

**FISHERIES AND OCEANS**  
**CANADIAN ENVIRONMENTAL ASSESSMENT ACT (CEAA) 2012**  
**PROJECT EFFECTS DETERMINATION REPORT**

**GENERAL INFORMATION**

<b>1. Project Title:</b> Harbour development, Marys Harbour, NL	
<b>2 Proponent:</b> Fisheries and Oceans Canada, Small Craft Harbours (DFO SCH)	
<b>3. Other Contacts</b> (Other Proponent, Consultant or Contractor):  Public Works and Government Services Canada	<b>4. Role:</b>  OGD Consultant
<b>5. Source of Project Information:</b> Dave Bursey, Project Officer, PWGSC	
<b>6. Project Review Start Date:</b> October 17, 2012	
<b>7. PATH No.:</b> 12-HNFL-NA5-00017	<b>8. PWGSC File No:</b> R.051975.006
<b>9. TC File No.:</b> 8200-2012-700214	

**BACKGROUND**

**10. Background about Proposed Development (including a description of the proposed development):**

The proponent has proposed to establish a new DFO SCH facility in southern Labrador. The project includes the construction of a 79 metre long marginal wharf, 30 metre long concrete boat launch, 48 metre long finger pier wharf extension, dredging of approximately 3800 cubic metres of primarily Class A (bedrock and boulder) material and the development of approximately 3650 square metres of upland. A Probable Effects Determination (PED) Report was previously completed on March 28, 2013 to assess these components of the proposed project pursuant to the Canadian Environmental Assessment Act (2012). The PED report determined that the project was not likely to cause significant adverse environmental effects with mitigation and could therefore proceed using mitigative measures. However, an additional component involving the construction of a gravel infill service area and gravel boat launch has since been added to the original scope of work which requires additional assessment pursuant to the CEA Act (2012).

To this end, the original Probable Effects Determination Report has been updated to include the new gravel service area/boat launch structure. This Probable Effects Determination Report supersedes and replaces the original PED Report (dated March 28, 2013).

## PROJECT REVIEW

### 11. DFO's rationale for the project review:

Project is on federal land ☒ and;

- ☒ DFO is the proponent
- ☐ DFO to issue *Fisheries Act* Authorization or *Species at Risk Act* Permit
- ☐ DFO to provide financial assistance to another party to enable the project to proceed
- ☐ DFO to lease or sell federal land to enable the project to proceed
- ☐ Other

### 12. Fisheries Act Sections (if applicable):

n/a

### 13. Other Authorities

- Transport Canada – Navigable Waters Protection Program (NWPP)

### 14. Other Authorities rationale for involvement:

- Part 1, Section 5 - Navigable Waters Protection Act Approval

### 15. Other Jurisdiction:

- Newfoundland and Labrador Department of Environment and Conservation, Water Resources Division
- Newfoundland and Labrador Department of Environment and Conservation, Environmental Assessment Division
- Service Newfoundland and Labrador

<b>16. Other Expert Departments Providing Advice:</b> <ul style="list-style-type: none"> <li>• Environment Canada</li> <li>• Fisheries and Oceans Canada, Fish Habitat Management Program</li> </ul>	<b>17. Areas of Interest of Expert Departments:</b> <ul style="list-style-type: none"> <li>• Ocean Disposal – dredge spoil re-use</li> <li>• Fish and Fish Habitat</li> </ul>
<b>18. Other Contacts and Responses:</b> n/a	
<b>19. Scope of Project (details of the project subject to review):</b> <u><b>Project Description</b></u>  <p><b>Component 1</b> will include the construction of a new 6.1 metre wide by 79.3 metre long marginal wharf. The marginal wharf will be constructed of treated timber cribbing scribed to bedrock. To properly seat the cribwork and ensure adequate vessel draft, approximately 1200 cubic metres of Class A material (bedrock and boulders) will be removed from the wharf footprint. Blasting and heavy machinery working from the shoreline or a floating barge will be required for dredging.</p> <p><b>Component 2</b> will include the construction of new concrete boat launch. The new boat launch, measuring 4.8 metres wide by 30.5 metres long, will be constructed of concrete slab on grade (above the highwater mark) and rock filled cribs (below the highwater mark). Riprap protection consisting of 1 tonne rock will be placed on both sides of the boat launch.</p> <p><b>Component 3</b> will include the construction of a finger pier wharf extension. The new extension, measuring approximately 7.62 metres wide by 48 metres long, will be constructed at the end of an existing finger pier wharf. The extension will be constructed of treated timber cribbing placed atop a rock mattress. Clean rock fill will be utilized as wharf ballast. The rock mattress will be installed directly on the existing seabed. Crushed quarry run rock ranging in weight from 45 kg to 400 kg will be used as the base layer. The side slopes of the rock mattress will be protected with approximately 2000 cubic metres of 1 tonne scour protection.</p> <p><b>Component 4</b> will include dredging Class A material (bedrock and boulder) from the berthage area and approach to the new marginal wharf. Approximately 3800 cubic metres of Class A material will be dredged from an approximately 1750 square metre area. It is anticipated that approximately 525 cubic metres of Class B overburden (mud, sand, pebble, cobble) will also be removed from the dredge area. Blasting and heavy machinery working from the shoreline or a floating barge will likely be required for dredging (alternatively, a temporary access road may be constructed utilizing dredged material to adequately reach dredge limits; the road will be removed as the excavator works its way back to shore). Dredged material will be re-used on-site where possible, or otherwise transported to a provincially approved waste disposal location. Dredged material will not be placed below the highwater mark for the purpose of waste disposal.</p> <p><b>Component 5</b> will include upland development and improvements associated with the harbour development. Approximately 3650 square metres of uplands will be graded and improved (e.g. placement of rock gravel fill) to provide an adequate area for parking and servicing. The general requirements for uplands development have yet to be determined.</p> <p><b>Component 6</b> (new project component) consists of a gravel infill service area and gravel boat launch constructed approximately 500 metres northwest of the main project site (see appendix A). The gravel infill service area will measure approximately 35 metres wide by 41 metres long and will consist of compacted gravel infill surrounded with geotextile fabric and armourstone to prevent erosion of infill material. The gravel boat launch will measure approximately 5 metres wide by 34 metres long and will be constructed directly adjacent to the proposed service area. The total footprint of the entire service area/boat launch structure will measure approximately 1600 square metres. However, the total impacted benthic area (below LNT) will be approximately 880 square metres. The infill service area/boat launch structure will be constructed on the existing grade (i.e.</p>	

