

PERMIT TO ALTER A BODY OF WATER

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

Date: **JANUARY 18, 2021**

File No: **535-25 & 26**
Permit No: **ALT11564-2021**

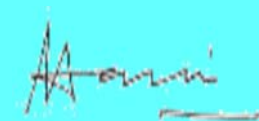
Permit Holder: **Newfoundland Power Inc.**
55 Kenmount Road
P.O. Box 8910
St. John's, NL, A1B 3P6
jdalton@newfoundlandpower.com

Attention: **Mr. Jason Dalton**

Re: **Various Bodies of Water - Fording and Various Work Activities - Blanket Permit**

Permission is hereby given for : i) **fording of various bodies of water, in order to carry out scheduled operation and maintenance work of 23 Hydro Generating Plants, 6 Backup Generators, 130 Substations and over 12,500 kms of Transmission and Distribution Lines; ii) routine maintenance and other related minor activities consisting of site improvements, dam maintenance and geotechnical investigations within the 15 metres wide environmental buffer surrounding bodies of water at various hydroelectric power facilities; and iii) placement of utility poles and anchors near bodies of water as part of work activities considered minor in nature in order to facilitate electrical service connection for clients, outside and within designated Protected Public Water Supply Areas, at various locations across the province, with reference to the applications dated December 14, 2020.**

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



(for) MINISTER

APPENDIX A
Terms and Conditions for Permit

Special Conditions

1. The Permit Holder must apply for and obtain a separate permit under the Water Resources Act, SNL 2002 cW-4.01, specifically Section 48 <https://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> for any work activity within any designated flood risk area as indicated at <https://www.gov.nl.ca/eccm/waterres/flooding/frm/>.
2. The Permit Holder must apply for and obtain a separate permit under the Water Resources Act, SNL 2002 cW-4.01, specifically Section 48 <https://assembly.nl.ca/legislation/sr/statutes/w04-01.htm> for any work activity that may take place within any municipal boundary.
3. For any work activity carried out under this Permit within any designated Protected Public Water Supply Area (PPWSA) servicing any community as indicated in Water Resources Portal available at <https://maps.gov.nl.ca/water/mapbrowser/Default.aspx>, the Permit Holder shall abide by the Policy for Land and Water Related Developments in PPWSAs available at <https://www.gov.nl.ca/eccm/waterres/regulations/policies/water-related/>.
4. This permit does not cover work activities for the placement of utility poles and anchors near areas of historical or archaeological significance, protected habitat, ecological reserves, and within 200 metres of scheduled salmon rivers.
5. The placement of utility poles and anchors within the 15 metre wide environmental buffer surrounding bodies of water must be avoided whenever possible. The placement of poles is contingent upon the Permit Holder having clear title to the land upon which these poles are installed or upon the approval of other landowners.
6. For any work activity carried out under this Permit to be considered minor in nature, it must not involve installation of more than five (5) utility poles and associated anchoring within the 15 metre wide environmental buffer of any body of water (including wetlands).
7. Permit Holder must avoid construction activities in wetlands wherever possible.
8. All work must be carried out by the Permit Holder or its contractors bound by written contract to meet the requirements of the Permit Holder's Environmental Management Program.
9. If any work activity carried out under this Permit does prohibit, restrict or impede public access along the shoreline reservation of any body of water, then the Permit Holder shall restore the shoreline reservation to the satisfaction of the Minister within sixty (60) days of a written notice. Failure to do so shall result in the Minister restoring the reservation and the cost of the restoration shall be recovered from the Permit Holder as a debt due to the Crown.
10. A water quality monitoring program is not required at this time. However, the Department reserves the right to require that the Permit Holder sample, analyze, 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. In addition, the Permit Holder must take necessary measures to control dust that may impair the quality of any adjacent body of water or wetland.

11. Select heavy rocks must be placed along the shoreline to provide slope stability and erosion protection as deems necessary for any work activity carried out under this Permit.
12. Copies of this Permit, as well as any subsequent amendments, must be provided to the Permit Holder's contractors who will be carrying out any work under this Permit.
13. The Permit Holder acknowledges and agrees that this Permit may require and will be amended to include further provisions pursuant to the Water Resources Act, SNL 2002 cW-4.01 and its regulations and policies in effect thereunder from time to time, as deemed necessary in the opinion of the Minister.
14. For each work activity carried out under this Permit, the Permit Holder must notify this Department via email to waterinvestigations@gov.nl.ca or facsimile at (709)729-0320 in accordance with a reporting protocol as deemed necessary and appropriate in the opinion of the Minister. Also, any work activity carried out under this Permit shall be subject to the payment of applicable fee by the Permit Holder as stated in the application fee schedules approved by the Minister.
15. Annually (at the end of the year), the permit holder is required to submit a work done report under this permit along with the applicable fees incurred during the period.

