



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Jan. 5, 2015

Your file Votre référence
n/a

Our file Notre référence
14-HNFL-00606

Paul Curran
Regional Engineer
DFO, SCH
10 Barters Hill
St. John's, NL A1C 5X1

Dear Mr. Curran:

Subject: Serious harm to fish can be avoided or mitigated

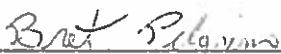
The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada received your proposal for the reconstruction of a finger pier wharf in Old Perlican, NL on Dec. 18, 2014.

Based on the information provided, your proposal has been identified as a project where a *Fisheries Act* authorization is not required given that serious harm to fish can be avoided by following standard measures. Proposals in this category are not considered to need an authorization from the Program under the *Fisheries Act* in order to proceed. In order to comply with the Act, it is recommended that you follow our guidance tools which can be found at the following website (<http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/index-eng.html>). It remains your responsibility to meet the other requirements of federal, provincial and municipal agencies.

Should your plans change or if you have omitted some information in your proposal such that your proposal meets the criteria for a site specific review, as described on our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>), you should complete and submit the request for review form that is also available on the website.

Should you have any questions or concerns about the compliance of your proposal with the *Fisheries Act*, you may wish to engage an environmental professional familiar with measures to avoid impacts to fish and fish habitat (<http://www.dfo-mpo.gc.ca/pnw-ppe/env-pro-eng.html>).

Yours sincerely,

for 
Michelle M. Roberge
Team Leader, Triage & Planning

Canada

Cathy Martin

From: Hann, Joan [joanhann@gov.nl.ca]
Sent: January-09-15 11:35 AM
To: Cathy Martin
Cc: Locke, Robert C
Subject: FW: Treated Timber Disposal Request - Old Perlican, NL
Attachments: B4M7398V1-R2014-12-11_14-28-27_R006.pdf; Hann Treated Timber Application Letter.pdf

Good Morning Cathy

Based upon the results (above) of TWW samples (old wharf) located at Old Perlican, the TWW is permitted for landfill disposal .

Happy New Year

Regards

From: Cathy Martin [<mailto:Cathy.Martin@pwgsc-tpsgc.gc.ca>]
Sent: Tuesday, January 06, 2015 3:15 PM
To: Hann, Joan
Cc: Locke, Robert C
Subject: Treated Timber Disposal Request - Old Perlican, NL

Good Morning Joan,

I am wondering if you would please review the attached letter and advise if it is acceptable to dispose of the treated timber at an approved landfill site. I have copied Service NL on the request for consistency.

If you have any questions please let me know.

Regards,

Cathy M

Cathy Martin

Environmental Services

Public Works and Government Services Canada / Travaux publics et Services gouvernementaux Canada

P.O. Box 4600, St. John's, NL, A1C 5T2 / C.P. Box 4600, Saint Jean, T.N, A1C 5T2

Tel: 709- 772-5852 Fax/Téléc: 709- 772-0916

cathy.martin@pwgsc-tpsgc.gc.ca

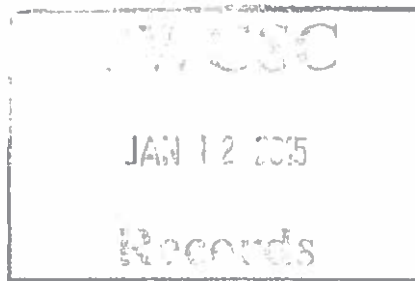
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File Ref No. 200.18.0115:0493

January 07, 2015

Ms. Cathy Martin
PWGSC Environmental Services
P. O. Box 4600
St. John's, NL
A1C 5T2

For: Wharf Reconstruction Project in Old Perlican
At: Old Perlican, NL
From: Fisheries and Oceans Canada

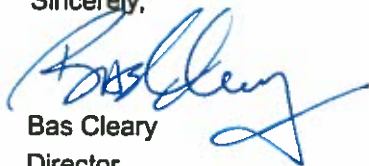
Dear Ms. Martin :

This application was referred to the Environmental Assessment Division and it has been determined that registration is NOT required under Section 47 of the Environmental Protection Act, SNL 2002, cE-14.2.

Please be aware that this Department must be notified of any significant changes to the undertaking. All proponents are required to comply with all relevant legislation including permits and approvals from this Department and any other municipal, provincial or federal regulatory authorities.

If you have any questions regarding this matter please contact Ivy Stone at (709) 729-0090, toll free at 1-800-563-6181 or email ivystone@gov.nl.ca.

Sincerely,



Bas Cleary
Director
Environmental Assessment Division



Environment Environnement
Canada Canada

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

7 January 2015

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

Dear Ms. Martin:

RE: Marginal Wharf Reconstruction, Old Perlican, NL

EAS 2014-098

As requested in your email of 18 December 2014, Environment Canada (EC) has reviewed the project description for the above-noted project. Please note that our review comments, in areas related to EC's mandate, are provided to support your environmental management process for this project.

It is understood that the project will involve demolition and reconfiguration of the existing finger pier wharf in Old Perlican, NL. The existing finger pier wharf will be demolished and removed. Two new finger pier wharves (137 m long x 7.6 m wide, and 107 m long x 7.6m wide; treated timberwork) will be constructed near the original footprint; the finger pier structures will be seated parallel to each other inside the boat basin.

The project will require removal of approximately 13100 m³ of bottom sediment material to accommodate a draft of -4.5 m below LNT and seat the cribwork. The method of disposal of dredged material will be contingent on the results of the sediment analysis, but likely at an approved landfill site or utilized on the uplands. Construction debris will be disposed of appropriately as per regulatory approvals.

EC is 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

Pollution prevention and control provisions of the Fisheries Act are administered and enforced by Environment Canada. The deposit of a deleterious substance to water frequented by fish may

constitute a violation of the *Fisheries Act*, whether or not the water itself is made deleterious by the deposit. Subsection 36(3) of the *Fisheries Act* prohibits anyone from depositing or permitting the deposit of a deleterious substance of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water. The notion of a deleterious substance applies both to fish and to fish habitat.

It is the responsibility of the proponent to ensure that all reasonable measures are conducted to prevent the release of substances deleterious to fish from their proposed activities. In general, compliance is determined at the last point of control of the substance before it enters waters frequented by fish, or, in any place under any conditions where a substance may enter such waters.

