

PERMIT TO ALTER A BODY OF WATER

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

Date: **MAY 14, 2025**

File No: **526**
Permit No: **ALT14300-2025**

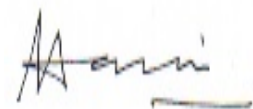
Permit Holder: **LSD of Smith's Harbour
Mod 2, PO Box 1
Smith's Harbour NL A0K 1S0
smithsharbourlsd@eastlink.ca**

Attention: **Ariel Osmond**

Re: **Smith's Harbour - Water Supply Upgrade**

Permission is hereby given for : **the installation of a concrete water supply dam including a primary and secondary spillway to be used by the Local Service District of Smith's Harbour within the Eastern Island Pond Protected Public Water Supply Area as per the application package received from CECON Limited on February 14, 2025 and additional information on April 8, 2025.**

- 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

Dam/Reservoir Design

1. The dam and appurtenant structures shall be constructed at the following coordinates:

Name	Datum	Latitude (decimal degrees)	Longitude (decimal degrees)
Smith's Harbour Water Supply Dam	NAD83	49.756	-55.976

2. The dam(s) must have the following dimensions:

Name	Height/Elevation of Dam (m)	Elevation of Spillway (m)	Maximum Water Elevation (m)	Normal Freeboard (m)
Smith's Harbour Water Supply Dam	1.85 / 68.95	68.05	68.95	0.45

3. To safely convey peak flows the dam(s) must be designed according to the following hydraulic criteria:

Name	Design Return Period (years)	Minimum Flow Capacity (m ³ /s)
Smith's Harbour Water Supply Dam	100	7.98

4. Alteration of the natural minimum streamflow is not permitted in order to preserve aquatic life.
5. Reservoirs must be provided with a spillway of adequate capacity to safely discharge design flows at non-erosive velocities without causing flooding of the reservoir or damage to the spillway or section downstream channel.
6. The dam and associated works must be designed and constructed under the direct supervision of an engineer eligible for membership with the Professional Engineers and Geoscientists of Newfoundland and Labrador (or equivalent Canadian organization) who is able to demonstrate competence in the design, construction, and surveillance of dams.
7. The dam and associated works shall be designed according to the Canadian Dam Association Dam Safety Guidelines and associated Bulletins (most recent edition).

Dam Safety

8. The dam has been conditionally identified as a very small dam. However, the consequences of failure of the dam should be reviewed periodically, since they may change with downstream development. If the consequences of dam operations or failure are likely to be unacceptable to the public the dam may be classified based on the 2007 Canadian Dam Association (CDA) guidelines and have to meet CDA best practices for that class of dam.

Dam Construction

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. Reservoir shorelines with moderately steep slopes or vulnerability to wave induced erosion, must be adequately protected with armour stone, rip-rap, or by other suitable measures.
11. 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.
12. 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.
13. The area to be flooded by the reservoir must be prepared by removing timber, brush, and slash up to the maximum water elevation.
14. The transportation of labour and materials to the site must be along existing access roads.
15. Work must be conducted in dry conditions.

Dam Maintenance

16. The dam and associated works shall be maintained according to the Canadian Dam Association Dam Safety Guidelines and associated Bulletins (most recent edition).
17. Dams and spillways must be inspected regularly to identify any indications or structural failure, leaking, erosion or other problem so that immediate action can be taken to rectify the problem.
18. Any work that entails substantial upgrades or repairs to any dam component that: changes the structure or design of the dam, affects dam safety or the physical stability of the dam, poses a risk of potential dam failure, or is deemed of high risk or significant in scope by this Department shall require a separate approval.

General Alterations

19. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
20. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
21. 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*.
22. 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.
23. 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.

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
31. 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.
32. 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.
33. The attached Completion Report (Appendix C) for Permit No. 14300 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.
34. 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. The following term(s) are valid for the life cycle of the structure: 8, 16, 17 and 18.
35. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.
36. All work must be carried out within the Permit Holder's legal property boundaries.
37. This licence/permit does not constitute an acknowledgement of interest in any land claims adjacent.

PPWSA General

38. 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.

39. An undisturbed (no cutting or ground disturbance) buffer zone of at least **150 metres** shall be maintained around Fleshett's Brook for a distance of 1 kilometer upstream and 100 metres downstream of the intake, at least **75 metres** along the remainder of Fleshett's Brook, at least **50 metres** around major lakes or ponds and along both sides of all streams and main tributaries running into Fleshett's Brook, and at least **30 metres** around all ponds and along both sides of all other water bodies including wetlands and field identified streams. Activity or development within these buffer zones is prohibited. All buffer zones must be marked with signs or flagging tape to avoid encroachment into the buffer zones.
40. All waste material is to be collected in refuse containers, and disposed of 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*.
41. 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.
42. Officials of the Department and the appropriate Municipal Authority, Operator, or Watershed Management Committee may visit the site to ensure compliance with this Permit.
43. Liaison is to be maintained with the appropriate Municipal Authority and Environmental Scientist. If there are any specific problems (i.e. sedimentation, fuel spill, or 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)252-2607. The Environmental Scientist must also be notified immediately at **(709)637-2542**.
44. Treated wood shall not be used in a water body or within buffer zones established in Condition 39 of any water body measured from the high water mark. The use of creosote treated wood anywhere within the Protected Public Water Supply Area is strictly prohibited.
45. 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.
46. Cleaning of any equipment, including but not limited to, equipment that comes into contact with concrete or paint, is not permitted within the Protected Public Water Supply Area.
47. All vehicles and equipment must be in good working order with no leaking fuel, oil, or other harmful substances that could impair water quality.
48. All stationary motorized equipment and associated fuel tanks shall have metal trays, absorbent pads or impervious liners under them to catch and contain in excess of 110 % of the aggregate volume of any fuel, lubricant and oil.
49. 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.
50. Where permits, licences, approvals or authorizations are issued by multiple governments departments or agencies, in the case of similar conditions, the more stringent of those shall prevail; in the case of conflicting conditions, the Permit Holder shall seek clarification and direction in writing from each of the respective departments or agencies.

