

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

GENERAL INFORMATION

1. Project Title: Breakwater Repairs and Realignment, River of Ponds, NL	
2 Proponent: Fisheries and Oceans Canada, Small Craft Harbours (DFO SCH)	
3. Other Contacts (Other Proponent, Consultant or Contractor): Public Works and Government Services Canada	4. Role: OGD Consultant
5. Source of Project Information: Keith Didham, Project Engineer, PWGSC	
6. Project Review Start Date: July 5, 2013	
7. DFO File No.:	8. PWGSC File No: R.064898.001
9. TC File No.: 8200-02-1253	

BACKGROUND

10. Background about Proposed Development (including a description of the proposed development): The proponent proposes to repair and realign the existing breakwater at the River of Ponds, Small Craft Harbour site in order to provide further protection to the facilities.

PROJECT REVIEW

11. DFO's rationale for the project review: Project is on federal land <input checked="" type="checkbox"/> and: <input checked="" type="checkbox"/> DFO is the proponent <input type="checkbox"/> DFO to issue <i>Fisheries Act</i> Authorization or <i>Species at Risk Act</i> Permit <input type="checkbox"/> DFO to provide financial assistance to another party to enable the project to proceed <input type="checkbox"/> DFO to lease or sell federal land to enable the project to proceed <input type="checkbox"/> Other	
12. Fisheries Act Sections (if applicable): NA	
13. Other Authorities Transport Canada – Navigable Waters Protection Program (NWPP)	14. Other Authorities rationale for involvement: Navigable Waters Protection Act

15. Other Jurisdiction: n/a	
16. Other Expert Departments Providing Advice: Fisheries and Oceans	17. Areas of Interest of Expert Departments: Fish and Fish Habitat.
18. Other Contacts and Responses: n/a	
19. Scope of Project (details of the project subject to review): <p><u>Project Description</u></p> <p>The existing rubblemound breakwater is susceptible to frequent damage from high sea conditions. To provide additional protection to SCH facilities at this location, enhancements to the existing breakwater are required. Specifically, these components will include:</p> <ul style="list-style-type: none"> • The damaged head section of the breakwater will be repaired and enhanced with the placement of new armourstone. The head will be reshaped from its current concave shape to a rounded convex shape. Armourstone will be salvaged from the water where possible and the remainder transported to the site from an approved quarry. • The existing stern section will be realigned and the height increased to provide additional protection to the inner boat basin. Armourstone will be salvaged from the water where possible and the remainder transported to the site from an approved quarry. <p>The proposed project will result in a benthic footprint increase of approximately 762 square metres.</p> <p><u>Operation</u></p> <p>The operational aspects of environmental management of this site, as well, mitigation measures for the environmentally responsible aspects of harbour operation (fuelling, waste disposal, activities on the property and water) will be over seen by the local harbour users, in consultation with SCH.</p> <p><u>Decommissioning</u></p> <p>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.</p> <p><u>Scheduling</u></p> <p>Subject to regulatory approval and DFO SCH operational priorities and funding, this project may commence during the fall of 2013.</p>	
20. Location of Project: <p>River of Ponds (50° 31' 42.29" N and 57° 23' 50.95" W) is located on the Northern Peninsula of Newfoundland approximately 150 km northeast of Deer Lake, NL. The project site may be accessed utilizing local roads via provincial route 430.</p>	
21. Environment Description: <p><u>Physical Environment</u></p> <p>The immediate project site consists of a rubblemound breakwater, marginal wharf, wooden slipway and paved parking/service area. The surrounding shoreline is characterized primarily by exposed bedrock. The upland is characterized by exposed bedrock and tree cover.</p>	

The project site is located within the Coastal Plan subregion of the Northern Peninsula eco-region. Most of the coastal plain is dominated by bogs and scrub forest. The area around Hawkes Bay and the foothills of the mountains are important exceptions to this generalisation. This ecoregion differs from most other forested parts of the island by the shortness of the vegetation season, 110-150 days compared to 145-170 days for other areas. The frost-free period is comparable to most other areas and somewhat better than in Central Newfoundland. Precipitation is lower, however, because of low summer temperatures and shorter vegetation season, soil moisture supply is probably adequate at most times.

Biological Environment

According to the Fisheries and Oceans Atlas of Significant Coastal and Marine Areas, herring spawning, capelin spawning and seals may occur in the general area. However, no marine fauna were reported to utilize the project site for spawning, staging, nesting or migration.

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 present at the project site.

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

Table 1: Potential Project / Environment Interactions Matrix

Project Phase / Physical Work/Activity	As per Section 5(1)			Section 5(1c)			Section 5(2)			Due Diligence				
	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														
Breakwater Realignment and Repair	P	P	-	-	-	-	-	-	-	-	P	-	-	P
Operation / Maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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 / Aquatic Species:

- Sedimentation as a result of placement of breakwater materials may negatively impact fish and quality of potential fish habitat.
- The proposed project will result in the destruction of fish habitat present within the footprint of the proposed breakwater re alignment.
- Accidental discharge of heavy machinery fuel/fluids will negatively impact fish and potential fish habitat.

Water:

- Sedimentation as a result of placement of breakwater materials 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.

