

**Harbour Development
O'Donnell's, NL
Project Number R.076008.001**

ADDENDUM #1

THE FOLLOWING AMENDMENT TO THE BID DOCUMENTS IS EFFECTIVE IMMEDIATELY. THE ADDENDUM
SHALL FORM A PART OF THE CONTRACT DOCUMENTS

1. Reference Specification Section 00 01 11 – List of Contents:

ADD:

Appendix A: "Environmental Screening Documentation". This document is attached to Addendum #1, and will form part of the contract documents.

2. Reference Drawing Sheet C11:

ADD:

Details for the Type B1 cleat and Type B1 cleat block are as per the attached drawing.

3. Reference Specification Section 35 20 23 – Dredging:

DELETE Subsection 1.1.1 in its entirety and **ADD** the following:

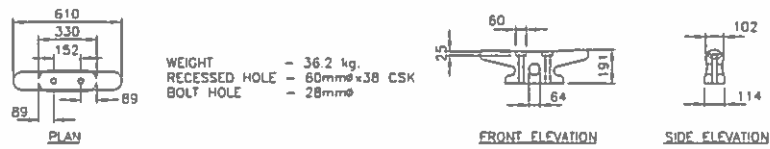
1.1.1 Description: This specification section includes requirements for dredging, as noted on the drawings. There will be no distinction between Class "A" dredging and Class "B" dredging in this contract. PWGSC's estimated quantity of Class "A" and Class "B" "Harbour dredging" (which was used for budgetary purpose), is 1,500m³ and 7,500m³ respectively. The 3,400m³ quantity referenced as "Dredging prior to rock mattress placement", is to be considered Class "B" dredging.

4. Reference Specification Section 26 05 01 – Common Work Results – Electrical, Part 1.25:

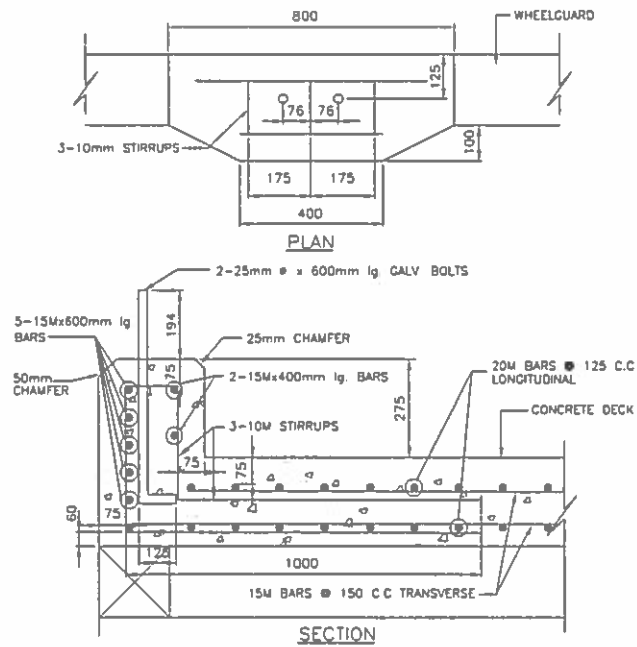
ADD "for Bidding purposes, the Contribution in Aid of Construction expenses are to be assumed as not exceeding \$5,000, plus applicable taxes".

By submission of its bid, the bidder confirms that it has read and
understands the requirements expressed in all addenda
and has included all cost of these requirements in its total bid amount.

All other terms and conditions remain unchanged.



TYPE 'B1' CLEAT



TYPE 'B1' CLEAT BLOCK

APPENDIX A

ENVIRONMENTAL SCREENING DOCUMENTS

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

GENERAL INFORMATION

1. Project Title: Harbour Development, O'Donnell's, 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: Paul Curran, DFO Regional Manager	
6. Project Review Start Date: May 28, 2015	
7. DFO File No.: 15-HNFL-00214	8. PWGSC File No.:
9. TC File No.: 8200-03-1347	

BACKGROUND

<p>10. Background about Proposed Development (including a description of the proposed development):</p> <p>The proposed project includes an extension to the existing breakwater, an extension to an existing wharf, installation of a new marginal structure, and dredging of the harbour basin in O'Donnells, NL. The existing native timber slipway and retaining wall will be demolished and replaced with a marginal wharf and graded uplands.</p>
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PROJECT REVIEW

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

15. Other Jurisdiction: Service NL

NDOEC, Water Resources Division

16. Other Expert Departments Providing Advice:

Fisheries and Oceans Canada, Fisheries Protection Program

Environment Canada

17. Areas of Interest of Expert Departments:

Fisheries Act

18. Other Contacts and Responses: n/a

19. Scope of Project (details of the project subject to review):

Project Description

Construction/Installation:

The proposed project will consist of five (5) components:

Component 1 will include the construction of a new 6.1 metre wide by 42 metre long marginal wharf. The marginal wharf will be constructed of treated timber cribbing scribed to the bottom. Clean rock fill will be utilized as ballast. To properly seat the cribwork and ensure adequate vessel draft, dredging will be carried out to remove material from the wharf footprint. Heavy machinery working from the shoreline or a floating barge will be required for dredging. In order to construct the marginal wharf in its proposed location, the existing native timber slipway will be removed, and a portion of the existing shoreline will be excavated (see attached site plan).

Component 2 will include the construction of a finger pier wharf extension. The new extension, measuring approximately 7.32 metres wide by 48 metres long, will be constructed at the end of the existing marginal. 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.

Component 3 will include dredging of Class B material (sediment of varying sizes) from the berthage area, harbour basin, and approach to the new marginal wharf. Approximately 7500 cubic metres of Class B material will be dredged. 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.

Component 4 will include an extension to the existing rubblemound breakwater. The extension will measure approximately 40 m in length along the crest of the structure, while the width of the extension will measure approximately 30 m along the ocean bottom (refer to attached site plan). It will consist of importing and installing core material, filter stone, and armour stone. The rubble mound breakwater construction materials will be obtained from a licensed quarry and trucked in dump trucks to the project site where excavators will place the materials.

