



PERMIT TO ALTER A BODY OF WATER

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

Date: **MARCH 18, 2022**

File No: **525**

Permit No: **ALT12362-2022**

Permit Holder: **Newfoundland and Labrador Hydro
500 Columbus Drive
PO Box 12400
St. John's NL A1B 4K7
johnlinfield@nlh.nl.ca**

Attention: **John Linfield**

Re: **Town of Fogo Island - Unnamed Waterbodies near Route 333 - Pole and Anchor Reroute**

Permission is hereby given for : **the installation of four (4) electrical supply poles and associated anchors near multiple unnamed waterbodies, and the installation of sixteen (16) electrical supply poles and associated anchors within the Freeman's Pond PPWSA on route NL 333 within the Town of Fogo Island for the purpose of rerouting an existing transmission line, in reference to the application received on January 26, 2022, and additional information received on January 27, 2022, February 3, 2022, and March 3, 2022.**

- 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

General Alterations

1. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
2. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
3. 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*.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. All waste materials resulting from this project must be disposed of at a site approved by the Department of Digital Government and Service NL.
12. 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.
13. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.

14. 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.
15. 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.
16. The attached Completion Report (Appendix C) for Permit No. 12362 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.
17. 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.
18. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.

PPWSA General

19. 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.
20. 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.
21. Officials of the Department and the appropriate Municipal Authority, Operator, or Watershed Management Committee may visit the site to ensure compliance with this Permit.
22. Liaison is to be maintained with the appropriate Municipal Authority and Environmental Scientist. If there are any specific problems (ie sedimentation, fuel spill, other potential water quality impairment), the appropriate Town Manager/Clerk must be notified immediately at (709)266-1320. The Environmental Scientist must also be notified immediately at (709)292-4280.
23. 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.
24. Motorized vehicles, including snowmobiles and ATVs, shall not be used to cross the frozen surface of Freeman's Pond, the intake pond within the Protected Public Water Supply Area.
25. 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)292-4280 and the appropriate Municipal Authority at (709)266-1320.
26. 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.
27. 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.

28. Any streams not visible on a 1:50,000 scale map (including field identified streams) inside the Protected Public Water Supply Area shall require a minimum buffer of 30 m.
29. 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.
30. 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, pit privy (outhouse), sub-surface disposal system, 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. If a pit privy (outhouse) or sub-surface disposal system is used, it must be located outside the required buffers, and be subject to Service NL standards, requirements and approval.
31. The issuance of this permit does not guarantee, nor set precedent, that additional or similar permits or amendments will be issued in this or any other Protected Public Water Supply Area for additional or similar activity or development.

Fuel Storage

32. There shall be no bulk fuel storage associated with this project within the Protected Public 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.
33. A complete oil spill clean-up kit must be on site at all times when gasoline or fuel powered equipment is being used or refueled. The kit must contain the following:
 - Fire pump and 100 metres of hose
 - Two hand operated fuel pumps
 - Six recovery containers such as empty 205 litre drums
 - Four shovels
 - Two pick axes
 - Ten metres of containment boom
 - Twenty-five absorbent pads
 - One hundred litres of loose absorbent material
34. 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.
35. Any spills of gasoline, fuel or oil, regardless of volume, shall be reported immediately to the Environmental Scientist and the appropriate Municipal Authority by calling (709)292-4280 and (709) 266-1320 respectively. Furthermore, all spills in excess of 70 litres shall be reported immediately to the 24 hour spill report line at 1-800-563-9089.

Power Lines

36. The use of creosote treated wood is strictly prohibited within 15 metres of all bodies of fresh water in the province. Creosote and pentachlorophenol (PCP) treated utility poles and/or anchor boxes are strictly prohibited within the Protected Public Water Supply Area.

37. Chromated copper arsenate (CCA), ammoniacal copper arsenate (ACA) or copper naphthanate (CuNap) treated utility poles and/or anchor boxes may be used if at least 150 meters from Freeman's Pond, 50 meters from any stream or tributary running into Freeman's Pond, and 30 meters from any other water body. Untreated poles and/or anchor boxes must be used within the above-referenced buffer zones.
38. CCA treated utility poles must not be installed within 5.0 metres of a domestic well or other private water supply.
39. The **Policy for Treated Utility Poles in Water Supply Areas (WR 93-01)** must be strictly adhered to.
40. Armour stone must be placed around cribbing, where required, to prevent erosion.
41. Wood and brush removed from the work site must not be stored within 150 meters of Freeman's Pond, 50 meters from any stream or tributary running into Freeman's Pond, or 30 meters from any other water body within the Protected Public Water Supply Area.
42. 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.
43. Infilling must not disrupt the established surface drainage pattern of the area.
44. Outside the scope of work outlined in this Permit, a minimum 15 metre wide vegetated buffer zone must be maintained along the edge of all waterbodies in order to provide bank stability, maintain local aesthetics and to help protect water quality.
45. 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.
46. Installation of overhead lines under frozen conditions is preferable in all situations and, in particular, on wet terrains (e.g. bogs). The use of aerial methods (i.e. helicopter) is also acceptable.

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



Government of Newfoundland and Labrador
Department of Environment and Climate Change
Water Resources Management Division

Appendix C - Completion Report

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

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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

APPENDIX D
Location Map for Permit