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):

Work should be scheduled to avoid periods of heavy precipitation. Erosion control structures temporary matting, geotextile filter fabric are to be used, as appropriate, to prevent erosion runoff of sediment laden water during the construction phase.

Machinery must be checked for leakage of lubricants or fuel and must be in good working order. Refuelling must be done at least 100m from any water body. Basic petroleum spill clean-up equipment should be on-site. All spills or leaks should be promptly contained, cleaned up and reported to the 24-hour environmental emergencies report system (1-800-563-9089).

Fill material is to be free of contaminants and from an approved quarry site.

Monitor receiving waters to ensure adherence to the CCME "Canadian Water Quality Guidelines". If required, siltation control structures (e.g. turbidity barrier) will have to be installed to reduce turbid water from leaving the work area.

All wastes must be recycled where possible or otherwise disposed of appropriately.

Fisheries and Oceans Canada, Ecosystems Management has provided project specific advice, and an authorization to complete the project. All mitigations should be considered during construction activities.

The project will require Transport Canada, Navigable Waters Protection Act approval (pending).

A Section 48 Approval (see attached) lists additional mitigations / conditions that must be adhered to by the contractor.

Any and all stipulations of Federal Provincial or Municipal authorities or their officers must be

strictly followed. Any discrepancies must be successfully resolved before the pertinent work may begin. The proponent is responsible to obtain all necessary permits, licenses and authorizations required for the proposed project.

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 provided by the various regulatory agencies.

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

Public Consultation

The proposed breakwater will increase harbour protection and berthing capacity for additional fishing vessels. No negative public concern was received as a result of this project.

Aboriginal Consultation

Aboriginal fishers are not known to utilize the River of Ponds SCH facility. As such, aboriginal consultation was not deemed necessary as part of this determination.

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 – Ecosystem Management
- 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)

n/a

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: October 16, 2013

31. Name: Shawn Kean

32. Title: Environmental Officer, PWGSC-ES

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: _____

40. Name: Paul Curran

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

42. References: n/a

TRANSPORT CANADA RECOMMENDATION

47. 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 when the effects are indirect, that is when the effect is the result of a change in the environment. 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.

- ☒ For this environmental assessment only direct effects were identified, therefore, the effects of the project on navigation are not addressed in the environmental assessment.
- ☐ For this environmental assessment indirect effects were identified and have been addressed in the environmental assessment.

48. Approved by:



49. Date:

Oct 25/2013

50. Name:

Randy Decker

51. Title:

Senior Environmental Assessment Officer – Environmental Affairs,
Transport Canada

52. Approved by:



53. Date:

Oct 25/2013

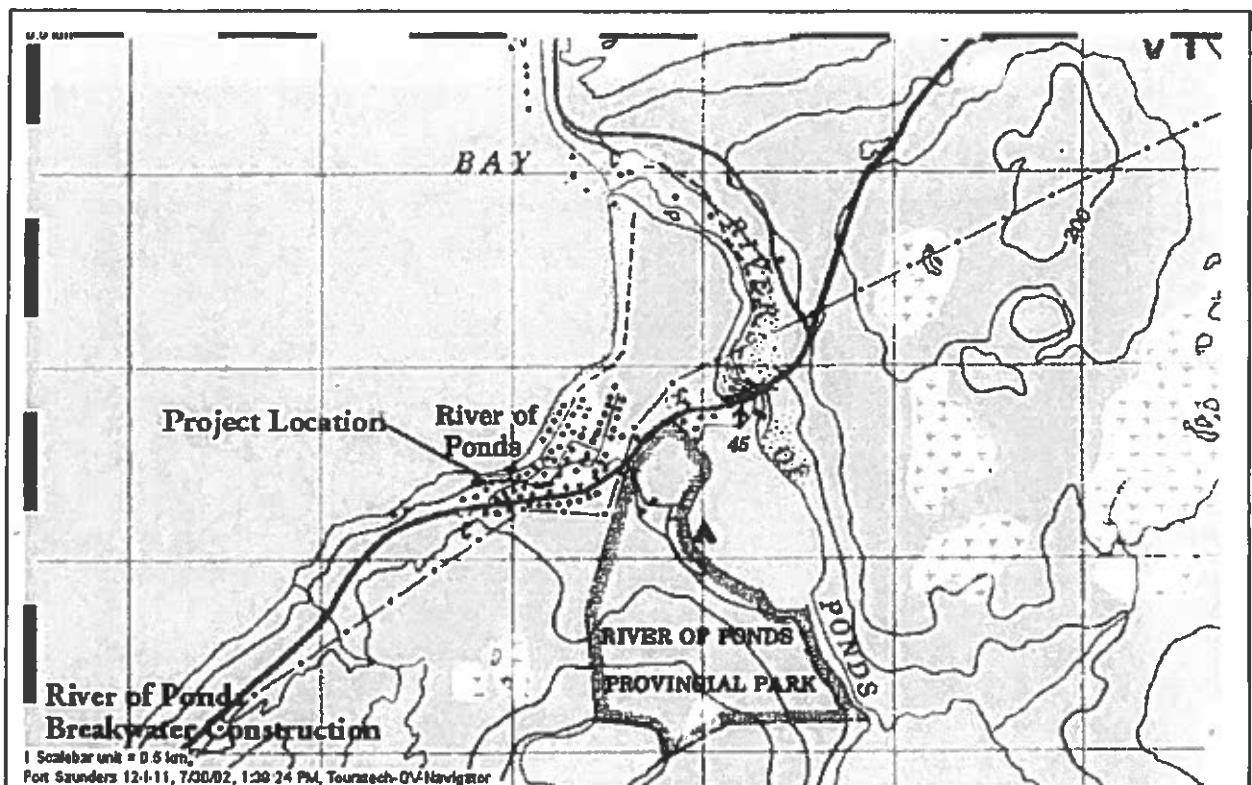
54. Name:

