

## PERMIT FOR DEVELOPMENT

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

Date: **JANUARY 28, 2019**

File No: **550-01-01-04-054**  
Permit No: **PRO10067-2019**

Permit Holder: **Department of Fisheries and Land Resources  
Forest Service of Newfoundland and Labrador  
97 Manitoba Drive, Suite 208  
Clarenville, NL A5A 1K8**

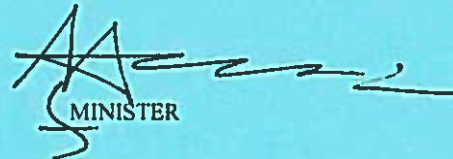
Attention: **Tim Andrews**

Re: **Clarenville - Shoal Harbour River PPWSA - Commercial Harvesting - Dept. of Fisheries & Land Resources**

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Permission is hereby given for : commercial timber harvesting estimated to be 9500 cubic metres over 95 hectares annually, with additional *Scleroderris* eradication of 500 cubic metres over 10 hectares, a 1.0 km proposed road and proposed temporary stream crossings inside the Shoal Harbour River Protected Public Water Supply area (used by the town of Clarenville) with reference to the application dated December 6, 2018.

- 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 Municipal Affairs and Environment under Section 49 of the *Water Resources Act*.



MINISTER

APPENDIX A  
Terms and Conditions for Permit

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**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. 10067 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. An undisturbed (no cutting or ground disturbance) buffer zone of at least 150 metres shall be maintained along both sides of Shoal Harbour River, for a distance of 1km upstream of the intake and at least 100 metres downstream of the intake, 75 metres along both sides of the remainder of Shoal Harbour River, at least 50 metres along both sides of all streams and main tributaries running into Shoal Harbour River, and at least 30 metres around all ponds and along both sides of all other water bodies. 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. 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.
7. 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.*
8. Any activity within a freshwater body (including wetlands and flood risk areas), requires a Permit under Section 48 of the Water Resources Act, 2002. This Permit refers to Section 39 of the Water Resources Act, 2002 and does not grant permission for the above stated work including fording and/or culvert or bridge installation.
9. 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.
10. Officials of the Department and the appropriate Municipal Authority, Operator, or Watershed Management Committee may visit the site to ensure compliance with this Permit.
11. Liaison is to be maintained with the appropriate Municipal Authority and Environmental Scientist. If there are any specific problems (ie sedimentation, fuel spill, other potential water quality impairment), the appropriate Town Manager/Clerk, Mayor, Chair of the Local Service District Committee, or Chair of the Water Supply Committee must be notified immediately at (709)466-7937. The Environmental Scientist must also be notified immediately at (709)729-4817.
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 709-729-4817 and the appropriate Municipal Authority or Watershed Monitoring Committee at 709-466-7937.
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 one (1) year 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 fuel tanks shall have metal trays, absorbent pads or impervious liners under them to catch any leaking fuel or oil.
18. Any streams not visible on a 1:50,000 scale map (including field identified streams) shall require a minimum buffer of 30 m.

#### **Commercial Harvesting**

19. Unless listed below, all conditions of the *Guidelines for Forest Operations Within Protected Water Supply Areas*, outlined in the **2018 Environmental Protection Guidelines for Forestry Operations in Newfoundland and Labrador**, must be strictly adhered to.
20. The felling or disposing of trees, parts of trees, sawdust, bark, logging debris or slash into a water body or upon the frozen surface of a water body is strictly prohibited.
21. Drainage from roads and other disturbed areas must be discharged into a settling pond or a vegetated area where all suspended material can settle out before draining into any body of water.
22. The Permit Holder shall post 'No Cutting' signs on designated buffer zones.
23. Conditions #1, 3, 5, 6, 7, 8, 15 through 22 and 24 through 39 shall be included as special conditions for any Commercial Wood Cutting Permits issued by the Department of Fisheries and Land Resources, in this Protected Public Water Supply Area.