Component 5 will include upland development and improvements associated with the harbour development. The uplands will be graded and improved (e.g. placement of rock gravel fill) to provide an adequate area for parking and servicing.

Operation

The Environmental Management System (EMS) with an integrated Environmental Management Plan (EMP) for the Harbour Authority of O'Donnell's will cover operational aspects of environmental management at the harbour (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

Subject to regulatory approval and DFO SCH operational priorities and funding, this project may commence during the 2015 fiscal year.

20. Location of Project:

O'Donnell's is located approximately 86 km southwest of the City of St. John's at coordinates 47° 04' 03" N, 53° 34' 14" W. The project site is located in Mussel Pond Cove and can be accessed from local roads within the community of O'Donnell's. The community of O'Donnell's can be accessed via provincial route 94 located on the Avalon Peninsula on the eastern side of St. Mary's Bay.

21. Environment Description:

Physical Environment

O'Donnell's is a small fishing community located on the Avalon Peninsula on the eastern side of St. Mary's Bay approximately eighty-six (86) kilometres southwest of the City of St. John's. The community sits in front of Mussel Pond and a cradle of wooded hills, which opens to the southeast. The general site is fully developed and occupied with marine infrastructure. There are no known aquaculture sites, lobster holding pounds, or scheduled salmon rivers, parks, protected water supplies, archaeological sites, or forest or wildlife reserves in the immediate project area. While marine mammals such as whales and seals frequent the general area, their presence in the immediate project area is unlikely. While there are a variety of large and small mammals found in the general O'Donnell's area, including moose, caribou, fox, snowshoe hare, beaver, shrews, mice, and rats, there are no known significant terrestrial wildlife habitats in the immediate project area. Sea gulls, crows, turrs, puffins, eagles, hawks, osprey, and several species of songbirds are common throughout the general project area.

Water depth at the proposed project site is approximately 0.1 - 5.4 metres.

Biological Environment

The community of O'Donnell's is located in the Maritime Barrens Ecoregion of Newfoundland. This ecoregion extends from the east coast of Newfoundland to the west coast through the south central portion of the island. The Maritime Barrens ecoregion has the coldest summers with frequent fog and strong winds. Winters are relatively mild with intermittent snow cover particularly near the coastline. Annual precipitation exceeds 1250 mm.

The landscape pattern consists of usually stunted, almost pure stands of Balsam Fir, broken by extensive open heathland. Good forest growth is localized on long slopes of a few protected valleys. The development of the extensive heath landscape was precipitated by indiscriminate

burning by European settlers. Railways in the nineteenth century also had a significant impact on fire frequency in the eastern part of the region. The heaths are dominated by *Kalmia angustifolia* on protected slopes where snow accumulates and by cushions of *Empetrum nigrum* or *Empetrum nigrum* on windswept ridges and headlands.

Attempts to afforest these heaths with *Picea sitchensis* have been unsuccessful, but Eastern larch and Scots Pine may have potential for fuelwood stands (Hall 1986). However, site selection is critical because the historical removal of forest has deflected the natural treeline to low elevations. Wind, lack of protective snow cover and soil frost disturbance are important factors limiting plantation establishment in this ecoregion.

The Maritime Barrens Ecoregion can be further subdivided and O'Donnell's lies in the Southeastern Barrens subregion. In this ecoregion the landscape is dominated by heathlands and the forest only occurs in small acreages that escaped fire. The dominant heath shrub on uplands is *Empetrum nigrum* with *Kalmia angustifolia* forming a dense cover only in protected valleys.

The topography is generally undulating with shallow heavily compacted till and numerous large erratics. The Clintonia-Balsam Fir type is most common where the forest is still present. Good forest growth only occurs in a few large protected valleys where the Dryopteris-Balsam Fir type dominates the slopes. Good specimens of Yellow Birch are also found in these stands.

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, threatened or of special concern.

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
Construction/Installation														
Construction of breakwater and finger pier extensions, and new marginal wharf	P	-	P	-	-	-	-	-	-	-	P	P	P	P
Dredging	P	-	P	-	-	-	-	-	-	-	P	P	P	P
Dredge spoil disposal	P	-	P	-	-	-	-	-	-	-	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 / Fish Habitat

- Dredging activities could result in the loss of fish habitat.
- Sedimentation as a result of placement of infilling material may negatively impact fish and quality of potential fish habitat.
- Infilling and construction of new margin wharf and breakwater extensions may result in destruction of potential fish habitat.
- A "Request for Review" has been forwarded to DFO Habitat. Response from DFO has been forwarded to PWGSC, SCH and the contractor.

Birds/Bird Habitat

- Any type of hydrocarbon spill could result in bird or bird habitat loss.
- Noise / fumes may result in birds avoiding the site and surrounding area.

Water

- Improper disposal of dredge material could result in contamination of ground water by placement in areas that may be susceptible to groundwater.
- Improper disposal of dredge material could result in contamination of freshwater (e.g. dredge material placed in or near a waterbody).
- Dredging activities resulting in a sedimentation event within the water column.
- Construction activities taking place near the shoreline may result in run off / erosion.
- Construction of finger pier wharf will result in a loss of flora, fauna, and habitat.
- Sedimentation as a result of infilling may decrease marine water quality at immediate project site.

Aquatic species

- Sedimentation as a result of removal/reinstatement of cribs and infilling may negatively impact aquatic species near project site.
- Accidental discharge of heavy machinery fuel/fluids may negatively impact aquatic species near project site.

Soil (Surface and Subsurface)

- Project activities could potentially result in soil contamination due to improper disposal of dredge material or to some type of mechanical malfunction resulting in a hydrocarbon spill.
- Construction activities at site or natural events (e.g. rainfalls) could result in erosion / sedimentation events.
- Improper disposal of waste material and dredge material could result in contamination of soil.