Kevin LeBlanc

55. Title:

AVRegional Manager – Environmental Affairs
Transport Canada, Atlantic Region

Appendix A
Topographic Map and Aerial Photos

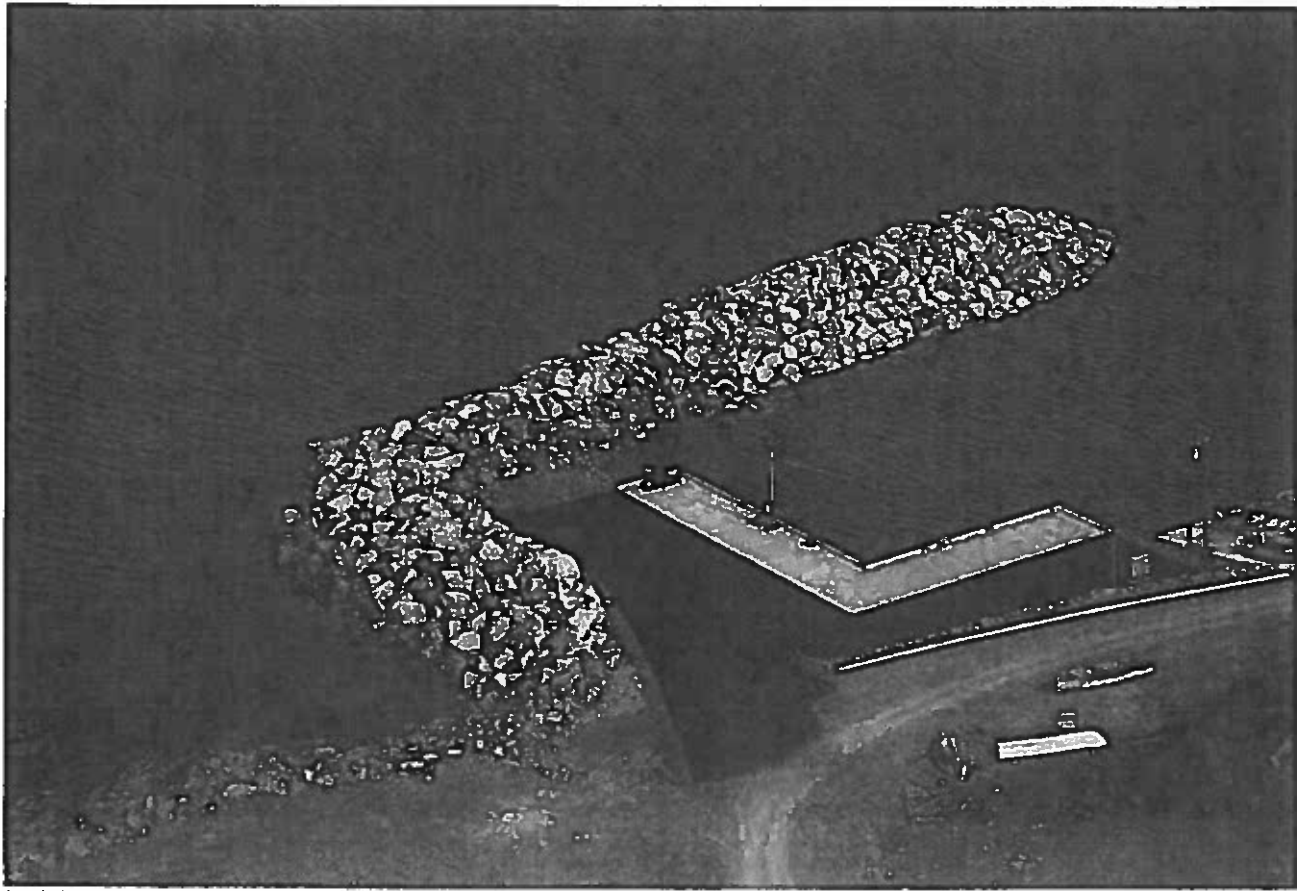


Description

Topographic map of River of Ponds (12-1-11) showing the proposed project site.