#### **Fuel Storage**

24. 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. Refueling sites shall be located at least 150 metres from any water body or wetland. 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.
25. 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*.
26. Any spills of gasoline, fuel or oil, regardless of volume, shall be reported immediately to the Environmental Scientist and the appropriate Municipal Authority or Watershed Management Committee by calling 709-729-4817 and 709-466-7937 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.
27. 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
28. Refueling sites shall be located at least 150 metres from any water body or wetland.

#### **Fording in a PPWSA**

29. Except for single passenger all-terrain vehicles, crossings by other vehicles or construction equipment shall be limited to one trip in and one trip out.
30. Timbers or rocks shall be placed in streams to facilitate crossing or to minimize damage to the channel sections provided the streams are not unnecessarily constricted or backed up.
31. Alteration of the natural minimum streamflow is not permitted in order to preserve aquatic life.

32. Stream banks at fording sites that contain loose or erodible material must be adequately stabilized before crossing to minimize any siltation of streams.
33. The natural course of any stream must not be altered.
34. 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.
35. The fording sites must be located at shallow sections of the channels where there are low approach grades, and where the channels consists of stable non-erodible rock or cobbles.
36. Fording shall only be carried out during periods of low water levels.
37. When the fording sites are no longer required, the Permit Holder must dismantle and remove all constructed works and restore the sites to their original condition. All material placed in streams must be completely removed.
38. Pictures must be submitted along with the completion report, showing the project site prior to and after development.
39. Within 30 days after expiry of this Permit, the Permit Holder must submit to the department a report confirming that each fording location was left in as good or better condition than prior to Permit Holder's fording activities. This report should include detailed pictures of each site before and after project activities.

#### **General Alterations**

40. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
41. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
42. 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*.
43. 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.
44. 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.
45. 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.
46. 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.
47. 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.
48. All waste materials resulting from this project must be disposed of at a site approved by the Department of Service NL.
49. 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.
50. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
51. 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.
52. 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.

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

54. Except as stated in Clause #29 under **FORDING**, 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.

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR  
Department of Municipal Affairs and Environment

File No: 550-01-01-04-054  
Permit No: PRO10067-2019

APPENDIX B  
Special Terms and Conditions for Permit

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

cc: File Copy for Binder

cc: Town of Clarenville  
Ms. Angela Giles  
99 Pleasant Street  
Clarenville, NL A5A 1V9  
info@clarenville.net

cc: Ms. Paula Dawe, P.Eng.  
Manager, Drinking Water and Wastewater Section  
Water Resources Management Division  
Department of Municipal Affairs and Environment  
P.O. Box 8700  
4th Floor, West Block, Confederation Building  
St. John's, NL A1L 4J6  
pauladawe@gov.nl.ca

cc: Frank Norman (Eastern)  
Land Management Specialist  
Crown Lands Administration  
Howley Building  
St. John's  
franknorman@gov.nl.ca

cc: Fisheries Protection Division  
Ecosystem Management Branch  
Fisheries and Oceans Canada  
P.O. Box 5667  
St. John's, NL A1C 5X1  
FPP-NL@dfo-mpo.gc.ca

### Appendix C - Completion Report

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

Date: JANUARY 28, 2019

File No: 550-01-01-04-054  
Permit No: PRO10067-2019

Permit Holder: Department of Fisheries and Land Resources  
Forest Service of Newfoundland and Labrador  
97 Manitoba Drive, Suite 208  
Clareville, NL A5A 1K8

Attention: Tim Andrews

Re: Clareville - Shoal Harbour River PPWSA - Commercial Harvesting - Dept. of Fisheries & Land Resources

Permission was given for : commercial timber harvesting estimated to be 9500 cubic metres over 95 hectares annually, with additional *Scleroderris* eradication of 500 cubic metres over 10 hectares, a 1.0 km proposed road and proposed temporary stream crossings inside the Shoal Harbour River Protected Public Water Supply area (used by the town of Clareville) with reference to the application dated December 6, 2018.

