

PERMIT FOR DEVELOPMENT

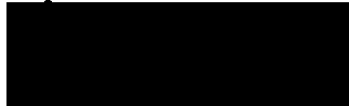
Pursuant to the *Water Resources Act*, SNL 2002 cW-4.01, specifically Section(s) 39

Date: **DECEMBER 07, 2020**

File No: **550-01-01-12-070**

Permit No: **PRO11519-2020**

Permit Holder: **Xplornet Communications Inc.**



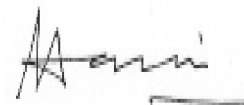
Attention:



Re: **Whitbourne - Hodges River PPWSA - Commercial Development - Xplornet Communications Inc.**

Permission is hereby given for : **installation of a 45m communication tower including land clearing of an approximately 20m X 25m area, construction of a 5m access road, construction of a permanent equipment shelter (no septic or water services), foundation installation and tower infrastructure installation within the Hodges River Protected Public Water Supply Area (used by the Town of Whitbourne) in relation to the application dated November 18th, 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

PPWSA General

1. 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.
2. 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.
3. 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.
4. The attached Completion Report (Appendix C) for Permit No. 11519 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.
5. An undisturbed (no cutting or ground disturbance) buffer zone of at least **150 metres** shall be maintained around Hodges River for a distance of 1 kilometer upstream, at least **75 metres** along the remainder of Hodges River, at least **50 metres** along both sides of all streams and main tributaries running into Hodges River, and at least **30 metres** around all ponds and along both sides of all other water bodies. Activity or development within these buffer zones is prohibited. All buffer zones must be marked with signs or flagging tape to avoid encroachment into the buffer zones.
6. All waste material is to be collected in refuse containers, and disposed of 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*.
7. 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.
8. The Department reserves the right to require that the Permit Holder follow, and cover all costs incurred by the Permit Holder or this department, associated with any water quality monitoring program that may be ordered by the Minister for the purpose of ensuring that the water quality is maintained within acceptable guidelines.
9. Officials of the Department and the appropriate Municipal Authority, Operator, or Watershed Management Committee may visit the site to ensure compliance with this Permit.
10. Liaison is to be maintained with the appropriate WRMD Environmental Scientist; if there are any specific problems (ie sedimentation, fuel spill, other potential water quality impairment), the WRMD Environmental Scientist must be notified immediately at **(709)729-4817**.
11. 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.

12. The Permit Holder must inspect the site daily during construction activities, and any water quality impairment related problems are to be reported immediately to the WRMD Environmental Scientist at (709)729-4817.
13. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.
14. This Permit is valid for two (2) years from the date of issue. If required, an application for Permit renewal must be submitted prior to the expiry date.
15. 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.
16. All vehicles and equipment must be in good working order with no leaking fuel, oil, or other harmful substances that could impair water quality.
17. 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.
18. 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.
19. Any streams not visible on a 1:50,000 scale map (including field identified streams) shall require a minimum buffer of 30 m.
20. 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.
21. The Permit Holder is required to ensure that adequate sanitary (bathroom) facilities are available or provided on site during construction. This may be in the form of a portable toilet, chemical toilet, or existing municipal sewer system if available. 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.
22. 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

23. 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.

24. 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
25. Any spills of gasoline, fuel or oil, regardless of volume, shall be reported immediately to the Environmental Scientist by calling (709)729-4817. Furthermore, all spills in excess of 70 litres shall be reported immediately to the 24 hour spill report line at 1-800-563-9089.
26. 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*.
27. Refueling sites shall be located at least 150 metres from any water body or wetland.

Protected Miscellaneous

28. The Permit Holder is required to provide this Department with all documentation, information and data which may be requested or required in order to carry out the inspection or investigation.
29. This site is to be used for commercial purposes only and **must not** be used for any type of agricultural or cottage development. No sub surface septic disposal system is to be installed on this property.
30. This permit relates specifically to Crown Land application no.E-156947.

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: Ms. Paula Dawe, P.Eng.
Manager, Drinking Water and Wastewater Section
Water Resources Management Division
Dept. of Environment, Climate Change and Municipalities
P.O. Box 8700
4th Floor, West Block, Confederation Building
St. John's, NL A1B 4J6
pauladawe@gov.nl.ca

cc: Referrals WRMD
Water Resources Management Division
Municipal Affairs and Environment
Referrals_WRMD@gov.nl.ca

cc: Eastern Lands Office
Dept. of Fisheries, Forestry and Agriculture
P.O. Box 8700
Howley Building, Higgins Line
St. John's NL A1B 4J6
easternlandsoffice@gov.nl.ca

cc: Christa Skinner
Environmental Scientist
Water Resources Management Division
Dept. of Environment, Climate Change and Municipalities
P.O. Box 8700
4th Floor, West Block, Confederation Building
St. John's, NL A1B 4J6
christavskinner@gov.nl.ca

cc: Town of Whitbourne
Ms. Crystal Peddle
P.O. Box 119
Whitbourne, NL A0B 3K0
whit.towncouncil@eastlink.ca

Appendix C - Completion Report

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

Date: **DECEMBER 07, 2020**

File No: **550-01-01-12-070**

Permit No: **PRO11519-2020**

Permit Holder: **Xplornet Communications Inc.**



Attention:



Re: **Whitbourne - Hodges River PPWSA - Commercial Development - Xplornet Communications Inc.**

Permission was given for : **installation of a 45m communication tower including land clearing of an approximately 20m X 25m area, construction of a 5m access road, construction of a permanent equipment shelter (no septic or water services), foundation installation and tower infrastructure installation within the Hodges River Protected Public Water Supply Area (used by the Town of Whitbourne) in relation to the application dated November 18th, 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

APPENDIX D
Location Map for Permit

Department of Fisheries and Land Resources
 Crown Lands Division



NOTE TO USERS

The information on this map was compiled from land surveys registered in the Crown Lands Registry.

Since the Registry does not contain information on all land ownership within the Province, the information depicted cannot be considered complete.

The boundary lines shown are intended to be used as an index to land titles issued by the Crown. The accuracy of the plot is not sufficient for measurement purposes and does not guarantee title.

Users finding any errors or omissions on this map sheet are asked to contact the Crown Lands Inquiries Line by telephone at 1-833-891-3249 or by email at Crown.LandsInfo@gov.nl.ca.

Some titles may not be plotted due to Crown Lands volumes missing from the Crown Lands registry or not plotted due to insufficient survey information.

The User hereby indemnifies and saves harmless the Minister, his officers, employees and agents from and against all claims, demands, liabilities, actions or cause of actions alleging any loss, injury, damages and matter (including claims or demands for any violation of copyright or intellectual property) arising out of any missing or incomplete Crown Land titles, and the Minister, his or her officers, employees and agents shall not be liable for any loss of profits or contracts or any other loss of any kind as a result.

For inquiries please contact the Crown Lands Inquiries Line by telephone at 1-833-891-3249 or by email at Crown.LandsInfo@gov.nl.ca. Or visit the nearest Regional Lands Office; http://www.flr.gov.nl.ca/department/contact_lands.html

Scale 1:2,500
 compiled on September 10, 2020

