

PERMIT TO ALTER A BODY OF WATER

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

Date: **JULY 30, 2018**

File No: **525**
Permit No: **ALT9742-2018**

Permit Holder: **Indian Bay Ecosystem Corporation
General Delivery
Indian Bay NL A0G 2V0**

Attention: **Ms. Stella Gale**

Re: **Indian Bay (Adurt Brook) - Replacement of ATV Trail Bridge and Notching/Removal of Beaver Dam**

Permission is hereby given for **the replacement of a deteriorated, unsafe ATV trail bridge across the Adurt Brook and removal or notching of the beaver dam to mitigate ATV trail overflowing and sediment deposition in Adurt Brook in order to improve the overall health of Adurt Brook for aquatic life, inside the Indian Bay Brook PPWSA (used by the Town of Indian Bay), with reference to the application dated June 11, 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*.
- Failure to comply with the terms and conditions will render this Permit null and void, place the Permit Holder and their agent(s) in violation of the *Water Resources Act* and make the Permit Holder responsible for taking any remedial measures as may be prescribed by this Department.



MINISTER

APPENDIX A
Terms and Conditions for Permit

Bridge Design

1. An untreated timber bridge may be constructed across Adurt Brook, near the Town of Indian Bay.
2. The crossing structure must provide adequate capacity to safely discharge flood flows without causing backwater effects upstream or increased flow velocity downstream.
3. Piers must be designed to prevent failure resulting from scouring of streambed material.
4. The bridge(s) must have the following minimum dimensions:

Crossing Name / No.	Span (m)	Waterway Opening (m ²)	Height Above Stream Bed (m)	Freeboard (m)
Adurt Brook ATV Bridge	7.3	14.6	1.8	1.2

Bridge Construction

5. The use of creosote treated wood is strictly prohibited within 15 metres of all bodies of fresh water in the province.
6. Drainage ditches must collect and transport surface runoff in a manner that does not cause flooding, erosion or sedimentation of adjacent land or receiving waters.
7. Bridge abutments must be set back 0.5 metres from the normal edge of a watercourse to prevent constriction during high flow conditions.
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. The upstream and downstream sides of abutments must be protected with rip-rap, concrete or heavy timber to prevent erosion and scouring.
10. Where pumping is used to bypass flow, cofferdams must be installed both above and below areas of construction. The Permit Holder must provide pumps with sufficient capacity to prevent washout of cofferdams.
11. Cofferdams must be properly designed and constructed of suitable materials to prevent leakage and to resist loss of any material as a result of erosion. Cofferdams must be removed upon completion of their intended function. All material must be removed carefully to prevent disturbance of the water body and to prevent water quality degradation.
12. Abutments and piers must be constructed in the dry and during times of low flow.
13. Roadside embankments near the watercourse must be adequately protected from erosion by sodding, seeding or placing of rip-rap.
14. Adequate erosion protection must be provided where roadside ditches discharge into watercourses near bridges.

General Alterations

15. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
16. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
17. 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*.

18. 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.
19. 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.
20. 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.
21. 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.
22. Wood preservatives 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.
23. 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.
24. 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.
25. 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.
26. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
27. 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.
28. 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.
29. The attached Completion Report (Appendix C) for Permit No. 9742 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.
30. This Permit is valid for two years from the date of issue. Work must be completed by that date or the application and approval procedure must be repeated.
31. All work must be carried out within the Permit Holder's legal property boundaries.

Special Conditions

32. The proposed work must not be carried out during the salmon migration season.

PPWSA General

33. 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.
34. 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.
35. An undisturbed (no cutting or ground disturbance) buffer zone of at least 150 metres shall be maintained around Indian Bay Brook, at least 50 metres along both sides of all streams and main tributaries running into Indian Bay Brook, 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.
36. 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.

37. 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*.
38. 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.
39. Officials of the Department and the appropriate Municipal Authority, Operator, or Watershed Management Committee may visit the site to ensure compliance with this Permit.
40. 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)678-2727. The Environmental Scientist must also be notified immediately at (709)292-4280.
41. 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.
42. Motorized vehicles, including snowmobiles and ATVs, shall remain on existing roads and trails inside the Protected Public Water Supply Area.
43. Treated wood shall not be used in a water body or within 50 metres of the high water mark of any water body. The use of creosote treated wood anywhere within the Protected Public Water Supply Area is strictly prohibited.
44. 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 appropriate Municipal Authority or Watershed Monitoring Committee at (709)678-2727.
45. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.
46. 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.
47. All vehicles and equipment must be in good working order with no leaking fuel, oil, or other harmful substances that could impair water quality.
48. 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.
49. Any streams not visible on a 1:50,000 scale map (including field identified streams) shall require a minimum buffer of 30 m.

Protected Miscellaneous

50. The Permit Holder is required to provide this Department with all documentation, information and data which may be requested or required in order to carry out the inspection or investigation.
51. Wood and brush removed from the work site must not be stored within undisturbed buffer zones of any water body.

Special Conditions

52. Beaver dam removal or notching must only be carried out during periods when wind, wave and tide conditions minimize the dispersion of silt and sediment from the work site. 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.

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
Department of Municipal Affairs and Environment

File No: 525
Permit No: ALT9742-2018

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 and/or Ministerial orders and guidelines, as determined by this Department, the Minister may, after providing ten (10) day notice to the Permit Holder, 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: File Copy for Binder
- cc: Mr. Robert Wight (C)
Environmental Scientist
Water Resources Management Division
Department of Municipal Affairs and Environment
Provincial Building, 3 Cromer Avenue
Grand Falls-Windsor, NL A2A 1W9
robertwight@gov.nl.ca
- 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: 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: Mr. Rodger Primmer (C)
Regional Lands Manager, Central Regional Crown Lands
Crown Lands Administration Division
Department of Fisheries and Land Resources
230 Airport Boulevard, Fraser Mall, P.O. Box 2222
Gander, NL A1V 1T5
rprimmer@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
- cc: Town of Indian Bay
Ms. Triffie Parsons, Town Clerk/Manager
10-18 Municipal Cres.
Indian Bay, NL A0G 2V0
townofindianbay@hotmail.com



Government of Newfoundland and Labrador
Department of Municipal Affairs and Environment
Water Resources Management Division

Appendix C - Completion Report

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

Date: JULY 30, 2018

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General Delivery
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Permission was given for : the replacement of a deteriorated, unsafe ATV trail bridge across the Adurt Brook and removal or notching of the beaver dam to mitigate ATV trail overflowing and sediment deposition in Adurt Brook in order to improve the overall health of Adurt Brook for aquatic life, inside the Indian Bay Brook PPWSA (used by the Town of Indian Bay), with reference to the application dated June 11, 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