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 Birds 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, Section 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 proponents should also be reminded that the prohibitions under SARA are now in force. The complete text of SARA, including prohibitions, is available at www.sararegistry.gc.ca.

It should be noted that Section 79 of the *Species at Risk Act* states:

79. (1) Every person who is required by or under an Act of Parliament to ensure that an assessment of the environmental effects of a project is conducted, and every authority who makes a determination under paragraph 67(a) or (b) of the *Canadian Environmental Assessment Act, 2012* in relation to a project, must, without delay, notify the competent

minister or ministers in writing of the project if it is likely to affect a listed wildlife species or its critical habitat.

(2) The person must identify the adverse effects of the project on the listed wildlife species and its critical habitat and, if the project is carried out, must ensure that measures are taken to avoid or lessen those effects and to monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and action plans.

Canadian Environmental Protection Act

The proponent should also be aware of the potential applicability of the *Canadian Environmental Protection Act* (CEPA 1999). CEPA 1999 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. Under CEPA 1999 a substance is considered toxic if it is entering or may enter the environment in a quantity or concentration or under conditions that have or may have an immediate or long-term harmful effect on the environment or its biological diversity, constitute or may constitute a danger to the environment on which life depends; constitute or may constitute a danger in Canada to human life or health.

Potential Requirement for Ocean Disposal

It appears that the bottom sediment material is to be disposed on land. It should be clarified/confirmed that "upland" is above the ordinary high water mark in order to make a determination on the requirement of a Disposal at Sea permit. 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 applicability of Part 7 Division 3 of the *Canadian Environmental Protection Act* (contact Natasha Boyd at 709-772-2161 or Natasha.Boyd@ec.gc.ca).

Migratory Birds and Species at Risk

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 and placement of dredge spoils on vegetated uplands may cause disturbance to migratory birds and inadvertently cause the destruction of their nests and eggs (<http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=FA4AC736-1>). 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 April 15th and August 15th in this region, however some species protected under the MBCA do nest outside of this time period. Please see the webpage "General Nesting Periods of Migratory Birds in Canada" (Website: <http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=4F39A78F-1>). This project area falls within zone "D3-4") for more information concerning the breeding times of migratory birds.

Environment Canada provides the following recommendations:

1. to avoid the risk of nest destruction, the proponent should avoid vegetation clearing during the most critical period of the migratory bird breeding season, which is April 15th through August 15th in this region.

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/default.asp?lang=En&n=AB36A082-1>). The management plan should include processes to follow should an active nest be found at any time of the year.

Stockpiles

Certain species of migratory birds (e.g. Bank Swallows) may nest in large piles of dredge spoils left unattended/unvegetated during the breeding season (April 15th to August 15th). To discourage this, the proponent should consider measures to cover or to deter birds from these large piles of unattended soil during the breeding season. If migratory birds take up occupancy of these piles, any industrial activities (including hydroseeding) will cause disturbance to these migratory birds and inadvertently cause the destruction of nests and eggs. Alternate measures will then need to be taken to reduce potential for erosion, and to ensure that nests are protected until chicks have fledged and left the area. For a species such as the Bank Swallow, the period when the nests would be considered active would include not only the time when birds are incubating eggs or taking care of flightless chicks, but also a period of time after chicks have learned to fly, because Bank Swallows return to their colony to roost.

It should be ensured that stockpiled dredge spoils are not placed in wetlands or watercourses or their buffers, or in the other sensitive habitats (e.g. habitats of Species at Risk or species of conservation concern).

Light Attraction and Migratory Birds

In Atlantic Canada, nocturnal migrants and night-flying seabirds (e.g. storm-petrels) are the migratory birds most at risk of attraction to lights and flares. Attraction to lights at night or in poor visibility conditions during the day may result in collision with lit structures or their support structures, or with other migratory birds. Disoriented migratory birds are prone to circling light sources and may deplete their energy reserves and either die of exhaustion or be forced to land where they are at risk of depredation.

To minimize risk of incidental take of migratory birds due to human-induced light, Environment Canada recommends at minimum the following beneficial management practices:

- The minimum amount of pilot warning and obstruction avoidance lighting should be used on tall structures.
- The use of only strobe lights at night, at the minimum intensity and minimum number of flashes per minute (longest duration between flashes) allowable by Transport Canada, is recommended.
- Using the minimum number of lights possible is recommended.
- The use of solid-burning or slow pulsing warning lights at night should be avoided.
- Lights should completely turn off between flashes.
- Lighting for the safety of the employees should be shielded to shine down and only to where it is needed, without compromising safety.

- Use of LED lights is highly recommended, as LED light fixtures are less prone to light trespass (i.e. are better at directing light where it needs to be, and do not bleed light into the surrounding area), and this property reduces the incidence of migratory bird attraction.

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.

Fuel Leaks

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."

Species at Risk

The following species at risk (as listed on Schedule 1 of the *Species at Risk Act*) may occur within the study area: Olive-sided flycatcher (Threatened), Red Crossbill (*Rufa* subspecies; Endangered) and Ivory Gull (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.

On-land Disposal and Site Disturbance

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.

Construction

At the project planning stage, all available construction materials should be considered (e.g., untreated wood, treated wood, pre-cast concrete, corrosive-resistant steel, plastic lumber), and those materials best suited to the conditions and intended use of the structure should be selected. Analysis of the preferred construction material should include a consideration of the full life-cycle of the material (ease of use, design factors associated with the construction material, maintenance requirements, and final disposal). Environmental implications (e.g. storm and ice damage) associated with each life-cycle phase should also be considered. For example, it may not be cost effective to use pressure treated wood for a coastal structure that may be destroyed or damaged by storm surge during the life expectancy of the structure.