Air Quality / Noise

- May cause a temporary disturbance to residents and wildlife/marine life.

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 and release of sediment and/or sediment laden water during the construction phase.

As part of this project's pre-planning process, marine sediment samples were collected from the proposed dredge area and submitted for chemical analysis. The sediment materials will be transported to an approved landfill site, or a decommissioned quarry. Results from the sediment sample analysis are available upon request.

The in-water use of heavy equipment is not permitted. The operation of such equipment should be from dry/stable shoreline areas.

Work should be properly timed to avoid potential interference with commercial and/or recreational fisheries.

Appropriate sedimentation control measures (e.g. silt curtains, booms, etc), should be deployed where required.

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

All crib backfill material should be clean and obtained from an approved quarry.

All drainage and wash water from concrete production should be properly contained and should not drain into the marine environment.

There should be no sedimentation events as a result of proposed activities. If required, mitigation measures must be implemented such as installation of a turbidity barrier, construction of sediment ponds, etc.

Machinery should be well muffled and local municipality construction by-laws must be adhered to.

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). The proponent should consider developing a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event.

Weather conditions should be assessed on a daily basis to determine the potential risk on project activities.

Several environmental approvals / permits have been obtained on behalf of SCH. These include:

1. Environment Canada provided information to support the environmental management process with respect to legislation falling under the auspices of EC.
2. Service NL provided approval to dispose sediment material to an approved landfill or a decommissioned quarry, with owners consent.
3. NPP provided approval for the proposed alteration of the lawful work under the Navigation Protection Act. Conditions outlined have to be met.
4. NDOEC permit to alter a body of water is provided for the dredging work on small craft harbor property. Mitigations are listed in the approval.
5. Fisheries and Oceans provided mitigation measures for the protection of fish and fish habitat.

These approvals are attached and all conditions/mitigation measures must be reviewed and implemented by the contractor.

The project is covered under NL Department of Environment and Conservation Terms & Conditions, and Transport Canada, Navigation Protection Act approval. Fisheries and Oceans Canada, Fisheries Protection Program determined that the project would likely not result in Serious Harm to fish or 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

Aboriginal fishers are not known to utilize the O'Donnells SCH facility, nor are there any known aboriginal groups in the surrounding area. 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 – Fisheries Protection Program (DFO FPP)
- Transport Canada – Navigation Protection Program (TC NPP)
- Environment Canada – Environmental Stewardship Branch
- Service NL – Environmental Protection Office (SNL – EPO)
- NDOEC, Water Resources Division (NDOEC – WR)

Mitigations prescribed by DFO FPP have been incorporated into this report and may also be found in Appendix B. It is the proponents' responsibility to ensure that appropriate mitigation measures are adhered to.

TC NPP will issue an approval under the Navigation Protection Act. TC Environmental Affairs and Aboriginal Consultation Unit has reviewed this report and all comments received have been incorporated in the final report.

Comments provided by EC can be found attached.

A response from SNL EPO has been received.

The permit from NDOEC WR was issued on August 6, 2015 under Permit No: ALT8211-2015. conditions are outlined in this report.

All expert advice/specialist information provided by the abovenoted departments has been incorporated into this document.

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: July 23, 2015

31. Name: Cathy Martin

32. Title: Environmental Specialist, PWGSC-ES

DECISION

33. 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

34. Approved by: _____

35. Date: _____

36. Name: Paul Curran

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

38. References: n/a

TRANSPORT CANADA RECOMMENDATION

39. This section must be completed by Transport Canada;

Environmental effects of the project on navigation are taken into consideration as part of the project effects determination (PED) 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 PED, but any measures necessary to mitigate direct effects will be included as conditions of the *Navigation Protection Act* approval.

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

40. RECOMMENDED by: 

41. Date: August 7, 2015

42. Name: Melissa Ginn

43. Title: Environmental Officer
Environmental Affairs and Aboriginal Consultation Unit, Programs
Transport Canada

44. The above has reviewed the project effects determination report and recommends the determination as indicated above.

45. APPROVED by: 

46. Date: August 7, 2015

47. Name: Kevin LeBlanc

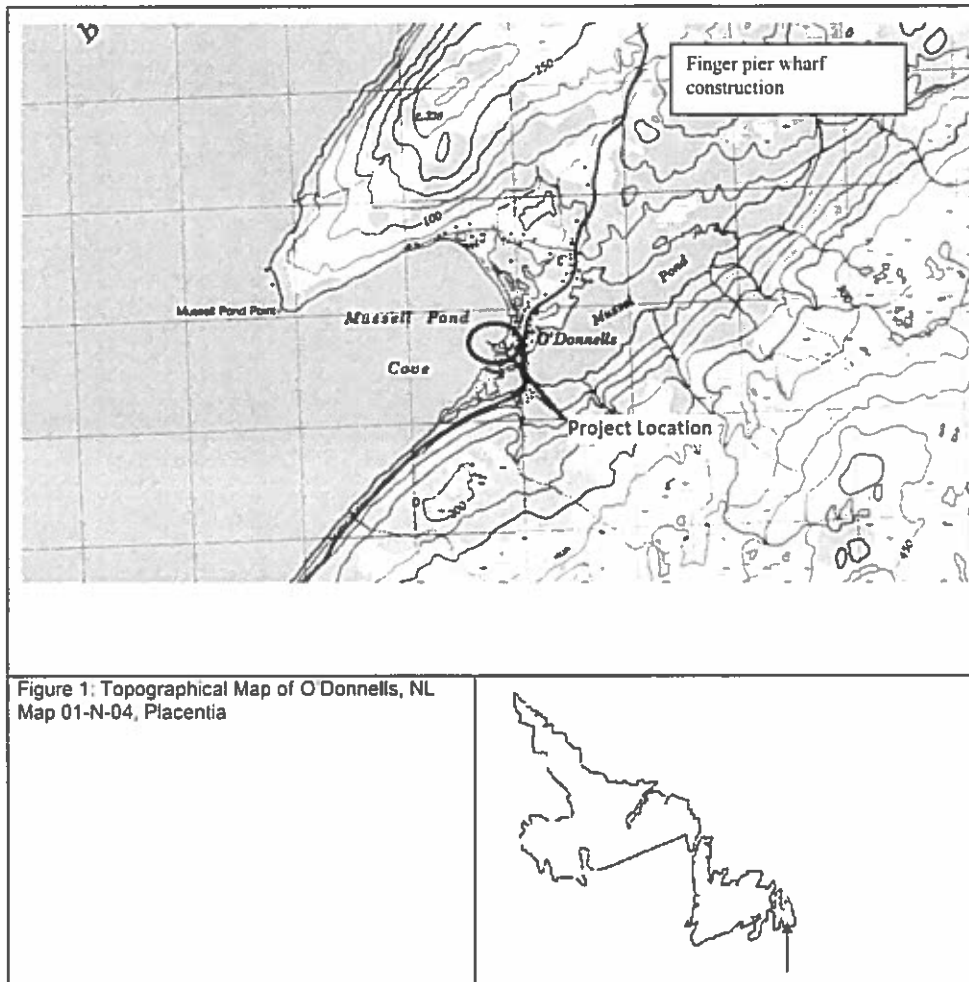
48. Title: Regional Manager
Environmental Affairs and Aboriginal Consultation Unit, Programs
Transport Canada

