Government of Newfoundland and Labrador
Department of Environment and Climate Change
Water Resources Management Division

PERMIT TO ALTER A BODY OF WATER

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

Date: **APRIL 09, 2026**

File No: **523-11**
Permit No: **ALT14525-2026**

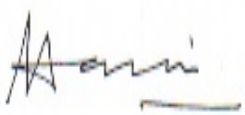
Permit Holder: **Town of Torbay**
1288 Torbay Road
Torbay, NL A1K 1K4
bwinter@torbay.ca

Attention: **Brian Winter**

Re: **Torbay (North Pond Brook and Whiteway Pond Brook) - Culvert Upgrading, Stream Modification with Associated Infilling and Dredging and Berm Construction**

Permission is hereby given for : **the upgrading of culverts, widening and deepening of stream channels upstream and downstream of the culverts at Country Drive and Lynch's Lane, and construction of berms along the north bank of North Pond Brook and along the shoulder of Lynch's Lane and Mahon's Lane to mitigate stormwater flooding in high-risk areas at Country Drive and Lynch's Lane in the Town of Torbay, with reference to the application dated March 19, April 6, and April 9, 2026.**

- 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 Climate Change under Section 49 of the *Water Resources Act*.



(for) MINISTER

APPENDIX A

Terms and Conditions for Permit

Culvert Design

1. Two 11.0 m long arch aluminum culverts, each 1,390 mm wide by 970 mm high, may be installed across Whiteway Pond Brook at Country Drive, and one 12.0 m long arch aluminum culvert, 6,198 mm wide by 1,372 mm high, may be installed across North Pond Brook at Lynch's Lane in the Town of Torbay

2. The crossing structure must provide adequate capacity to safely discharge flood flows without causing backwater effects upstream or increased flow velocity downstream.

3. Due to site and physiographic constraints, the culvert capacity will be less than the 1:100-year climate change design flood. Flows exceeding the culvert capacity will overtop the roadway during extreme storm events:

Crossing Name / No.	Design Return Period (years)	Design Flow (m^3/s)	Flow through the culvert (m^3/s)	Flow overtops the road (m^3/s)	Minimum Size (mm)	Number of Pipes	Length (m)
Culvert across Whiteway Pond Brook at Country Drive	100	42.00	7.37	34.63	1390 mm (W) x 970 mm (H)	2	11.0
Culvert across North Pond Brook at Lynch's Lane	100	18.00	15.33	2.67	6198 mm (W) x 1372 mm (H)	1	12.0

Culvert Installation

4. 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.

5. Inlet and outlet areas of culvert installations must be adequately protected from erosion by placing rip-rap, fitted stone, or concrete headwalls.

6. Culvert installations must follow the stream channel gradient to the maximum extent possible and placed in line with the direction of the main flow to minimize disturbance to the channel. Culverts must not disrupt the flow of water or cause ponding at the upstream side of the installation.

7. In multiple culvert installations, one culvert must be set a minimum of 150 mm lower than the others to provide adequate water depth and velocity for fish passage during low flow conditions. In addition, multiple culverts must be installed within 0.6 to 0.9 metres apart for maximum stability.

8. 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.

9. 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.

10. All work involving minor alteration to the stream channel to permit culvert placement must be carried out at a time of low flow, and in a manner that prevents downstream siltation and unnecessary alteration of the channel.

11. Grading and finishing of roadways or road embankments must not cause damage to culverts or allow road material to enter the watercourse.

12. Roadside embankments near the watercourse must be adequately protected from erosion by sodding, seeding or placing of rip-rap.

13. Culverts must be inspected regularly so that immediate action can be taken to clear blockages caused by ice or debris or to undertake repairs as required.

14. The inlet and outlet of culverts must be clearly marked so that operators of road grading and snow clearing equipment can avoid blocking culverts.

15. Any damage to culverts during installation or due to inadequate capacity and/or improper construction must be reported to this Department. Damaged culverts must be replaced immediately to prevent overtopping, erosion, or flooding.

16. If a culvert is installed in natural fish habitat it must be embedded a minimum of 150 mm below the natural streambed (up to a maximum of 1/3 of the culvert diameter).

Stream Diversion Design

17. Approximately 114.0 metres stream channel in Whiteway Pond Brook (near Whiteway Pond) and approximately 22.0 metres stream channel in North Pond Brook (near The Gully) may be widened and deepened to safely convey the 1:100 year design flood.

18. The new channel must provide adequate capacity to safely discharge flood flows at a velocity no greater than that which would occur in the natural channel.

19. A minimum freeboard of 0.35 metres must be provided between the design high water level and the top of the channel bank to prevent overtopping.

