



IMPACT ASSESSMENT ACT - SIGNIFICANCE OF ENVIRONMENTAL EFFECTS DETERMINATION (SEED) FORM BASIC OR NON-BASIC PROJECT

The purpose of this form is to summarize and document the significant adverse environmental effects of a project as per s.82 of the *Impact Assessment Act* (IAA). Consult the Basic/Non-Basic Project Requirements (s.3.6 of Departmental Procedure) for details and follow the SEED Guidelines (Entry Instructions & Linkages to PATH Record Keeping and IAA Registry). All completed and signed SEED documents shall be uploaded to PATH and the SCHED drive.

GENERAL INFORMATION

1. Project Title: Harbour Development, Norris Point (Neddy Harbour), NL	
2. Proponent: Fisheries and Oceans Canada-Small Craft Harbours (DFO-SCH)	
3. Other Contacts: Public Services and Procurement Canada (PSPC)	4. Role of each contact: OGD Consultant
5. Source (Contact): Paul Curran, Regional Engineer, DFO-SCH	
6. Received Date or Assessment Start Date: July 14 th , 2021	
7. PATH No(s):	8. DFO File No: 21-HNFL-00482
9. TC File No.: ATL0071 NPP File No: 2021-204913	10. Canadian Impact Assessment Registry Reference No.: 82954

PROJECT DESCRIPTION AND JUSTIFICATION

11. Project Location: The Project site is located within the community of Norris Point approximately 124 km north of the city of Corner Brook. The project site is located at coordinates 49° 31' 40.08" N, 57° 52' 22.85" W and is accessible via Highway 15 off of Route 430. A map and photo of the project location are provided an Appendix A.
12. Project Summary: The proposed Project includes the construction of a new treated timber crib marginal wharf and finger pier, launchway, two (2) floating docks and armour stone breakwater. The uplands will be backfilled to create laydown area as well as give greater access to the facility. A small storage/electrical building will be constructed on the east side of the development. The harbour basin will be dredged to a depth of -2.0 meters. All demolition debris (including creosote timber) will be disposed of at an approved waste site.
13. Review of Alternatives: N/A



PROJECT REVIEW

14. Rationale for the Application of Section 82 of IAA:

Project is on federal land and;

- DFO-SCH is proposing the project, as the proponent
- DFO-SCH is proposing to issue *Fisheries Act* Authorization, *Species at Risk Act* Permit or other regulatory approval
- DFO-SCH is proposing to provide financial assistance to another party to enable the project to proceed
- DFO-SCH is proposing to grant a license or interest in federal land to enable the project to proceed
- Other

15. Primary Authority and Rationale for Involvement: DFO-SCH is the proponent

16. Other Authorities and Rationale for Involvement: Transport Canada – Navigation Protection Program and Environmental Programs and Indigenous Relations - *Canadian Navigable Waters Act*.

Fisheries and Oceans Canada – Fish and Fish Habitat Protection Program (DFO FFHPP)

DFO FFHPP reviewed the project and provided advice regarding the Implementation Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat. It was determined that an application for Authorization under the Fisheries Act is required. DFO FFHPP determined that a HADD (Harmful Alteration, Disruption or Destruction) of productive marine fish habitat will be caused as a result of the marine footprint of the proposed DFO Small Craft Harbours (DFO-SCH) Development activities in Neddy Harbour, NL. As such, DFO-SCH will submit an offsetting Plan (the Plan) for the new SCH footprint as required under Section 35 of the Fisheries Act. The FAA file number is 21-HNFL-00482.

17. Other Contacts and Nature of Response:

Newfoundland and Labrador Department of Environment, Climate Change and Municipalities, Water Resources Management Division (NLDECCM WRMD)

NLDECCM WRMD issued a Permit to Alter a Body of Water for dredging and infilling components of the project (Appendix B).

Newfoundland and Labrador Department of Environment, Climate Change and Municipalities, Environmental Assessment Division (NLDECCM EAD)

NLDECCM EAD provided a response letter indicating that registration is not required under Section 47 of the Environment Protection Act, SNL 2002, cE-14.2. (Appendix B).

Service NL (SNL)

Digital Government and Service NL – Service NL, approved the disposal of dredged material at an approved landfill (Appendix B).

18. Nature of Project:

- | | | |
|--|---|---|
| <input type="checkbox"/> Building and Property Development | <input type="checkbox"/> Remediation and conservation | <input type="checkbox"/> Airport and Airfields |
| <input type="checkbox"/> Mines and Minerals | <input type="checkbox"/> Maintenance Activities (fences, walls) | <input type="checkbox"/> Dams and Reservoirs |
| <input checked="" type="checkbox"/> Ports and Harbours | <input type="checkbox"/> Nuclear Energy | <input type="checkbox"/> Railways |
| <input type="checkbox"/> Oil and Gas | <input type="checkbox"/> Bridges | <input type="checkbox"/> Hydroelectric Energy |
| <input type="checkbox"/> Highways and Roads | <input type="checkbox"/> Waste Management | <input type="checkbox"/> Alternative Energy |
| <input type="checkbox"/> Water Management | <input type="checkbox"/> Agriculture | <input type="checkbox"/> Other, not otherwise specified |
| <input type="checkbox"/> Recreation and Tourism | <input type="checkbox"/> Forestry | |



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

Project Description

Construction/Installation

The proposed project involves the construction of a new treated timber crib marginal wharf and finger pier, launchway, two (2) floating docks and armour stone breakwater. The uplands will be backfilled to create laydown area as well as give greater access to the facility. There will be approximately 36 meters of timber crib marginal wharf constructed and will include a concrete deck measuring 3 meters wide. The finger pier will measure 18.3 meters by 6.1 meters with a concrete deck over the entire structure. A small storage/electrical building will be constructed on the east side of the development.

Total area of construction below LNT will be as follows:

- Launchway: Approximately 160 m²
- Timber Crib Wharf: Approximately 372 m²
- Breakwater: Approximately 2295 m²
- Laydown Area Infilling (outside of HWL): 1635 m²

Dredging

The project will also involve dredging 2082 m² of the interior of the basin to -2.0 metres below LNT which will see the removal of approximately 3100m³ of sediment. Sediment material will be reused for infilling the uplands laydown area. It is anticipated that equipment such as excavators, dump trucks and loaders will be used for dredging. To reach the dredge area, a floating barge or a temporary access road may be utilized. It should be noted that the final decision on dredging methods will be determined by the successful contractor and executed upon approval by the DFO representative.

Schedule

The proposed work is expected to commence April 2022, pending funding and approvals. The work is expected to be completed within 56 weeks.

Operation / Maintenance

DFO-SCH's Environmental Management Plan (EMP) and site-specific Emergency Response Plans cover operational aspects of environmental management at Small Craft Harbour facilities and constitute the basis for the environmentally responsible management of harbour operations (i.e., fuelling, waste disposal, activities at the property and on the water). The proposed physical works will adhere to these environmental management standards established by DFO-SCH. The proposed project is intended to improve continued operations at the Norris Point wharf site.

Maintenance of the Small Craft Harbours infrastructure will be conducted on an as-needed basis and will undergo separate impact assessment and legislative review as future stand-alone project(s).

Environmental effects resulting from the operation and maintenance of the proposed physical works are not considered further in this assessment.

Abandonment / Decommissioning

There is currently no plan to decommission or abandon the Norris Point SCH. The very nature of the proposed project is intended to ensure the viability and safety of the harbour facility primarily for commercial fisheries and navigation.

At the time of decommissioning, DFO-SCH will develop a site specific re-use or reclamation plan that is appropriate for the applicable environmental legislation and DFO policies. The decommissioning of facilities would undergo separate impact assessment and legislative review as future stand-alone project.

Environmental effects resulting from the abandonment or decommissioning of the proposed physical works or the SCH facility are not considered further in this assessment.

Accidents and Malfunctions

Accidents and malfunctions have the potential to occur when undertaking a physical activity. Potential environmental effects resulting from accidents and malfunctions over the course of the proposed project are, therefore, considered in this assessment.



ENVIRONMENTAL SETTING

20. Environment Description:

Physical Environment

The project site is located within the community of Norris Point on the northern peninsula of Newfoundland and Labrador. The project site at coordinates 49° 31' 40.08" N, 57° 52' 22.85" W and is accessible via Highway 15 off of Route 430. There is no residential housing in the immediate vicinity of the site. A concrete launchway, wooden slipway, floating docks and headblocks are in the immediate vicinity of the project site. The immediate project area is flat and void of any vegetation. The upland area is developed and characterized by moderate slopes, some shrubs and grassy vegetation. A topographic map and site photo are provided in Appendix A.

Underwater dive surveys conducted in September 2021 indicated that the intertidal and shallow subtidal zones within the project footprint are characterized by a gentle slope downward to the South with a water depth range of 0.0 to 5.0m. Substrate in this area is mostly soft sediment, dominated by mud and sand (70%) with some rubble, cobble, gravel and shell.

