

PERMIT FOR DEVELOPMENT

Pursuant to the *Water Resources Act*, SNL 2002 cW-4.01, specifically Section(s) 39, 48

Date: **JUNE 14, 2023**

File No: **550-01-02-11-075**

Permit No: **PRO13044-2023**

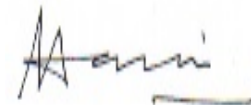
Permit Holder: **Town of Appleton
Site 4 RR#1
Appleton NL A0G 2K0
townofappleton@personainternet.com**

Attention: **Patricia Barnes, Town Clerk**

Re: **Gander WSMC - Gander Lake PPWSA - Appleton Marina - Town of Appleton**

Permission is hereby given for : **the extension of existing boat launch pad by 3.0 meters, and repairs to wharf and floating docks inside the the designated flood plain for the Towns of Glenwood and Appleton and the Gander Lake Protected Public Water Supply Area (used by the Towns of Gander, Glenwood and Appleton) with reference to the application dated April 11, 2023.**

- This Permit does not release the Permit Holder from the obligation to obtain appropriate approvals from other concerned municipal, provincial and federal agencies.
- The Permit Holder must obtain the approval of the Crown Lands Administration Division if the project is being carried out on Crown Land.
- This Permit is subject to the terms and conditions indicated in Appendices A and B (attached).
- It should be noted that prior to any significant changes in the design or installation of the proposed works, or in event of changes in ownership or management of the project, an amendment to this Permit must be obtained from the Department of Environment and Climate Change under Section 49 of the *Water Resources Act*.



(for) MINISTER

APPENDIX A
Terms and Conditions for Permit

PPWSA General

1. 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.
2. 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.
3. All persons working on this project must be informed that they are within a Protected Public Water Supply Area, and must be made aware of all conditions of this Permit. A copy of this Permit must be on site during operations.
4. The attached Completion Report (Appendix C) for Permit No. 13044 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.
5. With the exception of the specified upgrades to the wharf and slipway, an undisturbed (no cutting or ground disturbance) buffer zone of at least **300 metres** shall be maintained around Gander Lake, at least **100 metres** around major lakes and ponds and along both sides of all streams and main tributaries running into Gander Lake, and at least **30 metres** around all ponds, along both sides of all other water bodies including wetlands and field identified streams. Activity or development within these buffer zones is prohibited. All buffer zones must be marked with signs or flagging tape to avoid encroachment into the buffer zones.
6. All waste material is to be collected in refuse containers, and disposed of at an approved waste disposal site outside the Protected Public Water Supply Area in accordance with the *Environmental Protection Act, SNL 2002 cE-14.2*.
7. Equipment storage, maintenance facilities associated with this project, and all maintenance other than emergency repairs must not be located/carried out within the Protected Public Water Supply Area.
8. The Department reserves the right to require that the Permit Holder follow, and cover all costs incurred by the Permit Holder or this department, associated with any water quality monitoring program that may be ordered by the Minister for the purpose of ensuring that the water quality is maintained within acceptable guidelines.
9. Officials of the Department and the appropriate Municipal Authority, Operator, or Watershed Management Committee may visit the site to ensure compliance with this Permit.
10. Liaison is to be maintained with the Watershed Management committee and Environmental Scientist. If there are any specific problems (i.e. sedimentation, fuel spill, or other potential water quality impairment), the Chair of the Water Supply Committee must be notified immediately at (709)651-5915. The Environmental Scientist must also be notified immediately at (709)292-4280.

