

APPENDIX "A"

Environmental Screening Documentation

August 11, 2016

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

Dear Ms. Martin:

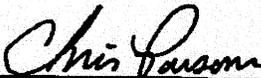
RE: Wharf Construction Dredging, located at 89 Lumley Cove Road, Fermuse, NL

Service NL has received your dredging application dated August 5, 2016, regarding the above noted project. The Department of Service NL would have no objections to the dredged material being deposited at an approved waste disposal site provided the following stipulations are met:

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

If you have any further questions or concerns, please feel free to contact the undersigned at 729-3098.

Regards,



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

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**

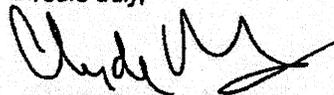
This letter is to inform you that as of January 1, 2011 permits will no longer be required under Section 48 of the *Water Resources Act* for the construction and maintenance of wharves, breakwaters, slipways and boathouses. Therefore blanket permit ALT5055 is canceled effective January 1, 2011. Water 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

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 (15m²) 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.**



Fisheries and Oceans Canada Pêches et Océans Canada

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

September 15, 2016

Your file Votre référence

Our file Notre référence
16-HNFL-00306

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

Dear Mr. Curran: *Paul:*

Subject: Implementation of mitigation measures to avoid and mitigate serious harm to fish – Wharf Construction and Dredging, Fermeuse (Sheep's Head), NL

The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada received your proposal on August 2, 2016. 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 site photographs;
- Project Drawings received August 17, 2016;
- Site Visit completed August 17, 2016; and
- Underwater video and Report received September 8, 2016

We understand that you propose to complete the following works/undertaking/activities to improve existing SCH facilities at Sheep's Head - Fermeuse Harbour:

- Remove existing floating dock structure;
- Construct a new timber crib marginal wharf (~41 m (L) x ~6.1 m (W)) and scour protection (~41 m (L) x ~2 m (W)) extending along the shoreline from the existing marginal wharf;
- Construct a clean rock mattress (~79 m (L) x 24 m (average width)) and a new timber crib finger pier (~69.3 m (L) x 71.6 m (W)) extending perpendicularly from the new marginal wharf;
- Dredge and remove substrate material (e.g. soft mud, clay, small rock) from an area (~ 525 m²) of the existing boat basin adjacent to the new marginal wharf and finger pier structures to provide safe vessel access and berthage.

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

- The project should be carried out in a manner that minimizes the release of sediment and/or other project related material into the waters of Fermeuse Harbour or any other adjacent water body.
- Project related activity – e.g. floating dock removal, rock mattress and scour protection, timber crib placement, and dredging - should be carried out during low tide and low wind/wave conditions.
- Project related activity should be suspended, and/or additional mitigation measures (i.e. deployment of a floating sediment boom/curtain) if wind or tide conditions cause sediment / turbid water to be visible outside the immediate project area.
- Rock material for timber crib ballast and rock mattress / scour protection should be clean rock free of fine erodible material and sized to resist displacement during storm and/or flood events.
- Rock material should not be end dumped; rather it should be dumped on land and placed on station using an excavator or similar equipment.
- Shoreline disturbance should be restricted to the immediate project related work area; any shoreline areas disturbed by project related activity should be stabilized as soon as possible to prevent erosion.
- 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.

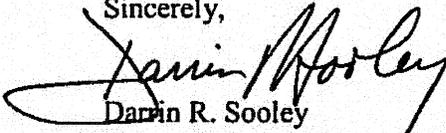
Provided that these mitigation measures are incorporated into your plans, the Program is of the view that your proposal will not result in serious harm to fish. The Program is also of the view that your proposal will not contravene sections 32, 33 or 58 of the *Species at Risk Act*. No formal approval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

Please provide this office notification 10 days prior to commencement of the proposed project. A copy of this letter should be kept on site while the work is in progress. If you

have any questions with respect to this letter please contact the undersigned by phone ((709) 772-3521), fax ((709)772-5562) or email (darrin.sooley@dfo-mpo.gc.ca). Please refer to the file number referenced above when corresponding with the Program.