20. The stream diversion must have the following dimensions:

Design Return Period (year)	Bottom Width (m)	Depth of Channel (m)	Bank Slope (H:V)	Flow Area (m^2)	Bed Slope (%)
100	5.0	2.0	2:1 to 3:1	12	1%

Stream Diversion Construction

21. Alteration of the natural minimum streamflow is not permitted in order to preserve aquatic life.

22. The old channel must be closed to all flow of water. The fill or structure diverting flows into the new channel must be adequately protected from erosion.

23. The Permit Holder must prevent erosion of drainage ditches, streams or other natural bodies of water by installing rip-rap and/or sodding.

24. 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.

25. 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.

26. The new channel must be excavated in the dry beginning from the downstream end.

27. Flow must not be diverted into the new channel until all excavation, lining and bank stabilization work has been completed. Water from the old channel must be diverted into the new channel gradually. The channel must be monitored visually for any indications of excessive erosion or other problems.

28. The channel, including any areas up to the high water mark, must be kept free of all excavated or unused construction materials at all times.

29. The channel must be inspected regularly and maintained to ensure that there is no erosion of the channel. Any debris causing a blockage must be removed when necessary.

30. 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.

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

32. The toe of the stream bank must be stabilized with fitted rock. The bank must be covered with an adequate layer of topsoil and seeded or sodded. The channel bed must be stabilized with a layer of clean gravel to resemble natural stream conditions.

Dredging/Debris Removal

33. Alteration of the natural minimum streamflow is not permitted in order to preserve aquatic life.

34. The natural course of any stream must not be altered.

35. Dredging 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.

36. 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.

37. 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.

38. This Permit is valid for two (2) years from the date of issue. If required, an application for Permit renewal must be submitted prior to the expiry date.

39. Dredged material must be disposed of in accordance with the regional Service NL Centre of the Department of Digital Government and Service NL. The Department of Digital Government and Service NL may require samples to be submitted for testing and analysis. Only suitable, rocky material dredged may be used for breakwater construction as it will not be susceptible to erosion.

Infilling

40. The slopes along the perimeter of infilled areas must be no steeper than two horizontal to one vertical (2H:1V).

41. The constructed works must be inspected regularly so that action can be taken to undertake repairs as required.

42. 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.

43. The natural course of any stream must not be altered.

44. 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.

45. Infilling must not disrupt the established surface drainage pattern of the area.

46. 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.

47. The constructed works must comply with all other terms and conditions provided in the Crown Lands grant, lease, or license for occupancy.

48. Select heavy rocks must be placed along the toe of any infilling to provide slope stability and erosion protection.

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

50. 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.

Dyke/Berm Construction

51. The slopes along the perimeter of infilled areas must be no steeper than two horizontal to one vertical (2H:1V), except for gabion basket berm.

52. Berms and appurtenant structures may be constructed at the following locations: between (52.718602W, 47.655931N) and (52.719183W, 47.656499N), approximately 80.0 metres; between (52.719311W, 47.655368N) and (52.718528W, 47.655811N), approximately 80.0 metres; and between (52.718402W, 47.655967N) and (52.717601W, 47.656075N), approximately 65.0 metres.

53. 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.

54. The work must meet the requirements of the Environmental Protection Plan (latest approved version) for the project.

Special Conditions

55. Due to the site and physiographic constraints, installation of culverts capable of conveying 1:100 year climate change design flood was not feasible across Whiteway Pond Brook at Country Drive and North Pond Brook at Lynch's Lane. As a result, roadway overtopping may occur during a 1:100 year storm event. Appropriate protective measures shall be implemented at both culverts locations to prevent erosion of the roadway during overtopping events.

56. Town should inform residents living in the vicinity of these two culverts about the potential for flooding during major storm events.

General Alterations

57. Any work that must be performed below the high water mark must be carried out during a period of low water levels.

58. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.

59. 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*.

60. 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.

61. 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.

62. 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.

63. 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.

64. 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.

65. 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.

66. 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.

67. All waste materials resulting from this project must be disposed of at a site approved by the Department of Government Services.

68. 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.

69. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.

70. 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.

71. 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.

72. The attached Completion Report (Appendix C) for Permit No. 14525 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.

73. 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.

74. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.

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

76. This licence/permit does not constitute an acknowledgement of interest in any land claims adjacent.

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
Department of Environment and Climate Change

File No: **523-11**
Permit No: **ALT14525-2026**

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, 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: Mr. Jamie Goosney, P. Eng.
Aguathuna Drafting and Consulting Company Ltd
3A Neptune Drive
Stephenville, NL
A2N 3X8
jamie@adcengineering.ca

cc: Ms. Paula Dawe, P.Eng.
Manager, Water Rights, Investigations and Modelling Section
Water Resources Management Division
Department of Environment, Conservation and Climate Change
P.O. Box 8700
4th Floor, West Block, Confederation Building
St. John's, NL A1B 4J6
pauladawe@gov.nl.ca

cc: Eastern Lands Office
Fisheries & Land Resources
P.O. Box 8700
Howley Building, Higgins Line
St. John's NL A1B 4J6
easternlandsoffice@gov.nl.ca

cc: Fish and Fish Habitat Protection Program
Aquatic Ecosystems Branch
Fisheries and Oceans Canada
P.O. Box 5667
St. John's, NL A1C 5X1
dfo.fppnl-ppptnel.mpo@dfo-mpo.gc.ca