49. The above has reviewed the project effects determination report and approves the recommended determination.

APPENDICES

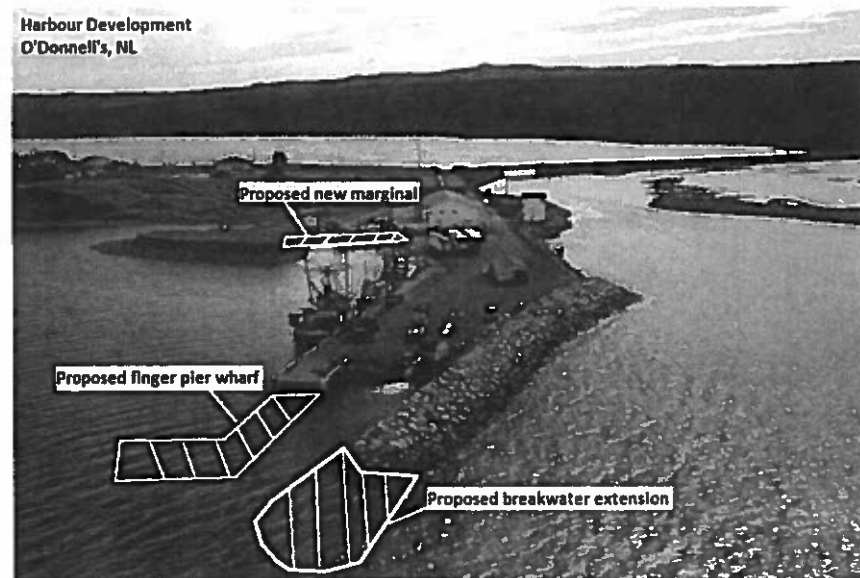
- Appendix A - Topographic Map and Aerial Photographs
- Appendix B: Site Plan
- Appendix C: Regulatory approvals/responses