no dredging required). Water depths at the seaward end of the service area/boat launch structure range between 0.5 metres to 1.2 metres.

**Operation**

The Environmental Management System (EMS) with an integrated Environmental Management Plan (EMP) for the Harbour Authority of Marys Harbour will cover operational aspects of environmental management and is the mitigation measure for the environmentally responsible aspects of harbour operation (fuelling, waste disposal, activities on the property and water).

**Decommissioning**

This facility is not presently planned to be decommissioned. At the time of decommissioning, Small Craft Harbours will develop a site-specific re-use or reclamation plan that is appropriate for the applicable environmental legislation and Fisheries and Oceans Canada policies.

**Scheduling**

Phase 1 of the proposed development is scheduled to commence in 2013. The commencement date for later phases has yet to be determined. Project commencement is subject to DFO SCH operational priorities and funding.

## **20. Location of Project:**

The community of Mary's Harbour (N 52° 18' 40.24" and W 55° 49' 54.14"), NL, has a population of approximately 383 people and is accessible from local roads via the Trans Labrador Highway - provincial route 510 - in southeastern Labrador. The proposed project site is located approximately 135 km northeast of Blanc Sablon, QC. The immediate project site is partially developed, and includes a new fishplant and gravel parking and service area. Located immediately adjacent to the project site is a provincially owned and operated finger pier wharf.

## **21. Environment Description:**

### **Physical Environment**

The shoreline of the immediate project site is characterized primarily by exposed bedrock and placed armourstone protection. The project site is located within the Paradise River ecoregion. This ecoregion is located in the southeastern section of Labrador. Its climate is greatly affected by maritime influences, except inland, where it is only slightly affected. The mean annual temperature is about 0°C, with a mean summer temperature of 8.5°C and a mean winter temperature of -8.5°C. The mean annual precipitation varies from 900 mm in the northeast to 1100 mm in the southwest.

### **Biological Environment**

According to the Fisheries and Oceans' Traditional Knowledge Maps of the area, cod, flounder, halibut, lumpfish, sand lance, arctic char, capelin and herring may be found in the general surrounding area.

An underwater benthic survey completed in January 2012 revealed that the majority of the benthic area to be impacted by the project consists of a thin mud-silt veneer with lesser amounts of pebble-cobble overlaying bedrock. Marine fauna encountered consisted of sea urchins, crabs sculpin, star fish and anemone; no flora was observed. Water depths along the proposed marginal wharf are between 0-2 metres. Water depths along the proposed finger pier wharf are between 5-15 metres. Water depths within the proposed dredge area range between 0-5 metres.

### **Species at Risk (Aquatic and Terrestrial)**

A search of the Atlantic Canada Conservation Data Centre (ACCDC) database was conducted which produced a list of rare/unique species (i.e. plants and animals) within a 5 km buffer zone (standard ACCDC procedure) of the site of the proposed work. All species were cross-referenced with Schedule 1 of the Species At Risk Act (SARA) and none were found to be listed as extirpated, endangered and threatened or of special concern.

