

June 30, 2003

Mr. Gary Hubbard
Fisheries and Oceans Canada
Small Craft Harbours Branch
215 Main Street
Yarmouth NS B5A 1C6

Dear Mr. Hubbard:

Please consider this letter as clearance issued pursuant to the *Beaches Act* and *Crown Lands Act* for Small Craft Harbours Branch, its servants, agents or independent contractors to:

- a) Construct a 220 metre long armour stone breakwater;
- b) Attach seven floating docks to the newly constructed breakwater;
- c) Infill to create a parking area to accommodate up to 70 vehicles;
- d) Construct a 90 metre long X 4 metre wide marginal wharf adjacent to the existing Provincial Ferry Wharf;
- e) Dredge the berthing area and channel and place the spoil in the proposed parking area site at Tiverton, Petit Passage, Digby County as shown on the attached sketch.

The following terms and conditions apply:

1. Unless revoked as provided for herein, and subject to the restrictions contained in clause no. 4, this permit is valid until such time the work is completed and shall thereafter be automatically renewed annually;
2. The Department of Natural Resources may revoke this permit at any time for any reason by serving notice to the holder of this permit at his/her last known address;
3. There is an administration fee of \$50.00 plus \$7.50 HST to process your application and prepare the permit. Permits issued between now and March 31, 2004 will be tabulated on one invoice and sent prior to March 31, 2004;

...../2

Gary Hubbard
Fisheries and Oceans Canada
Small Craft Harbours Branch
Page 2
June 30, 2003

4. The project shall be done in compliance with methodology and mitigation procedures outlined in the Environmental Screening document prepared for Small Craft Harbours Branch, Fisheries and Oceans Canada;
5. Mark Saywood, Forest Technician, Department of Natural Resources, Hillgrove, Phone (902) 245-2164, is to be contacted three working days prior to commencing work;
6. Prior to commencing work, the local fishing industry including any fish plants and fishermen operating out of Tiverton must be consulted to avoid any interference;
7. The work authorized by this permit must not interfere with the rights of any individual who has an interest in the adjoining upland. It is your responsibility to identify any such individuals whose rights may be affected, and obtain their consent before commencing work. The Crown shall not be liable for any claims which may result from your failure to comply with this or any other condition of this permit and you shall indemnify and save harmless the Crown from any claims which may result from failure to comply with this or any other condition of this permit;
8. A permit from the Nova Scotia Department of Transportation and Public Works is required for a structure to be constructed within 100 metres of a public road. This permit may be obtained from the office of the Division Engineer for the district in which the structure will be placed;
9. A declaration of exemption or approval under the *Navigable Waters Protection Act* is required to place a structure in a navigable water. This exemption or approval may be obtained from Fisheries and Oceans Canada Coast Guard, P. O. Box 1000, Dartmouth, Nova Scotia, B2Y 3Z8, Phone No. 426-2726;
10. Disposal of spoil on land will require approval from the Nova Scotia Department of Environment and Labour. For further information, please contact Mr. Bob Petrie, Department of Environment and Labour, at 1-902-742-8985;

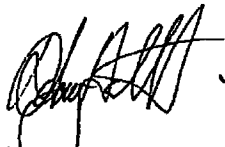
...../3

Gary Hubbard
Fisheries and Oceans Canada
Small Craft Harbours Branch
Page 3
June 30, 2003

11. The Minister of Natural Resources shall not be liable for any injury or damage (including death) to the person or for the loss of or damage to the property of the holder of this permit in any manner based upon, occasioned by or in any way attributable to the performance of any act under this permit;
12. The holder of this permit shall at all times indemnify and save harmless the Minister of Natural Resources from and against all claims, demands, losses, costs, debts, damages, actions, suits or other proceedings by whomever made, sustained, brought or prosecuted in any manner based upon, occasioned by, arising out of or attributable in any way to the performance or purported performance of the holder of this permit, his/her servants, agents or independent contractors.

Before any work begins you must acknowledge acceptance of the above terms and conditions by countersigning the attached copy of this letter in the space provided and returning it to the attention of Rod Fraser, Land Administration Officer, Crown Land Disposals Section, at the above address.

Yours truly,



Harry Ashcroft
Manager
Crown Land Disposals Section

rf

Attachment

c Peter Francis, NSDNR
Charles Whitman, NSDNR
✓ Joy Dubé, DFO, HMD
Melinda Donovan, DFO, CG
Paul Rowe, PWGSC