Appendix A
Topographic Map and Aerial Photo



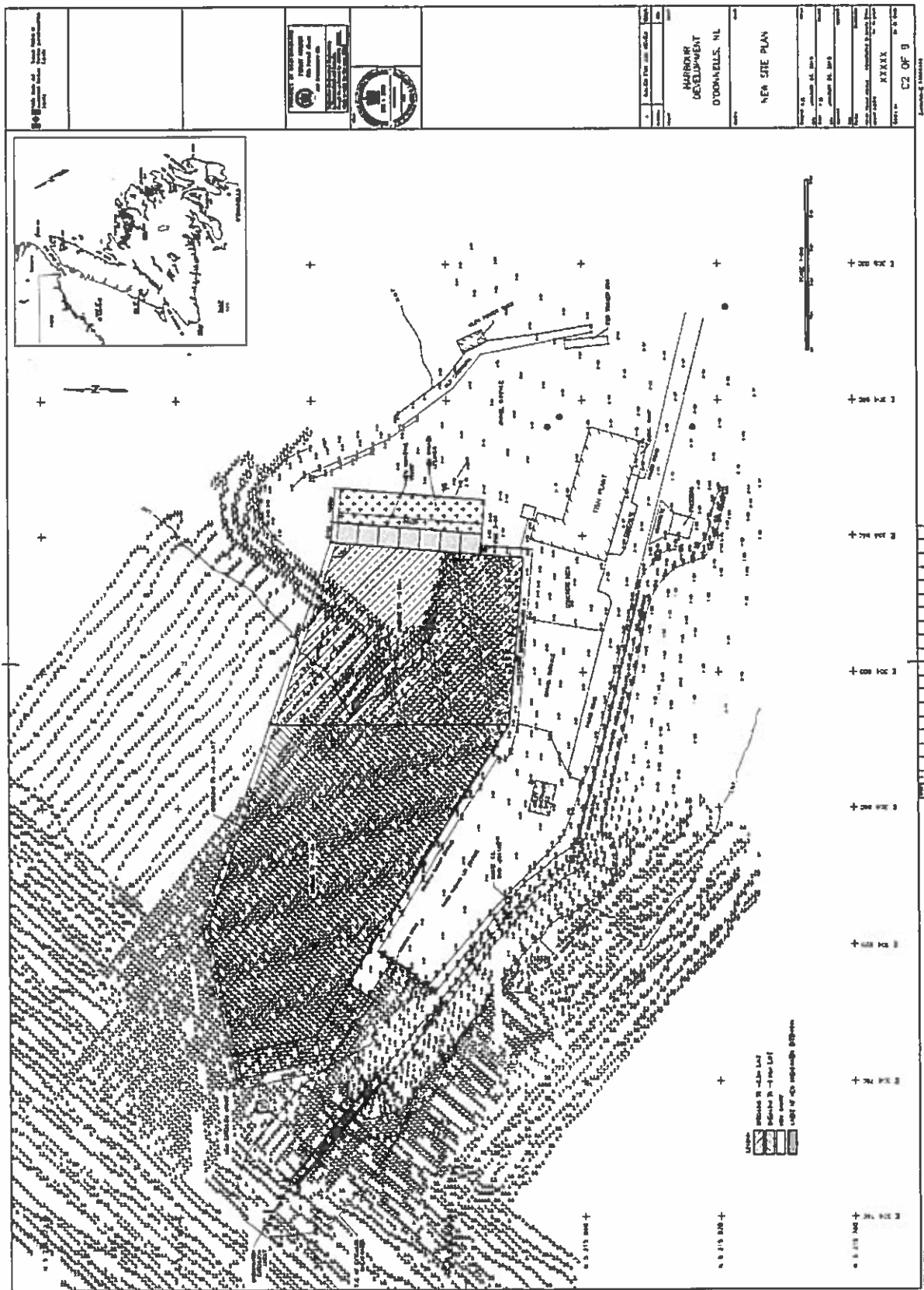


Appendix A-2: Photo indicating site of proposed harbour development (photo courtesy of DFO, 2010)



Appendix A-3: Photo indicating proposed harbor development (photo courtesy of DFO, 2010)

Appendix B
Site Plans of proposed project



Appendix B-1: O'Donnell's Site Plan indicating proposed harbor development

Appendix C

Regulatory approvals/responses



Fisheries and Oceans
Canada

Pêches et Océans
Canada

PO Box 5667
St. John's NL A1C 5X1

JUN 02 2015

Our file *Notre référence*
15-HNFI-00214

Paul Curran
DFO, SCH
P.O. Box 5667
St. John's, NL A1C 5X1

Dear Mr. Curran:

Subject: Proposal Requires Additional Assessment by Regulatory Review Unit.

The Fisheries Protection Program of Fisheries and Oceans Canada (DFO) received your proposal on May 29, 2015. Please refer to the file number and title below:

DFO File No.: **15-HNFI-00214**
Title: **Harbour Development Project, O'Donnell's, NL**

Your proposal is being reviewed to determine whether it is a work, undertaking or activity that results in serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery which is prohibited by the fisheries protection provisions of the *Fisheries Act*.

Based on the information provided, the Program is of the view that your proposal could potential result in serious harm to fish. In order for DFO to complete the review of your proposal and determine whether serious harm to fish is likely, your proposal has been triaged to the Program's Marine and Coastal Development Regulatory Review Unit for further assessment.

Should you have any questions please contact Darrin Sooley at our St. John's office at (709)772-3521, by fax at (709)772-5562 or via e-mail at Darrin.Sooiley@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours truly,

Michelle M. Roberge
Team Leader-Triage and Planning
Fisheries Protection Program-Regulatory Review

*Those sections most relevant to the review of development proposals include 20 and 35 of the *Fisheries Act* and sections 32, 33 and 58 of the *Species at Risk Act*. For more information please visit www.dfo-mpo.gc.ca

Canada



Fisheries and Oceans Canada Pêches et Océans Canada

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

June 29, 2015

Your file *Votre référence*

Our file *Notre référence*
15-HNFL-00214

Mr. Paul Curran
Fisheries and Oceans Canada
Small Craft Harbours Branch
10 Barter's Hill, St. John's NL A1C 5T2

Dear Mr. Curran:

Subject: Implementation of mitigation measures to avoid and mitigate serious harm to fish – O'Donnell's Harbour Development.

The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada received your proposal on June 3, 2015. Your proposal has been reviewed to determine whether it is likely to result in serious harm to fish which is prohibited under subsection 35(1) of the *Fisheries Act*.

The proposal has also been reviewed to determine whether it will adversely impact listed aquatic species at risk and contravene sections 32, 33 and 58 of the *Species at Risk Act*.

Our review consisted of:

- DFO Request for Review Application;
- Project description and project site photographs; and
- Project drawings received June 8, 2015 from PWGSC

We understand that you propose to improve facilities at O'Donnell's by extending an existing finger pier wharf, extending an existing breakwater, installing a new marginal wharf, and dredging the areas around these structures and the harbour approach.

To avoid the potential of serious harm to fish and their habitat, we are recommending that the following mitigation measures be included into your plans:

- Measures should be implemented to minimize the release of sediment, turbid water or other project related substances that could be harmful to fish and/or fish habitat into the marine environment, including:
 - Dredging/excavation should be carried out during low tide and low wind/wave conditions and should be suspended whenever wind or tide conditions cause sediment to be visible outside the immediate project area.

Canada

.../2

- All dredged or excavated material should be disposed of at an approved site above the high water mark. If necessary adequate sedimentation control measures should be deployed around stored dredge material to minimize potential erosion and sedimentation from the material.
- 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.
- The rock material to be used should be clean, free of fine materials and of sufficient size to resist displacement during peak storm and/or flood events.
- Rock material should not be end dumped, but should be dumped on land and placed on station using an excavator or similar equipment.
- Shoreline disturbance should be restricted to the immediate work area. Any shoreline areas disturbed by project activities should be stabilized as soon as possible to prevent erosion.

Provided that these mitigation measures are incorporated into your plans, the Program is of the view that your proposal will not result in serious harm to fish. The Program is also of the view that your proposal will not contravene sections 32, 33 or 58 of the *Species at Risk Act*. No formal approval is required from the Program under the *Fisheries Act* or the *Species at Risk Act* in order to proceed with your proposal.

If your plans have changed or if the description of your proposal is incomplete, or changes in the future, you should consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppc/index-eng.html>) or consult with a qualified environmental consultant to determine if further review is required by the Program.