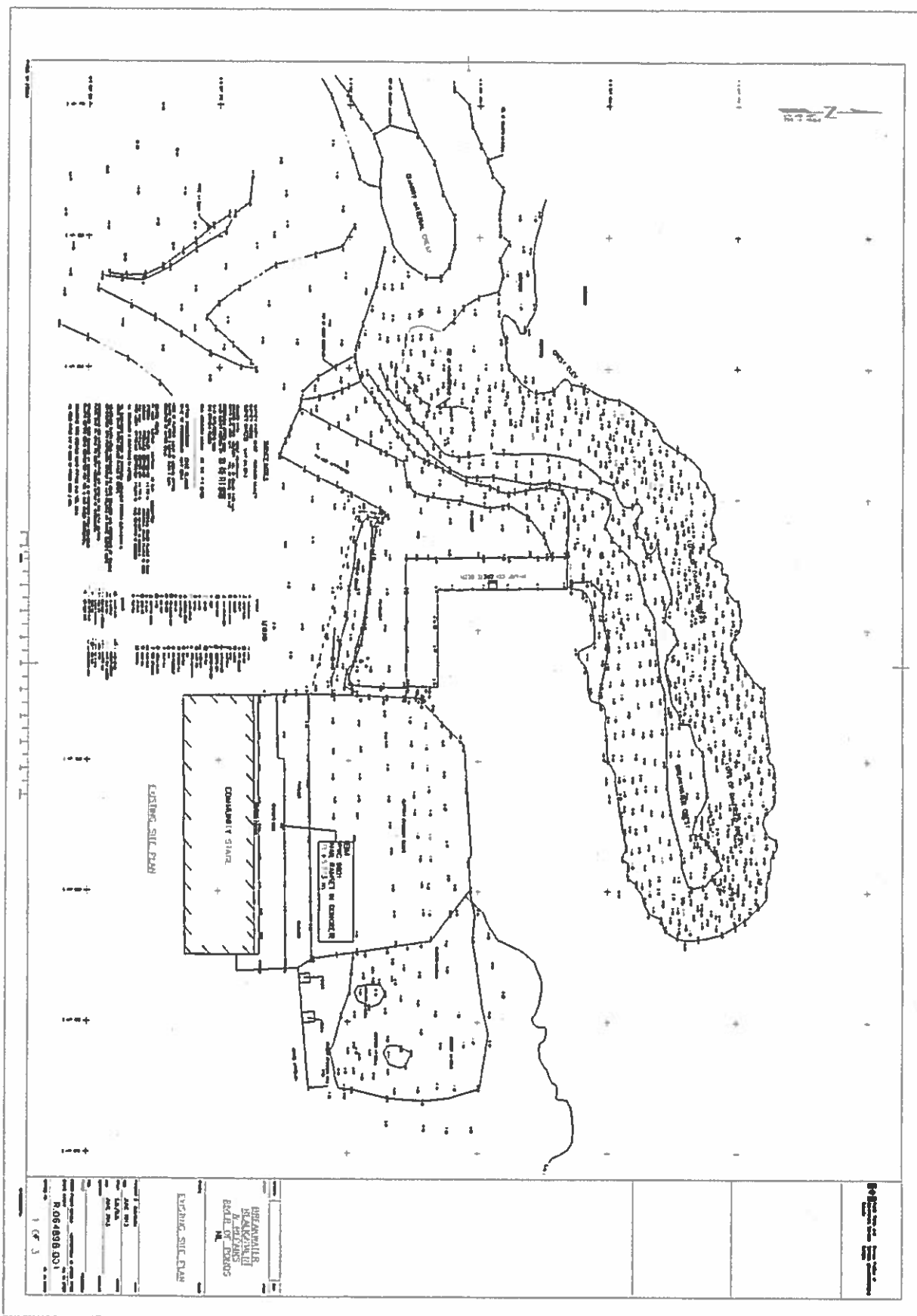
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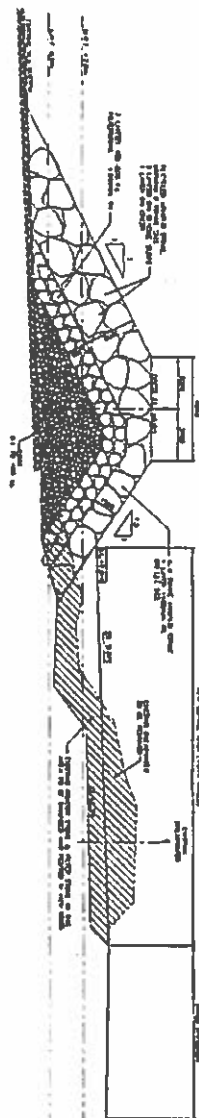




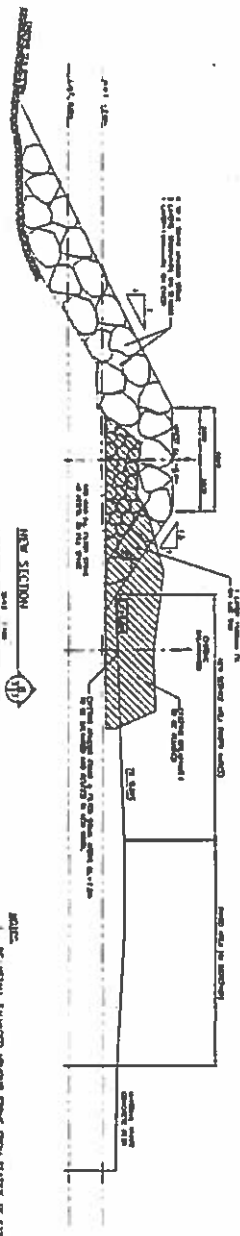
Aerial 1: Breakwater structure to be repaired.

