

**PERMIT TO ALTER A BODY OF WATER**

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

Date: **AUGUST 22, 2023**

File No: **535-13**  
Permit No: **ALT13245-2023**

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

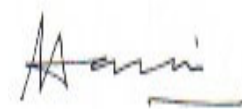
Attention: **Chad Burt**

Re: **Pierre's Brook Hydroelectric Generating Facility West Country Pond Dam Gatehouse Replacement**

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Permission is hereby given for : **the demolition of the existing gatehouse building, construction of a new gatehouse building and associated activities as detailed in the application received from Newfoundland Power on June 21, 2023 with additional information sent on August 9, 2023, August 10, 2023, and August 15, 2023.**

- 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**

**Dam/Reservoir Design**

1. The dam and appurtenant structures shall be constructed at the following coordinates:

<b>Name</b>	<b>Latitude (decimal degrees)</b>	<b>Longitude (decimal degrees)</b>
West Country Pond Dam	47.2888	52.8846

2. Reservoirs must be provided with a spillway of adequate capacity to safely discharge design flows at non-erosive velocities without causing flooding of the reservoir or damage to the spillway or section downstream channel.
3. The dam must provide sufficient free board between the highwater elevation and the crest of the dam to prevent overtopping.
4. Alteration of the natural minimum streamflow is not permitted in order to preserve aquatic life.
5. The dam and associated works must be designed and constructed under the direct supervision of an engineer eligible for membership with the Professional Engineers and Geoscientists of Newfoundland and Labrador (or equivalent Canadian organization) who is able to demonstrate competence in the design, construction, and surveillance of dams.
6. The dam and associated works shall be designed according to the Canadian Dam Association Dam Safety Guidelines and associated Bulletins (most recent edition).

**Dam Safety**

7. The dam has been conditionally classified in the HIGH Consequence category based on the 2007 Canadian Dam Association (CDA) guidelines. To meet the CDA's Dam Safety guidelines (Current Edition) for dams of this classification, the owner must:
- Carry out an annual Dam Safety Inspection and provide the results to this Department,
  - Carry out a Dam Safety Review and submit a Dam Safety Report to this Department a maximum of every **seven years**,
  - Provide the Department within one year of the issuance of this permit an Operation, Maintenance and Surveillance (OMS) Manual,
  - Provide the Department within one year of the issuance of this permit an Emergency Preparedness Plan (EPP).

**Dam Construction**

8. 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.
9. Reservoir shorelines with moderately steep slopes or vulnerability to wave induced erosion, must be adequately protected with armour stone, rip-rap, or by other suitable measures.
10. The transportation of labour and materials to the site must be along existing access roads.

11. The dam and spillway must be inspected regularly to identify any indications of structural failure, leaking, erosion or other problem so that immediate action can be taken to rectify the problem.
12. The work must meet the requirements of the Environmental Protection Plan (latest approved version) for the project.
13. Work must be conducted in dry conditions.

#### **General Alterations**

14. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
15. 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*.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. All waste materials resulting from this project must be disposed of at a site approved by the Department of Digital Government and Service NL.
23. 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.
24. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
25. 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.
26. 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.

27. The attached Completion Report (Appendix C) for Permit No. 13245 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.
28. 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. The following terms are valid for the life cycle of the structure: 7 and 11.
29. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.
30. All work must be carried out within the Permit Holder's legal property boundaries.

**Infilling**

31. The slopes along the perimeter of infilled areas must be no steeper than two horizontal to one vertical (2H:1V).
32. The constructed works must be inspected regularly so that action can be taken to undertake repairs as required.
33. Infilling must not disrupt the established surface drainage pattern of the area.
34. Before infilling, any vegetation and topsoil must be completely removed and under no circumstances shall it be used as fill material. Topsoil must be stored and reused in final landscaping of the infilled area.
35. Select heavy rocks must be placed along the toe of any infilling to provide slope stability and erosion protection.

**APPENDIX B**

**Special Terms and Conditions for Permit**

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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: Ms. Deneen Spracklin, P.Eng.  
Manager, Drinking Water and Wastewater 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  
dspracklin@gov.nl.ca
- cc: Ms. Paula Dawe, 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  
pauladawe@gov.nl.ca
- cc: Eastern Lands Office  
Fisheries & Land Resources  
P.O. Box 8700  
Howley Building, Higgins Line  
St. John's NL A1B 4J6  
easternlandsoffice@gov.nl.ca
- cc: Fish and Fish Habitat Protection Program  
Aquatic Ecosystems Branch  
Fisheries and Oceans Canada  
P.O. Box 5667  
St. John's, NL A1C 5X1  
dfo.fppnl-ppptnel.mpo@dfo-mpo.gc.ca



**Appendix C - Completion Report**

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

Date: **AUGUST 22, 2023**

File No: **535-13**  
Permit No: **ALT13245-2023**

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cburt@newfoundlandpower.com**

Attention: **Chad Burt**

Re: **Pierre's Brook Hydroelectric Generating Facility West Country Pond Dam  
Gatehouse Replacement**

Permission was given for : **the demolition of the existing gatehouse building, construction of a new gatehouse building and associated activities as detailed in the application received from Newfoundland Power on June 21, 2023 with additional information sent on August 9, 2023, August 10, 2023, and August 15, 2023.**

*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**

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