11. Treated wood shall not be used in a water body or within buffer zones established in Condition 5 of any water body measured from the high water mark. 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. The use of creosote treated wood anywhere within the Protected Public Water Supply Area is strictly prohibited.
12. The Permit Holder must inspect the site daily, and any water quality impairment related problems are to be reported immediately to the Environmental Scientist at (709)292-4280 and the Watershed Monitoring Committee at (709)651-5915.
13. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.
14. This Permit is valid for two (2) years from the date of issue. If required, an application for Permit renewal must be submitted prior to the expiry date.
15. Any changes in water quality resulting directly from this project, rendering the water unsuitable as a public water supply, are the responsibility of the Permit Holder. The Minister may order the Permit Holder to provide an alternate source of potable water to the affected community until water quality returns to an accepted level.
16. All vehicles and equipment must be in good working order with no leaking fuel, oil, or other harmful substances that could impair water quality.
17. All stationary motorized equipment and associated fuel tanks shall have metal trays, absorbent pads or impervious liners under them to catch and contain in excess of 110 % of the aggregate volume of any fuel, lubricant and oil.
18. Water pumped from excavations or work areas and drainage from roads and other disturbed areas into any body of water must first be discharged into a settling pond, a vegetated area or pass through a sedimentation fence where all suspended material can settle out before draining into any body of water. Sediment and erosion control measures must be installed before starting work and inspected regularly. Necessary repairs must be made if damage is discovered. Effluent discharged into receiving waters must comply with the *Environmental Control Water and Sewage Regulations, 2003*.
19. Where permits, licences, approvals or authorizations are issued by multiple governments, departments or agencies, in the case of similar conditions, the more stringent of those shall prevail; in the case of conflicting conditions, the Permit Holder shall seek clarification and direction in writing from each of the respective departments or agencies.
20. The Permit Holder is required to ensure that adequate sanitary (bathroom) facilities are available or provided on site. This may be in the form of a portable toilet, chemical toilet, pit privy (outhouse), sub-surface disposal system, or municipal sewer system. If a portable toilet or chemical toilet is used, the waste water must be disposed of in a septic disposal system approved by Service NL, or at an approved waste disposal site, outside the Protected Public Water Supply Area in accordance with the Environmental Protection Act, SNL 2002 cE-14.2. If a pit privy (outhouse) or sub-surface disposal system is used, it must be located outside the required buffers, and be subject to Service NL standards, requirements and approval.
21. The issuance of this permit does not guarantee, nor set precedent, that additional or similar permits or amendments will be issued in this or any other Protected Public Water Supply Area for additional or similar activity or development.

Fuel Storage

22. There shall be no bulk fuel storage associated with this project within the protected water supply area. Fuel shall be brought to the operating area in no more than two (2), 205 litre barrels or one (1) 500 litre slip tank. The Permit Holder is hereby informed that fuel storage and handling requires a separate approval under the *Storage and Handling of Gasoline and Associated Products Regulations*, CNR 775/96.
23. Contaminated snow and soil must be removed from the site and disposed of at an approved location outside the protected public water supply area, in accordance with the *Environmental Protection Act, SNL 2002 cE-14.2*.
24. Any spills of gasoline, fuel or oil, regardless of volume, shall be reported immediately to the Environmental Scientist and the Watershed Management Committee by calling (709)292-4280 and (709)651-5915 respectively. Furthermore, all spills in excess of 70 litres shall be reported immediately to the 24 hour spill report line at 1-800-563-9089.
25. A complete oil spill clean-up kit must be on site at all times when gasoline or fuel powered equipment is being used or refuelled. The kit must contain the following:
 - One hand operated fuel pump
 - One recovery container such an empty 205 litre drum
 - One shovel
 - One pick axe
 - Five metres of containment boom
 - Five absorbent pads
 - Twenty-five litres of loose absorbent material
26. Refueling sites shall be located at least 150 metres from any water body or wetland.

Wharf/Slipway in PPWSA

27. Armour stone must be placed around cribbing, where required, to prevent erosion.
28. Suitable booms must be deployed around construction sites to contain any floating debris that might otherwise be carried away. All booms must be properly maintained and remain in place until all work is completed.
29. The constructed works must comply with all other terms and conditions provided in the Crown Lands grant, lease, or license for occupancy.
30. The Permit Holder must consult with the Department of Fisheries and Oceans should the total combined footprint of the dock exceed 15 metres squared (15m^2) and/or it is made of concrete or steel sheeting or any other skirting that isolates the inside of the crib from the rest of the water.

Flood Zone Development

31. Upgrading work of existing Appleton Marina is within the designated flood plain for the Town of Glenwood and Appleton. This development, and future development at the site, must comply with this Department's policy directive for *Flood Plain Management W.R. 96-1*.
32. Fill may be placed on the lot only to the extent required for flood protection.
33. Any further development in the flood zone area not specifically covered by this permit will require a separate permit from this Division under Section 48 of the *Water Resources Act*.

34. The proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.
35. The structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties.

General Alterations

36. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
37. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
38. 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.
39. 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.
40. 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.
41. 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.
42. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
43. 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.
44. All work must be carried out within the Permit Holder's legal property boundaries.

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.

