

JAN 13 2021

COR/2021/00101

Reg. # 2109

Mr. Gary Murray
Newfoundland Power Inc.
P.O.Box 8910
St. John's NL A1B 4P2

Dear Mr. Murray:

Re: Norris Arm Rattling Brook Hydroelectric Upgrades

Your proposal has been reviewed by an interdepartmental environmental assessment screening committee and an opportunity to comment has been provided to the public as required by Part X of the Newfoundland and Labrador Environmental Protection Act, SNL 2002, cE-14.2. Please be advised that this undertaking is **released** from further environmental assessment subject to the following conditions:

- You are required to uphold all commitments made in your environmental assessment submission to mitigate the effects of the project on the environment.
- The Department of Fisheries, Forestry and Agriculture requires the following:
 - a minimum 30-metre undisturbed buffer must be maintained along all waterbodies and wetlands that appear on a 1:50,000 topographical map to protect sensitive riparian and aquatic species, and their habitat; and,
 - no vegetation clearing is to occur within 800 metres of a bald eagle or osprey nest during the nesting season (March 15 to July 31) and 200 metres during the remainder of the year; the 200-metre buffer applies to all other raptor nests (e.g. Northern Goshawk, Sharp-shinned Hawk, Merlin, American Kestrel, Great-horned Owl, Boreal Owl, Northern Saw-whet Owl); and, the location of any raptor nest site must be reported to the Wildlife Division. For further information, please contact the Wildlife Division at 709-637-2025.

- You are required to develop a Women's Employment Plan for this project to be approved by the Deputy Minister of the Office for the Status of Women. The plan should identify specific commitments to support the recruitment, training, employment and retention of women. For more information, please contact the Office for the Status of Women at 709-729-5032
- You are required to advise the Environmental Assessment Division when the conditions of release have been met, by emailing a written description, documents, and images (where applicable) to demonstrate that the conditions have been fulfilled to EAProjectComments@gov.nl.ca.
- You are required to update the Environmental Assessment Division on the status of your project, including a copy of all permits, licences, certificates, approvals and other authorizations required for your project, one year from the date of this release letter and to provide additional updates if required. Please email your project updates to EAProjectComments@gov.nl.ca .

Federal and provincial government departments and agencies that reviewed your project during the environmental assessment provide the following advice:

Local Governance and Land Use Planning Division of my Department noted that you will be required to obtain a development permit from the Town of Norris Arm.

The Pollution Prevention Division of my Department recommends that Newfoundland Power review the Best Management Practices for the Storage of Waste Dangerous Goods/Hazardous Waste at Business Sites and the Guidance Document on Treated Wood Waste Disposal. These documents can be found online at:

<https://www.gov.nl.ca/eccm/env-protection/waste/#wmsgd>.

The Water Resources Management Division of my Department advises that a water use licence is required for this undertaking as well as permits for the alteration of a waterbody, work in or near a waterbody or wetland, work in shore water zones, and for any infilling within 15 metres of a waterbody. For more information, please contact the Water Resources Management Division at 709-729-1614.

The Government Service Centre of the Department of Digital Government and Service NL recommends that any existing tree screen concealing the operation from public view is to be maintained. For further information, please contact the Department of Digital Government and Service NL at 709-729-2104 or 709-945-3109.

The Occupational Health and Safety Division of the Department of Digital Government and Service NL advises you to ensure that the activities associated with the development are conducted in compliance with the Occupational Health and Safety Act and its regulations. This includes the responsibility for ensuring that contractors hired to perform work also comply with this legislation. The Occupational Health and Safety Division reminds you to consider procedures associated with the protection of workers related to COVID-19. Procedures must follow the requirements set forth by the Chief Medical Officer of Newfoundland and Labrador.

Crown Land Division of the Department of Fisheries, Forestry and Agriculture require you to apply for the land for the transmission line extension. For more information, please contact the Crown Lands Inquiries Line at 1-833-891-3249.

