

## PERMIT TO ALTER A BODY OF WATER

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

Date: **APRIL 20, 2016**

File No: **524**  
Permit No: **ALT8586-2016**

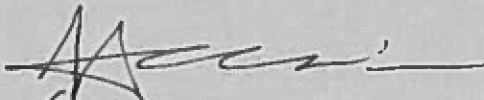
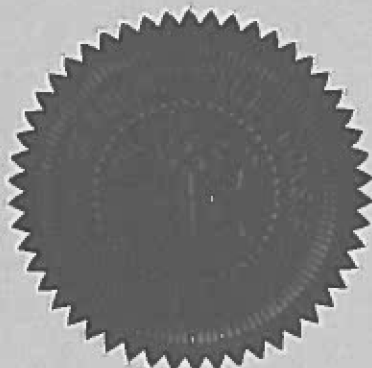
Permit Holder: **Newfoundland Power Inc.  
55 Kenmount Road  
P.O. Box 8910  
St. John's NL A1B 3P6**

Attention: **Mr. David Ball, P.Eng**

Re: **Witless Bay (Perrys Brook - Locally known as Pierre's Brook) - Penstock Replacement, Retaining Wall and Infilling**

Permission is hereby given for: the removal of an existing woodstave/steel penstock, the installation of a new 2535 metre 1828mm diameter CCFRPM penstock, the construction of a retaining wall near Perrys Brook (locally known as Pierre's Brook) and the infilling of two (2) wetland areas to facilitate the construction of the new penstock in the Community of Witless Bay, as indicated in Appendix A and D of this Permit (attached), with reference to the application received on March 2, 2016, and further information provided on or before April 20, 2016.

- 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 Conservation 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**

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**Retaining Walls**

1. The constructed works must be inspected regularly so that action can be taken to undertake repairs as required.
2. Armour stone must be placed around cribbing, where required, to prevent erosion.
3. The use of creosote treated wood is strictly prohibited within 15 metres of all bodies of fresh water in the province.
4. 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.
5. The natural course of any stream must not be altered.
6. 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.
7. The base for gabion walls must be set a minimum of 0.5 metres below the bed of the channel or on bedrock to prevent undermining due to scour.
8. Gabion baskets at the upstream end of the gabion wall must be set into the embankment to prevent high flows from entering behind the wall.
9. The gabion wall or mats must be constructed according to the specifications provided by the manufacturer. Particular attention must be paid to the placement of rock, and tying procedures.
10. The constructed works must comply with all other terms and conditions provided in the Crown Lands grant, lease, or license for occupancy.
11. The base of retaining walls must be set back a minimum of 0.5 metres from the normal edge of watercourses to prevent constriction during high flow conditions.
12. Select heavy rocks must be placed along the toe of any infilling to provide slope stability and erosion protection.

**Infilling**

13. The slopes along the perimeter of infilled areas must be no steeper than two horizontal to one vertical (2H:1V).
14. The constructed works must be inspected regularly so that action can be taken to undertake repairs as required.
15. 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.
16. The natural course of any stream must not be altered.
17. 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.
18. Infilling must not disrupt the established surface drainage pattern of the area.
19. Infilling must not cause increased water elevation upstream or increase flow velocity downstream of the site.
20. 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.

21. The constructed works must comply with all other terms and conditions provided in the Crown Lands grant, lease, or license for occupancy.
22. Select heavy rocks must be placed along the toe of any infilling to provide slope stability and erosion protection.

#### **General Alterations**

23. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
24. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
25. 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*.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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 the Department.
32. 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.
33. All waste materials resulting from this project must be disposed of at a site approved by the Department of Service NL.
34. 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.
35. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
36. 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.
37. 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.
38. The attached Completion Report (Appendix C) for Permit No. 8586 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.
39. 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.
40. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.
41. All work must be carried out within the proponent's legal property boundaries.

42. 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.

**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 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: Dr. Abdel-Zaher Kamal Abdel-Razek, Ph. D., P.Eng.  
Manager, Water Rights and Investigations Section  
Water Resources Management Division  
Department of Environment and Conservation  
P.O. Box 8700  
St. John's NL A1B 4J6
- cc: Mr. Steve Barnable (E)  
Manager, Eastern Regional Crown Lands  
Crown Lands Administration Division  
Dept. of Municipal and Intergovernmental Affairs  
PO Box 8700  
St. John's NL A1B 4J6
- cc: Fisheries Protection Division  
Ecosystem Management Branch  
Fisheries and Oceans Canada  
P.O. Box 5667  
St. John's NL A1C 5X1
- cc: Town of Witless Bay  
Ms. Geraldine Caul  
PO Box 130  
Witless Bay NL A0A 4K0



Government of Newfoundland and Labrador  
Department of Environment and Conservation  
Water Resources Management Division

## Appendix C - Completion Report

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

Date: **APRIL 20, 2016**

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**P.O. Box 8910**  
**St. John's NL A1B 3P6**

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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 Conservation 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 Conservation  
Water Resources Management Division  
PO Box 8700  
St. John's NL A1B 4J6

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