- cc: Ms. Deneen Spracklin, P.Eng.
Manager, Drinking Water and Wastewater Section
Water Resources Management Division
Department of Environment and Climate Change
P.O. Box 8700
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- cc: Ms. Paula Dawe, P.Eng.
Manager, Water Rights, Investigations and Modelling Section
Water Resources Management Division
Department of Environment and Climate Change
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- cc: Dave Mercer (Central)
Land Management Specialist
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Department of Fisheries, Forestry and Agriculture
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- cc: Fisheries Protection Division
Ecosystem Management Branch
Fisheries and Oceans Canada
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- cc: Mr. Trent Pollett
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Water Resources Management Division
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- cc: Town of Appleton
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- cc: Town of Gander
100 Elizabeth Drive

Gander, NL A1V 1G7
info@gandercanada.com



Appendix C - Completion Report

Pursuant to the *Water Resources Act*, SNL 2002 cW-4.01, specifically Section(s) 39, 48

Date: **JUNE 14, 2023**

File No: **550-01-02-11-075**
Permit No: **PRO13044-2023**

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Site 4 RR#1
Appleton NL A0G 2K0
townofappleton@personainternet.com

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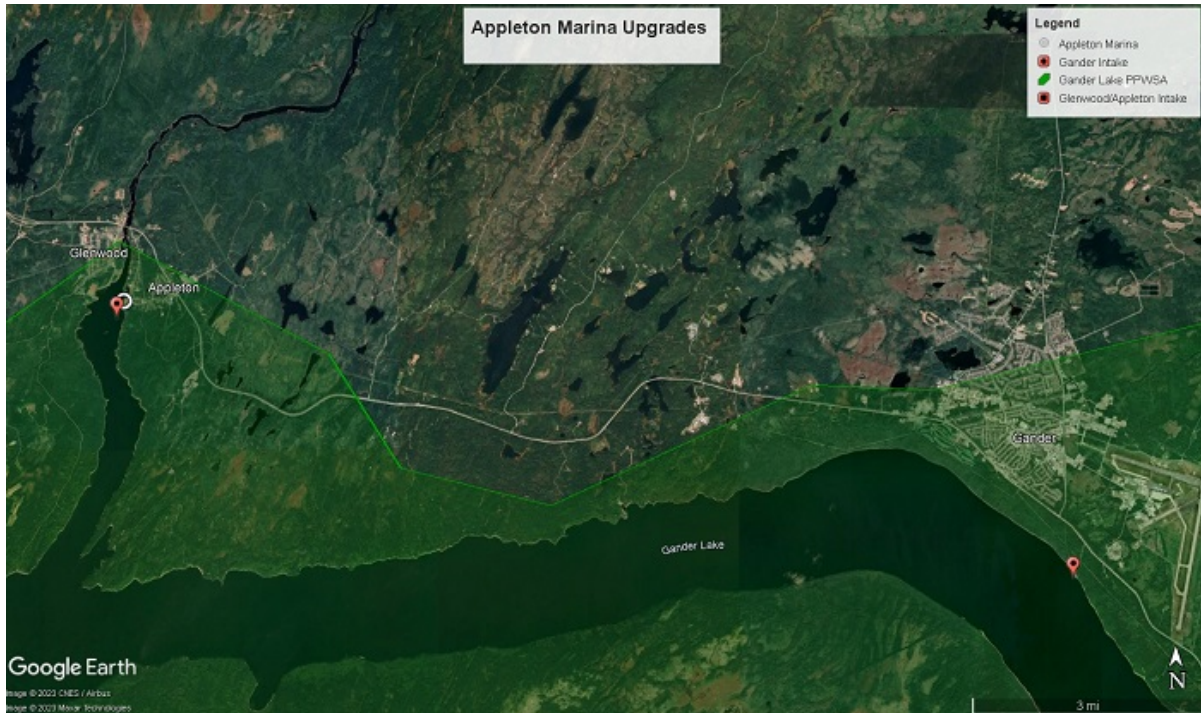
I (the Permit Holder named above or agent authorized to represent the Permit Holder) do hereby certify that the project described above was completed in accordance with the plans and specifications submitted to the Department of Environment and Climate Change and that the work was carried out in strict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

Date: _____ Signature: _____

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

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

APPENDIX D
Location Map for Permit



Second Attached Image File

Appleton Marina upgrade