Appendix B
Site Plan of proposed project

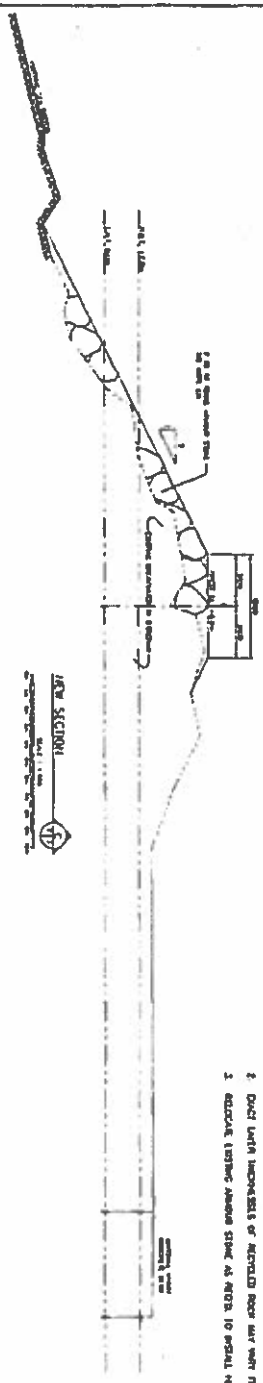




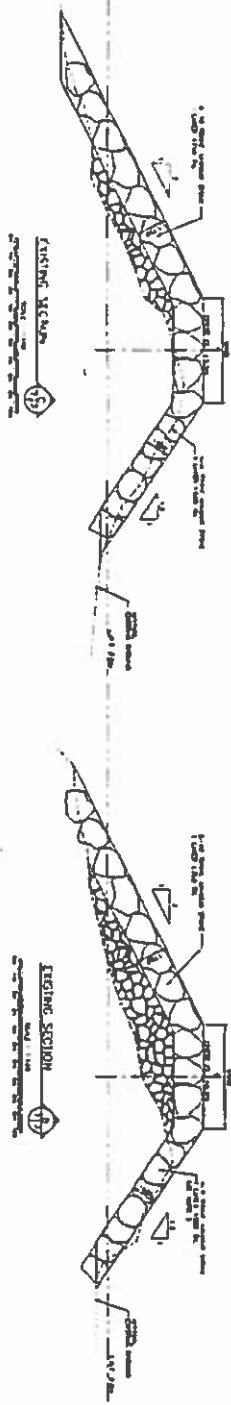
PLAN SECTION



PLAN SECTION



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PLAN SECTION

- NOTES:
1. ALL EXISTING STRUCTURES SHALL BE REMOVED AND NEW STRUCTURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITION OF THE SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
 2. ALL EXISTING STRUCTURES SHALL BE REMOVED AND NEW STRUCTURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITION OF THE SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
 3. ALL EXISTING STRUCTURES SHALL BE REMOVED AND NEW STRUCTURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITION OF THE SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.

REVISIONS:

1. ALL EXISTING STRUCTURES SHALL BE REMOVED AND NEW STRUCTURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITION OF THE SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
2. ALL EXISTING STRUCTURES SHALL BE REMOVED AND NEW STRUCTURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITION OF THE SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.

REVISIONS	DATE	BY	APP'D
1	10/1/00	J. J. J.	J. J. J.
2	10/1/00	J. J. J.	J. J. J.
3	10/1/00	J. J. J.	J. J. J.

3 OF 3

Appendix C

Regulatory Approvals / Responses

Shawn Kean

From: O'Rourke, John [John.ORourke@dfo-mpo.gc.ca]
Sent: July-17-13 12:01 PM
To: Samson, Don
Cc: Mark McNeil; Cathy Martin; Reid, Boyd
Subject: Breakwater Re-alignment and Repair - River of Ponds

Fisheries & Oceans Canada

Small Craft Harbours Branch

Suite 201, 1 Regent Square

Corner Brook, NL A2H 7K6

Attention: Mr. Don Samson

Dear Mr. Samson:

Subject: Breakwater Re-alignment and Repairs at River of Ponds, 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 July 05, 2013. Please refer to the file number and title below:

DFO File No.: **13-HNFL-NA1-00211**

Title: **Breakwater repairs – River of Ponds**

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

Our review consisted of:

- *Application - Request for Project Review and associated documentation;*
- *Google Earth imagery*
- *Project description*
- *Conversation with former AHB for area*

- *Conversation with local C&P Supervisor*

We understand that you propose to:

- *Repair and re-align the existing damaged breakwater located at the DFO SCH facility in River of Ponds, NL.*

Construction/Installation activities will include:

- *The damaged head section of the breakwater will be repaired and enhanced with the placement of new armourstone. The head will be reshaped from its current concave shape to a rounded convex shape. Armourstone will be salvaged from the water where possible and the remainder transported to the site from an approved quarry.*
- *The existing stem section will be realigned and the height increased to provide additional protection to the inner boat basin. Armourstone will be salvaged from the water where possible and the remainder transported to the site from an approved quarry.*

