

Buyer ID – Id de l'acheteur
pwd003
CCC No./Nº CCC – FMS No/Nº VME



Fisheries and Oceans
Canada

Pêches et Océans
Canada

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

August 6th, 2021

Your file Votre référence

Our file Notre référence

21-HNFL-00380

Regional Engineer, Small Craft Harbours
North Atlantic Fisheries Center
80 East White Hills Road, St. John's, NL
A1C 5X1

Attention: Mr. Paul Curran, P. Eng.

**Subject: Re: Wharf Replacement, Cape St. George, Bay St. George, NL –
Implementation of Measures to Avoid and Mitigate the Potential for
Prohibited Effects to Fish and Fish Habitat**

Dear Mr. Curran:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on July 8th, 2021. We understand that you propose to:

- Remove and demolish the existing 80m long by 10.62m wide timber crib wharf including a concrete spray wall on the seaward side and clean debris from the perimeter up to 4m outside of the structure;
- Construct a new 73.2m long by 7.93m wide timber crib wharf within the footprint of the existing wharf. Timber cribs for the new wharf will be filled with a mix of ballast rock and concrete, and a new concrete spray wall and armour stone protection will be placed on the outside face of the new wharf; and
- The project will be carried out from land or barge using heavy equipment such as excavators, barges and dump trucks.

Our review considered the following information:

- Request for Review, site photo and engineering diagrams received on July 8th, 2021 (C. Martin to N. Collins).
- Meeting between O'Rourke/Curran (et.al.) June 28, 2021

Your proposal has been reviewed to determine whether it is likely to result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*; and
- effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*; and
- The introduction of aquatic species into regions or bodies of water frequented by fish where they are not indigenous, which is prohibited under section 10 of the *Aquatic Invasive Species Regulations*.

The aforementioned outcomes are prohibited unless authorized under their respective legislation and regulations.

To avoid and mitigate the potential for prohibited effects to fish and fish habitat (as listed above), we recommend implementing the measures listed below:

- Limit the duration of in-water works to only activity related to the above noted project elements so that it does not diminish the ability of fish to carry out one or more of their life processes (spawning, rearing, feeding, migrating);
- Conduct in-water undertakings and activities during periods of low tide and low wind/wave conditions;
- No temporary or permanent increase in existing footprint below the high water mark;
- Implement erosion and sedimentation controls as needed to avoid the introduction of sediment into any waterbody during all phases of work
 - Install effective erosion and sediment control measures prior to beginning work in order to stabilize all erodible areas;
 - Regularly inspect and maintain the erosion and sediment control measures and structures during all phases of the project;
 - Regularly monitor the area for signs of sedimentation during all phases of the project and take corrective action;
 - Keep the erosion and sediment control measures in place until all disturbed ground has been permanently stabilized;
 - Remove all exposed, non-biodegradable sediment control materials once the site is stabilized;
 - Schedule work to avoid wet, windy, and rainy periods that may result in high wave action and/or increase erosion and sedimentation;
- Operate machinery on land in stable dry areas, or from stable floating platforms;
- All materials placed in or near water should be clean and free of fines, concrete or any other deleterious substance and of sufficient size to resist displacement by wave action;
- Rock material should not be end dumped; rather, it should be placed on station using an excavator or similar equipment;
- Dispose all demolition material, especially any demolished timber and concrete, at an approved waste disposal site;

- When works are completed, shoreline and approaches should be restored to original condition; and
- Be aware of AIS species in the area and take precautions with respect to any vessel traffic and gear movement between affected and unaffected areas to prevent introductions and spread (<https://www.dfo-mpo.gc.ca/species-especes/ais-eae/index-eng.html>):
 - All equipment used in water should be cleaned, drained and dried on land before and after use for the purposes of preventing the introduction or spread of aquatic invasive/non-indigenous species; and
 - Report any AIS and non-indigenous species to DFO at 1-855-862-1815 or AISEAE.XNFL@dfo-mpo.gc.ca.

Provided that you incorporate these measures into your plans, the Program is of the view that your proposal is not likely to result in the contravention of the above mentioned prohibitions and requirements.

Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. Consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consult with a qualified environmental consultant to determine if further review may be necessary. It remains your responsibility to remain in compliance with the *Fisheries Act*, the *Species at Risk Act* and the *Aquatic Invasive Species Regulations*.

It is also your *Duty to Notify* DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to (<http://www.dfo-mpo.gc.ca/pnw-ppe/contact-eng.html>).

We recommend that you notify this office and the local Conservation and Protection (C&P) office at least 10 days before starting your project and that a copy of this letter be kept on site while the work is in progress. It remains your responsibility to meet all other federal, territorial, provincial and municipal requirements that apply to your proposal.