Marine sediment sampling was conducted in August 2021 in the Project area to characterize sediment in the vicinity of the wharf replacement. Sediment sample analysis included but was not limited to petroleum hydrocarbons (PHCs), polycyclic aromatic hydrocarbons (PAHs) and metals. Four sediment samples were collected in the vicinity of the existing wharf. The four (4) sediment samples analyzed revealed:

- All four samples tested within the CCME Industrial Soil Quality Guidelines for arsenic (Soil Update 7.0: September 2007);
- None of the samples exceeded CCME Human health guidelines based on carcinogenic effects of PAHs: Polycyclic Aromatic Hydrocarbons (2010) Table 1; *SQG based on incremental lifetime cancer risk (ILCR) of 10-5;
- All four samples tested within CCME Environmental health guidelines for an industrial site: Polycyclic Aromatic Hydrocarbons (2010);
- Modified Total Petroleum Hydrocarbons (TPH) were detected in the samples but below the 1000mg/kg guidance;
- All samples tested below the CCME Industrial Soil Quality Guidelines for BTEX parameters identified for landfill disposal (Soil Update 7.0: September 2007);
- PCB's were NOT detected in any of the four samples.

Canadian Climate Normals (1981-2010) for the Cormack weather station (49° 19'N, 57° 24'W) indicate that the project area receives an average of 934.7 mm of rain and 328.8 cm of snow annually. Extreme precipitation events of up to 79.2 mm and extreme snow depths of 140 cm have been recorded. Temperatures range from an extreme minimum of -37.5°C to an extreme maximum of 33.5°C. The daily average temperature for the Cormack weather station is 3.2°C.

Biological Environment

Fauna within the general area of the Project is limited to nearshore fish species such as cunner, tomcod, sculpin, winter flounder, and lobster. While marine mammals such as whales and seals are common in the general area, it is unlikely that they frequent the immediate vicinity of the Project site.

The project site is located within the Serpentine subregion, the serpentine and ultra-basic rock types support numerous rare and endemic species of plants. Fauna within the project area is comprised of near shore fish species such as cunner, tomcod, sculpin, winter flounder, lobsters, rock crab, sea cucumber, and blue mussel.

Underwater dive surveys were conducted in September 2021. Results indicated that in the overall Project area, Eelgrass (*Zostera marina*) is present throughout the survey locations, typically accounting for 75% or more of the vegetative coverage. Other flora observed include Kelp, Knotted Wrack (*Ascophyllum nodosum*) and Coralline Algae (*Corallinaceae*), both in much lower abundance.

During the dive surveys, fauna observations were low and limited to isolated observations of American Lobster (*Homarus americanus*), Rock Crab (*Cancer irroratus*), Toad Crab (*Hyas araneus*), Sand Dollar (*Echinarachnius parma*), Cunner



(*Tautoglabrus adspersus*), Sea Scallop (*Placopecten magellanicus*), Flatfish, Periwinkle (*Littorina littoria*), and several very small unidentifiable swimming fish. The invasive European Green Crab (*Carcinus maenas*) was also found to be abundant in the shallower shoreward ends of the survey areas.

Species at Risk (Aquatic and Terrestrial)

A search of the Atlantic Canada Conservation Data Centre (ACDC) database was conducted on November 29, 2021 that produced a list of rare / unique species (i.e., plants and animals) observed within a 5 km buffer zone (standard ACDC procedure) of the site of the proposed work. All species were cross-referenced with Schedule 1 of the Species at Risk Act (SARA). Results showed Ivory Gull (*Pagophila eburnea*), Red Crossbill (*Loxia curvirostra*), Barrow's Goldeneye (*Bucephala islandica*), Rusty Blackbird (*Euphagus carolinus*), Harlequin Duck (*Histrionicus histrionicus*), Short-eared Owl (*Asio flammeus*), Olive-sided Flycatcher (*Contopus cooperi*) and Common Nighthawk (*Chordeiles minor*) were observed within this buffer.

A search of the Government of Canada Open Maps database was conducted on December 6, 2021 that produced a list of rare/unique species (i.e., plants and animals) with distribution ranges near the site of the proposed work. All species were cross-referenced with Schedule 1 of the Species at Risk Act (SARA). Results showed the following Schedule 1 Species at Risk with distribution ranges that are within 5 km of the project site: American Marten (*Martes americana atrata*), Red Crossbill (*Loxia curvirostra percna*), Short-eared Owl (*Asio flammeus*), Mountain Holly Fern (*Polystichum scopulinum*), Bank Swallow (*Riparia riparia*), Griscom's Arnica (*Arnica griscomii ssp. Griscomii*) and Gypsy Cuckoo Bumble Bee (*Bombus bohemicus*).

A search of the DFO Aquatic Species at Risk database was conducted on December 6, 2021 which produced a list of aquatic species at risk and the presence of their critical habitat potentially found within a 1km buffer (standard NASAR procedure) of the site of the proposed work. Results showed that the project site is within the distribution range of the following aquatic species at risk: Fin Whale (*Balaenoptera physalus*), Blue Whale (*Balaenoptera musculus*), Spotted Wolffish (*Anarhichas minor*), Atlantic Wolffish (*Anarhichas lupus*), North Atlantic Right Whale (*Eubalaena glacialis*), Leatherback Sea Turtle (*Dermochelys coriacea*), White Shark (*Carcharodon carcharias*) and Northern Wolffish (*Anarhichas denticulatus*).

Human Environment

Norris Point is located on the northern side of Bonne Bay. Approximately 10 minutes south of Rocky Harbour, the community hosts a marine biology center, a pharmacy, a modern health care facility and several businesses. The town is in the heart of western Newfoundland's booming tourism visitation area and well equipped with natural landforms, adventure activities and a relaxing small town feel to keep tourists coming back.

OTHER CONSIDERATIONS

21. Adverse Impact on the rights of Indigenous People of Canada:

PSPC and Transport Canada carried out an Indigenous Assessment on behalf of DFO-SCH at Norris Point SCH in accordance with DFO-SCH's Preliminary Duty to Consult Assessment Guide. This Guide is intended to provide basic information to DFO-SCH and to assist its Program Managers in making informed, prudent decisions that take into account statutory and other legal obligations, as well as policy objectives, related to Indigenous and treaty rights. The Supreme Court of Canada has held that the Crown has a duty to consult and, where appropriate, accommodate when the Crown contemplates conduct that might adversely impact potential or established Indigenous or treaty rights. While there may be other reasons to undertake consultations (e.g., good governance, policy-based, etc.), three elements are required for a legal duty to consult to arise:

1. There is contemplated or proposed Crown conduct.
2. The Crown has knowledge of potential or established Indigenous or treaty rights.
3. The potential or established Indigenous or treaty rights may be adversely impacted by the Crown.

Based on a preliminary assessment conducted by PSPC, on behalf of DFO-SCH and in conjunction with Transport Canada, the legal duty to consult does not exist in this case as; the Crown does not have knowledge of potential or established Indigenous or treaty rights in the Norris Point area; and there are no potential or established Indigenous or treaty rights that may be adversely impacted by the Crown in completing the Norris Point project.



22. Indigenous knowledge provided in respect of the project:

Given the small scale, the temporal and spatial bounds and the current environmental setting of the proposed works, Indigenous Knowledge was not sought for this project.

23. Community knowledge provided in respect of the project:

Given the small scale, the temporal and spatial bounds and the current environmental setting of the proposed works, public consultation beyond that already discussed (Section 21) was not deemed warranted. Any available community knowledge is discussed in the applicable Environmental Description setting (Section 20).

24. Summary of public notification:

The project was posted to the public Navigation Protection Project Registry on August 19, 2021, and the public *Impact Assessment Act* Registry on August 31, 2021. Both notices were posted for the required 30-day public comment period.

ENVIRONMENTAL EFFECTS AND MITIGATION MEASURES

25. Evaluation of Environmental Effects and Determination of Significance:

Methodology

The environmental effects evaluation methodology used in this form focuses the evaluation of those environmental components of greatest concern. Other concerns identified should also added on to the existing form. The Valued Components (VCs) most likely to be affected by the project as described are indicated in *Table 1: Potential Project / Environment Interactions Matrix*. VCs were selected based on ecological importance to the existing environment, the relative sensitivity of environmental components to project influences and their relative social, cultural or economic importance. The potential impacts resulting from the interactions are also identified in Table 1 as positive or negative in nature.

Gender-based Analysis Plus (GBA+) provides a framework to describe the full scope of potential positive and negative effects under the *Impact Assessment Act*. The application of GBA+ to impact assessment seeks to understand, describe and, where possible, mitigate adverse impacts on diverse populations. GBA+ is an analytical tool that will be utilized during the undertaking of this assessment as per the guidance provided by the IAA on *Gender-based Analysis Plus in Impact Assessment*. As such, the intention is to ensure that, as applicable, multiple community-relevant, diverse subgroups have been considered and proposed mitigation, where relevant, clearly addresses any issues identified.