Pressure Treated Wood

The long-term impacts of pressure treated wood in aquatic environments remains uncertain, and therefore, EC urges that a precautionary approach be taken. If pressure treated wood (e.g. Chromated Copper Arsenate [CCA]) is determined to be the most suitable material for the project, the proponent is encouraged to incorporate the following standards into the planning and management of construction activities:

- the product should be approved for use by Health Canada's Pest Management Regulatory Agency, which sets out use limitations for all treated wood products under the *Pest Control Products Act*;
- only wood treated according to the 2006 industry publication entitled "Best Management Practices for the Use of Treated Wood in Aquatic and Other Sensitive Environments" should be used (this report and its 2006 amendment and 2007 addendum are available at <http://www.WWPInstitute.org/>). These BMPs ensure that surface pesticide residual is minimized and only small amounts of pesticide are released over the life span of the structure;
- only proper construction techniques should be used (e.g. keep as much of the product above the high water mark as possible, capture sawdust to avoid entry into water bodies);
- the use of pressure treated wood in *freshwater* environments is discouraged; and,
- according to Hutton and Samis (2000), the use limitation restriction for Ammoniacal Copper Quaternary (ACQ) treated wood does not allow its use in aquatic environments when submerged (this report is available online at <http://www.dfo-mpo.gc.ca/Library/245973.pdf>); however, it can be used for above-water applications such as decking.

Concrete Production

Discharges from project work involving the use of concrete, cement, mortars and other Portland cement or lime-containing construction materials may have a high pH, and work should be planned and conducted to ensure that sediments, debris, concrete, and concrete fines are not deposited, either directly or indirectly into the aquatic environment. Any potentially contaminated water (e.g.

exposed aggregate wash-off, wet curing, equipment and truck washing), should be prevented from entering the aquatic environment unless it can be confirmed that this water will not be deleterious to fish or harmful to migratory birds. Containment facilities should be provided at the site as required.

Suspension of Sediments

The disturbance of substrate during in-water activities 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.

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).

Management of Non-hazardous Waste

Provisions for the disposal of construction wastes (e.g. wood, concrete, steel, etc.) and other refuse should be identified, including opportunities for recycling/reuse. If reuse or recycling opportunities are not available, then the refuse should be disposed of at an approved site.

Effects of Weather and Climate on the Project

Over its lifetime, coastal infrastructure will be sensitive to the impacts of wind, waves, storm surge, sea ice and sea level rise. Global average sea level rise projections range from 18 to 59 cm over the next century (Intergovernmental Panel on Climate Change). Some recent trends in research indicate that due to ice sheet melt, this range can be much higher than the projected 59cm by the year 2100. Coastal erosion will add to the effects of sea level rise. Sea level rise and crustal subsidence will exacerbate the effects of winds, waves and storm surges. In addition, climate warming will also lead to an increase in the water-holding capacity of the atmosphere, and more intense precipitation events are likely over the coming decades. This may affect local flooding and infrastructure drainage. In considering the full life-cycle of the project, any sensitivity to climate change should be identified and adjustments made if necessary. It may be more cost-effective to adjust design criteria at this stage than to retrofit in future.

Historical data and local area knowledge should be utilized to determine adequacy of design. Based on an analysis of the potential effects of climate and weather elements, mitigation should be focused on minimizing risk of environmental damage and other accidents. Climatological data can be found at <http://www.climate.weatheroffice.ec.gc.ca/>, and value-added data can be obtained from EC's Climate Services. Contact: 1-900-565-1111 or email: weather.info.meteo@ec.gc.ca. Hydrometric station data, both archived and real-time, are available at <http://www.ec.gc.ca/rhc-wsc/>. The proponent is also encouraged to regularly consult EC's local forecast at <http://www.weatheroffice.ec.gc.ca/>.

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: M. Hingston



Transport Canada Transports Canada

Navigation Protection Program
95 Foundry Street, 6th Floor
Moncton N.B. E1C 8K6

Your file

COPY

Our file
8200-2010-700231

March 9, 2015

Fisheries and Oceans Canada - SCH
4th Floor, John Cabot Building
10 Barter's Hill, P.O. Box 5667
St. John's, NL A1C 5X1

Attention: Paul Curran

RE: Notice to the Minister under the *Navigation Protection Act* for review of the Wharf Reconstruction, located at Old Perlican, Trinity Bay, in the Province of Newfoundland and Labrador

Our assessment of your work has determined that it is not likely to substantially interfere with navigation.

Therefore your work is permitted under section outcome 9(1) – Construction of the *Navigation Protection Act* (NPA) and you may proceed per the attached plans reviewed on February the 23rd, 2015 in accordance with the following terms and conditions:

1. The project is to be removed, constructed and maintained in accordance with the approved plans.
2. All dredge material must be disposed of above the high-water mark, or at an approved waste disposal site.
3. 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.
4. 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.
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) 695-2168 or email to: notshippax@dfo-mpo.gc.ca to arrange this.
6. Any barges and equipment used in the construction must be visible at all times and be marked in accordance with the Collision Regulations of the Canada Shipping Act.
7. If a containment device is placed in the water it must be marked at 10-meter intervals by 0.4 meter yellow cautionary floats.

.../2

Canada



Transport
Canada

Transports
Canada

COPY

-2-

8200-2010-700231

8. Upon completion of finger piers the proponent is to forward "As-built" plans to Transport Canada's, Navigation Protection Program and the Canadian Hydrographic Survey Branch of Department of Fisheries and Oceans to aid proper nautical charting.

Please note that permission relates only to the effect of your work on navigation under the NPA. It is the owner's responsibility to comply with any other applicable laws and regulations.

Should you have any questions, please do not hesitate to contact our office in Moncton by phone at (506) 851-3113, by fax at (506) 851-7542 or by e-mail at NPPATL-PPNATL@tc.gc.ca.

Respectfully,

Stan Douglas Rowe
Officer
Navigation Protection Program
Programs Group
Transport Canada
Atlantic Region

cc: CHS - Carrie Brayall

FINGER PIER WHARF RECONSTRUCTION OLD PERLICAN, NEWFOUNDLAND AND LABRADOR AVALON DISTRICT ATLANTIC REGION PROJECT No.