A copy of this letter should be kept on site while the work is in progress. Please contact Darrin Sooley (phone (709) 772-3521, fax 709 772-5562 or email darrin.sooley@dfo-mpo.gc.ca) if you have any questions. Please refer to the file number referenced above when corresponding with the Program.

Sincerely,



Tilman Bieger
Manager, Fisheries Protection - Regulatory Reviews
Ecosystems Management Branch
NL Region



Environment
Canada

Environnement
Canada

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

9 June 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: Harbour Development – O'Donnell's, NL

EAS 2015-051

As requested in your email of 29 May 2015, 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 DFO – Small Craft Harbours plans reconstruction of a marginal wharf in O'Donnell's, NL. The project will involve:

- Construction of a new marginal wharf (6.1 metre wide by 42 metre long) and a finger pier wharf extension (approximately 7.32 metres wide by 48 metres long).
- Extending the existing rubblemound breakwater (approximately 40 m in length along the crest of the structure, while the width of the extension will measure approximately 30 m along the ocean bottom) using core material, filter stone, and armour stone obtained from a licensed quarry.
- Upland development and improvements associated with the harbour development.
- Dredging of Class B material (sediment of varying sizes) from the berthage area, harbour basin, and approach to the new marginal wharf. Approximately 7500 cubic metres of Class B material will be dredged.

The following EC comments stem from the department's mandate under the *Migratory Birds Convention Act* (MBCA) and Section 36 of the *Fisheries Act*. Pertinent EC expertise and related comments also originate with the *Canadian Environmental Protection Act* (CEPA), the *Canadian Wildlife Act*, and the *Species at Risk Act* as well as *Department of the Environment Act*.

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). The list of species protected by the MBCA can be found at: <https://www.ec.gc.ca/nature/default.asp?lang=En&n=496E2702-1>. Bird species not listed may be protected under other legislation.

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

If project activities 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) and intertidal areas, the proponent is advised to contact EC to verify applicability of Part 7 Division 3 of the *Canadian Environmental Protection Act* (CEPA) (Jayne Roma at 902-426-3649 or mailto: Jayne.Roma@ec.gc.ca) for the Maritime Provinces or (Natasha Boyd at 709-772-2161 or mail to: Natasha.Boyd@ec.gc.ca) for Newfoundland and Labrador. Identification of such activities will assist EC in determining if a Disposal at Sea Permit is required under CEPA. Further information regarding the Disposal at Sea Program can be accessed at <http://www.ec.gc.ca/iem-das/default.asp?lang=En&n=3C819F48-1>.

It is assumed that all dredged material will be either placed or disposed above the ordinary high water mark (OHWM), not just the dredged material referenced in component 3. If that understanding is incorrect, please contact Environment Canada.

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).

Disposal of Dredged Material

The project description does not state to where dredged material will be disposed. EC-CWS has the following comments if the proponent intends to dispose of dredged material on beaches.

Care should be taken to not inadvertently create habitat that would be attractive to nesting migratory birds (e.g. ground nesting birds such as Piping Plover, terns or Killdeer) in areas where considerable human activity is likely. While birds may choose to nest in deposits of dredged sediment, as documented in past cases in Atlantic Canada, this type of habitat would only be marginal for chick rearing.

For each year of proposed use, steps should be taken to ensure no nests or fledglings of migratory birds are present in areas where dredge material would be deposited. It is recommended that a professional ornithologist or a highly skilled birder be instructed to survey the entire area and vicinity where dredged materials would be placed for evidence of breeding migratory birds. Should any birds be found to be nesting or rearing chicks in the area, EC-CWS should be contacted for further instructions. In such an event, it is likely that it would be necessary to delay placement of dredge materials until birds have naturally migrated south.

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.

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) and Red Crossbill (*Rufa* subspecies, Endangered). Though unlikely to be found within the project footprint, these species may occur within the study area and we request that sightings be reported to EC-CWS.

Fuel 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."

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).

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: weatherinfo.meteo@ec.gc.ca. Hydrometric station data, both archived and real-time, are available at <http://www.ec.gc.ca/rhc-rsc/>. 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

Jerry Pulchan
Environmental Assessment Analyst
Environmental Protection Operations Directorate- Atlantic

Cc: M. Hingston



Government of Newfoundland and Labrador

Service NL

Operations

August 10, 2015

(REVISED from July 24, 2015)

Facsimile: 772-0918

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

Dear Ms. Martin:

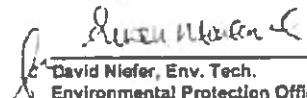
RE: Harbour Development and Dredging for Fisheries & Oceans Canada, Small Craft Harbours, O'Donnell's, NL (PWGSC Project No #: R.071033.035)

With reference to your e-mail of July 22, 2015 regarding the above-noted project, Service NL (Government Service Centre) would have no objections to the dredged material of 7500 cubic meters being deposited at a waste disposal site provided the following stipulations are met:

1. Sediment must be stock piled on site for a minimum of 24 hours to drain liquid off before being transported in water sealed trucks or containers to prevent leakage.
2. The material may be deposited at an approved waste disposal site with the prior permission of the site owner/operator.
3. All vehicles and heavy equipment must be clean, in good repair and inspected regularly to ensure there are no oil or fuel leaks.
4. In order to ensure that a quick and effective response to a spill event is possible, spill response equipment should be readily available on-site. Response equipment, such as absorbents and open-ended barrels for collection of clean-up 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.
5. Any spill or leak of gasoline or associated product is to be reported immediately to Service NL by calling the Environmental Emergencies Telephone Line at 772-2083 or 1-800-563-6089.

