

PERMIT TO ALTER A BODY OF WATER

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

Date: **JULY 07, 2021**

File No: **527**
Permit No: **ALT11942-2021**

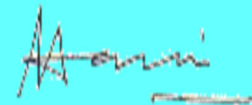
Permit Holder: **Nalcor Energy**
500 Columbus Drive
P.O. Box 12800
St. John's, NL, A1B 0C9
leahfudge@nalcorenergy.com

Attention: **Leah Fudge**

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

Permission is hereby given for : **i) fording of various water bodies; ii) work within 15 meter environmental buffer surrounding various bodies of water; and iii) placement of utility poles, crossarms, cross braces and other associated hardware (bolts and insulators) and installation and repairs of anchors and guy lines anchors near various bodies of water as part of work activities considered minor in nature, outside designated Protected Public Water Supply Areas, to carry out inspection, maintenance and upgrades to transmission and distribution systems of 735 kV line from Churchill Falls to Labrador-Quebec border (at 52.102268°N, 65.692887°W), 66 kV line around Churchill Falls, 69 kV L1 line from Menihék to Labrador-Quebec border (at 54.786863° N, 66.824687° W), 69 kV L2 line from Menihék to Labrador-Quebec border (at 54.804363° N, 66.895948° W) and 315 kV LTA line between Churchill Falls and Muskrat Falls across Labrador, with reference to the application dated March 1, 2021 and additional information received on June 19, June 29, and July 7, 2021.**

- 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

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 stream crossing project within any designated flood risk area as indicated at <https://www.gov.nl.ca/eccm/waterres/flooding/fm/>
2. The Permit Holder must apply for and obtain a separate permit under the Water Resources Act, SNL 2002 cW-4.01, specifically Section 39 <https://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> for any stream crossing project within any designated Protected Public Water Supply Area servicing any community as indicated in Water Resources Portal available at <https://maps.gov.nl.ca/water/mapbrowser/Default.aspx>.
3. 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
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. 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.
6. If the work activity carried out under this Permit does prohibit, restrict or impede public access along the shoreline reservation then the Permit Holder shall restore the reservation to the satisfaction of the Minister within sixty (60) days of written notification. 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.
7. 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. 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.
8. Select heavy rocks must be placed along the shoreline to provide slope stability and erosion protection. Dredged materials unsuitable for erosion protection must not be placed along the shoreline.
9. 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.
10. 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.

11. For each fording 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 the 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.
12. All of our Section 48 permits are valid for only two (2) years. Every two (2) years all existing fording sites will considered to be new if they are used again.
13. Annually (at the end of the year), the Permit Holder shall identify any new fording sites established during the year, and submit the applicable fee for each new fording site. Additionally, the Permit Holder will also identify any existing fording sites (more than two years old), crossed during the year, and submit the applicable fee for each existing site which was used under this permit.

Fording

14. 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.
15. 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.
16. Alteration of the natural minimum streamflow is not permitted in order to preserve aquatic life.
17. Stream banks at fording sites that contain loose or erodible material must be adequately stabilized before crossing to minimize any siltation of streams.
18. The natural course of any stream must not be altered.
19. 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.
20. 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.
21. Fording shall only be carried out during periods of low water levels.
22. 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.
23. 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
24. 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

25. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
26. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
27. 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*.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. All waste materials resulting from this project must be disposed of at a site approved by the Department of Digital Government and Service NL.
36. 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.
37. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
38. 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.
39. 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.

40. The attached Completion Report (Appendix C) for Permit No. 11942 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.
41. This Permit is valid for two years from the date of issue, 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.
42. All work must be carried out within the Permit Holder's legal property boundaries.
43. Except as stated in Clause #1 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.

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 and Climate Change
P.O. Box 8700
4th Floor, West Block, Confederation Building
St. John's, NL A1B 4J6
akhan@gov.nl.ca
- cc: Jeff Bannister (Western and Labrador)
Western and Labrador Regional Lands Manager
Crown Lands Administration Division
Department of Fisheries, Forestry and Agriculture
JeffBannister@gov.nl.ca
- cc: Labrador Lands Office
Department of Municipal Affairs
Labrador Regional Lands Office
2 Tenth Street, P.O. Box 3014 Station B
Happy Valley-Goose Bay, NL A0P 1E0
labradorlandsoffice@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) 48

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500 Columbus Drive
P.O. Box 12800
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leahfudge@nalcorenergy.com

Attention: **Leah Fudge**

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

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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