ISSUED FOR 99% REVIEW

LIST OF DRAWINGS:

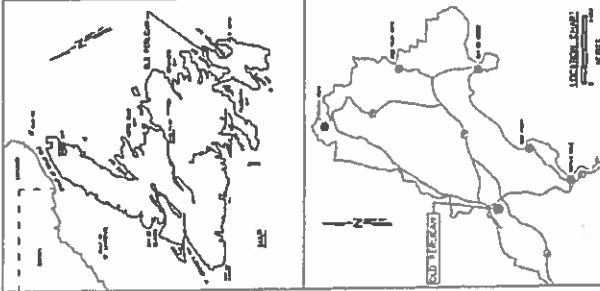
1 OF 16	EXISTING SITE PLAN	9 OF 16	NEW FINGER PIER WHARF A ELEVATIONS
2 OF 16	FINGER PIER DEMOLITION PLAN PHASE 1	10 OF 16	NEW FINGER PIER WHARF B ELEVATIONS
3 OF 16	FINGER PIER DEMOLITION PLAN PHASE 2	11 OF 16	NEW WHARF SECTIONS SHEET 1
4 OF 16	MARGINAL WHARF PARTIAL DEMOLITION PLAN (PHASE 1 & 2)	12 OF 16	NEW WHARF SECTIONS SHEET 2
5 OF 16	WHARF DEMOLITION SECTIONS	13 OF 16	DETAILS SHEET 1
6 OF 16	NEW SITE PLAN	14 OF 16	DETAILS SHEET 2
7 OF 16	NEW FINGER PIER WHARF PLANS	15 OF 16	DETAILS SHEET 3
8 OF 16	NEW MARGINAL WHARF REPAIR - DECK PLANS AND SECTIONS	16 OF 16	ELECTRICAL SHED DETAILS
		E1 OF 4	EXISTING SITE PLAN
		E2 OF 4	NEW SITE PLAN
		E3 OF 4	ELECTRICAL DETAILS SHEET ONE
		E4 OF 4	ELECTRICAL DETAILS SHEET TWO

PREPARED FOR

 PUBLIC WORKS AND GOVERNMENT
 SERVICES CANADA

ON BEHALF OF

 DEPARTMENT OF FISHERIES AND OCEANS



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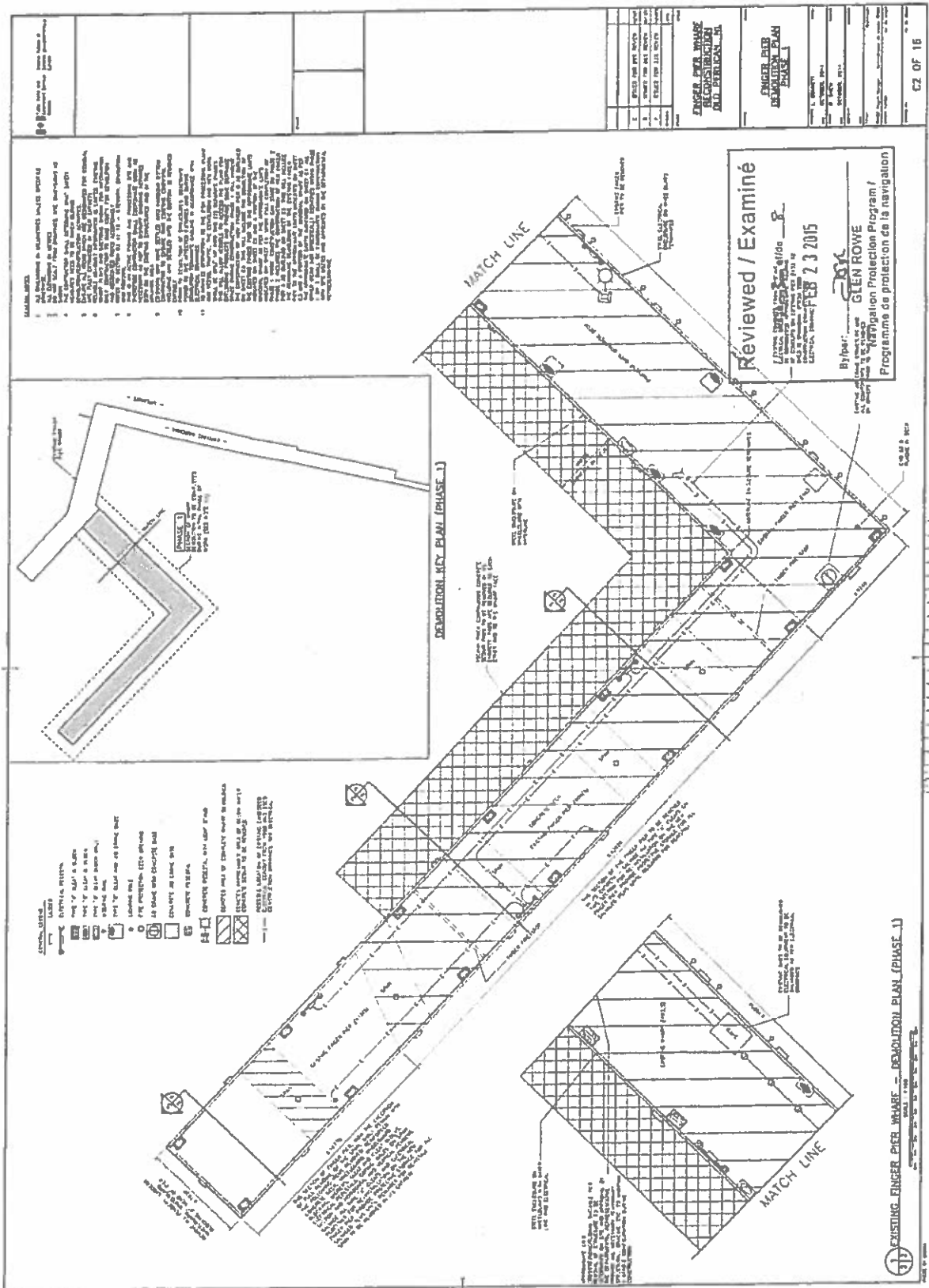
Page 1 of 8