## 22. Scope of Effects Considered (sections 5(1) and 5(2)):

**Table 1: Potential Project / Environment Interactions Matrix**

	As per Section 5(1)			Section 5(1c)				Section 5(2)			Due Diligence			
	Aboriginal Interest													
Project Phase / Physical Work/Activity	Fish (Fisheries Act)	Aquatic Species (SARA)	Birds (MBCA)	Health and Socio economic	Physical and cultural heritage	Land use	*HAPA Significance	Health and Socio economic	Physical and cultural heritage	*HAPA Significance	Water (ground, surface, drainage, etc)	Terrestrial / Aquatic Species	Soil	Air Quality
Harbour development														
Marginal wharf construction	P	-	-	-	-	-	-	-	-	-	P	-	-	P
Boat launch construction	P	-	-	-	-	-	-	-	-	-	P	-	P	P
Finger pier construction	P	-	-	-	-	-	-	-	-	-	P	-	-	P
Dredging/transportation/disposal	P	-	P	-	-	-	-	-	-	-	P	-	P	P
Upland development	P	-	-	-	-	-	-	-	-	-	P	-	P	P
Gravel service area/boat launch construction	P	-	-	-	-	-	-	-	-	-	P	-	P	P
Operation / Maintenance	P	-	-	-	-	-	-	-	-	-	P	-	-	-
Decommissioning / Abandonment	-	-	-	-	-	-	-	-	-	-	-	-	-	-

\*structure, site or thing that is of historical, archaeological, paleontological or architectural significance.

Legend: P = Potential Effect of Project on Environment; ' - ' = No Interaction

### 23. Environmental Effects of Project:

Potential Project/Environment Interactions and their effects are outlined below:

#### Fish:

- Sedimentation as a result of wharf, service area, boat launch construction and dredging may negatively impact fish and quality of potential fish habitat.
- Construction of wharves/boat launches, gravel service area and dredging will disrupt potential fish habitat within project footprint.
- Accidental discharge of heavy machinery fuel/fluids will negatively impact fish and potential fish habitat.
- Drainage and washwater from concrete production are very alkaline and is harmful to fish.

#### Birds:

- Improperly disposed of dredged spoils may attract migratory birds.

#### Water:

- Sedimentation as a result of wharf/boat launch and service area construction, upland development and dredging may decrease marine water quality at immediate project site.
- Construction related refuse may be deposited in water-body, decreasing marine water quality.
- Accidental discharge of heavy machinery fuel/fluids will result in a decrease of marine water quality.

#### Soil:

- Contamination of upland area due to improper disposal of dredge material.
- Boat launch construction and development of uplands, gravel service area will result in disturbance and possible erosion of existing soils.

#### Air Quality:

- Some minor disruptions and annoyance to facility users and residents who live in close proximity to the project site can be anticipated from project activities and the use of heavy equipment.

### 24. Mitigation Measures for Project (including Habitat Compensation):

**Table 2:** Potential Project Environment Effects and Mitigations

Potential Effect	Mitigation
<ul style="list-style-type: none"><li>• Sedimentation as a result of wharf, service area, boat launch construction and dredging may negatively impact fish and quality of potential fish habitat.</li><li>• Construction of wharves/boat launches, gravel service area and dredging will disrupt potential fish habitat within project footprint.</li></ul>	<ul style="list-style-type: none"><li>• Project activities should only be carried out during periods when wind, wave and tide conditions minimize the dispersion of silt and sediment from the work site. The proponent is advised to monitor turbidity plumes to ensure that the extent and duration of sedimentation are within acceptable limits.</li></ul>