Fording

16. Except for single passenger all-terrain vehicles, crossings by other vehicles or construction equipment shall be limited to one trip in and one trip out.
17. Timbers or rocks shall be placed in streams to facilitate crossing or to minimize damage to the channel sections provided the streams are not unnecessarily constricted or backed up.
18. Alteration of the natural minimum streamflow is not permitted in order to preserve aquatic life.
19. Stream banks at fording sites that contain loose or erodible material must be adequately stabilized before crossing to minimize any siltation of streams.
20. The natural course of any stream must not be altered.
21. 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.
22. The fording sites must be located at shallow sections of the channels where there are low approach grades, and where the channels consists of stable non-erodible rock or cobbles.
23. Fording shall only be carried out during periods of low water levels.
24. When the fording sites are no longer required, the Permit Holder must dismantle and remove all constructed works and restore the sites to their original condition. All material placed in streams must be completely removed.

25. 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 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
26. Within 30 days after expiry of this Permit, the Permit Holder must submit to the department a report confirming that each fording location was left in as good or better condition than prior to Permit Holder's fording activities. This report should include detailed pictures of each site before and after project activities.

General Alterations

27. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
28. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
29. 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*.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. All waste materials resulting from this project must be disposed of at a site approved by the Department of Digital Government and Service NL.

38. 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.
39. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
40. 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.
41. 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.
42. The attached Completion Report (Appendix C) for Permit No. 11564 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.
43. This Permit is effective from January 13, 2021 and shall expire on January 13, 2023 or earlier if modified, suspended or cancelled by the Minister. Also, this Permit may be renewed by the Minister for such renewal term as the Minister deems appropriate, on such terms and conditions as the Minister considers appropriate and in the public interest, provided the Permit Holder applies for the renewal at least ninety (90) days before the expiry of this Permit.
44. All work must be carried out within the Permit Holder's legal property boundaries.
45. Except as stated clause #16 under **Fording**, 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.

PPWSA General

46. If applicable, all persons working on a project must be informed that they are within a Protected Public Water Supply Area (PPWSA), and must be made aware of all conditions of this Permit. A copy of this Permit must be on site during operations.
47. Where possible, an undisturbed (no cutting or ground disturbance) buffer zone of at least **150 metres** shall be maintained around intake ponds and intake rivers (for a distance of 1 kilometer upstream of intake river), at least **75 metres** along the remainder of intake rivers, at least **50 metres** along both sides of all streams and main tributaries running into intake ponds and rivers, and at least **30 metres** around all ponds and along both sides of all other water bodies, including field identified streams not illustrated on topographic mapping. Activity or development within these buffer zones should be avoided if possible. If work inside these buffers cannot be avoided, please inform the regional Environmental Scientist before beginning work at (709)729-4817 (Eastern region), (709)292-4280 (Central region) or (709)637-2542 (Western or Labrador regions).
48. For any activities inside buffer zones established in the above condition: no un-necessary ground disturbance (no disturbance to the root mat, no grubbing, or removal of soil) shall take place in the buffer zones. The Permit Holder is to ensure that the appropriate best practices are employed to prevent any detrimental effects that could impact water quality. Where possible, work in buffer zones shall be completed when the ground is frozen.
49. 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.

50. Officials of the Department and the appropriate Municipal Authority, Operator, or Watershed Management Committee may visit the site to ensure compliance with this Permit.
51. Liaison is to be maintained with the appropriate Municipal Authority and Environmental Scientist when working inside a PPWSA. If there are any specific problems (ie sedimentation, fuel spill, other potential water quality impairment), the appropriate Environmental Scientist must also be notified immediately at **(709)729-4817** (Eastern region), **(709)292-4280** (Central region) or **(709)637-2542** (Western or Labrador regions).
52. The felling or disposing of trees, parts of trees, sawdust, bark, logging debris or slash into a water body or upon the frozen surface of a water body is strictly prohibited.
53. Motorized vehicles, including snowmobiles and ATVs, shall not be used to cross the frozen surface of any intake pond within the Protected Public Water Supply Area.
54. Treated wood shall not be used in a water body or within previously established PPWSA buffer zones 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.
55. 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.
56. The permit Holder must obtain written permission from each community authority before commencing any work in their Protected Public Water Supply Area.
57. When working inside a PPWSA, all stationary motorized equipment and associated fuel tank 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.
58. 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.
59. 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

60. 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 two (2), 205 litre barrels or one (1) 500 litre slip tank. Refueling sites shall be located at least 150 metres from any water body or wetland. 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.
61. 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.