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 infilling to the work area. Work should be completed at low (or falling) tide.*
- *There should be no silt and/or sediment, 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.*
- *Armourstone is to be placed progressively to minimize shoreline erosion and prevent the loss of infill material.*
- *A 2-4 m wide band of variable substrate consisting of equal portions of boulder (250-500 mm), rock (130-255 mm), and cobble (65-130 mm) should be placed along the toe of the new armourstone breakwater perimeter.*
- *The rock fill must be obtained from an approved quarry site should be clean, non-acid generating, 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, however, rock material displaced from the existing breakwater may be salvaged and used in the new structure.*
- *Shoreline disturbance should be restricted to the immediate work area.*
- *The use of heavy equipment in bodies of water is not permitted. The operation of such equipment (if required) must be confined to dry stable areas.*

- *Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks. All vehicles and equipment must be clean and in good repair, free of mud and oil, or other harmful substances that could impair water quality.*
- *Wash, refuel and service machinery and store fuel and other materials for the machinery away from the water to prevent any deleterious substance from entering the water.*
- *Keep an emergency spill kit on site in case of fluid leaks or spills from machinery.*
- *Local fishermen in the area should be advised of the project and starting date.*
 - *The Fisheries office at Rocky Harbour should be notified in advance [telephone (709) 458-3083] 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: Mark McNeil - PWGSC

B. Reid ~ C&P, Rocky Harbour Detachment

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



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

RCM/MSWord 2003
SCH Wharves Breakwaters Permitting Dec 15 2010.doc

PO Box 8700, St. John's NL A1B 4J6 tel: 709.729.2563 fax: 709.729.0320 www.gov.nl.ca/env/water

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.



Transport Canada Transports Canada

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

Your file Votre référence

Our file Notre référence
8200-02-1253

NOV 15 2013

VIA COURIER

Fisheries and Oceans Canada
Small Craft Harbour
1 Regent Square Suite 201
Corner Brook, NL A2H 7K6

Attention: Don Samson

RE: Application under the *Navigable Waters Protection Act* for approval to alter the Marine Facility, located at River of Ponds, Strait of Belle Isle, 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* (NWPA). Ensure to review your document in its entirety and acknowledge receipt via the contact information provided below.

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 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.

Construction of the work must be completed within 3 years of the approval date. The attached Statutory Declaration is to be returned to NWPP within 6 months after completion of all construction.

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.

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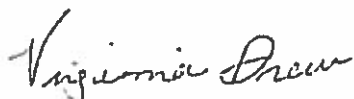
Canada

Our file Notre référence
8200-02-1253

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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 – Shawn Kean

Canada



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

8200-02-1253

Addendum to Approval

APPLICANT: Fisheries and Oceans Canada
Small Craft Harbours
1 Regent Square Suite 201
Corner Brook, NL A2H 7K6

LAWFUL WORK: Marine Facility

SITE LOCATION: Located at Approximately 50° 31' 42 29" N x 057° 23' 50.95" W,
River of Ponds, Strait of Belle Isle, 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 May 20, 2003, 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 replacing dislodged armourstone,
repairing toe to be concave instead of convex, stem realignment and height increase;

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 May
20, 2033,

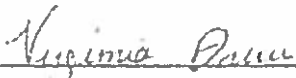


THEREFORE, the Minister of Transport, Infrastructure and Communities, pursuant to subsection 10(2) of the *Navigable Waters Protection Act*, hereby approves the proposed alteration of the said work at the said site and plan(s) thereof in accordance with the following terms and conditions:

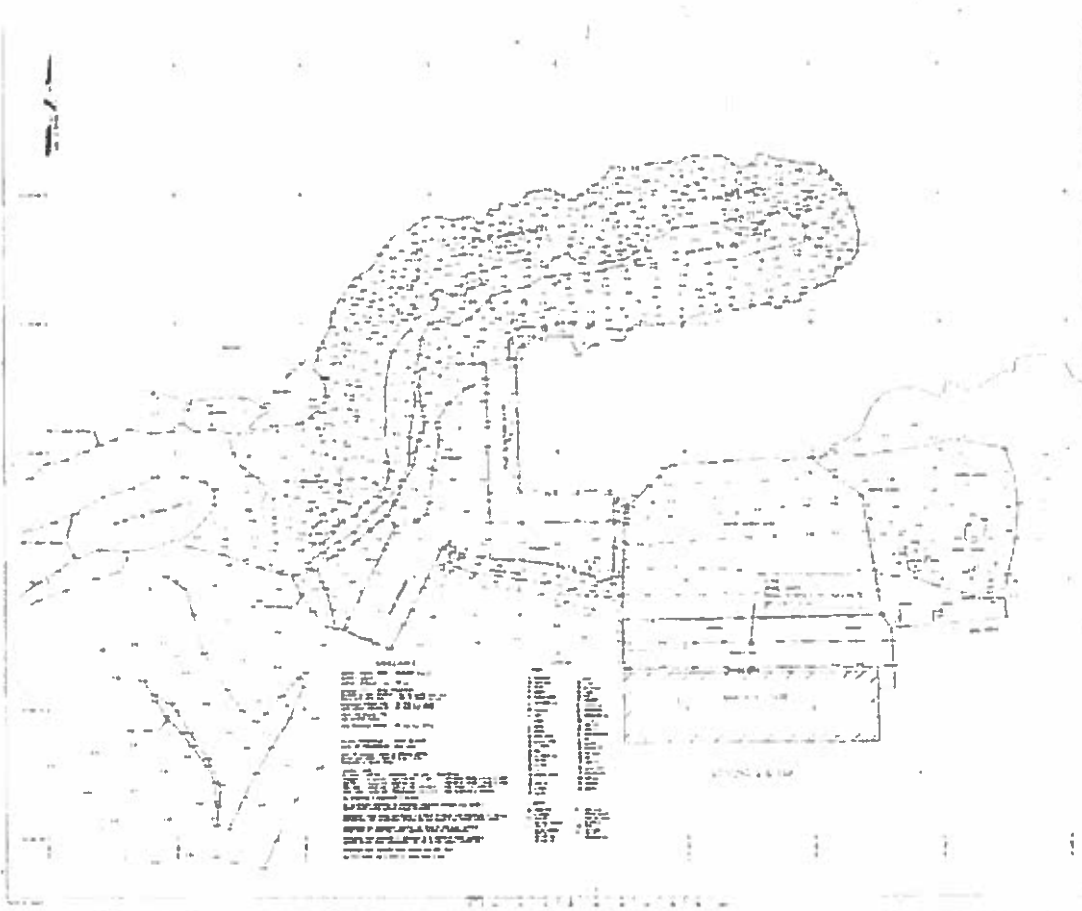
1. If the fixed starboard hand navigation aid is removed during construction activities, a starboard hand buoy (red) shall be placed at the outermost seaward leading edge toe limit of the breakwater and be lit from dusk to dawn and during periods of restricted visibility with a red flashing light displaying the light characteristic of (F1)4s and have a nominal range of 2 nautical miles.
2. A starboard hand navigation aid shall be placed on the outermost seaward leading edge of the breakwater and have a red flashing light displaying the characteristic (F1)4s with a nominal range of 2 nautical miles.
3. 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.
4. The proponent must notify the Canadian Coast Guard Vessel Traffic Centre Notship desk at 709-695-2168 or email at notshippax@dfo-mpo.gc.ca at least 24 hours in advance of commencement of the project, removing or deploying any aids to navigation and upon completion of the project.