Please note that the advice provided in this letter will remain valid for a period of 1 year from the date of issuance. If you plan to execute your proposal after the expiry of this letter, we recommend that you contact the Program to ensure that the advice remains up-to-date and accurate. Furthermore, the validity of the advice is also subject to there being no change in the relevant aquatic environment, including any legal protection orders or designations, during the 1 year period.

If you have any questions with the content of this letter, please contact Jack O'Rourke by cell at (709) 725-1286 or by email at John.ORourke@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

John O'Rourke
Senior Biologist – Hydro, Flows & Linear Development
Regulatory Review, Fish and Fish Habitat Protection Program

CC: Ms. Cathy Martin, Environmental Services, PWGSC.

PART 1 - GENERAL

1.1 RELATED
SECTIONS

- .1 Section 01 35 43 - Environmental Procedures.
- .2 Section 01 74 21 - Construction/Demolition Waste Management and Disposal.

1.2 DESCRIPTION

- .1 This section specifies requirements for demolishing and removing wholly or in part various items designated to be removed or partially removed.

1.3 GENERAL
REQUIREMENTS

- .1 A Notice to Shipping is to be issued prior to commencement and upon completion of work.
- .2 During construction, any vessels or barges utilized must be marked in accordance with the provisions of the Canada Shipping Act Collision Regulations.
- .3 Upon completion of the project, a written Notice to Mariners must be issued.

1.4 PROTECTION

- .1 Protect existing objects designated to remain. In event of damage, immediately replace or make repairs to approval of and at no additional cost to Canada.
- .2 Place a floating boom around entire demolition site to prevent loss of any materials.
- .3 Remove all floating debris from water on a routine and timely basis.

1.5 MEASUREMENT FOR
PAYMENT

- .1 All cost for items in this section is to be measured in fixed price items including all plant, labour, material required to complete this work as indicated on drawings and specifications.

PART 3 - EXECUTION

3.1 EXECUTION

- .1 Inspect site and verify with Departmental Representative objects designated for removal.

3.2 REMOVAL

- .1 Demolition, removal and disposal of existing timber cribs wharf structure including wheel guards, reinforced concrete wharf deck, mooring cleats c/w cleat blocks, fenders, ladders, mooring rings, timber crib, timber ballast floor and existing rock ballast and concrete ballast.
- .2 Removal of two (2) existing electrical pedestals including associated conduits and wiring.
- .3 Removal of three existing wooden poles c/w existing light fixtures and associated wiring conduits.
- .4 Removal of existing galvanized stairs, store on site during wharf reconstruction. Install on new wharf. See new location on accompanying drawings.
- .5 Remove in their entirety all materials and objects specified for removal.
- .6 Do not disturb adjacent work designated to remain in place.

3.3 DISPOSAL OF MATERIAL

- .1 All demolished materials, except materials designated to be reused, will become property of contractor and will be removed from site and disposed of to satisfaction of Departmental Representative and in accordance with environmental guidelines. It is the sole responsibility of the contractor to dispose of all demolished materials at an approved disposal site. Ensure that disposal site is approved and willing to accommodate any materials disposed of from work site. All creosote material shall be removed and disposed at the Contractor's cost, including disposal fees, at the approved waste disposal facility at Norris Arm, NL. Contractor shall make all necessary arrangements with the approved waste disposal facility prior to start of work.

3.3 DISPOSAL OF
MATERIAL
(Cont'd)

- .2 Contractor shall obtain and pay for all necessary permits and disposal fees for use of an approved waste disposal site.
- .3 Contractor to dispose of all demolished materials at a provincially approved waste disposal facility. Ensure the disposal site is approved and willing to accommodate any materials, including treated timbers, disposed of from the work.
- .4 Excavated material from below water to be transported using watertight dump trucks to a provincially approved waste disposal facility.
- .5 Contractor to collect two (2) creosote timber samples from timbers that were located below L.N.T. Contractor to contact BV Labs (formerly Maxxam Analytics) at 49 Elizabeth Avenue, Telephone, 709-754-0203 to determine the sampling requirements. Samples to be tested for treated timber package (cresols, benzo (a) pyrene, PCP), TCLP leachate. Results of sampling to be presented to representatives of the Robin Hood Bay landfill site at the time of disposal. Contractor responsible for costs of sampling and testing.
- .6 Refer to Appendix A - Project Effects Determination Report.

3.4 RESTORATION

- .1 Upon completion of work, remove debris, trim surfaces and leave work site in clean condition.
- .2 Reinstate areas and existing works outside areas of demolition to conditions that existed prior to commencement of work.