Environment and Climate Change Canada recommends that in order to avoid nest destruction and to accommodate the breeding season of migratory songbirds and waterfowl, operations should consider nesting locations between April 15 and August 15 in this region. The Canadian Wildlife Services Branch of Environment and Climate Change Canada provided information on the little brown bat and avian species at risk, and requests that any sightings be reported to them. For further information, please contact Environment and Climate Change Canada at 709- 772-2126.

Transport Canada informs that the individual water crossings over the unnamed tributary to Rattling Brook should be assessed against the criteria in the Minor Works Order (Section 6, Aerial Cables - Power and Telecommunication). If all the watercourse crossings meet all criteria, then the undertaking is considered a Minor Work and does not require an approval. If, however, the watercourse crossings do not meet all criteria, then Newfoundland Power will be required to submit an application for approval. The criteria can be found online at <http://www.tc.gc.ca/eng/programs-675.html>. Under the Canadian Navigable Waters Act, owners of works that are located on navigable waterways not listed on the schedule, which may interfere with navigation, have the option to either apply to the Transport Canada Minister for approval or seek authorization through the public resolution process. Both processes have a 30 day public review process. Both the application process and the public resolution process can be accessed at <https://npp-submissions-demandes-ppn.tc.canada.ca/auth/login-connexion?ret=%2F>. For more information, please contact the Navigation Protection Program at 506-851-3113 or NPPATL-PPNATL@tc.gc.ca.

Fisheries and Oceans Canada (DFO) advises that the guidelines outlined in the “Fish Passage Flow Requirements for Newfoundland Power at Rattling Brook, NL,” were last amended in 2018 and remain in effect today. DFO also noted that Newfoundland Power is to submit a Request to Review form to the Fish and Fish Habitat Protection Program. This will prompt a review process, and open dialogue and communications between Newfoundland Power and DFO to discuss the risks of the proposed project and potential project redesigns (e.g. consideration of timing windows, historical migration patterns, etc.) to ensure the protection of fish and fish habitat in the Rattling Brook watershed. The Request for Review can be submitted to FPP-NL@dfo-mpo.gc.ca. Please note that any changes to the project must be described to my department and will be reviewed for environmental assessment registration requirements.

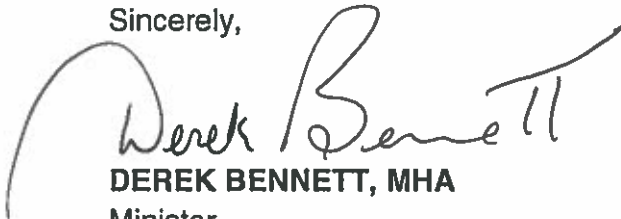
The Department of Fisheries and Oceans also advises that the modernized *Fisheries Act* includes fish and fish habitat protection provisions which came into effect on August 28, 2019. If you are conducting work in or near water you should refer to the Projects Near Water website to get information about how to comply with the Fisheries Act and as well as information on the project review process. The “Projects Near Water” website is located at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>. For further information, please contact the Fisheries Protection Program at 709 - 772-4140.

Although the undertaking as proposed is released from further environmental assessment, it is still subject to other legislative requirements. A summary of the comments received from government agencies during the review is attached to provide an indication of likely applicable permits, approvals and legislative requirements. You must comply with all relevant legislation and obtain all necessary permits and approvals. You are required to inform this Department of any proposed significant changes to the undertaking.

Please note that in accordance with Section 17 of the Environmental Assessment Regulations, the Minister’s decision is valid for a period of three years from the date of this letter. If you have not commenced your project within this three-year period, you may apply to extend the three-year period for a maximum of three one-year periods, if needed. For further information, please email EAProjectComments@gov.nl.ca.

If you have any questions, please contact Joanne Sweeney, Director (A), Environmental Assessment Division, at 709-729-0673 or joannesweeney@gov.nl.ca.

Sincerely,



DEREK BENNETT, MHA

Minister

District of Lewisporte –Twillingate

Enclosures

c: Pleaman Forsey, MHA - District of Exploits