

PERMIT TO ALTER A BODY OF WATER

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

Date: **MARCH 23, 2018**

File No: 523-07; 560-03

Permit No: ALT9602-2018

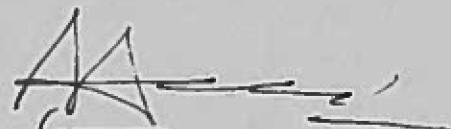
Permit Holder: **Department of Fisheries and Oceans
Small Craft Hr Branch
1144 Topsail Road
St. John's NL A1N 5E8**

Attention: **Paul Curran**

Re: **Petty Harbour - Dredging/excavation, infilling, and fortification with rip-rap to improve berthing facilities of the harbour located in 20 year flood zone**

Permission is hereby given for : the demolition and removal of existing timber cribbing, excavation and removal of berm materials to a depth of approximately -2.0 m LNT from part of the berm, fortification of resultant berm with rip-rap shore protection, and infilling part of the shoreline along with rip-rap shoreline fortification to match elevations of the adjacent property in order to provide adequate berthing adjacent to the existing DFO-SCH facility in the 20 year designated flood zone of Petty Harbour, with reference to the application dated January 26 and additional information received on February 27 and 28, and March 7, 13, 16, 20 and 21, 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

Dredging

1. Alteration of the natural minimum streamflow is not permitted in order to preserve aquatic life. The natural course of any stream must not be altered.
2. As per the harbour improvements proposal, the dredging/excavation volume must be limited to 880 cubic metre.
3. Dredging/excavation activity must only be carried out during periods when wind, wave and tide conditions minimize the dispersion of silt and sediment from the work site.
4. A water quality monitoring program is not required at this time. However, the Department reserves the right to require that the Permit Holder sample, analyse, and submit results of water quality tests, for the purpose of ensuring that the water quality is maintained within acceptable guidelines. All analyses must be undertaken by a CALA accredited laboratory.
5. The area to be dredged/excavated must be enclosed and isolated from the rest of the body of water through the use of a filter fabric curtain or similar method.
6. Dredged/excavated material must be disposed of in accordance with the regional Service NL Centre of the Department of Service NL. The Department of Service NL may require samples to be submitted for testing and analysis. Only suitable, rocky material dredged/excavated may be used for breakwater construction as it will not be susceptible to erosion.

Infilling

7. The slopes along the perimeter of infilled areas must be no steeper than one and half horizontal to one vertical (1.5H:1V).
8. The constructed works must be inspected regularly so that action can be taken to undertake repairs as required.
9. 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.
10. The natural course of any stream must not be altered. Infilling must not disrupt the established surface drainage pattern of the area.
11. As per the harbour improvements proposal, the fill volume must not exceed 700 cubic metre, including rip-rap required for shore protection.
12. 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.
13. 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.
14. The constructed works must comply with all other terms and conditions provided in the Crown Lands grant, lease, or license for occupancy.
15. Select heavy rocks must be placed along the toe of any infilling to provide slope stability and erosion protection.
16. 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.
17. All work must be carried out within the Permit Holder's legal property boundaries.

Flood Zone Development

18. The proposed work is within the designated flood plain for the Town of Petty Harbour/Maddox Cove. This development, and future development at the site, must comply with this Department's policy directive for *Flood Plain Management W.R. 96-1*.
19. 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*.

20. The proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.
21. 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

22. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
23. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
24. 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*.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. All waste materials resulting from this project must be disposed of at a site approved by the Department of Service NL.
33. 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.
34. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
35. 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.
36. 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.
37. The attached Completion Report (Appendix C) for Permit No. 9602 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.
38. 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.
39. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.
40. All work must be carried out within the Permit Holder's legal property boundaries.

41. Pictures must be submitted along with the completion report, showing the project site prior to and after development.

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: 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: Mr. Steve Barnable (E)
Eastern Regional Lands Manager
Crown Lands Administration Division
Department of Fisheries and Land Resources
P.O. Box 8700
Howley Building, Higgin's Line
St. John's, NL A1B 4J6
easternlandsoffice@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 Petty Harbour - Maddox Cove
Ms. Stephanie Stack
35 Main Road
Petty Harbour, NL A0H 3H0
sstack@phmc.nf.net



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) 48

Date: **MARCH 23, 2018**

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Permit No: **ALT9602-2018**

Permit Holder: **Department of Fisheries and Oceans
Small Craft Hr Branch
1144 Topsail Road
St. John's NL A1N 5E8**

Attention: **Paul Curran**

Re: **Petty Harbour - Dredging/excavation, infilling, and fortification with rip-rap to improve berthing facilities of the harbour located in 20 year flood zone**

Permission was given for : **the demolition and removal of existing timber cribbing, excavation and removal of berm materials to a depth of approximately -2.0 m LNT from part of the berm, fortification of resultant berm with rip-rap shore protection, and infilling part of the shoreline along with rip-rap shoreline fortification to match elevations of the adjacent property in order to provide adequate berthing adjacent to the existing DFO-SCH facility in the 20 year designated flood zone of Petty Harbour, with reference to the application dated January 26 and additional information received on February 27 and 28, and March 7, 13, 16, 20 and 21, 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