<ul style="list-style-type: none"> <li>• Accidental discharge of heavy machinery fuel/fluids will negatively impact fish and potential fish habitat.</li> <li>• Drainage and washwater from concrete production are very alkaline and is harmful to fish.</li> <li>• Improperly disposed of dredged spoils may attract migratory birds.</li> <li>• Sedimentation as a result of wharf/boat launch and service area construction, upland development and dredging may decrease marine water quality at immediate project site.</li> <li>• Construction related refuse may be deposited in water-body, decreasing marine water quality.</li> <li>• Accidental discharge of heavy machinery fuel/fluids will result in a decrease of marine water quality.</li> <li>• Contamination of upland area due to improper disposal of dredge material.</li> <li>• Boat launch construction and development of uplands, gravel service area will result in disturbance and possible erosion of existing soils.</li> <li>• Some minor disruptions and annoyance to facility users and residents who live in close proximity to the project site can be anticipated from project activities and the use of heavy equipment.</li> </ul>	<ul style="list-style-type: none"> <li>• The in-water use of heavy equipment is not permitted. The operation of such equipment should be from dry/stable shoreline areas.</li> <li>• All vehicles and equipment should be clean and in good repair, free of mud, fuel and oil or other harmful substances that could impair water quality.</li> <li>• All drainage and wash water from concrete production should be properly contained and should not drain into the marine environment.</li> <li>• The proponent should be aware of the CCME "Canadian Environmental Quality Guidelines (1999) that recommend that for the 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 waters.</li> <li>• Disruption to areas outside the target dredge area should be avoided where possible.</li> <li>• Work should be properly timed to avoid potential interference with commercial, recreational, and/or aboriginal fisheries.</li> <li>• Appropriate sedimentation control measures (e.g. silt curtains, booms, etc), should be deployed where required.</li> <li>• Armourstone should be clean, non-acid generating and free of fine materials.</li> <li>• Armourstone is to be placed progressively to minimize shoreline erosion and prevent the loss of infill material.</li> <li>• The proponent should be aware that under the <i>Migratory Birds</i></li> </ul>
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	<p><i>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."</i></p> <ul style="list-style-type: none"> <li>• Dredge spoils may be re-used on-site on DFO SCH property only, above L.N.T., or must otherwise be transported to a provincially approved waste disposal site.</li> </ul>
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The project is covered under Service NL Dredge Spoil Disposal Approval, NL Department of Environment and Conservation Permit To Alter A Body Of Water and Transport Canada, Navigable Waters Protection Act Part 1, Section 5 approval. The NL Department of Environment and Conservation, Environmental Assessment Division has indicated that a provincial assessment is not required. Fisheries and Oceans Canada, Habitat Protection Division determined that the project would likely not result in the Harmful Alteration, Disruption or Destruction (HADD) of fish habitat and prescribed several mitigation measures to help mitigate potential environmental impacts (included above). Environment Canada has also issued expert advice containing several mitigations and best management practices.

The proponent should ensure that copies of all regulatory approvals are available on-site during project activities.

#### **25. Significance of Adverse Environmental Effects of project:**

Significant adverse environmental effects are unlikely, taking into account mitigation measures.

#### **26, Other Considerations (Public Consultation, Aboriginal Consultation, Follow-up)**

##### **Public Consultation**

The proposed project will provide safer and more secure access for vessels utilizing this facility. No negative public concern is expected as a result of this project. As such, public consultation was not deemed necessary as part of this determination.

##### **Aboriginal Consultation**

In the context of the Crown's legal duty to consult with Aboriginal groups, where it contemplates conduct that might adversely impact any potential or established Aboriginal and Treaty rights:

The RA's confirm that a preliminary assessment has been undertaken to determine if a legal duty to consult arises in respect of the project proposed. Based on this preliminary assessment, PWGSC, on behalf of DFO SCH and in conjunction with Transport Canada, undertook consultations with Aboriginal groups potentially impacted by the proposed project.

Mr. Todd Russell, President of the Nunatukavut Community Council (NCC) – Southern Inuit of Labrador, was provided with a notification letter containing a description of the proposed project and an offer to provide input during the environmental assessment process on January 18, 2013 and again on February 19, 2013. A telephone response was provided indicating that the NCC had received the letter and that they had no concerns.

The proposed gravel service area/boat launch component was forwarded to the NCC on June 6, 2013. A response was provided by Mr Todd Russell indicating that the NCC had no comments or concerns related to the additional project component.

There are no other known aboriginal groups or individuals that have any established or potential rights to any resources within the spatial boundaries of the proposed project.

**Government Consultation**

Federal and provincial authorities likely to have an interest in the project were consulted by Public Works & Government Services Canada, Environmental Services, during the course of this assessment. A project description was distributed to the following authorities:

- Fisheries and Oceans Canada – Fish Habitat Management Program
- Environment Canada
- NL Department of Environment and Conservation, Water Resources Division
- NL Department of Environment and Conservation, Environmental Assessment Division
- Service NL
- Transport Canada – Navigable Waters Protection Program

**Accuracy and Compliance Monitoring**

A follow-up program (as defined in S. 2(1) and as applicable to non-designated projects on federal lands) is a program for determining the effectiveness of any mitigation measures. Site monitoring (accuracy and compliance monitoring) may be conducted to verify whether required mitigation measures were implemented. The proponent must provide site access to Responsible Authority officials and/or its agents upon request.

**27. Other Monitoring and Compliance Requirements (e.g. *Fisheries Act* or *Species at Risk Act* requirements)**

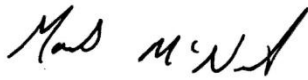
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**CONCLUSION**

**28. Conclusion on Significance of Adverse Environmental Effects:**

The Federal Authority has evaluated the project in accordance with Section 67 of *Canadian Environmental Assessment Act (CEAA), 2012*. On the basis of this evaluation, the department has determined that the project is not likely to cause significant adverse environmental effects with mitigation and therefore can proceed using mitigative measures as outlined.