*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 Municipal Affairs and Environment and that the work was carried out in strict compliance with the terms and conditions of the Permit issued for this project.*

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

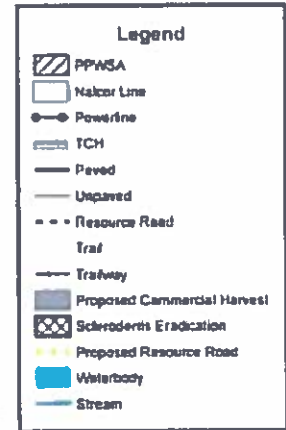
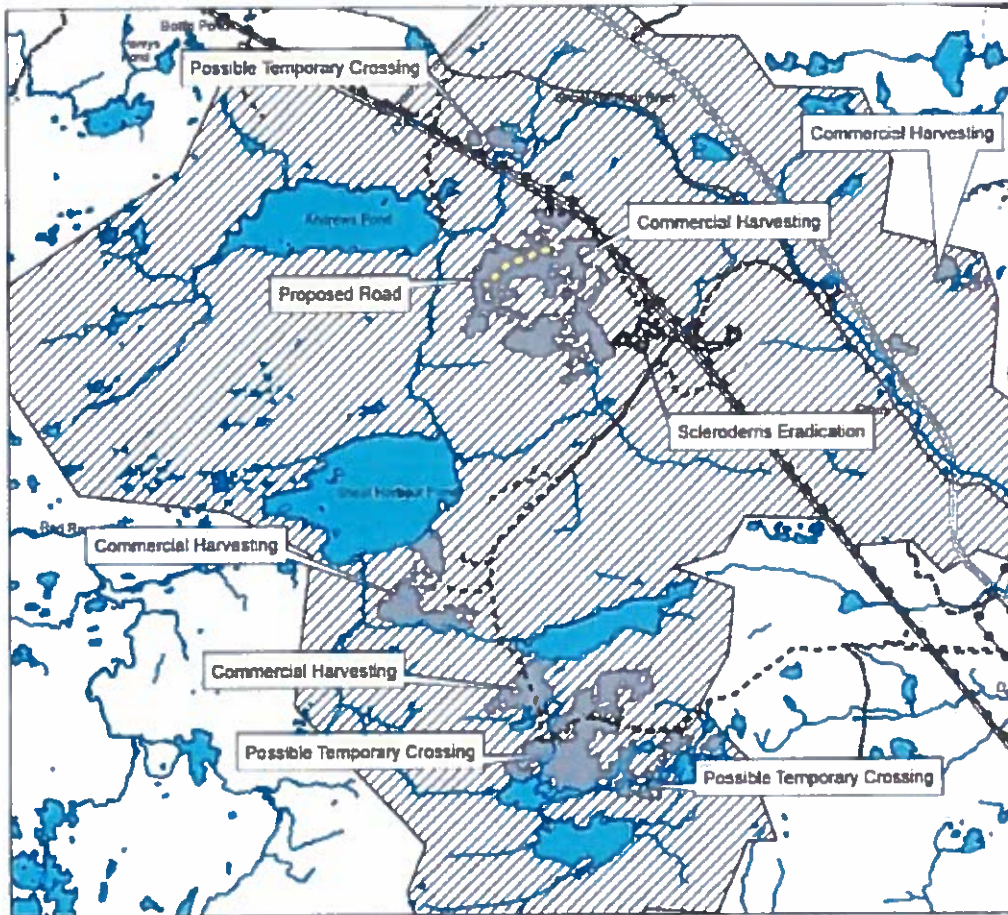
This completion report must be completed and forwarded to the following address upon completion of the approved work.

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



**APPENDIX D**  
**Location Map for Permit**

**Proposed Resource Development - Shoal Harbour River Protected Water Supply**



Area of Com. Harvest: 95 ha  
Harvesting Volume: 9500 m3  
Proposed Road: 1.0 km  
Scleroderms eradication: 10 ha  
1:70,000

**Second Attached Image File**