The VC interactions identified in Table 1 must be supplemented with a determination of significance for each resulting effect in order to assign adequate measures to mitigate a negative effect if negative and, if possible, enhance a positive effect. The significance of project-related impacts is determined in consideration of the impact's frequency, duration, and geographical extent as well as magnitude relative to natural or background levels, and whether they are reversible in nature. These criteria are described in *Table 2: Assessment Criteria for Determination of Significance*.

A description of each potential effect, its' projected significance and assigned mitigation measures are detailed in Table 3 of Section 26.

The evaluation of effects, the determination of significance of the environmental effects and assignment of mitigation measures are all based on:

- information provided by the proponent;
- a review of project related activities;
- an appraisal of the environmental setting, and identification of resources at risk;
- the identification of potential impacts within the temporal and spatial bounds;
- community / indigenous knowledge;
- professional judgement of the assessor; and
- specialist advice/knowledge from experts.

Scoping

This environmental effects evaluation considers the full range of project / environment interactions and the environmental factors that could be affected by the project as defined above and the significance. The proposed project is anticipated to commence within the aforementioned timeframe; however, this timeline is subject to approvals and funding. As such, the



temporal scope for the proposed project cover a 5-year period from the time of this assessment in order to account for this uncertainty. This assessment should, therefore, be considered valid until October 29, 2026 unless a review of the information presented in this assessment prior to the end of the 5-year period prompts a re-assessment to ensure accuracy (e.g., legislative changes, changes in physical, biological, socio-economic features, input from ongoing Indigenous consultations, etc.).

As previously noted, physical activities such as maintenance, repair, replacement, or decommissioning of the proposed physical works are subject to their own stand-alone assessment at the time of need, therefore, are not considered further in this assessment.

Environmental effects of the project on navigation are taken into consideration as part of the SEED 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 SEED, but any measures necessary to mitigate direct effects will be included as terms and conditions associated with work approved or permitted pursuant to the *Canadian Navigable Waters Act (CNWA)*.

The coastal environment surrounding this marine based project does not provide the appropriate habitat for the Red Crossbill, Short-eared Owl, Bank Swallow, Blue Felt Lichen, and Gypsy Cuckoo Bumble Bee, Fin Whale Blue Whale, Spotted Wolffish, North Atlantic Right Whale, Leatherback Sea Turtle and White Shark, so there is no negative interaction expected between the species and the project. The effects of the project on these species are not considered further in this assessment.

Table 1: Potential Project / Environment Interactions Matrix

Valued Components (VCs)	Section 7(1)(a) (Environmental Legislation)			Section 7(1)(c) and (d) (Indigenous Interests)				Other Impacts & Due Diligence													
	Fish (Fisheries Act)	SARA	Birds (MBCA)	Physical and Cultural Heritage	Land and Resource Use for Traditional Purposes	Structure, Site, or Thing of HAPA Significance	Health, Social or Economic Conditions	Physical and Cultural Heritage	Physical and Cultural Heritage	Structure, Site, or Thing of HAPA Significance	Health, Social or Economic Conditions	Water (marine, ground, surface, drainage, water levels, flow etc.)	Wetlands	Terrestrial Species* and Habitat	Aquatic Species* and Habitat	Terrestrial Soils	Marine Sediments	Air Quality	Sensory Disturbance (air/water, noise and vibration)	Others (i.e. land/landscapes)	
Project Phase / Physical Work/Activity																					
Harbour Development, Norris Point, NL																					
Construction/Installation	-	-	-																		
Dredging	-	-	-																		
Accidents / Malfunctions	-	-	-																		

*Non-Species at Risk

HAPA = Historical, Archaeological, Paleontological or Architectural

N/A = Not Applicable

"+" = potential positive interaction; "-" = potential negative interaction; "+/-" = potential positive and negative interactions.



Table 2: Assessment Criteria for Determination of Significance

Magnitude	Magnitude, in general terms, may vary among issues, but is a factor that accounts for size, intensity, concentration, importance, volume and social or monetary value. It is rated as compared with background conditions, protective standards or normal variability.	
	Small	Relative to natural or background levels
	Moderate	Relative to natural or background levels
	Large	Relative to natural or background levels
Reversibility	Reversible	Effects can be reversed
	Irreversible	Effects are permanent
Geographic Extent	Immediate	Confined to project site
	Local	Effects beyond immediate project site but not regional in scale
	Regional	Effects on a wide scale
Duration	Short-term	Between 0 and 6 months in duration
	Medium-term	Between 6 months and 2 years
	Long-term	Beyond 2 years
Frequency	Once	Occurs only once
	Intermittent	Occurs occasionally at irregular intervals
	Continuous	Occurs on a regular basis and regular intervals

26. Potential Environmental Effects and Mitigation Measures for the Project:

Table 3: Description and Significance of Potential Environmental Effects and Recommended Mitigation Measures

Valued Component: Fish	Potential Environmental Effects	Mitigation Measures
<p>Construction/Installation:</p> <ul style="list-style-type: none"> Sedimentation as a result of construction activities may negatively affect fish and quality of potential fish habitat within the Project site. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent</i> Disturbance of fish species from equipment use in the marine environment. <i>Significance: Moderate, Reversible, Local, Short-term, and Intermittent.</i> Project activities will result in the destruction of potential fish habitat. <i>Significance: Moderate, Reversible, Immediate, Medium-term, and Once.</i> <p>Dredging:</p> <ul style="list-style-type: none"> Sedimentation as a result of construction activities may negatively affect fish and quality of potential fish habitat within the Project site. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent</i> Disturbance of fish species from equipment use in the marine environment. <i>Significance: Moderate, Reversible, Local, Short-term, and Intermittent.</i> Temporary alteration of fish habitat from the removal of benthic sediments within the dredge footprint. <i>Significance: Moderate, Reversible, Immediate, Medium-term, and Once.</i> Project activities will result in the destruction of potential fish habitat. <i>Significance: Moderate, Reversible, Immediate, Medium-term, and Once.</i> <p>Accidents/Malfunions:</p> <ul style="list-style-type: none"> Release of hazardous materials and/or heavy machinery fuel/fluids into waterway. <i>Significance: Moderate, Reversible, Immediate, Short-term, and Once.</i> 	<ul style="list-style-type: none"> Limit the duration of in-water works to only activity related to the 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. Implement erosion and sedimentation controls as needed to avoid the introduction of sediment into any waterbody during all phases of work <ul style="list-style-type: none"> 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 watercourse 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 flow volumes and/or increase erosion and sedimentation; Minimize the amount of dredged material removed by only dredging to the area and depth required; Dredged or excavated material may be re-used for the laydown area as described, i.e., placed/capped within a rock berm. However, any un-used dredge spoils should be disposed of at an approved site above the high water mark of any waterbody. If necessary, adequate sedimentation and erosion control measures should be deployed around stored dredge material; 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 or any other deleterious substance and of sufficient size to resist displacement by wave action. Dredge material may be re-used for the laydown area provided it is placed/capped within a rock berm to avoid sedimentation. Armour stone should be blocky, angular shape and comprised of mixed gradation so that the smaller rock fill the voids between the larger rock to provide compaction and stability. Rock material should not be end dumped; rather, it should be placed on station using an excavator or similar equipment. When works are completed, shoreline and approaches should be restored to original condition. 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: 	



	<ul style="list-style-type: none"> ○ 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. • Cement will be poured and formed away from the shoreline to reduce the potential of runoff or an accidental release of concrete mixture to the marine environment • On site, crews must have emergency spill clean-up equipment adequate for the activity involved, and it must be on site. Spill equipment will include, as a minimum, at least one 250 L (i.e., 55 gallon) overpack spill kit containing items to prevent a spill from spreading; absorbent booms, pillows, and mats; rubber gloves; and plastic disposal bags. All spills or leaks must be promptly contained, cleaned up, and reported to the 24-Hour Environmental Emergencies Report System (1-800-565-1633). Note that this applies to spills to the aquatic environment or anything on land over 70 litres (L). • Dredged material must be transported in water tight trucks, containers or other suitable means to prevent leakage during transport.
Valued Component: SARA	
<ul style="list-style-type: none"> • Construction activities at the site or natural events (e.g., rainfall) could result in disruption of endangered species. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> • Project activities may result in the damaging or destruction of the residence of an endangered species. <i>Significance: Moderate, Reversible, Immediate, Medium-term, and Once.</i> 	<ul style="list-style-type: none"> • All work to be conducted in accordance with the <i>Species at Risk Act</i>, which outlines that no protected species, their residence and critical habitat be moved or obstructed during the construction or operation phase of the project. • Species listed under the <i>Species at Risk Act</i> shall not be approached throughout the construction or operation phase of the project. • All construction materials shall be removed from the site upon project completion.
Valued Component: Birds (MBCA)	
<ul style="list-style-type: none"> • Construction activities at the site or natural events (e.g., rainfall) could result in disruption of bird species. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> • Project activities may result in the destruction of potential bird habitat. <i>Significance: Moderate, Reversible, Immediate, Medium-term, and Once.</i> 	<ul style="list-style-type: none"> • All work to be conducted in accordance with the Migratory Birds Convention Act, which outlines that no migratory bird nests or eggs will be moved or obstructed during the construction or operation phase of the project. • Concentrations of seabirds, waterfowl, or shorebirds shall not be approached when anchoring equipment, accessing wharves, or ferrying supplies. • All construction materials shall be removed from the site upon project completion.
Valued Component: Health, Social or Economic Conditions	
<ul style="list-style-type: none"> • Potential for safety hazards to workers during construction activities. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent</i> • Potential for impacts/disruptions to fishers, harbour users during construction activities. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> <p>Dredging:</p> <ul style="list-style-type: none"> • Potential for safety hazards to workers during dredging. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent</i> 	<ul style="list-style-type: none"> • Site access must be restricted to authorized personnel only. • Project employees will be equipped with the proper Personal Protective Equipment for Project tasks, and work will comply with provincial occupational health and safety regulations. • SCH should consult with the HA and local fishers to ensure the least amount of impact on harbour operations. • Develop a response plan that is to be implemented in the event of an accidental sediment release or spill of a deleterious substance and keep an emergency spill kit on site with staff trained in its use. <ul style="list-style-type: none"> ○ On site, crews must have emergency spill clean-up equipment adequate for the activity involved, and it must be on site. Spill equipment will include, as a minimum, at least one 250 L (i.e., 55 gallon) overpack spill kit containing items to prevent a spill from