**29. Prepared by:**



**30. Date:** June 6, 2013

**31. Name:**

Mark McNeil

**32. Title:**

Environmental Officer, PWGSC-ES

**33. Approved by:**

**34. Date:** \_\_\_\_\_

**35. Name:**

Dennis Price

**36. Title:**

A/Area Manager, Central Area NL, DFO SCH

## DECISION

### 37. Decision Taken

- ☒ DFO may exercise its power, duty or function, i.e. may issue the authorization - where the project is not likely to cause significant adverse environmental effects. Confirm below the specific power, duty or function that may be exercised.
- ☐ DFO to issue *Fisheries Act* Authorization or *Species at Risk Act* Permit
  - ☒ DFO to proceed with project (as proponent)
  - ☒ DFO to provide financial assistance for project to proceed
  - ☐ DFO to provide federal land for project to proceed
- ☐ DFO has decided not to exercise its power, duty or function because the project is likely to cause significant adverse environmental effects.
- ☐ DFO to ask the Governor in Council to determine if the significant adverse environmental effects are justified in the circumstances

38. Approved by: \_\_\_\_\_

39. Date: \_\_\_\_\_

39. Name: Paul Curran

40. Title: Regional Engineer, DFO-SCH, NL

41. References: n/a

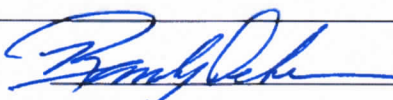
<b>Project Title:</b>	Harbour Development – Marys Harbour, NL
<b>TC File No.:</b>	2012-700214
<b>NEATS No.:</b>	34740
<b>Decision</b>	<b>Transport Canada has determined that the carrying out of the above named project is not likely to cause significant adverse environmental effects.</b>

**This section must be completed by Transport Canada;**

Environmental effects of the project on navigation are taken into consideration as part of the environmental assessment only when the effects are indirect, *i.e.* resulting from a change in the environment affecting navigation. Direct effects on navigation are not considered in the environmental assessment, but any measures necessary to mitigate direct effects will be included as conditions of the *Navigable Waters Protection Act* approval.

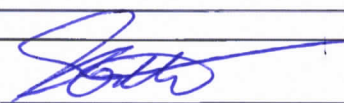
- ☒ Only direct effects were identified; therefore the effects of the project on navigation are not addressed in this environmental assessment.
- ☐ Indirect effects were identified and have been addressed in this environmental assessment.

**REVIEWED by:**

 Date June 10/2013  
 Title: **Mr. Randy Decker**  
 Senior Environmental Assessment Officer,  
 Environmental Affairs  
 Transport Canada – Atlantic Region

The above has reviewed the environmental determination report and recommends the determination as indicated above.