FEB 23 2015



















By: GLEN ROWE

Navigation Protection Program /
 Programme de protection de la navigation

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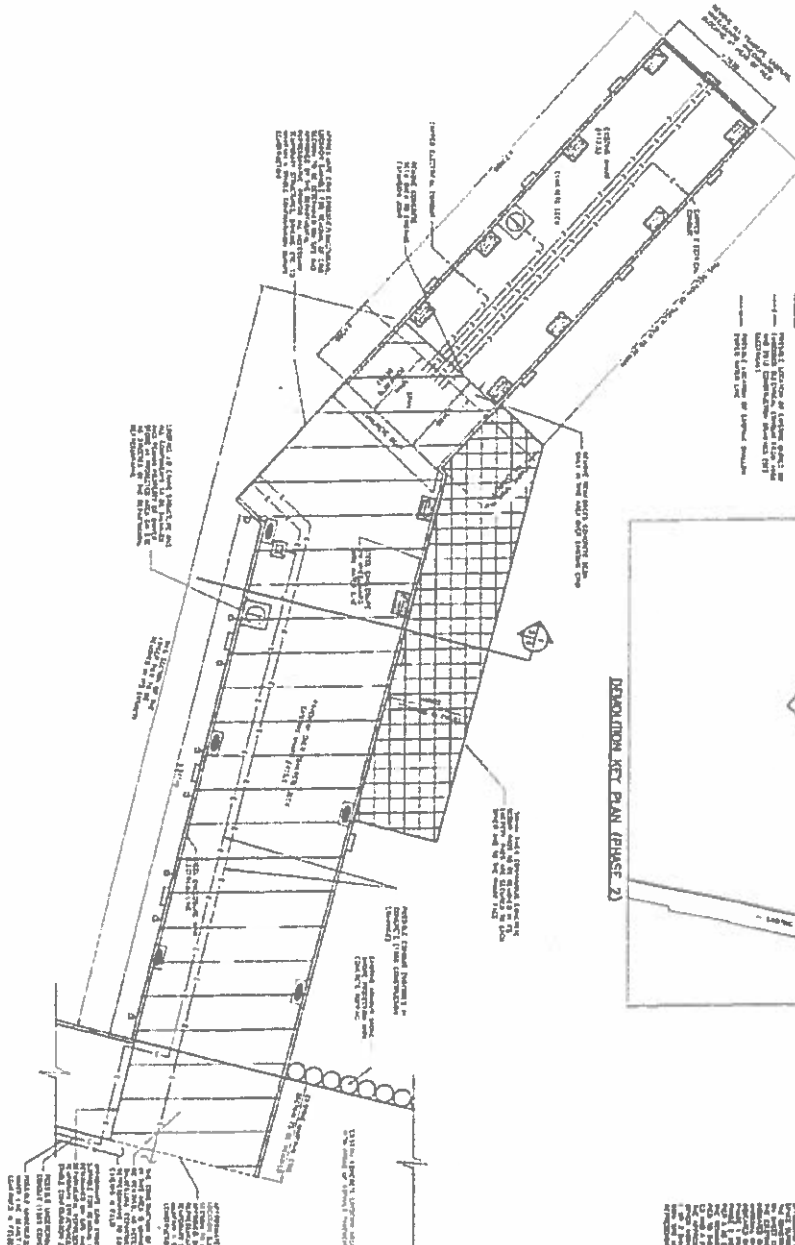


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DEMOLITION KEY PLAN (PHASE 2)



EXISTING FINGER PIER WHARF - DEMOLITION PLAN (PHASE 2)