51. 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, 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.

Fuel Storage

52. There shall be no bulk fuel storage associated with this project within the protected water supply area. Fuel shall be brought to the operating area in no more than one (1) 500 litre slip tank. The Permit Holder is hereby informed that fuel storage and handling requires a separate approval under the *Storage and Handling of Gasoline and Associated Products Regulations*, CNR 775/96.
53. Contaminated snow and soil must be removed from the site and disposed of at an approved location outside the protected public water supply area, in accordance with the *Environmental Protection Act*, SNL 2002 cE-14.2.
54. Any spills of gasoline, fuel or oil, regardless of volume, shall be reported immediately to the Environmental Scientist at (709)637-2542 and the appropriate Municipal Authority or Watershed Management Committee by calling (709)252-2607. Furthermore, all spills in excess of 70 litres shall be reported immediately to the 24 hour spill report line at 1-800-563-9089.
55. A complete oil spill clean-up kit must be on site at all times when gasoline or fuel powered equipment is being used or refuelled. The kit must contain the following:
- One hand operated fuel pump
 - One recovery container such as an empty 205 litre drum
 - One shovel
 - One pick axe
 - Five metres of containment boom
 - Five absorbent pads
 - Twenty-five litres of loose absorbent material
56. Refueling sites shall be located at least 150 metres from any water body or wetland.

Protected Miscellaneous

57. The Permit Holder must inspect the site daily, and any water quality impairment related problems are to be reported immediately to the Environmental Scientist at (709)637-2542 and the appropriate Municipal Authority or Watershed Monitoring Committee at (709)252-2607.
58. 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.
59. Sawdust, bark, and logs must not be stored within undisturbed buffer zones of any body of water, and must be removed at regular intervals to prevent excessive accumulation at the site.
60. Wood and brush removed from the work site must not be stored within undisturbed buffer zones of any water body.
61. The Permit Holder is required to undertake a water quality monitoring program as outlined below. Samples are to be submitted to a CALA-certified laboratory and all water quality data must be submitted to this Department, within 10 days of the samples being taken.
- Water samples shall be collected from the intake area on Fleshett's Brook and Eastern Island Pond.
 - Water samples shall be collected the day after work is completed.
 - For a complete list of parameters, contact the Environmental Scientist at (709)637-2542.

Special Conditions

62. Caution is required while completing this work, as the Town of Burlington's intake is also supplied with water from Fleshett's Brook.
63. To reduce the impacts of sediment and increased color due to decaying vegetation, remove accessible vegetation in the area that will be flooded as a result of the dam.
64. The staging area for this project is inside the 150m buffer for the water supply. Any standing water within the staging area must be diverted away Fleshett's Brook.

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. Brad Burton, P. Eng.
CECON Limited
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Gander, NL,
A1V 1C9
bburton@cecon.ca
- cc: Mr. Chris Blanchard, B.Tech.(Env), AScT
Environmental Scientist
Water Resources Management Division
Department of Environment and Climate Change
P.O. Box 2006
Corner Brook, NL A2H 6J8
cblancha@gov.nl.ca
- cc: Ms. Carla Hayes, P.Tech
Environmental Scientist, Drinking Water Section
Water Resources Management Division
Department of Environment and Climate Change
P.O. Box 2006
Corner Brook, NL A2H 6J8
CarlaHayes@gov.nl.ca
- cc: Town of Burlington
Ms. Mary Lou Bartlett
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info@townofburlington.ca
- cc: Ms. Deneen Spracklin, P.Eng.
Manager, Drinking Water and Wastewater Section
Water Resources Management Division
Department of Environment and Climate Change
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dspracklin@gov.nl.ca
- cc: Ms. Paula Dawe, P.Eng.
Manager, Water Rights, Investigations and Modelling Section
Water Resources Management Division
Department of Environment and Climate Change
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- cc: Mr. Wilf Maloney, P. Eng.
Regional Engineer, Central Regional Office
Department of Transportation and Infrastructure
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- cc: Mr. Jeff Pickett (Western and Labrador)
Director
Digital Government and Service NL
Sir Richard Squires Building
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- 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: Local Service District of Smith's Harbour
Chairperson
P.O. Box 16
7 Southshore Drive
Smith's Harbour, NL A0K 1S0

Appendix C - Completion Report

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

Date: **MAY 14, 2025**

File No: **526**

Permit No: **ALT14300-2025**

Permit Holder: **LSD of Smith's Harbour
Mod 2, PO Box 1
Smith's Harbour NL A0K 1S0
smithsharbourlsd@eastlink.ca**

Attention: **Ariel Osmond**

Re: **Smith's Harbour - Water Supply Upgrade**

Permission was given for : **the installation of a concrete water supply dam including a primary and secondary spillway to be used by the Local Service District of Smith's Harbour within the Eastern Island Pond Protected Public Water Supply Area as per the application package received from CECON Limited on February 14, 2025 and additional information on April 8, 2025.**

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

ALT14300-2025



5/6/2025, 4:32:52 PM

Intakes / Wellheads

★ Intakes

Public Water Supplies

▨ Protected

1:18,056
0 0.1 0.2 0.4 mi
0 0.15 0.3 0.6 km

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Maxar