**APPROVED by:**

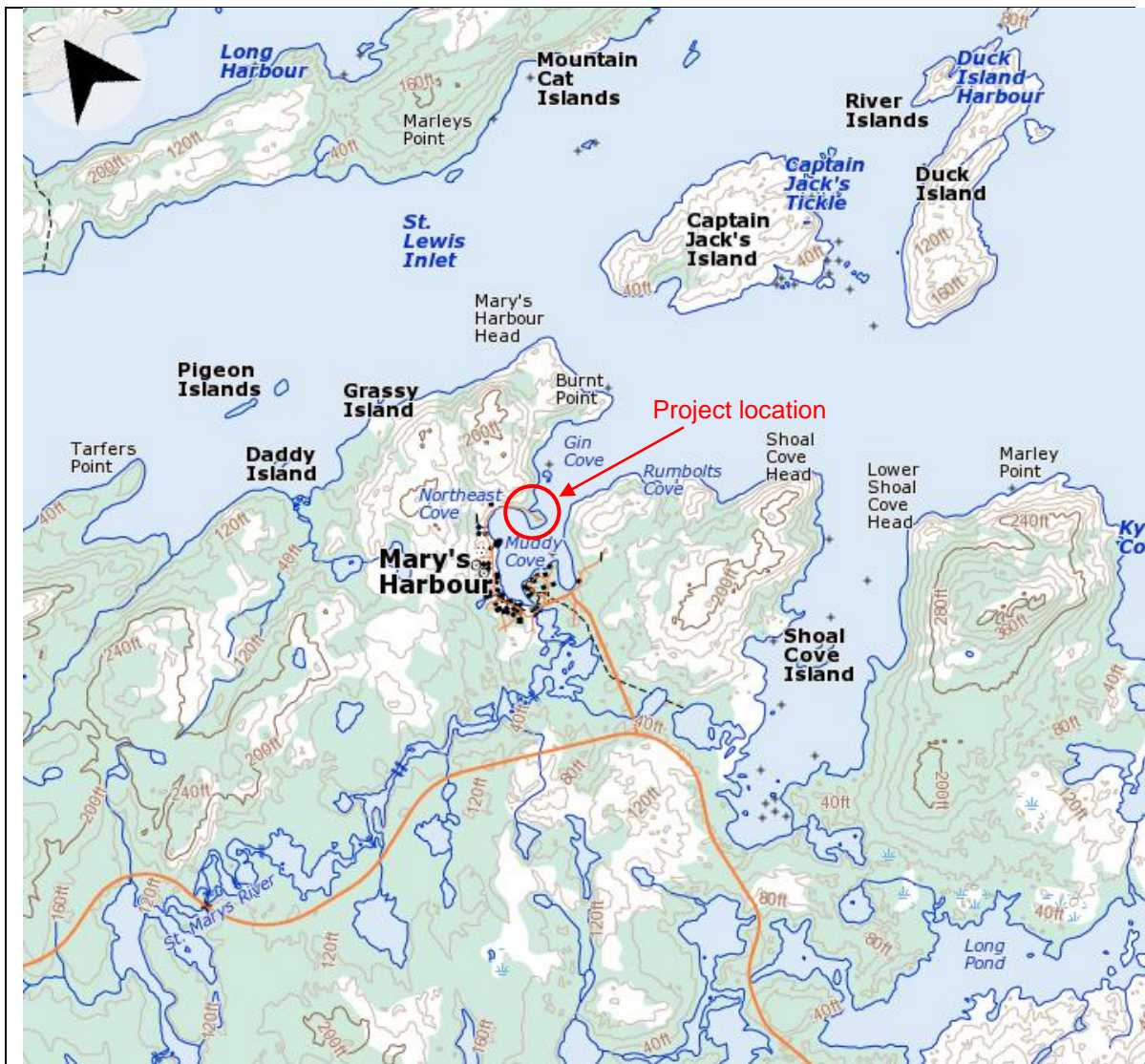
 Date June 10/2013  
 Title: **Mr. Stephen Corbett**  
 A/Regional Manager, Environmental Affairs  
 Transport Canada – Atlantic Region

The above has reviewed the environmental screening report and approves the recommended environmental effects determination.

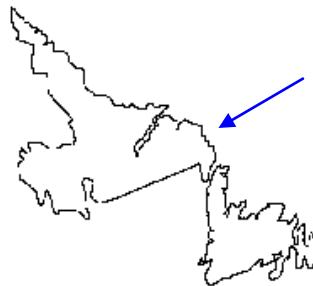
## **APPENDICES**

- Appendix A - Topographic Map and Aerial Photographs
  - Appendix B: Site Plans
- Appendix C: Regulatory Approvals and Responses
  - Appendix D: Marine Sediment Analysis

**Appendix A**  
**Topographic Map and Aerial Photos**



Appendix A.1 Topographic map indicating location of proposed project (NTS Mapsheet 03 D/05)