Government of Newfoundland and Labrador
Department of Environment and Climate Change
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 09, 2026**

File No: **523-11**
Permit No: **ALT14525-2026**

Permit Holder: **Town of Torbay**
1288 Torbay Road
Torbay, NL A1K 1K4
bwinter@torbay.ca

Attention: **Brian Winter**

Re: **Torbay (North Pond Brook and Whiteway Pond Brook) - Culvert Upgrading, Stream Modification with Associated Infilling and Dredging and Berm Construction**

Permission was given for : **the upgrading of culverts, widening and deepening of stream channels upstream and downstream of the culverts at Country Drive and Lynch's Lane, and construction of berms along the north bank of North Pond Brook and along the shoulder of Lynch's Lane and Mahon's Lane to mitigate stormwater flooding in high-risk areas at Country Drive and Lynch's Lane in the Town of Torbay, with reference to the application dated March 19, April 6, and April 9, 2026.**

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 Climate Change and that the work was carried out in strict compliance with the terms and conditions of the Permit issued for this project.

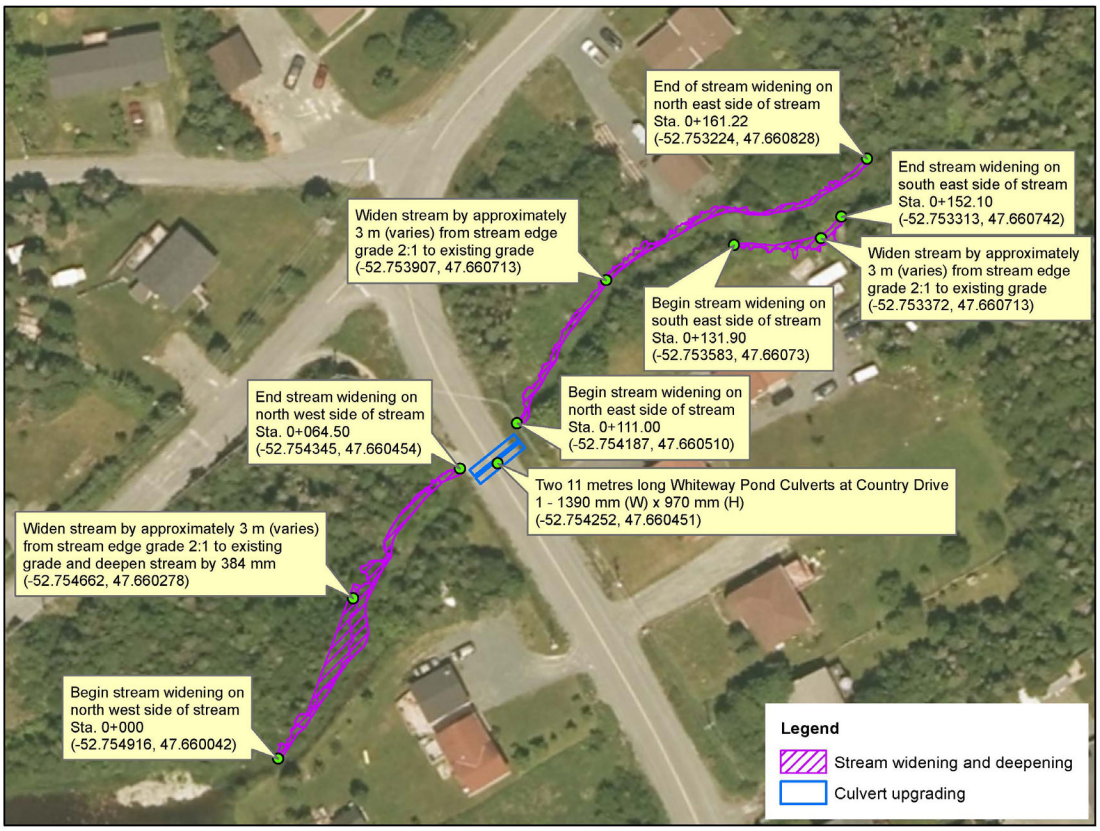
Date: _____ Signature: _____

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

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

APPENDIX D
Location Map for Permit

Stream Widening and deepening, and Culvert Upgrading at Country Drive in the Town of Torbay



Second Attached Image File

Stream Widening and Deepening, Berm Construction, and Culvert Upgrading at Lynch's Lane in the Town of Torbay