	<p>spreading; absorbent booms, pillows, and mats; rubber gloves; and plastic disposal bags. All spills or leaks must be promptly contained, cleaned up, and reported to the 24-Hour Environmental Emergencies Report System (1-800-565-1633). Note that this applies to spills to the aquatic environment or anything on land over 70 litres (L).</p> <ul style="list-style-type: none"> Weather conditions are to be assessed on a daily basis to determine the risk of extreme weather in the project area. Avoid work during periods which Environment and Climate Change Canada has issued rainfall or wave warning for the work area. Excess dredged spoils are to be transported to an approved waste disposal site.
<p>Valued Component: Water (marine, ground, surface, drainage, water levels, flow, etc.)</p>	
<p>Construction/Installation:</p> <ul style="list-style-type: none"> Sedimentation as a result of construction activities may negatively affect water quality at the immediate Project site. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> Construction activities taking place near the shoreline may result in runoff/erosion. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> Construction-related refuse may be deposited in the waterbody, decreasing marine water quality. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> Disturbance of fish species from equipment use in the marine environment. <i>Significance: Moderate, Reversible, Local, Short-term, and Intermittent.</i> <p>Dredging:</p> <ul style="list-style-type: none"> Sedimentation as a result of dredging may negatively affect water quality at the immediate Project site. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> Construction-related refuse may be deposited in the waterbody, decreasing marine water quality. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> <p>Accidents/Malfuctions:</p> <ul style="list-style-type: none"> Release of hazardous materials and/or heavy machinery fuel/fluids into waterway. <i>Significance: Moderate, Reversible, Immediate, Short-term, and Once.</i> 	<ul style="list-style-type: none"> Reduce duration of in-water work wherever possible. Construction activities that involve in-water work will be conducted during periods of low flow, or at low tide, to further reduce the potential for effects on water quality. An Erosion and Sediment Control Plan will be developed for the site that minimizes risk of sedimentation to the marine environment. Construction material and debris are not to become waterborne. Do not dispose of any materials or waste into marine environment. Cement will be poured and formed away from the shoreline, to reduce the potential of runoff or an accidental release of concrete mixture to the marine environment. Any hazardous materials produced as a result of this project are to be transported off-site for disposal/treatment at an approved waste handling facility, pursuant to applicable provincial and federal regulations/legislation. All equipment to be used in or over the marine environment is to be free from leaks or coating of hydrocarbon-based fluids and/or lubricants harmful to the environment. Hoses and tanks are to be inspected on a regular basis to prevent fractures and breaks. On site, crews must have emergency spill clean-up equipment adequate for the activity involved, and it must be on site. Spill equipment will include, as a minimum, at least one 250 L (i.e., 55 gallon) overpack spill kit containing items to prevent a spill from spreading; absorbent booms, pillows, and mats; rubber gloves; and plastic disposal bags. All spills or leaks must be promptly contained, cleaned up, and reported to the 24-Hour Environmental Emergencies Report System (1-800-565-1633). Note that this applies to spills to the aquatic environment or anything on land over 70 litres (L). All materials placed in or near water should be clean and free of fines or any other deleterious substance and of sufficient size to resist displacement by wave action. Dredge material may be re-used for the laydown area provided it is placed/capped within a rock berm to avoid sedimentation. Rock material should not be end dumped; rather, it should be placed on station using an excavator or similar equipment. When works are completed, shoreline and approaches should be restored to original condition. Vessels (including barges) should be compliant with all <i>Canada Shipping Act, 2001</i> requirements for inspection, which includes certification of the vessel and adequate training and appropriate certificate of competency for the operators. Ensure that all vessels will have procedures in place to ensure safeguards against marine pollution: awareness training of all employees, means of retention of waste oil on board and discharge to shore based reception facilities, capacity of responding to and clean-up of accidental spill caused by vessels involved in any particular project.

	<ul style="list-style-type: none"> Dredged material must be transported in water tight trucks, containers or other suitable means to prevent leakage during transport.
<p>Valued Component: Aquatic Species and Habitat</p>	
<p>Construction/Installation:</p> <ul style="list-style-type: none"> Sedimentation as a result of construction activities may negatively affect aquatic species and quality of potential aquatic habitat within the Project site. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> Smothering of sessile and slow-moving benthic species during infilling and placement of armour stone within the project footprint. <i>Significance: Small, Irreversible, Immediate, Short-term, and Intermittent.</i> Disturbance of aquatic species from equipment use in the marine environment. <i>Significance: Moderate, Reversible, Local, Short-term, and Intermittent.</i> Permanent loss of habitat used by aquatic species within the Project area. <i>Significance: Small, Irreversible, Immediate, Long-term, Once.</i> <p>Dredging:</p> <ul style="list-style-type: none"> Sedimentation as a result of dredging activities may negatively affect aquatic species and quality of potential aquatic habitat within the Project site. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> Disturbance of aquatic species from equipment use in the marine environment. <i>Significance: Moderate, Reversible, Local, Short-term, and Intermittent.</i> Temporary alteration of aquatic habitat from the removal of benthic sediments within the dredge footprint. <i>Significance: Moderate, Reversible, Immediate, Medium-term, and Once.</i> Permanent loss of habitat used by aquatic species within the Project area. <i>Significance: Small, Irreversible, Immediate, Long-term, Once.</i> <p>Accidents/Malfuctions:</p> <ul style="list-style-type: none"> Release of hazardous materials and/or heavy machinery fuel/fluids into waterway. <i>Significance: Moderate, Reversible, Immediate, Short-term, and Once.</i> 	<ul style="list-style-type: none"> Reduce duration of in-water work wherever possible. Construction activities that involve in-water work will be conducted during periods of low flow, or at low tide, to further reduce the potential for effects on aquatic species and habitat. An Erosion and Sediment Control Plan will be developed for the site that minimizes risk of sedimentation to the marine environment. Construction material and debris are not to become waterborne. Do not dispose of any materials or waste into marine environment. Any hazardous materials produced as a result of this project are to be transported off-site for disposal/treatment at an approved waste handling facility, pursuant to applicable provincial and federal regulations/legislation. Cement will be poured and formed away from the shoreline, to reduce the potential of runoff or an accidental release of concrete mixture to the marine environment. Excess dredged spoils are to be transported to an approved waste disposal site. All equipment to be used in or over the marine environment is to be free from leaks or coating of hydrocarbon-based fluids and/or lubricants harmful to the environment. Hoses and tanks are to be inspected on a regular basis to prevent fractures and breaks. On site, crews must have emergency spill clean-up equipment adequate for the activity involved, and it must be on site. Spill equipment will include, as a minimum, at least one 250 L (i.e., 55 gallon) overpack spill kit containing items to prevent a spill from spreading; absorbent booms, pillows, and mats; rubber gloves; and plastic disposal bags. All spills or leaks must be promptly contained, cleaned up, and reported to the 24-Hour Environmental Emergencies Report System (1-800-565-1633). Note that this applies to spills to the aquatic environment or anything on land over 70 litres (L). All materials placed in or near water should be clean and free of fines or any other deleterious substance and of sufficient size to resist displacement by wave action. Dredge material may be re-used for the laydown area provided it is placed/capped within a rock berm to avoid sedimentation. Rock material should not be end dumped; rather, it should be placed on station using an excavator or similar equipment. When works are completed, shoreline and approaches should be restored to original condition. Dredged material must be transported in water tight trucks, containers or other suitable means to prevent leakage during transport.
<p>Valued Component: Marine Sediments</p>	
<p>Construction/Installation:</p> <ul style="list-style-type: none"> Construction activities at the site or natural events (e.g., rainfall) could result in erosion/sedimentation events. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> Exposed soils may erode. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> <p>Dredging:</p>	<ul style="list-style-type: none"> Reduce duration of in-water work wherever possible. Construction activities that involve in-water work will be conducted during periods of low flow, or at low tide, to further reduce aggregation of marine sediment. An Erosion and Sediment Control Plan will be developed for the site that minimizes risk of sedimentation to the marine environment. Construction material and debris are not to become waterborne. Do not dispose of any materials or waste into marine environment.