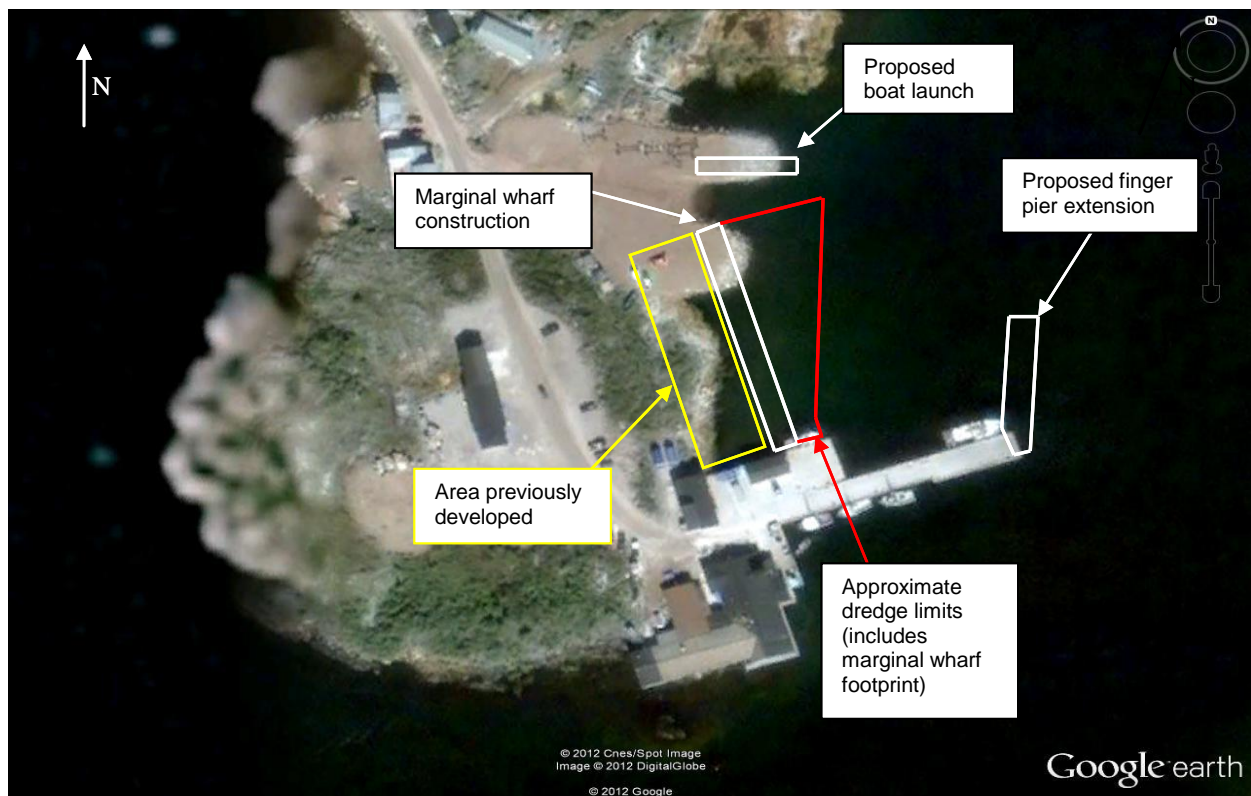


Appendix A-2. Location of original project and new infill/boat launch component looking east.



Appendix A.3. Location of original project and new infill/boat launch component looking south.

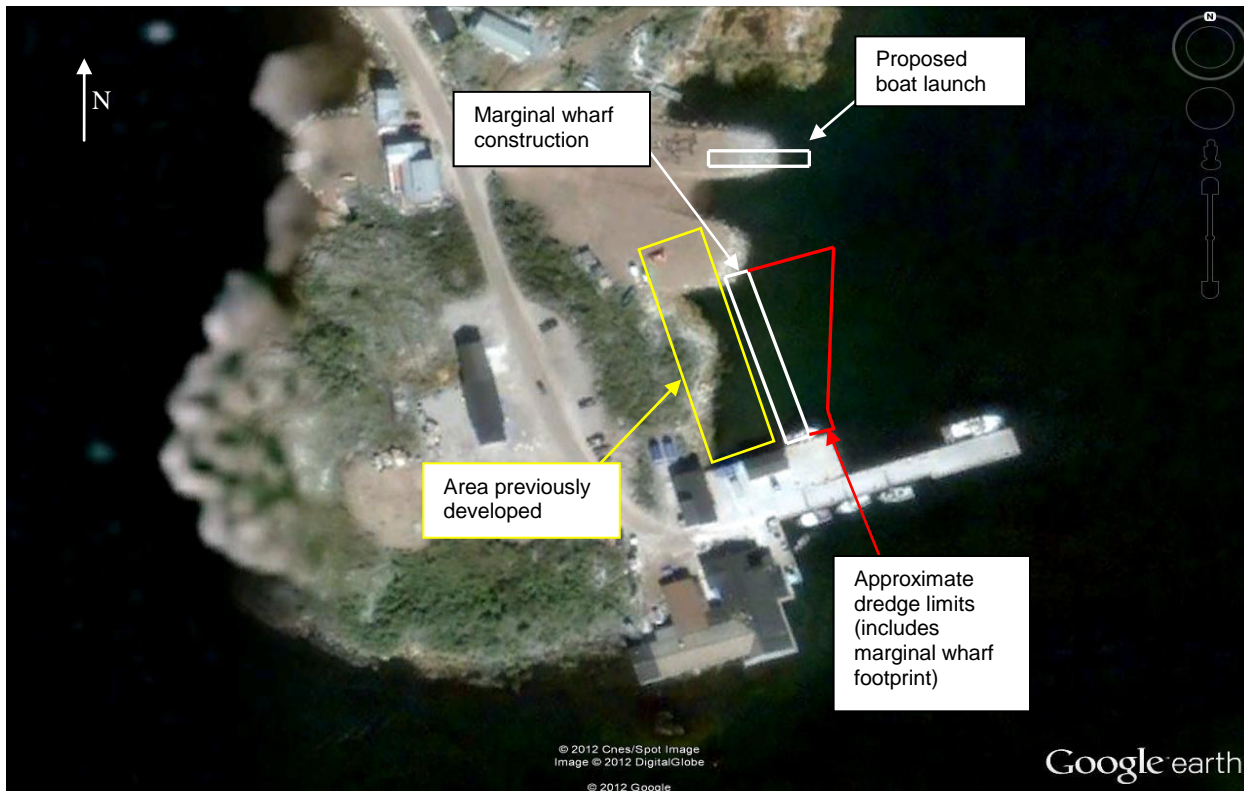




Appendix A.4. Original harbour development project (all phases), excluding new infill service area/boat launch



Appendix A.5. New infill service area/boat launch relative to original project location (illustration not to scale).



