

## 1.1 References

- .1 Canada Shipping Act, Transport Canada, 2001, amended 2013-12-01
- .2 Canadian Coast Guard Regulations, Fisheries and Oceans Canada
- .3 Canadian Environmental Assessment Act, 2012, amended 2013-11-25
- .4 Canadian Environmental Protection Act, 1999, amended on 2014-03-28
- .5 Fisheries Act, 1985, Fisheries and Oceans Canada, amended 2013-11-25
- .6 Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters, 1998
- .7 Migratory Birds Convention Act, 1994, Environment Canada, amended 2010-12-10
- .8 Navigation Protection Act, 1985. Transport Canada, amended 2014-04-01
- .9 NL Provincial Environment Acts and Regulations
- .10 Species at Risk Act, 2002, amended 2013-03-08
- .11 The Federal Policy on Wetland Conservation, 1991, Environment Canada
- .12 Transportation of Dangerous Goods Act, 1992, Transport Canada, amended 2009-06-16
- .13 Workplace Hazardous Materials Information System, Health Canada.

## 1.2 Definitions

- .1 Archaeological resources: all tangible evidence of human activity that is of Historical, cultural or scientific interest. Examples include features, structures,

archaeological objects or remains at or from an archaeological site, or an object recorded as an isolated archaeological find.

- .2 Buffer zone: a vegetated land that protects watercourses from adjacent land uses. It refers to the land adjacent to watercourses, such as streams, rivers, lakes, ponds, oceans, and wetlands, including the floodplain and the transitional lands between the watercourse and the drier upland areas.
- .3 Deleterious substance: (a) any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water, or (b) any water that contains a substance in such quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water.
- .4 Fish habitat: spawning grounds and any other areas, including nursery, rearing, food supply and migration areas, on which fish depend directly or indirectly in order to carry out their life processes.
- .5 Hazardous material: Product, substance, or organism that is used for its original purpose; and that is either dangerous goods

or a material that may cause adverse impact to the environment or adversely affect health of persons, animals, or plant life when released into the environment.

- .6 Invasive or alien species: refers to a species or subspecies introduced outside its normal distribution whose establishment and spread threaten ecosystems, habitats or species with economic or environmental harm.
- .7 Navigable water: a canal and any other body of water created or altered as a result of the construction of any work.
- .8 Surface watercourse: refers to the bed and shore of a river, stream, lake, creek, pond, marsh, estuary or salt-water body that contains water for at least part of each year.
- .9 Wetlands: land where the water table is at, near or above the surface or which is saturated for a long enough period to promote such features as wet-altered soils and water tolerant vegetation. Wetlands include organic wetlands or "peatlands," and mineral wetlands or mineral soil areas that are influenced by excess water but produce little or no peat.

### 1.3 Transportation

- .1 Transport hazardous materials and hazardous waste in compliance with the Transportation of Dangerous Goods Act.
- .2 Eliminate free board spillage when excavating, loading and hauling excavated material.
- .3 Trucks transporting excavated material will have watertight boxes.
- .4 Do not overload trucks when hauling excavated material.

- .5 Maintain trucks clean and free of mud, dirt and other foreign matter.
- .6 Secure contents against spillage. Avoid potential release of contents and of any foreign matter onto highways, roads and access routes used for the work. Immediately clean any ground spills and soils to extent as directed by authority having jurisdiction.
- .7 Prior to commencement of work, advise and seek approval from the Departmental Representative of the existing roads and temporary routes/roads proposed to be used to access work areas.
- .8 Construction material and debris is not to become waterborne.
- .9 Any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in navigable water are not to remain in place after the completion of the project.
- .10 Vessels are to be permitted safe access through the worksite at all times, and assisted as necessary.
- .11 All materials and equipment used in construction must be marked in accordance with the Collision Regulations of the Canada Shipping Act, 2001 when located on the waterway.
- .12 Advise the Canadian Coast Guard, Marine Communication and traffic Services (MCTS) sufficiently in advance of commencement of work or when deploying or removing site markings in order to allow for appropriate

Notices to Shipping/Mariners action.

- .13 Work activities must comply with all / any conditions of the Navigation Protection Act (NPA) permit issued by Transport Canada.

1.4 Temporary Causeways and Access Roads

- .1 It will be the Contractor's responsibility to gain access to the work area.
- .2 Heavy machinery and equipment must be operated from a dry platform only. Temporary causeways and access roads shall be constructed at an elevation such that machinery and equipment is operating completely out of the water at all stages of the tide. If tidal work is being carried out, machinery and equipment shall be relocated back to a suitable elevation to prevent operating in submerged waters.

1.5 Operation of Machinery

- .1 Ensure that machinery arrives on site in a clean condition and is maintained free of fluid leaks, invasive species and noxious weeds.
- .2 Whenever possible, operate machinery on land above the high water mark, on ice, or from a floating barge in a manner that minimizes disturbance to the banks and bed of the water body.
- .3 Wash, refuel and service machinery and store fuel and other materials for the machinery in such a way as to prevent any deleterious substances from entering the water.

1.6 Containment and Spill Management

- . 1 Comply with Federal (CEPA Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations) and Provincial

regulations, codes, standards and guidelines for the storage of fuel and allied petroleum products on or near the site.