<ul style="list-style-type: none"> • Dredging activities at the site or natural events (e.g., rainfall) could result in erosion/sedimentation events. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> • Exposed dredge spoils may erode. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> <p>Accidents/Malfuctions:</p> <ul style="list-style-type: none"> • Release of hazardous materials and/or heavy machinery fuel/fluids into waterway. <i>Significance: Moderate, Reversible, Immediate, Short-term, and Once.</i> 	<ul style="list-style-type: none"> • Cement will be poured and formed away from the shoreline, to reduce the potential of runoff or an accidental release of concrete mixture to the marine environment. • Any hazardous materials produced as a result of this project are to be transported off-site for disposal/treatment at an approved waste handling facility, pursuant to applicable provincial and federal regulations/legislation. • Excess dredged spoils are to be transported to an approved waste disposal site. • All equipment to be used in or over the marine environment is to be free from leaks or coating of hydrocarbon-based fluids and/or lubricants harmful to the environment. Hoses and tanks are to be inspected on a regular basis to prevent fractures and breaks. • On site, crews must have emergency spill clean-up equipment adequate for the activity involved, and it must be on site. Spill equipment will include, as a minimum, at least one 250 L (i.e., 55 gallon) overpack spill kit containing items to prevent a spill from spreading; absorbent booms, pillows, and mats; rubber gloves; and plastic disposal bags. All spills or leaks must be promptly contained, cleaned up, and reported to the 24-Hour Environmental Emergencies Report System (1-800-565-1633). Note that this applies to spills to the aquatic environment or anything on land over 70 litres (L). • All materials placed in or near water should be clean and free of fines 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. • When works are completed, shoreline and approaches should be restored to original condition. • Dredged material must be transported in water tight trucks, containers or other suitable means to prevent leakage during transport.
<p>Valued Component: Air Quality</p>	
<p>Construction/Installation:</p> <ul style="list-style-type: none"> • Construction activities may result in nuisance effects due to an increase in dust. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> <p>Dredging:</p> <ul style="list-style-type: none"> • Dredging activities may result in nuisance effects due to an increase in dust. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> 	<ul style="list-style-type: none"> • Where feasible, mitigation measures, such as dust suppressors, will be implemented to reduce the potential for increased dust during Project activities. • All construction materials shall be removed from the site upon project completion. • Construction equipment will be turned off when not in use, where practical, to minimize idling.
<p>Valued Component: Sensory Disturbance (air/water, noise, and/or vibration)</p>	
<p>Construction/Installation:</p> <ul style="list-style-type: none"> • Construction activities may result in nuisance effects due to an increase in dust and noise, and the use of heavy equipment. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> <p>Dredging:</p> <ul style="list-style-type: none"> • Dredging activities may result in nuisance effects due to an increase in dust and noise, and the use of heavy equipment. <i>Significance: Small, Reversible, Immediate, Short-term, and Intermittent.</i> 	<ul style="list-style-type: none"> • Project activities must be carried out during times acceptable to local authorities and smaller, less disruptive equipment will be used where possible. • Where feasible, mitigation measures, such as dust suppressors, will be implemented to reduce the potential for increased dust during Project activities. • Machinery used for the Project should be well muffled to reduce noise for local residents, and local municipality construction by-laws will be adhered to. • All construction materials shall be removed from the site upon project completion. • Construction equipment will be turned off when not in use, where practical, to minimize idling.



27. Description of any Significant Adverse Environmental Effects of the project (after considering the application of mitigation measures):

Although the potential exists for short-term and/or medium-term environmental effects during the project, with the implementation of recommended mitigation measures no significant adverse effects are anticipated.

28. Cumulative Effects:

The proposed project under assessment is not projected to have any cumulative effects taking into consideration past and potential likely future projects. There are no other predicated effects that may result from the proposed activities. Project specific mitigation outlined in this assessment (Section 26) will be followed as well as proper safety procedures as per applicable municipal, provincial and federal regulations.

29. Climate Change/Sustainability:

Weather conditions should be assessed on a daily basis to determine the potential risks on the project activities. The Contractor is encouraged to consult Environment Canada's local forecast so that the construction work can be scheduled accordingly.

30. Fisheries Act, Species at Risk Act and/or Migratory Birds Convention Act permits or authorizations and general follow-up of the Mitigation Measures:

N/A

REFERENCES

31. References:

Environment and Climate Change Canada (ECCC). 2021. Canadian Climate Normals 1981-2010. Cormack Climate Station, Newfoundland and Labrador. Accessed December 6, 2021. [Canadian Climate Normals 1981-2010 Station Data - Climate - Environment and Climate Change Canada \(weather.gc.ca\)](#)

Important Bird Areas Canada (2020) Map Viewer. Accessed December 6, 2021. <http://www.ibacanada.ca/mapviewer.jsp?lang=en>

Wikipedia. Norris Point (2021) Accessed on December 6, 2021. [Norris Point - Wikipedia](#)



CONCLUSION

32. Conclusion on Significance of Adverse Environmental Effects (Sections 82-83):

The federal authorities have evaluated the project in accordance with Section 82 of the *Impact Assessment Act*, 2019. On the basis of this evaluation, the departments have determined that the project is not likely to cause significant adverse environmental effects with mitigation and therefore can proceed using mitigation measures as outlined.

Prepared by: *Natasha Legge*

Date: March 25, 2022

Name: Natasha Legge

Title: Environmental Specialist, Public Services and Procurement Canada

Reviewed by: *Cathy Martin*

Date: March 25, 2022

Name: Cathy Martin

Title: Senior Environmental Specialist, Public Services and Procurement Canada

Approved by: **Wight, Tara**

Digitally signed by Wight, Tara
DN: C=CA, O=GC, OU=DFO-MPO, CN="Wight, Tara"
Reason: I am approving this document
Location: DFO-SCCH NL
Date: 2022.03.28 08:27:38-02'30'
Foxit PhantomPDF Version: 10.1.4

Date: _____

Name: Tara Wight

Title: Regional Environmental Advisor, DFO – Small Craft Harbours



DECISION

33. Fisheries and Oceans Canada – Small Craft Harbours

- The project is not likely to cause significant adverse environmental effects, and DFO-SCH may exercise its power, duty or function.
- The project is likely to cause significant adverse environmental effects, and DFO-SCH has decided not to exercise its power, duty or function.
- The project is likely to cause significant adverse environmental effects, and DFO-SCH will refer the project to the Governor in Council to determine if the significant adverse environmental effects are justified in the circumstances

Upward, Dion

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of my signature in this document
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Date: 2022.03.28 08:36:13-02'30'
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Approved by: _____

Date: _____

Name: Paul Curran

Title: Regional Engineer, DFO – Small Craft Harbours

Johnson, Roger

Digitally signed by Johnson, Roger
Date: 2022.03.28 09:41:50 -02'30'

Approved by: _____

Date: _____

Name: Roger Johnson

Title: Team Leader – Regulatory Review, Fish & Fish Habitat Protection, Department of Fisheries and Oceans



34. Transport Canada

Project Title:	Harbour Development – Norris Point, Newfoundland	
TC File No.:	ATL0071	
NPP File No.:	2021-204913	
Environmental Review Decision:	Taking into account the implementation of any mitigation measures that Transport Canada considers appropriate, the project is <i>not likely</i> to cause significant adverse environmental effects and, as such, Transport Canada may exercise any power or perform any duty or function that would permit the project to be carried out in whole or in part.	
Reviewed by:	Melissa Ginn <i>Regional Environmental Advisor</i> <i>Environmental Programs and Indigenous Relations</i>	
Signature:		Date:
Mailing Address:	10 Barter's Hill, St. John's, NL	
Tel:	709-351-3200	
Fax:	709-772-3072	
Email:	melissa.ginn@tc.gc.ca	
Approved By:	Kevin LeBlanc <i>Regional Manager</i> <i>Environmental Programs and Indigenous Relations</i>	
Signature:		Date:



APPENDIX A

Map & Aerial Photograph of Project Location

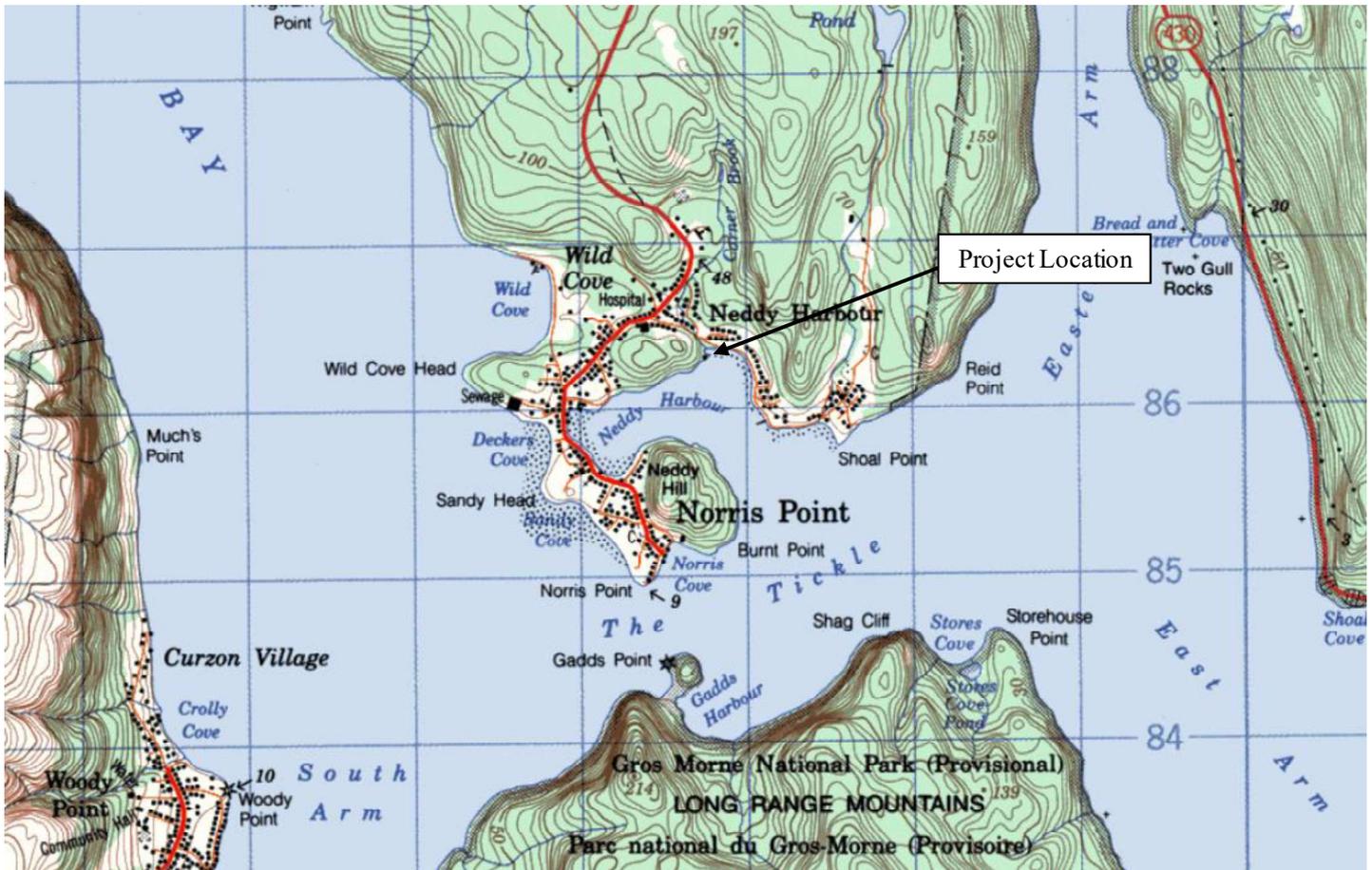


Figure 1 Topo Map of Project Location.

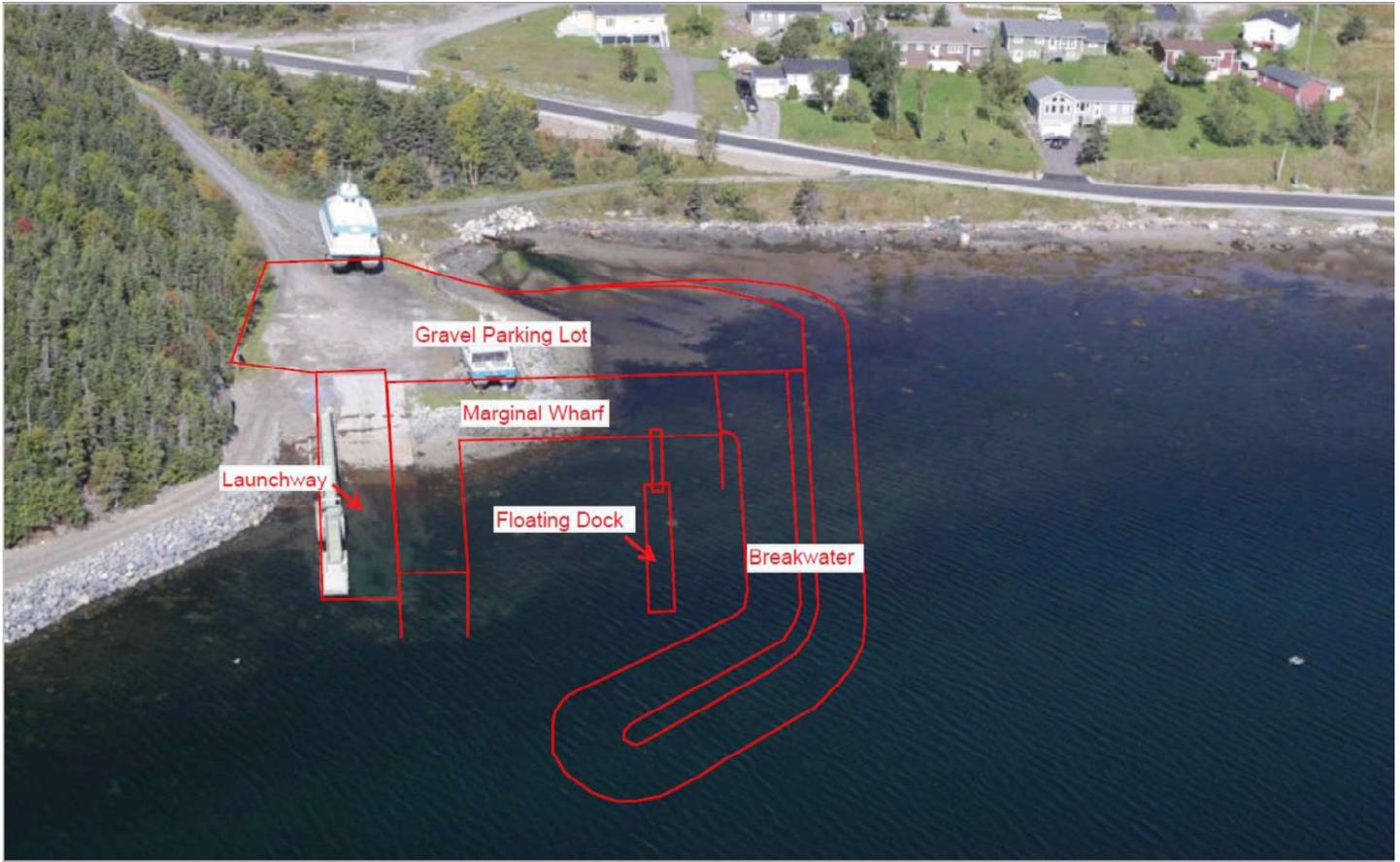


Figure 2 Aerial Photograph of Project Location in Norris Point, NL.