If you have any questions, please do not hesitate to contact the undersigned at (709) 729-4342

Regards,


David Niefer, Env. Tech.
Environmental Protection Officer

- C Derrick Maddocks, Director, Dept. of Environment & Conservation, Pollution Prevention Division (email copy)
Rob Locke, Manager of Operations, Environmental Protection, Service NL, 149 Smallwood Drive, ML Pearl



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

PERMIT TO ALTER A BODY OF WATER

Pursuant to the *Water Resources Act*, SNL 2002 cW-4.01, specifically Section(s) 48

Date: **AUGUST 06, 2015**

File No: **524**
Permit No: **ALT8211-2015**

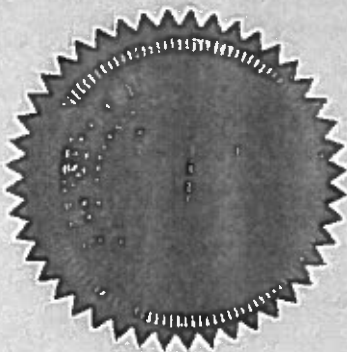
Permit Holder: **Department of Fisheries and Oceans Canada
Small Craft Harbour Branch
10 Barters Hill
St. John's NL A1C 5X1**


Attention: **Mr. Paul Curran**

Re: **O'Donnells - DFO-SGH Dredging**

Permission is hereby given for the removal of approximately 7500 cubic meters of material from Muscle Pond Cove in the Community of O'Donnell's to accommodate the extension and construction of marine structures and allow for increased berthage as outlined in the application received, dated June 28th and additional information received August 4, 2015

- This Permit does not release the Permit Holder from the obligation to obtain appropriate approvals from other concerned municipal, provincial and federal agencies.
- The Permit Holder must obtain the approval of the Crown Lands Administration Division if the project is being carried out on Crown Land.
- This Permit is subject to the terms and conditions indicated in Appendices A and B (attached).
- It should be noted that prior to any significant changes in the design or installation of the proposed works, or in event of changes in ownership or management of the project, an amendment to this Permit must be obtained from the Department of Environment and Conservation under Section 49 of the *Water Resources Act*.
- Failure to comply with the terms and conditions will render this Permit null and void, place the Permit Holder and their agent(s) in violation of the *Water Resources Act* and make the Permit Holder responsible for taking any remedial measures as may be prescribed by this Department.




MINISTER

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
Department of Environment and Conservation

File No: 524
Permit No: ALT8211-2015

APPENDIX A
Terms and Conditions for Permit

Dredging

1. Dredging activity must only be carried out during periods when wind, wave and tide conditions minimize the dispersion of silt and sediment from the work site.
2. The area to be dredged must be enclosed and isolated from the rest of the body of water through the use of a filter fabric curtain or similar method.
3. Dredged material must be disposed of in accordance with the regional Service NL. Centre of the Department of Service NL. The Department of Service NL may require samples to be submitted for testing and analysis.

General Alterations

4. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
5. Water pumped from excavations or 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*.
6. 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.
7. 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.
8. 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.
9. 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.
10. The bed, banks and floodplains of watercourses, or other vulnerable areas affected by this project, must be adequately protected from erosion by seeding, sodding or placing of rip-rap.
11. 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.
12. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
13. 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.
14. Fill 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.
15. The attached Completion Report (Appendix C) for Permit No. 8211 must be completed and returned to this Department upon completion of the approved works. Pictures must be submitted along with the completion report, showing the project site prior to and after development.
16. This Permit is valid for two years from the date of issue. Work must be completed by that date or the application and approval procedure must be repeated.
17. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.

18. All work must be carried out within the proponent's legal property boundaries

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
Department of Environment and Conservation

File No: 524
Permit No: ALT8211-2015

APPENDIX B
Special Terms and Conditions for Permit

1. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall keep all systems and works in good condition and repair and in accordance with all laws, by-laws, directions, rules and regulations of any governmental authority. The Permit Holder or its agent(s), subcontractor(s), or consultant(s) shall immediately notify the Minister if any problem arises which may threaten the structural stability of the systems and works, endanger public safety and/or the environment or adversely affect others and/or any body of water either in or outside the said Project areas. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall be responsible for all damages suffered by the Minister and Government resulting from any defect in the systems and works, operational deficiencies/inadequacies, or structural failure.
2. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall operate the said Project and its systems and works in a manner which does not cause any water related and/or environmental problems, including but not limited to problems of erosion, deposition, flooding, and deterioration of water quality and groundwater depletion, in or outside the said Project areas. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall be responsible for any and all damages associated with these problems caused as a result of changes, deficiencies, and inadequacies in the operational procedures by the Permit Holder or its agent(s), subcontractor(s), or consultant(s).
3. If the Permit Holder or its agent(s), subcontractor(s), or consultant(s) fails to perform, fulfil, or observe any of the terms and conditions, or provisions of this Permit and/or Ministerial orders and guidelines, as determined by this Department, the Minister may, after providing ten (10) day notice to the Permit Holder, amend, modify, suspend or cancel this Permit in accordance with the *Water Resources Act*.
4. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) indemnify and hold the Minister and Government harmless against any and all liabilities, losses, claims, demands, damages or expenses including legal expenses of any nature whatsoever whether arising in tort, contract, statute, trust or otherwise resulting directly or indirectly from granting this Permit, systems and works in or outside the said Project areas, or any act or omission of the Permit Holder or its agent(s), subcontractor(s), or consultant(s) in or outside the said Project areas, or arising out of a breach or non-performance of any of the terms and conditions, or provisions of this Permit by the Permit Holder or its agent(s), subcontractor(s), or consultant(s).
5. This Permit is subject to all provisions of the *Water Resources Act* and any regulations in effect either at the date of this Permit or hereafter made pursuant thereto or any other relevant legislation enacted by the Province of Newfoundland and Labrador in the future.
6. This Permit shall be construed and interpreted in accordance with the laws of the Province of Newfoundland and Labrador.