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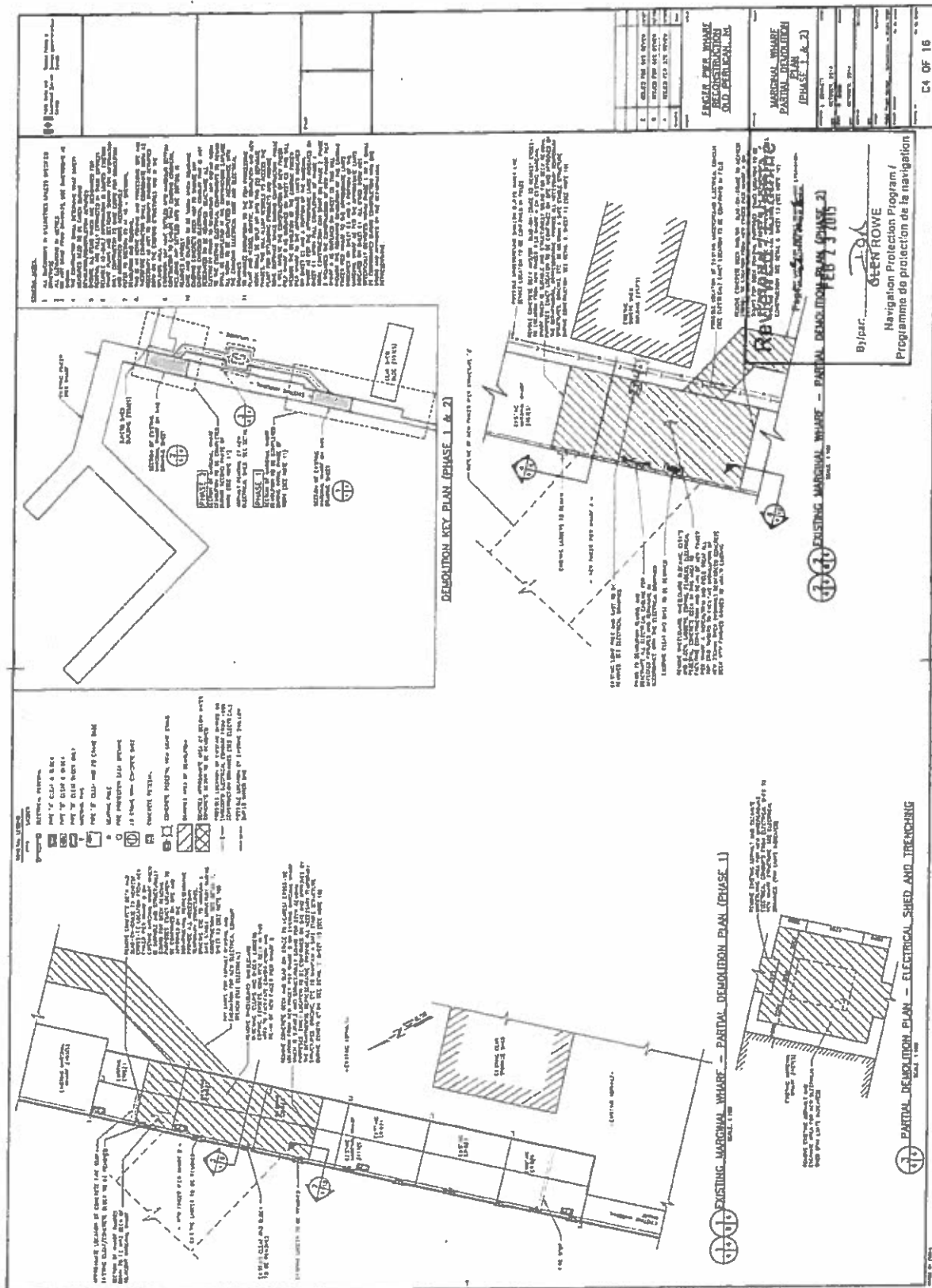
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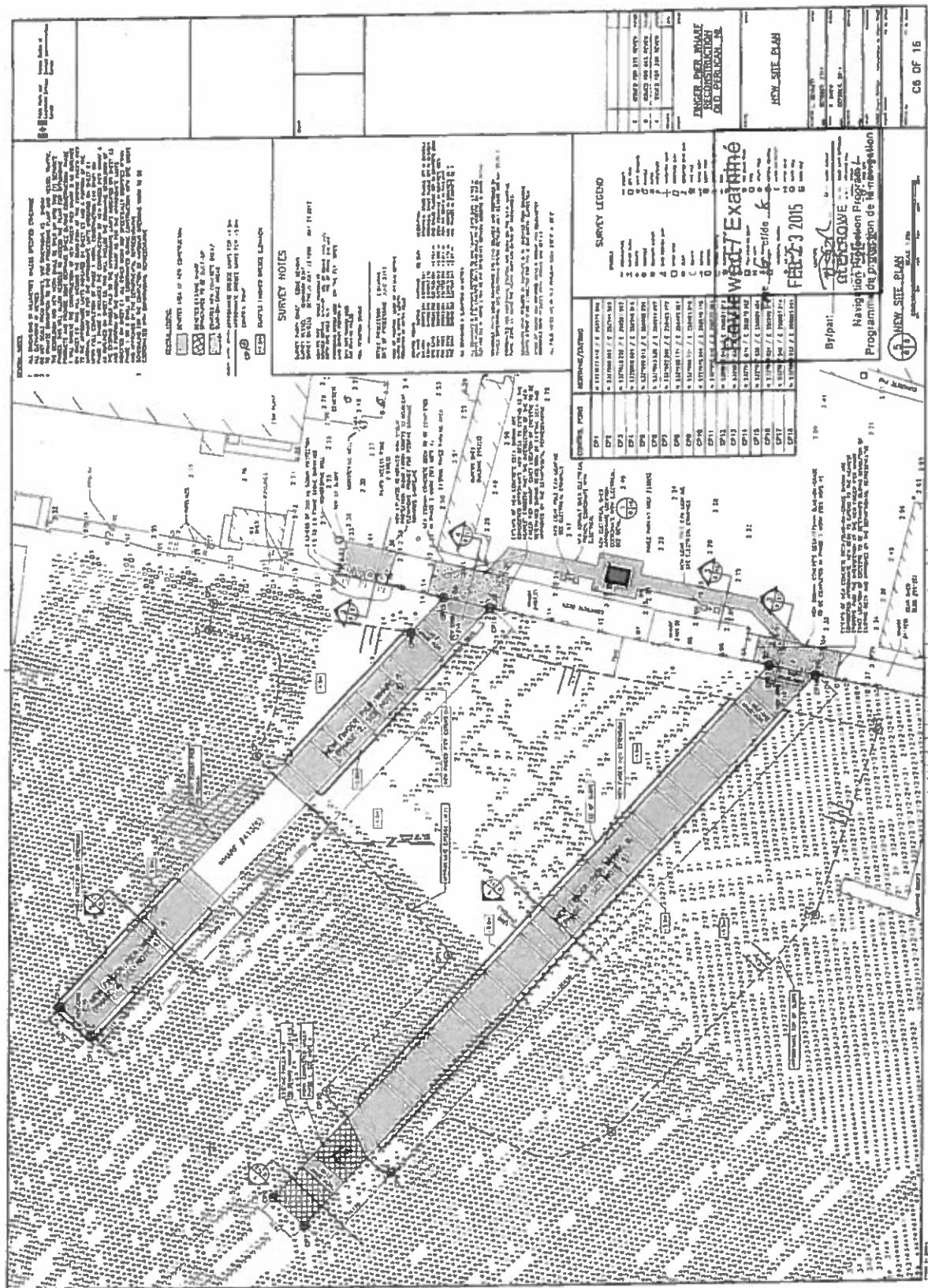
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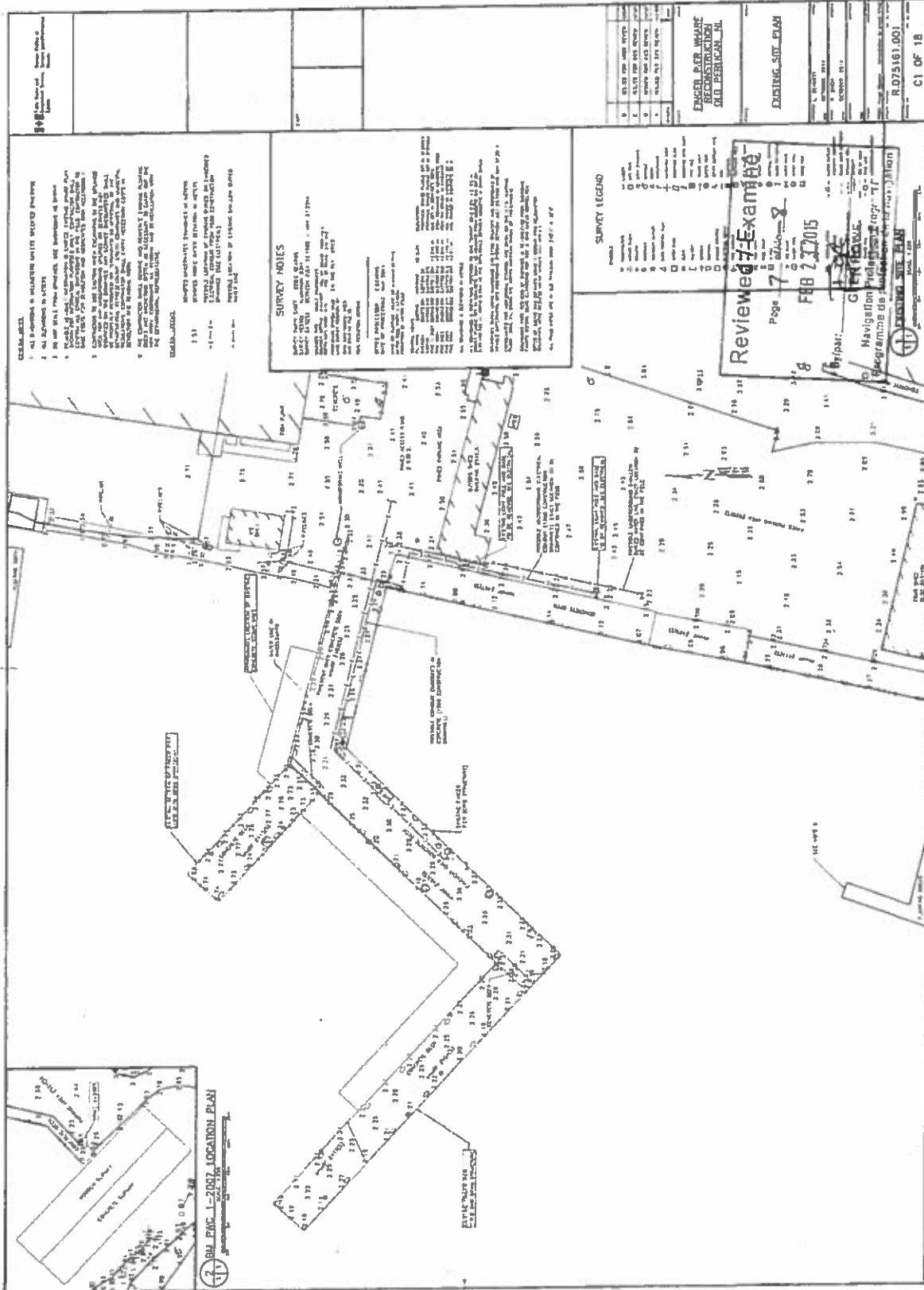