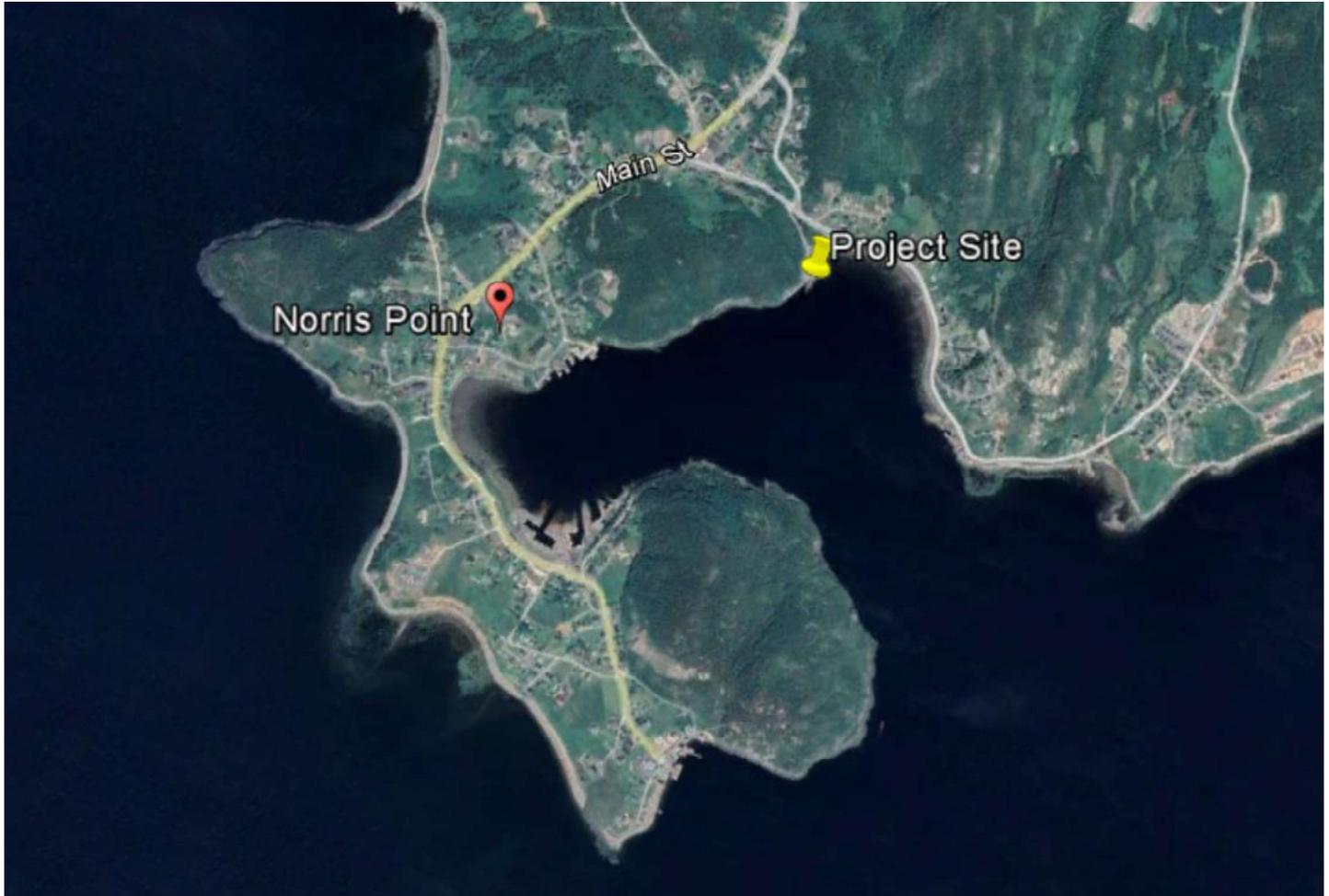


Figure 3 Google Earth Photograph of Project Location in Norris Point, NL.



APPENDIX B

Regulatory Approvals



Government of Newfoundland and Labrador
Department of Environment, Climate Change and Municipalities
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: JANUARY 06, 2021 File No: 532-02
Permit No: ALT11557-2021
Permit Holder: Department of Fisheries and Oceans - SCH
John Cabot Building, 10 Barter's Hill
St. John's, NL A1C 5X1
paul.curran@dfo-mpo.gc.ca
Attention: Paul Curran
Re: Minor DFO Dredging, Infilling, and Works Projects - Blanket Permit

Permission is hereby given for : routine dredging or beach grading of 3500 cubic metres or less of primarily sand, gravel, cobble and boulder material in order to provide safe navigation at various Department of Fisheries and Oceans' Small Craft Harbours (SCH) facilities around the Province of Newfoundland and Labrador as well as the infilling of 500 square metres or less of DFO SCH leased waterlot to construct new or increase existing service/laydown areas at existing DFO SCH facilities, with reference to the application dated November 26, 2020.

- 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, Climate Change and Municipalities under Section 49 of the *Water Resources Act*.

(for) MINISTER



GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
Department of Environment, Climate Change and Municipalities

File No: 532-02
Permit No: ALT11557-2021

APPENDIX A

Terms and Conditions for Permit

Dredging/Debris Removal

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.

Infilling

4. The slopes along the perimeter of infilled areas must be no steeper than two horizontal to one vertical (2H:1V).
5. The constructed works must be inspected regularly so that action can be taken to undertake repairs as required.
6. Fill material must be obtained from an approved quarry site. It must not be taken from beaches or streams, and must not be dredged from a body of water.
7. The natural course of any stream must not be altered.
8. Infilling must not cause increased water elevation upstream or increase flow velocity downstream of the site. Reduction of the natural cross sectional area of any watercourse is not permitted.
9. Infilling must not disrupt the established surface drainage pattern of the area.
10. Infilling must not cause increased water elevation upstream or increase flow velocity downstream of the site.
11. Before infilling, any vegetation and topsoil must be completely removed and under no circumstances shall it be used as fill material. Topsoil must be stored and reused in final landscaping of the infilled area.
12. The constructed works must comply with all other terms and conditions provided in the Crown Lands grant, lease, or license for occupancy.
13. Select heavy rocks must be placed along the toe of any infilling to provide slope stability and erosion protection.
14. A minimum 15 metre wide vegetated buffer zone must be maintained along the edge of the waterbody in order to provide bank stability and maintain local aesthetics.

Special Conditions



15. The Permit Holder must apply for and obtain a separate permit under the Water Resources Act, SNL 2002 cW-4.01, specifically Section 39 <https://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> for any minor dredging or associated works that may take place within any Protected Public Water Supply Area servicing any community as indicated in Water Resources Portal available at <https://maps.gov.nl.ca/water/mapbrowser/Default.aspx>.
16. The Permit Holder must apply for and obtain a separate permit under the Water Resources Act, SNL 2002 cW-4.01, specifically Section 48 <https://assembly.nl.ca/legislation/sr/statutes/w04-01.htm> for any minor dredging or associated works that may take place within any designated flood risk area as indicated at <https://www.gov.nl.ca/eccm/waterres/flooding/firm/>
17. The Permit Holder must apply for and obtain a separate permit under the Water Resources Act, SNL 2002 cW-4.01, specifically Section 48 <https://assembly.nl.ca/legislation/sr/statutes/w04-01.htm> for any minor dredging or associated works that may take place within any municipal boundary.
18. Any alteration in or near a freshwater body (including wetlands) requires a separate permit under the Water Resources Act, SNL 2002 cW-4.01, specifically Section 48 <https://assembly.nl.ca/legislation/sr/statutes/w04-01.htm>. The Permit Holder must avoid work activities in wetlands wherever possible.
19. A water quality monitoring program is not required at this time. However, the Department reserves the right to require that the Permit Holder sample, analyze, and submit results of water quality tests, for the purpose of ensuring that the water quality is maintained within acceptable guidelines. All analyses must be undertaken by a CALA accredited laboratory.
20. Suitable booms must be deployed around work 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.
21. Creosote treated wood must not be used in the construction of any structures in or within 15 metre of any body of water.
22. If a minor dredging or associated work carried out under this Permit does prohibit, restrict or impede public access along the shoreline reservation then the Permit Holder shall restore the shoreline reservation to the satisfaction of the Minister within sixty (60) days of a written notice.
23. For each minor dredging or associated work carried out under this Permit, the Permit Holder must notify this Department via email to waterinvestigations@gov.nl.ca or facsimile at (709)729-0320, in accordance with a reporting protocol as deemed necessary and appropriate in the opinion of the Minister. Also, each minor dredging or associated work carried out under this Permit shall be subject to the payment of applicable fee by the Permit Holder as stated in the application fee schedules approved by the Minister.
24. The acknowledgment of the receipt of this Permit by the Permit Holder constitutes the acceptance of this Permit and its terms and conditions and requirements stated in Appendices A, B and C.
25. Annually (at the end of the year), the permit holder is required to submit a work done report under this permit along with the applicable fees incurred during the period.

General Alterations

26. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
27. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.



28. 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*.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. All waste materials resulting from this project must be disposed of at a site approved by the Department of Digital Government and Service NL.
37. 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.
38. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
39. 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.
40. 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.
41. The attached Completion Report (Appendix C) for Permit No. 11557 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.



42. This Permit is effective from January 6, 2021 and shall expire on January 6, 2023 or earlier if modified, suspended or cancelled by the Minister. Also, this Permit may be renewed by the Minister for such renewal term as the Minister deems appropriate, on such terms and conditions as the Minister considers appropriate and in the public interest, provided the Permit Holder applies for the renewal at least ninety (90) days before the expiry of this Permit.