File No 524
Permit No ALT8211-2015

- cc: File Copy for Binder
- cc: Mr. Steve Barnable (E)
Manager, Eastern Regional Crown Lands
PO Box 8700
St. John's NL A1B 4J6
- cc: Fisheries Protection Division
Ecosystem Management Branch
Fisheries and Oceans Canada
P.O. Box 5667
St. John's NL A1C 5X1
- cc: Marine Safety
Transport Canada
P.O. Box 42
Moncton, NB E1C 8K6
- cc: Mr. Mark McNeil
Public Works and Government Services Canada, ES
1 Regent Square, Suite 204,
Corner Brook NL A2H 7K6
- cc: Ms. Cathy Martin
Public Works and Government Services Canada, ES
10 Barter's Hill
PO Box 4600
St. John's NL A1C 5T2
- cc: Dr. Abdel-Zaher Kamal Abdel-Razek, Ph. D., P.Eng
Manager, Water Rights and Investigations Section
Water Resources Management Division
Department of Environment and Conservation
P.O. Box 8700
St. John's NL A1B 4J6



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

Appendix C - Completion Report

Pursuant to the *Water Resources Act*, SNL 2002 cW-4.01, specifically Section(s) 48

Date: **AUGUST 06, 2015**

File No. **524**
Permit No. **ALT8211-2015**

Permit Holder: **Department of Fisheries and Oceans Canada
Small Craft Harbour Branch
10 Barbers Hill
St. John's NL A1C 5X1**

Attention: **Mr. Paul Curran**

Re: **O'Donnells - DFO-SCH Dredging**

Permission was given for the removal of approximately 7500 cubic meters of material from Muscle Pond Cove in the Community of O'Donnell's to accommodate the extension and construction of marine structures and allow for increased berthage as outlined in the application received, dated June 28th and additional information received August 4, 2015

I (the Permit Holder named above or agent authorized to represent the Permit Holder) do hereby certify that the project described above was completed in accordance with the plans and specifications submitted to the Department of Environment and Conservation and that the work was carried out in strict compliance with the terms and conditions of the Permit issued for this project.

Date: _____

Signature: _____

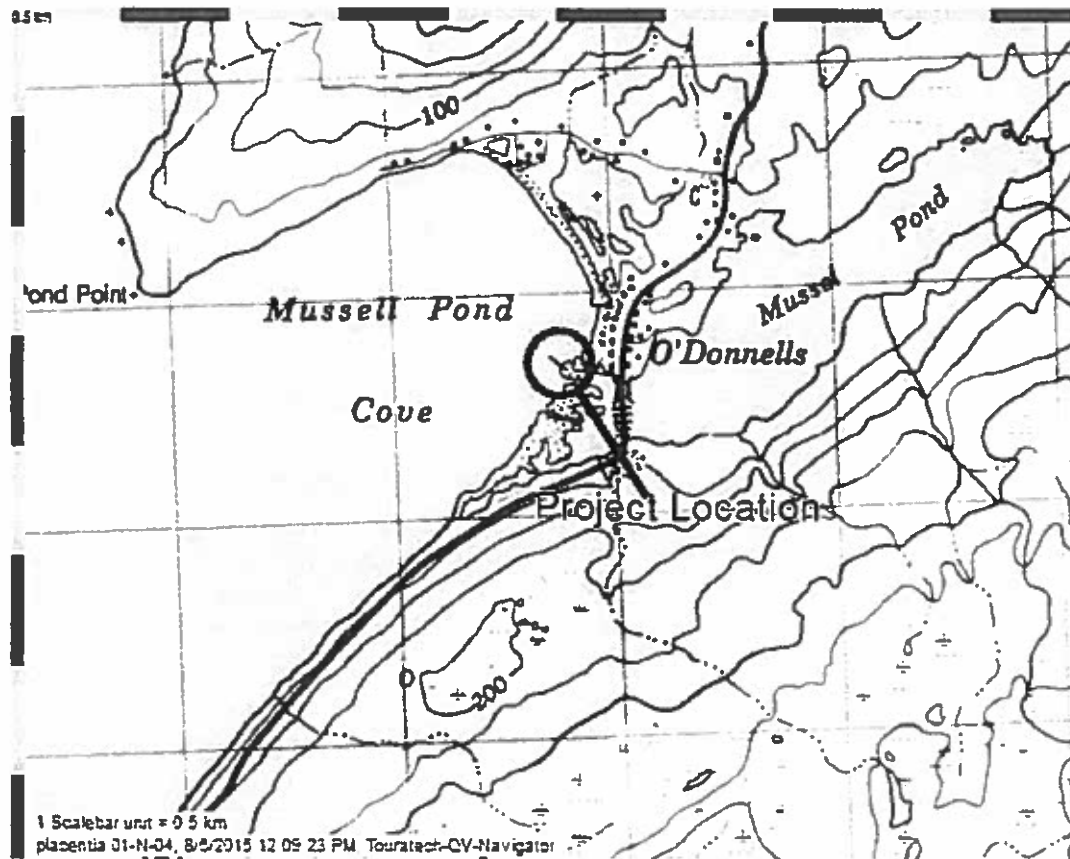
This completion report must be completed and forwarded to the following address upon completion of the approved work.

Department of Environment and Conservation
Water Resources Management Division
PO Box 8700
St. John's NL A1B 4J6

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
Department of Environment and Conservation

File No. 524
Permit No. ALT8211-2015

APPENDIX D
Location Map for Permit



Alexis Woodman

From: Andrew Temple
Sent: August-18-15 11:32 AM
To: Alexis Woodman
Subject: O'Donnells - Addendum #1

Alexis,

Please see attached.



Addendum #1 -
O'Donnells.pdf

Thanks,
Andrew

Andrew Temple, P. Eng
Project Manager
Public Works and Government Services Canada/
Travaux Publics et Services Gouvernementaux Canada
Andrew.Temple@pwgsc-tpsgc.gc.ca
Phone: (709) 764-0737
Facsimile/Telecopieur: (709) 772-0916
10 Barter's Hill, St. John's, NL/TN A1C 5T2