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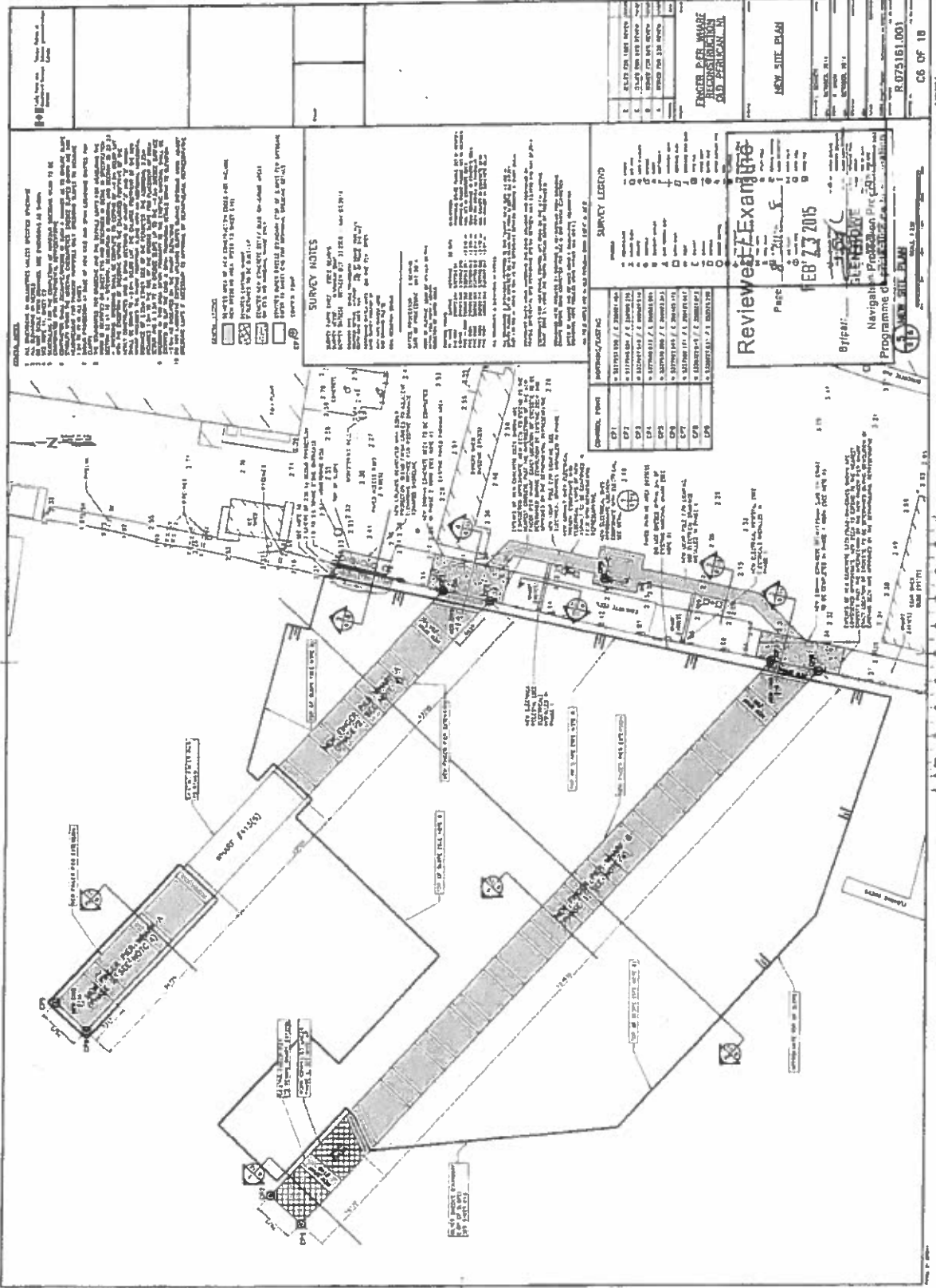
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Page 7 of 8
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Navigation Protection - TIF
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GENERAL NOTES