43. All work must be carried out within the Permit Holder's legal property boundaries.



GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
Department of Environment, Climate Change and Municipalities

File No: 532-02
Permit No: ALT11557-2021

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, as determined by this Department, the Minister may, without notice, 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: 532-02
Permit No: ALT11557-2021

- cc: Amir Ali Khan, Ph.D., P.Eng.
Manager, Water Rights, Investigations and Modelling Section
Water Resources Management Division
Department of Environment, Climate Change and Municipalities
P.O. Box 8700
4th Floor, West Block, Confederation Building
St. John's, NL A1B 4J6
akhan@gov.nl.ca

- cc: Dean Shute
Manager Operations
Digital Government and Service NL
7-9 Roddick Crescent, Pirate Cave
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DeanShute@gov.nl.ca

- cc: Ken Russell
Environmental Protection Officer, GSC - Happy Valley - Goose Bay
krussell@gov.nl.ca

- cc: Mr. Rick Curran (Eastern)
Director of Regional Operations Avalon
Digital Government and Service Newfoundland and Labrador
149 Smallwood Drive, Mount Pearl
PO Box 8700
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rjcurran@gov.nl.ca

- cc: Mr. Wayne Lynch (Central)
Regional Director (Central)
Digital Government and Service Newfoundland and Labrador
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Gander, NL A1V 2N9
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- cc: Ms. Susan Hoddinott (Western/Labrador)
Regional Director
Digital Government and Service Newfoundland and Labrador
PO Box 2006
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- cc: Ms. Tammy McDonald
Manager of Operations (Environmental Health)
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PO Box 8700
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- 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
NPPATL-PPNATL@tc.gc.ca

cc: Mark McNeil
Public Works and Government Service Canada
Suite 204, 1 Regent Square
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mark.mcneil@pwgsc-tpsgc.gc.ca

cc: Mr. Shawn Kean
Environmental Services
Public Works & Government Services Canada
John Cabot Building, 10 Barter's Hill
P.O. Box 4600
St. John's, NL A1C 5T2
shawn.kean@pwgsc.gc.ca



Fisheries and Oceans
Canada

Pêches et Océans
Canada

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

December 7, 2021

Your file *Votre référence*

Our file *Notre référence*
2021-HNFL-00462

Paul Curran
Regional Engineer
Small Craft Harbours
St. John's, NL A1C 5X1

**Subject: Harbour Development - Norris Point (Neddys Harbour), NL –
Application for Authorization under the *Fisheries Act* Required, but
Prohibited Effects on Listed Aquatic Species at Risk Are Not Likely.**

Dear Mr. Curran:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on August 18, 2021. We understand that you propose to:

- construct and place a marginal wharf and finger pier
- construct a breakwater providing protection for new infrastructure
- remove the existing launchway and replace with one of similar size
- dredge an area within the breakwater adjacent to the marginal wharf, finger pier and floating docks
- construct and place 2 floating docks

Our review considered the following information:

- | | |
|------------------------------------|--------------------|
| • Request for Review | August 18, 2021 |
| • Underwater Video | August 18, 2021 |
| • Site Development Plans/ Drawings | September 22, 2021 |
| • Additional Underwater Video | September 29, 2021 |
| • Benthic Survey Report | October 21, 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



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- 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.

Based on the review of the above information, the Program has concluded that the following work, undertaking or activity is likely to result in the death of fish by means other than fishing, and/or the harmful alteration, disruption or destruction of fish habitat:

- construction and placement of a marginal wharf and finger pier having a combined approximate footprint of 220 m²
- construction of a breakwater providing protection to the new harbour development with a total approximate footprint of 2075 m²
- dredge an area within the breakwater bounds and adjacent to the marginal wharf, finger pier and floating docks to a depth of 2.0 m. Total footprint of dredged area 2475 m²
- Total habitat area impacted by this proposed development 4770 m².

Your proposal requires authorization pursuant to paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* in order to proceed. As your proposal is not likely to result in prohibited effects on listed aquatic species at risk, no permit will be required under the *Species at Risk Act*.

Please submit the following information and documents to apply for a *Fisheries Act* authorization:

- a completed Application Form for the Issuance of an Authorization under Paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* (Non-Emergency Situations) (<http://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-005-eng.html>);
- the required information and documentation set out in the *Authorizations Concerning Fish and Fish Habitat Protection Regulations* (the Regulations) (<http://www.gazette.gc.ca/rp-pr/p2/2019/2019-08-21/html/sor-dors286-eng.html>)

Should you choose to relocate or redesign your proposal, this could reduce the potential impacts of your proposal to a level where the aforementioned prohibited effects to fish and fish habitat can be avoided and authorization under the *Fisheries Act* would no longer be required. If you choose to modify your proposal to avoid a need for authorization, please submit your revised Request for Review form.



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Please note that information submitted to DFO will be shared with Indigenous peoples with whom DFO is consulting in relation to the Crown's Duty to Consult if it is determined that the decision to authorize or not your proposed work(s), undertaking(s) or activity(ies) may adversely affect Aboriginal or treaty rights.

As you are aware, Bill C-68 included new provisions (sections 42.2 to 42.5) in the *Fisheries Act* that require the Minister of Fisheries and Oceans to establish a public registry to facilitate public access to certain records, including amongst other items, authorizations issued pursuant to paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act*. While the public registry provisions of the *Fisheries Act* are not yet in force, the Department has begun to post a list of authorizations issued since August 28, 2019, when amendments to the fish and fish habitat protection provisions of the Act came into force.

If DFO issues such an authorization at the end of its review of your proposed works, undertakings or activities taking place in or near water, information pertaining to this authorization will be posted to the *Fisheries Act* Registry and accessible from the Department's website at <https://www.dfo-mpo.gc.ca/pnw-ppe/registry-registre-eng.html> as well as from the Open Government Portal at: <https://open.canada.ca/data/en/dataset/2c09d2fd-9a8e-4d8c-b5af-95747e36eaae> and the Common Project Search at <https://common-project-search.canada.ca/>. Information and data will be updated as the Department continues to develop the *Fisheries Act* Registry.

Any disclosure of information will be conducted in accordance with the *Access to Information Act* and the *Privacy Act*. Should you have any documents that contain sensitive or proprietary information that you believe should be protected from public disclosure, please contact us prior to providing them to DFO to discuss whether and how the information may be protected.

Please be advised that any unauthorized work, undertaking or activity that violates sections 34.4 and 35 of the *Fisheries Act*, sections 32, 33 and/or subsection 58(1) of the *Species at Risk Act* or sections 6, 7, 8, 9 and 10 of the *Aquatic Invasive Species Regulations* could lead to corrective action such as enforcement.

If you have any questions with the content of this letter, please contact Dwayne Reddick at our St. John's office at 709-639-3354, or by email at dwayne.reddick@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

Johnson, Roger

Digitally signed by Johnson,
Roger
Date: 2021.11.20 07:40:39
-05'30'

Roger Johnson
Team Leader – Regulatory Review
Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada
NAFC
(709) 746-1400
(709) 772-3296



File Ref No. 200.18.0115:0499

October 21, 2021

Ms. Cathy Martin
PWGSC Environmental Services
P. O. Box 4600, 10 Barter's Hill
St. John's, NL
A1C 3C9

For: Breakwater and Wharf
At: Neddies Harbour - Town of Norris Point
From: Public Services and Procurement Canada

Dear Ms. Martin :

This application was referred to the Environmental Assessment Division and it has been determined that registration is NOT required under Section 47 of the Environmental Protection Act, SNL 2002, cE-14.2.

Please be aware that this Department must be notified of any significant changes to the undertaking. All proponents are required to comply with all relevant legislation including permits and approvals from this Department and any other municipal, provincial or federal regulatory authorities.

If you have any questions regarding this matter please contact Brenda Rowe, Environmental Scientist at (709) 729-2553 or browe@gov.nl.ca.

Sincerely,

A handwritten signature in cursive script that reads "Joanne Sweeney".

Joanne Sweeney
Director
Environmental Assessment Division



January 24, 2022

Natasha Legge
PWGSC-ES
P.O. Box 4600
10 Barter's Hill
St. John's, NL A1C 5T2

RE: Dredge Sediment Disposal – Harbour Development Norris Point

Dear Ms. Legge:

Digital Government and Service NL has reviewed your request submitted on November 29, 2021 regarding the disposal of dredge sediments from the harbour development project in Norris Point.

Based on data results contained in the report, the Government Service Centre (GSC) has approved your request for the disposal of 3132m³ of dredged sediment at an approved waste disposal site subject to the following stipulations:

1. Dredged materials are to be stockpiled on site for a minimum of 24 hours before transportation to allow for the drainage of water. The stockpile area is to be located as close as possible to the high water mark. Care is to be taken in choosing this site to limit the negative effect of odors emitting from the stockpile. Also, samples stockpiled until the following year require re-sampling prior to disposal.
2. Dredged materials are to be transported in water tight trucks or containers to prevent leakage.
3. The re-use of dredged materials is not permitted under this approval.
4. It is the responsibility of the proponent to obtain any other necessary permits or approvals from Federal, Provincial, or Municipal authorities.
5. The proponent must obtain prior approval from the owner/operator of the Waste Disposal Site before disposal occurs and all documents related to disposal are to be forwarded to the GSC.
6. The Department reserves the right to cancel this approval at any time for non-compliance with any of the above conditions or for another reason that the Department deems to warrant such action.

If you have any questions, please call (709) 637-2204.

Sincerely,



Tanya Simms
Environmental Protection Officer