62. Any spills of gasoline, fuel or oil, regardless of volume, shall be reported immediately to the appropriate municipal authority and regional WRMD Environmental Scientist by calling: **(709)729-4817** (Eastern region), **(709)292-4280** (Central region) or **(709)637-2542** (Western or Labrador regions). Furthermore, all spills in excess of 70 litres shall be reported immediately to the 24 hour spill report line at 1-800-563-9089.

63. Refueling sites shall be located at least 150 metres from any water body or wetland.

Power Lines

64. Wood and brush removed from the work site must not be stored within undisturbed buffer zones of any water body inside the PPWSA.

65. Chromated copper arsenate (CCA), ammoniacal copper arsenate (ACA) or copper naphthanate (CuNap) treated utility poles and/or anchor boxes may be used outside the above-referenced buffer zones for PPWSAs.

66. All poles and/or anchor boxes within the above-referenced PPWSA buffer zones around bodies of water must be of untreated wood, metal or concrete.

67. The **Policy Guidelines for Utility Poles in Water Supply Areas (WR 93-01)** must be strictly adhered to.

Dam Maintenance

68. This permit applies to work as stipulated in *2020 Generation Routine Maintenance* submitted by NL Power on January 14, 2021. Any types of work not specifically stipulated may require a separate permit.

69. 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.

70. The dam and associated works shall be maintained according to the Canadian Dam Association Dam Safety Guidelines and associated Bulletins (most recent edition).

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

72. Dams and spillways must be inspected regularly to identify any indications of structure failure, leaking, erosion or other problem so that immediate action can be taken to rectify the problem.

73. 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.

74. The transportation of labour and materials to the site must be along existing access roads.

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: Amir Ali Khan, Ph.D., P.Eng.
Manager, Water Rights, Investigations and Modelling Section
Water Resources Management Division
Department of Environment, Climate Change and Municipalities
P.O. Box 8700
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akhan@gov.nl.ca

cc: Angela Buchanan
Groundwater
Water Resources Management
Municipal Affairs and Environment
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A1B 4J6
angelabuchanan@gov.nl.ca

cc: Christa Skinner
Environmental Scientist
Water Resources Management Division
Dept. of Environment, Climate Change and Municipalities
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cc: Mr. Richard Harvey
Environmental Engineer
Water Resources Management Division
Dept. Environment, Climate Change & Municipalities
RHarvey@gov.nl.ca

cc: Mr. Trent Pollett
Environmental Scientist, Drinking Water
Water Resources Management Division
Department of Environment, Climate Change and Municipalities
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trentpollett@gov.nl.ca

cc: Ms. Carla Hayes, P.Tech
Environmental Scientist, Drinking Water and Wastewater Section
Water Resources Management Division
Department of Environment, Climate Change and Municipalities
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CarlaHayes@gov.nl.ca

cc: Ms. Paula Dawe, P.Eng.
Manager, Drinking Water and Wastewater Section
Water Resources Management Division
Department of Environment, Climate Change and Municipalities

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pauladawe@gov.nl.ca

cc: Dave Mercer (Central)
Land Management Specialist
Crown Lands Administration Division
Department of Fisheries, Forestry and Agriculture
davemercer@gov.nl.ca

cc: Frank Norman (Eastern)
Land Management Specialist
Crown Lands Administration
Department of Fisheries, Forestry and Agriculture
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franknorman@gov.nl.ca

cc: Jeremy Keeping (Western)
Land Management Specialist
Crown Lands Administration
Department of Fisheries, Forestry and Agriculture
jeremykeeping@gov.nl.ca

cc: Fisheries Protection Division
Ecosystem Management Branch
Fisheries and Oceans Canada
P.O. Box 5667
St. John's, NL A1C 5X1
FPP-NL@dfo-mpo.gc.ca



Appendix C - Completion Report

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

Date: **JANUARY 18, 2021**

File No: **535-25 & 26**
Permit No: **ALT11564-2021**

Permit Holder: **Newfoundland Power Inc.**
55 Kenmount Road
P.O. Box 8910
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jdalton@newfoundlandpower.com

Attention: **Mr. Jason Dalton**

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Permission was given for : **i) fording of various bodies of water, in order to carry out scheduled operation and maintenance work of 23 Hydro Generating Plants, 6 Backup Generators, 130 Substations and over 12,500 kms of Transmission and Distribution Lines; ii) routine maintenance and other related minor activities consisting of site improvements, dam maintenance and geotechnical investigations within the 15 metres wide environmental buffer surrounding bodies of water at various hydroelectric power facilities; and iii) placement of utility poles and anchors near bodies of water as part of work activities considered minor in nature in order to facilitate electrical service connection for clients, outside and within designated Protected Public Water Supply Areas, at various locations across the province, with reference to the applications dated December 14, 2020.**

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