



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: **SEPTEMBER 25, 2024**

File No: **524**

Permit No: **ALT13966-2024**

Permit Holder: **Marathon Holdings Inc.**



Attention: **Mr. Derrick Walsh**

Re: **Town of Torbay (Wetland) - Stormwater Outfall and Emergency Access Road Construction**

Permission is hereby given for : **the installation of a 1200 mm diameter outfall discharging stormwater into an unnamed wetland and the construction of an emergency access road associated with Forest Landing Phase 7C Residential Development, which includes the infilling of 1240 cubic meters of 4" minus rock and the installation of a 900 mm diameter culvert across a wetland, in reference to the application received on July 22, 2024, and additional information received on August 22, 2024, August 23, 2024, September 19, 2024, and September 20, 2024.**

- 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

Infilling

1. The slopes along the perimeter of infilled areas must be no steeper than two horizontal to one vertical (2H:1V).
2. The constructed works must be inspected regularly so that action can be taken to undertake repairs as required.
3. 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.
4. The natural course of any stream must not be altered.
5. 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.
6. Infilling must not disrupt the established surface drainage pattern of the area.
7. 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.
8. The constructed works must comply with all other terms and conditions provided in the Crown Lands grant, lease, or license for occupancy.
9. Select heavy rocks must be placed along the toe of any infilling to provide slope stability and erosion protection.

Storm Drainage Works

10. A 1200 mm diameter storm sewer outfall with an invert elevation of 113.04 metres may be installed on the fringe of the wetland.
11. 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.
12. Outside the scope of work outlined in this Permit, a minimum 15 metre wide vegetated buffer zone must be maintained along the edge of all waterbodies in order to provide bank stability, maintain local aesthetics and to help protect water quality.
13. Outfalls 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. 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.
15. Adequate erosion protection must be provided in the area where storm/sewer outfall discharges as per detail #560 of the *Municipal Water, Sewer and Roads Specifications*.
16. To prevent erosion and to control sedimentation in drainage ditches with steep gradients, rock check dams must be installed at an interval such that the crest of each dam is level with the base of the one immediately above. The center of each dam must be lower than the sides.

Special Conditions

17. The permit holder must consult with the Department of Fisheries and Oceans and, if required, obtain approval before constructing the emergency access road.
18. This permit to alter a body of water provides approval for the scope of work stated here within as issued on September 25, and as such, does not provide approval for any undertaking at this location prior to this date.

Culvert Design

19. A 10.0 metre long - 900 mm diameter CSP culvert may be installed across an unnamed wetland for the construction of an emergency access road in the Town of Torbay.
20. The crossing structure must provide adequate capacity to safely discharge flood flows without causing backwater effects upstream or increased flow velocity downstream.
21. To safely convey peak flows the culvert installation must be designed according to the following hydraulic criteria:

Crossing Name / No.	Minimum Size (mm)	Number of Pipes	Length (m)
Emergency Access Road	900	1	10.0

Culvert Installation

22. 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.
23. Inlet and outlet areas of culvert installations must be adequately protected from erosion by placing rip-rap, fitted stone, or concrete headwalls.
24. 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.
25. 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.

26. 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.
27. 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.
28. 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.
29. Grading and finishing of roadways or road embankments must not cause damage to culverts or allow road material to enter the watercourse.
30. Roadside embankments near the watercourse must be adequately protected from erosion by sodding, seeding or placing of rip-rap.
31. 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.
32. The inlet and outlet of culverts must be clearly marked so that operators of road grading and snow clearing equipment can avoid blocking culverts.
33. 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.
34. 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).

General Alterations

35. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
36. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
37. 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*.
38. 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.
39. 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.
40. 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.

41. 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.
42. 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.
43. 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.
44. 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.
45. All waste materials resulting from this project must be disposed of at a site approved by the Department of Digital Government and Service NL.
46. 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.
47. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
48. 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.
49. 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.
50. The attached Completion Report (Appendix C) for Permit No. 13966 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.
51. 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.
52. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.
53. All work must be carried out within the Permit Holder's legal property boundaries.
54. This licence/permit does not constitute an acknowledgement of interest in any land claims adjacent.

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: Ms. Paula Dawe, P.Eng.
Manager, Water Rights, Investigations and Modelling 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
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

cc: Town of Torbay
Julia Schwartz
1288 Torbay Road
P.O. Box 1160
Torbay, NL A1K 1K4
jschwarz@torbay.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: **SEPTEMBER 25, 2024**

File No: **524**

Permit No: **ALT13966-2024**

Permit Holder: **Marathon Holdings Inc.**



Attention: **Mr. Derrick Walsh**

Re: **Town of Torbay (Wetland) - Stormwater Outfall and Emergency Access Road Construction**

Permission was given for : **the installation of a 1200 mm diameter outfall discharging stormwater into an unnamed wetland and the construction of an emergency access road associated with Forest Landing Phase 7C Residential Development, which includes the infilling of 1240 cubic meters of 4" minus rock and the installation of a 900 mm diameter culvert across a wetland, in reference to the application received on July 22, 2024, and additional information received on August 22, 2024, August 23, 2024, September 19, 2024, and September 20, 2024.**

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

Town of Torbay (Wetland) - Stormwater Outfall and Emergency Access Road