- .2 Do not dump petroleum products or any other deleterious substances on ground or in the water.
- .3 Be diligent and take all necessary precautions to avoid spills and activities that may potentially contaminate the soil and water (both surface and subsurface) when handling petroleum products on site and during fueling and servicing of vehicles and equipment.
- .4 Maintain on site appropriate emergency spill response equipment consisting of at least one 250-litre (55 gallon) over pack spill kit for containment and cleanup of spills.
- .5 Maintain vehicles and equipment in good working order to prevent leaks on site.
- .6 In the event of a petroleum spill, immediately notify the Departmental Representative and the Canadian Coast Guard (CCG) at 1-800-565-1633 (24 hour report line). Perform clean-up in accordance with all regulations and procedures stipulated by authority having jurisdiction.
- .7 Materials such as paint, primers, blasting abrasives, rust solvents, degreasers, grout, or other chemicals are not to enter the watercourse.
- .8 Develop a response plan that is to be implemented immediately in the event of a sediment release or spill of a deleterious substance.

- 1.7 Hazardous Material Handling
- .1 Store and handle hazardous materials in accordance with applicable federal and provincial regulations, codes, standards and guidelines. Store in location that will prevent spillage into the environment.
  - .2 Label containers to WHMIS requirements and keep MSDS data sheets on site for all hazardous materials.
  - .3 Maintain inventory of hazardous materials and hazardous waste stored on site. List items by product name, quantity and date when stored.
  - .4 Store and handle flammable and combustible materials in accordance with National Fire Code.
- 1.8 Disposal of Wastes
- .1 Do not bury rubbish, construction & demolition debris and waste materials on site.
  - .2 Dispose and recycle construction and demolition debris and waste materials in accordance with Provincial Waste Management Regulations.
  - .3 Do not dispose of hazardous waste, volatile materials (such as mineral spirits, paints, thinners etc.) and petroleum products into waterways, storm or sanitary sewers or in waste landfill sites.
  - .4 Dispose of hazardous waste in accordance with applicable federal and provincial, regulations, codes, standards and guidelines.
- 1.9 Water Quality
- .1 Conduct all work activities in such a manner to limit turbidity and reduce sediment suspension in the water to an absolute minimum at all times.

- .1 Maintain appropriate production speed and momentum of the excavation equipment. Make adjustments as required and as approved by Departmental Representative.
- .2 Strategically position excavator equipment and haul vehicles to avoid over the water swings of excavated material whenever possible.
- .3 Avoid bottom stockpiling, dragging or side casting material during excavation. If these activities are being proposed, the Contractor must:
  - .1 Employ suitable operational and engineering controls e.g., silt curtain), as approved by the Departmental Representative, around the excavation work area, or
- .4 Where work may affect the water quality adjacent to water intake lines used by lobster holding facilities, fish processing facilities and other harbour users, schedule work in cooperation with the Harbour Authority as directed by Departmental Representative to minimize interference and impact to harbour users.
- .5 Do not wash down equipment within a 30 meter buffer zone of a wetland, watercourse or other identified environmentally sensitive area.
- .6 Where required, install effective sediment control measures before starting work to prevent the entry or re-suspension of sediment in the water body. Inspect sediment control measures regularly to ensure they are functioning properly, and make all necessary repairs



if any damage occurs. Upon completion of use, remove these control measures in a way that prevents the escape of settled sediment.

1.12 Socioeconomic  
Restrictions

- .1 Abide by municipal and provincial regulations for any restrictions on work performed during the night time and on flood lighting of the site. Obtain applicable permits.
- .2 Place flood lights in opposite direction of adjacent residential and business areas.
- .3 Work equipment and machinery must be equipped with purposely designed mufflers to reduce noise on site to lowest possible level. Maintain mufflers in good operating condition at all times.

1.13 Bird and Bird  
Habitat

- .1 Become knowledgeable with and abide by the Migratory Birds Convention Act (MBCA) in regards to the protection of migratory birds, their eggs, nests and their young encountered on site and in the vicinity.
- .2 Minimize disturbance to all birds on site and adjacent areas during the entire course of the Work.
- .3 Do not approach concentrations of seabirds, waterfowl and shorebirds when anchoring equipment, accessing wharves or ferrying supplies.
- .4 During night time work, shield and position flood lights downwards and the in opposite direction of nearby bird nesting habitat.
- .5 Do not use beaches, dunes and other natural previously undisturbed areas of the site to conduct work unless specifically approved by the Departmental Representative.

- .6 Should nests of migratory birds in wetlands be encountered during work, immediately notify Departmental Representative for directives to be followed.
  - .1 Do not disturb nest site and neighbouring vegetation until nesting is completed.
  - .2 Minimize work immediately adjacent to such areas until nesting is completed.
  - .3 Protect these areas by following recommendations of Canadian Wildlife Service.

1.14 Fish Protection

- .1 Avoid wet, windy and rainy periods that may increase erosion and sedimentation.
- .2 Ensure that all in-water activities, or associated in-water structures, do not interfere with fish passage, constrict the channel width, or reduce flows.

1.15 Air Quality

- .1 Keep airborne dust and dirt resulting from the work on site to an absolute minimum.
- .2 Dust suppression by the application of water must be employed, when required. Apply dust control measures to roads, parking lots and work areas. The Departmental Representative shall determine locations where water is to be applied, the amount of water to be applied, and the times at which it shall be applied. Waste oil must not to be used for dust control under any circumstances.

1.16 Fires

- .1 Fires and burning of rubbish on site not permitted.

1.17 Archaeological

- .1 All construction personnel are responsible

for reporting any unusual materials unearthed during construction to the construction supervisor. If the find is believed to be an archaeological resource, the construction supervisor will immediately stop work in the vicinity of the find and notify his / her immediate supervisor.

- .2 If an archaeological and / or historically significant item is discovered during excavation, work in the area will be stopped immediately and the Departmental Representative will be contacted.
- .3 Work can only resume in the vicinity of the find when authorized by the departmental Representative.
- .4 In the event of the discovery of human remains or evidence of burials, the excavation work will immediately cease and nearest law enforcement agency will be contacted immediately by the Departmental Representative.