Sincerely,



Darrin R. Sooley

Senior Biologist, Coastal Marine Oil & Gas Development
Fisheries Protection Program – Regulatory Reviews
Ecosystems Management Branch, NL Region

Cc: Cathy Martin – PWGSC, St. John's



Government of Newfoundland and Labrador
Department of Environment and Climate Change
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 29, 2016**

File No: **524**
Permit No: **ALT8839-2016**

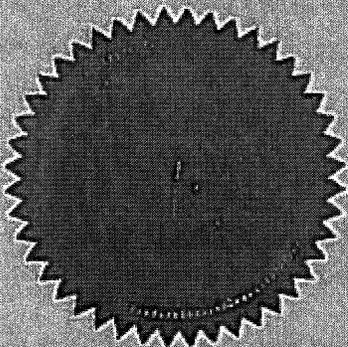
Permit Holder: **Fisheries and Oceans Canada - Small Craft Harbours**
P.O. Box 5667
10 Barters Hill - John Cabot Building
St. John's, NL, A1C 5X1

Attention: **Mr. Paul Curran**

Re: **Fermeuse (Fermeuse Harbour) - Dredging**

Permission is hereby given for : the removal of approximately 5000 cubic meters of material from Fermeuse Harbour to facilitate the construction of a new marginal wharf and finger pier structure and to allow safe passage of marine traffic to use the new marginal wharf in the Community of Fermeuse, as indicated in Appendices A and D of this Permit (attached), in reference to the application received August 18.

- 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 Climate Change 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 Climate Change

File No. 524
Permit No. ALT8839-2016

APPENDIX A
Terms and Conditions for Permit

Dredging

1. Alteration of the natural minimum streamflow is not permitted in order to preserve aquatic life.
2. The natural course of any stream must not be altered.
3. 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.
4. 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.
5. 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. Only suitable, rocky material dredged may be used for breakwater construction as it will not be susceptible to erosion.

General Alterations

6. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
7. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
8. 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*.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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 this Department.
15. 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.
16. All waste materials resulting from this project must be disposed of at a site approved by the Department of Service NL.
17. 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.
18. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.

19. 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.
20. 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.
21. The attached Completion Report (Appendix C) for Permit No. 8839 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.
22. 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.
23. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.
24. All work must be carried out within the Permit Holder's legal property boundaries.

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
Department of Environment and Climate Change

File No: 524
Permit No: ALT8839-2016

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: ALT8839-2016

- cc: Fisheries Protection Division
Ecosystem Management Branch
Fisheries and Oceans Canada
P.O. Box 5667
St. John's, NL A1C 5X1
FPP-NL@dfo-mpo.gc.ca
- cc: Marine Safety
Transport Canada, Atlantic Regional Headquarters
Airports, Harbours and Ports, and Environmental Services
95 Foundry St.
P.O. Box 42
Moncton, NB E1C 8K6
marinesafety-securitemaritime@tc.gc.ca
- cc: Mr. Mark McNeil
Environmental Services
Department of Public Works and Government Services Canada
Suite 204, 1 Regent Square
Corner Brook, NL A2H 7K6
mark.mcneil@pwgsc-tpsgc.gc.ca
- 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 Climate Change
P.O. Box 8700
4th Floor, West Block, Confederation Building
St. John's, NL A1B 4J6
aabdelrazek@gov.nl.ca



Government of Newfoundland and Labrador
Department of Environment and Climate Change
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 29, 2016**

File No: **524**
Permit No: **ALT8839-2016**

Permit Holder: **Fisheries and Oceans Canada - Small Craft Harbours
P.O. Box 5667
10 Barbers Hill - John Cabot Building
St. John's, NL, A1C 5X1**

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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 Climate Change 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 Climate Change
Water Resources Management Division
PO Box 8700
St. John's NL A1B 4J6

APPENDIX D
Location Map for Permit

