

### PERMIT TO ALTER A BODY OF WATER

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

Date: **SEPTEMBER 29, 2017**

File No: **525**

Permit No: **AET9385-2017**

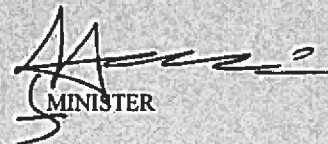
Permit Holder: **Indian Bay Ecosystem Corporation  
General Delivery  
Indian Bay NL A0G 2V0**

Attention: **Ms. Stella Gale**

Re: **Indian Bay (Water Body Locally Named as Jim's Steady) - Restoration of 5km Brook from Big Bear Cave Pond to Little Bear Cave Pond through Jim's Steady**

Permission is hereby given for restoration of a 5km brook from Big Bear Cave Pond to Little Bear Cave Pond through Jim's Steady, between coordinates Latitude 49 Degrees 6' 47.7" Longitude 54 Degrees 00' 43.8" and Latitude 49 Degrees 5' 33.2" Longitude 54 Degrees 04' 02.0", within the Indian Bay Brook Protected Public Water Supply Area (used by the Town of Indian Bay), for the purpose of restoring the critical spawning and rearing habitat for salmon and trout as well as improve access to upstream habitat as outlined in the application dated August 3, 2017, and received on August 5, 2017.

- 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

**General Alterations**

1. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
2. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
3. 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*.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. All waste materials resulting from this project must be disposed of at a site approved by the Department of Service NL.
12. 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.
13. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
14. 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.
15. 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.
16. The attached Completion Report (Appendix C) for Permit No. 9385 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.
17. 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.
18. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.

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

#### **Special Conditions**

20. Alteration of the natural minimum streamflow is not permitted in order to preserve aquatic life.
21. The natural course of any stream must not be altered.
22. The slopes along the perimeter of infilled areas must be no steeper than two horizontal to one vertical (2H:1V).
23. 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.
24. 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.
25. Infilling must not disrupt the established surface drainage pattern of the area.
26. Removal of streambank vegetation or trees is not permitted. Overhanging brush that collects snow and blocks ice movement may be pruned and cut back to allow free flow of water.
27. The constructed works must comply with all other terms and conditions provided in the Crown Lands grant, lease, or license for occupancy.
28. Select heavy rocks must be placed along the toe of any infilling to provide slope stability and erosion protection.

#### **PPWSA General**

29. 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.
30. 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.
31. 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.
32. Officials of the Department and the appropriate Municipal Authority, Operator, or Watershed Management Committee may visit the site to ensure compliance with this Permit.
33. 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.
34. Vehicular and ATV access are limited to existing roads and approved trails. No new roads or trails are permitted.
35. 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.
36. 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.
37. 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.

#### **Protected Miscellaneous**

38. The Permit Holder must inspect the site daily, and any water quality impairment related problems are to be reported immediately to the Environmental Scientist and the appropriate Municipal Authority or Watershed Monitoring Committee.

39. 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.
  
40. 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.

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR  
Department of Municipal Affairs and Environment

File No: 525  
Permit No: ALT9385-2017

**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: Ms. Annette Tobin, P. Eng.  
Environmental Engineer, Drinking Water and Wastewater Section  
Water Resources Management Division  
Department of Environment and Climate Change  
P.O. Box 8700  
4th Floor, West Block, Confederation Building  
St. John's, NL A1B 4J6  
annettetobin@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  
4th Floor, Confederation Building, West Block  
P.O. Box 8700, St. John's NL Canada A1B4J6  
akhan@gov.nl.ca
- cc: File Copy for Binder
- cc: Mr. Ralph Jarvis  
Manager, Salmonier Nature Park  
P.O. Box 190  
Holyrood, NL A0A 2R0  
rjarvis@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: Town of Indian Bay  
Ms. Triffie Parsons, Town Clerk/Manager  
10-18 Municipal Cres.  
Indian Bay, NL A0G 2V0  
townofindianbay@hotmail.com



**Appendix C - Completion Report**

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

Date: **SEPTEMBER 29, 2017**

File No: **525**  
Permit No: **ALT9385-2017**

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

Attention: **Ms. Stella Gale**

Re: **Indian Bay (Water Body Locally Named as Jim's Steady) - Restoration of 5km Brook from Big Bear Cave Pond to Little Bear Cave Pond through Jim's Steady**

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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 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