NOV 15 2013

SIGNED in two copies on _____ 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



LEGEND

1. EXISTING BOUNDARY

2. EXISTING BUILDING

3. EXISTING ROAD

4. EXISTING FENCE

5. EXISTING UTILITY

6. EXISTING TREE

7. EXISTING SHED

8. EXISTING DRIVE

9. EXISTING WALKWAY

10. EXISTING FENCE

11. EXISTING UTILITY

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99. EXISTING WALKWAY

100. EXISTING FENCE



REVIEWED

OCT 31 2013

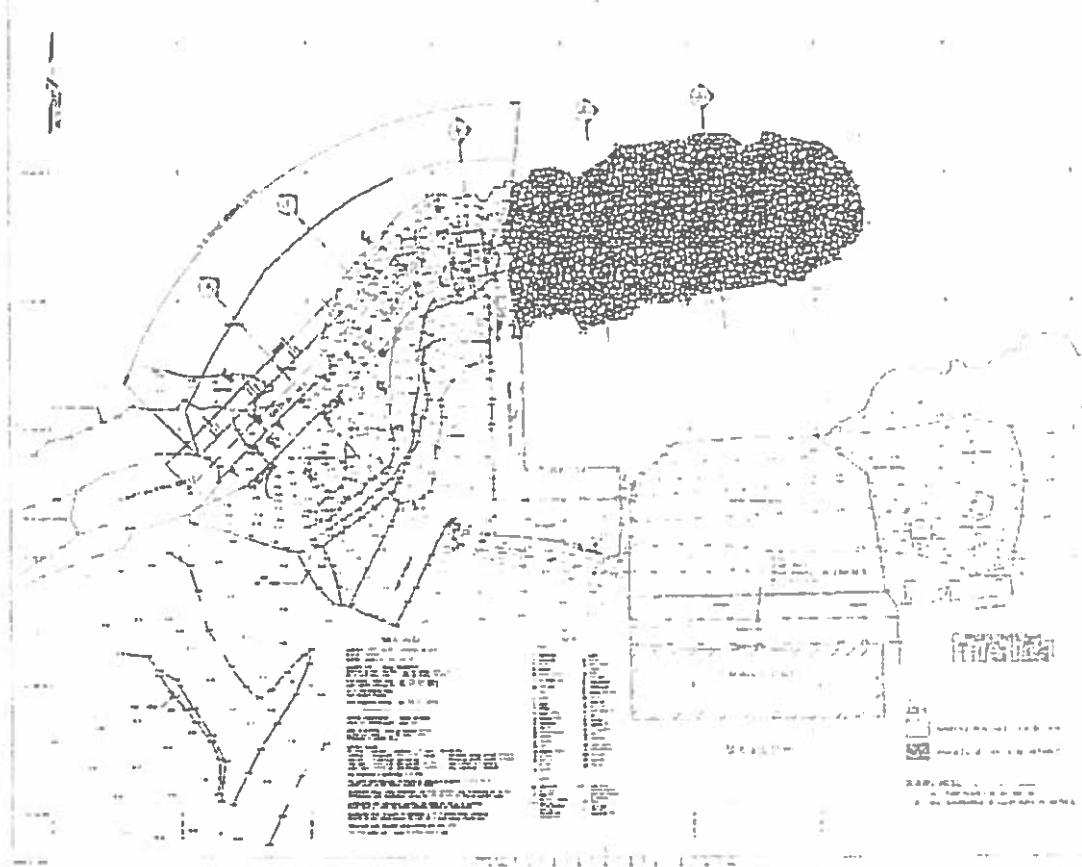
Page 1 of 3

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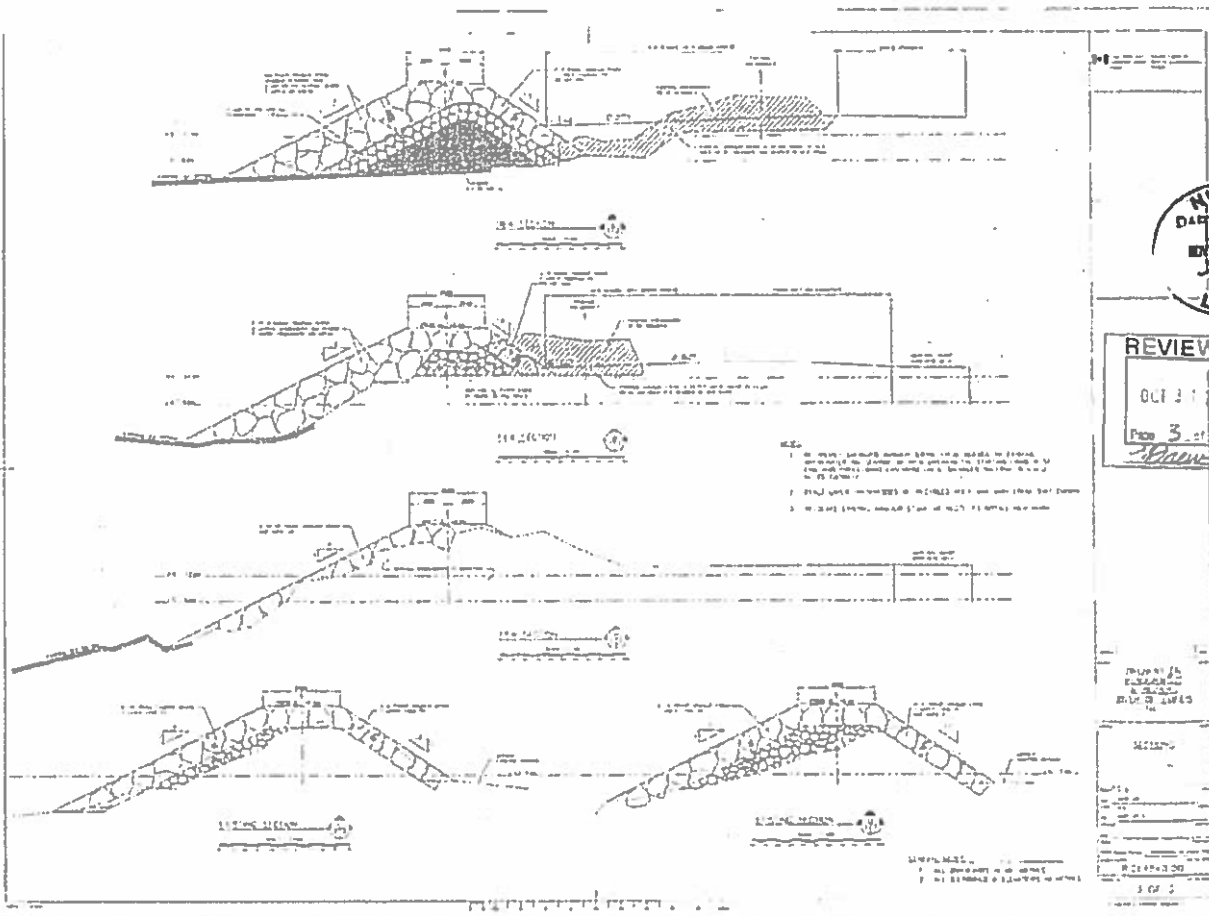
APPROVED FOR
PLACEMENT
& CONSTRUCTION

DATE: 10/31/13

BY: [Signature]



NWPA
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REVIEWED
OCT 21 2013
Page 3 of 3
Shaw

REPORT OF
EXAMINATION
BY JAB

SECTION
DATE
BY
CHECKED
APPROVED



Transport
Canada

Transports
Canada

Your File Votre référence

Our File Notre référence
8200-02-1253

STATUTORY DECLARATION

CANADA

IN THE MATTER OF a *Navigable Waters Protection*
Act Approval of the work referred to below

PROVINCE OF

To Wit:

I _____

of the County/District/City of _____
in the Province of _____

SOLEMNLY DECLARE that the Marine Facility, located at approximately
50° 31' 42 29" N x 057° 23' 50.95" W, River of Ponds, Strait of Belle Isle, Newfound and and Labrador has
been built or placed in accordance with the approved plan(s) and site pursuant to the *Navigable Waters*
Protection Act, its regulations and the terms and conditions in the Approval dated NOV 15 2013 .

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing It to be true, and knowing that It is
of the same force and effect as if made under oath.

Signature of applicant

DECLARED BEFORE ME _____
at the County/District/City of _____
in the Province of _____
this _____ day of _____, 20____

A Commissioner, Notary Public, Justice of the Peace, etc

My commission expires on _____

Canada