1. ALL DIMENSIONS ARE SHOWN UNLESS OTHERWISE NOTED.
2. THE SITE PLAN IS TO BE CONSIDERED AS A GUIDE ONLY. THE EXACT LOCATION OF THE BUILDING SHALL BE DETERMINED BY THE SURVEYOR.
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SURVEY LEGEND

SYMBOL	DESCRIPTION
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[Symbol]	2. PARKING LOT
[Symbol]	3. DRIVEWAY
[Symbol]	4. LANDSCAPING
[Symbol]	5. FENCE
[Symbol]	6. UTILITY
[Symbol]	7. TREE
[Symbol]	8. SHrub
[Symbol]	9. GRASS
[Symbol]	10. PAVEMENT
[Symbol]	11. CONCRETE
[Symbol]	12. BRICK
[Symbol]	13. STONE
[Symbol]	14. METAL
[Symbol]	15. WOOD
[Symbol]	16. GLASS
[Symbol]	17. PLASTER
[Symbol]	18. GYPSUM
[Symbol]	19. CEMENT
[Symbol]	20. SAND
[Symbol]	21. GRAVEL
[Symbol]	22. ASPHALT
[Symbol]	23. BITUMEN
[Symbol]	24. POLYMER
[Symbol]	25. RUBBER
[Symbol]	26. LEATHER
[Symbol]	27. FABRIC
[Symbol]	28. PAPER
[Symbol]	29. GLASS
[Symbol]	30. METAL

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Government of Newfoundland and Labrador
Department of Environment and Conservation
Water Resources Management Division

File Reference #

December 15, 2010

Paul Curran, P. Eng.
Regional Engineer
Small Crafts Harbours
St. John's NL A1C 5X1

Dear Mr. Curran:

**Re: Section 48 Permitting Requirements under the Water Resources Act –
Wharves, Breakwaters, Slipways and Boathouses**

This letter is to inform you that as of January 1, 2011 permits will no longer be required under Section 48 of the *Water Resources Act* for the construction and maintenance of wharves, breakwaters, slipways and boathouses. Therefore blanket permit ALT5055 is canceled effective January 1, 2011. Water Resources Management Division is currently preparing guidelines on environmental controls which should be followed during the construction and maintenance of wharves, breakwaters, slipways and boathouses. These guidelines will be posted on the department's website once they are completed. In the interim, we have attached a list of terms and conditions which we recommend be followed when completing these types of projects.

This letter does not affect other activities, such as dredging, which will continue to require permits under Section 48 of the Act. As such existing blanket permit ALT5054 remains valid.

This letter does not release Small Crafts Harbours from the obligation to obtain permits and approvals from other concerned provincial, federal and municipal agencies for wharves, breakwaters, slipways and boathouses.

Please do not hesitate to contact this office at **729-5713** if you have any questions.

Yours truly,

Clyde McLean, P.Eng
Manager Water Investigations

cc. Shawn Kean
Haseen Khan

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SCH Wharves Breakwaters Permitting Dec 15 2010.doc

Environmental Terms and Conditions

General Alterations

1. All work must take place within the legal boundaries of the proponent or with the approved of the land owner. The constructed works must comply with all other terms and conditions provided in the Crown Lands grant, lease or license for occupancy.
2. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
3. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
4. Water pumped from excavations for work areas, or any runoff or effluent directed out of work sites, must have silt and turbidity removed by settling ponds, filtration, or other suitable treatment before discharging to a body of water. Effluent discharged into receiving waters must comply with the *Environmental Control Water and Sewage Regulations, 2003*.
5. All operations must be carried out in a manner that prevents damage to land, vegetation, and watercourses, and which prevents pollution of bodies of water.
6. The use of heavy equipment in streams or bodies of water is not permitted. The operation of heavy equipment must be confined to dry stable areas.
7. 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.
8. During the construction of concrete components, formwork must be properly constructed to prevent any fresh concrete from entering a body of water. Dumping of concrete or washing of tools and equipment in any body of water is prohibited.
9. Wood preservatives such as penta, CCA or other such chemicals must not be applied to timber near a body of water. All treated wood or timber must be thoroughly dry before being brought to any work site and installed.
10. The use of creosote treated wood is strictly prohibited within 15 metres of all bodies of fresh water in the province.
11. Any areas adversely affected by this project must be restored to a state that resembles local natural conditions. Further remedial measures to mitigate environmental impacts on water resources can and will be specified, if considered necessary in the opinion of the Department of Environment and Conservation.

12. All waste materials resulting from this project must be disposed of at a site approved by the regional Government Service Center of the Department of Government Services. The Department of Government Services may require samples to be submitted for testing and analysis.
13. Periodic maintenance such as painting, resurfacing, clearing of debris, or minor repairs, must be carried out without causing any physical disruption of any watercourse. Care must be taken to prevent spillage of pollutants into the water.
14. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by the wind, wave, ice action, or structural failure.
15. Sediment and erosion control measures must be installed before starting work. All control measures must be inspected regularly and any necessary repairs made if damage is discovered.
16. Fill or ballast material must be of good quality, free of fines or other substances including metals, organics or chemicals that may be harmful to the receiving waters.
17. Armour stone must be placed around cribbing, where required, to prevent erosion.
18. Suitable booms must be deployed around construction sites to contain any floating debris that might otherwise be carried away. All booms must be properly maintained and remain in place until all work is completed.
19. The proponent must consult with the Department of Fisheries and Oceans should the total combined footprint of the dock exceed 15 metres squared (15m^2) and/or it is made of concrete or steel sheeting or any other skirting that isolates the inside of the crib from the rest of the water.
20. This work must not interfere with the operation of any sanitary or storm sewer outfalls in the area. If it is determined that your work adversely impacts any outfalls, you will be responsible for any repairs, modifications or associated costs to correct the problem.
21. Before commencing work on this project, approval must first be obtained from any municipality in which the work is planned.