Phase 1 of project: Partial marginal wharf construction, partial dredging and boat launch construction

**Appendix B**  
**Site Plans (original project and proposed gravel infill service area/boat launch)**

**Appendix C**  
**Regulatory Approvals and Responses**

**Appendix D**  
**Marine Sediment Analysis**



Transport  
Canada

Transports  
Canada

Navigable Waters Protection Program  
P.O. Box 1013  
Dartmouth, NS B2Y 4K2

MAY 3 - 2013

VIA COURIER

Fisheries and Oceans Canada  
Small Craft Harbours  
Suite 200, 4A Bayley St  
Grand Falls-Windsor, NL A2A 2T5

Attention: Wayne Bungay

**RE: Application under the *Navigable Waters Protection Act* for Approval of Dredging, Launching Ramp, Pier, Wharf, located at Mary's Harbour, Labrador, in the Province of Newfoundland and Labrador.**

Enclosed please find an Approval for the above-noted work signed on behalf of the Minister of Transport, Infrastructure and Communities pursuant to subsections 5(1) and (3) of the *Navigable Waters Protection Act* (NWPA).

Ensure to review your Approval in its entirety and acknowledge receipt via the contact information provided below. In particular, note that your Approval carries a validity period and therefore it will be necessary to seek Re-Approval prior to the expiry date.

Please note that you must comply with any terms and conditions in the attached Approval document as well as any other requirements under the NWPA, 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 NWPA. Other Federal and/or Provincial Acts and Regulations may apply. It is your responsibility to comply with any applicable legislation/regulation.

COPY

Your file    Votre référence

Our file    Notre référence  
8200-2012-700214

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](mailto:nwpdar@tc.gc.ca).

Respectfully,



R.W. Stever  
A/Manager, Navigable Waters Protection Program  
Marine Safety and Security  
Transport Canada  
Atlantic Region

Enclosure(s)

cc: Public Works and Government Services Canada – Mark McNeil





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 Subsections 5(1) and (3) – Other Than Substantial Interference

8200-2012-700214

## Approval

**APPLICANT:**

Fisheries and Oceans Canada  
Small Craft Harbours  
Suite 200, 4A Bayley St  
Grand Falls-Windsor, NL A2A 2T5

**WORK:**

Dredging, Launching Ramp, Pier, Wharf

**SITE LOCATION:**

Located at Approximately 52° 18' 41.00" N x 055° 49' 49.00" W,  
Mary's Harbour, Labrador, in the Province of Newfoundland and  
Labrador.

**IMPORTANT NOTICE:**

This document approves the 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 listed below 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** 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 above-referenced work at the above-described site in accordance with the attached plan(s);

**WHEREAS** it is considered advisable to approve the said work at the said site and plan(s) thereof for a period of 30 years pursuant to the Schedule referred to in subsection 3(1) of the *Navigable Waters Works Regulations*.

**THEREFORE**, the Minister of Transport, Infrastructure and Communities, pursuant to subsections 5(1) and (3) of the *Navigable Waters Protection Act*, hereby approves the said work at the said site and plan(s) thereof in accordance with the following terms and conditions:

1. The project is to be constructed or installed in accordance with the approved plans.
2. Any cables, equipment or temporary hazards resulting from the construction activities are to be clearly marked so they are visible to vessels operating in the area.
3. Construction material and debris are not to become waterborne. During construction all floating debris must be contained in the immediate area and removed from the water in a timely manner.
4. A Yellow navigation light is to be placed and maintained on the outermost corner of the wharf.  
This light is to have a minimum nominal range of 3 nautical miles and be mounted on a 2.14-meter pipe stand with a flash characteristic of Fl 0.5 sec; Ecl 3.5 sec.





5. 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; or anytime its location is changed for any reason to alert vessel operators in the area. Contact the Canadian Coast Guard's Marine Communications & Traffic Services (MCTS) Centre by telephone at (709)772-5578 or email to [ecaregsnf@innav.gc.ca](mailto:ecaregsnf@innav.gc.ca) AND [notshipsnf@dfo-mpo.gc.ca](mailto:notshipsnf@dfo-mpo.gc.ca) to arrange this.

SIGNED in two copies on MAY 3 - 2013 in Dartmouth, NS

R.W. Stever  
A/Manager, Navigable Waters Protection Program  
Marine Safety and Security  
Transport Canada  
Atlantic Region

for the Minister of Transport, Infrastructure and  
Communities