

Reg. 1803

JUN 15 2016

Mr. Brent Sellars
Capital Projects/Environmental Assessment
Newfoundland and Labrador Hydro
Hydro Place, 500 Columbus Drive
St. John's NL A1B 4K7

Dear Mr. Sellars:

RE: Bay d'Espoir to Western Avalon Transmission Line – TL 267

Your proposal has been reviewed by an interdepartmental screening committee and an opportunity to comment has been provided to the public as required by the Newfoundland and Labrador *Environmental Protection Act*, SNL 2002, cE-14.2. Please be advised that this undertaking is **released** from further environmental assessment subject to the following conditions:

- Prior to construction, the previously submitted Environmental Protection Plan (EPP) must be revised to integrate the mitigations identified in the Avifauna Management Plan, the Rare Plant and Lichen Protection and Monitoring Plan (outlined below) and measures to protect other potential species at risk currently listed in the EPP.
- Ministerial approval of a Decommissioning Plan prior to construction in areas adjacent to the Bay du Nord Wilderness Reserve (i.e., from the westernmost Reserve boundary to due south of the easternmost boundary close to Wigman's Brook). The plan must include:
 - Objectives, Goals, Targets, Timelines and Commitments.
 - Removal of Bridge 47 (Little River) and Dunn's River Bridge 202/202A immediately after project construction is complete.
 - Removal of proposed bridge 67 (between Little River and the westernmost boundary of the Reserve).
 - Removal of bridge 244 at Wigman's Brook unless information acquired during the monitoring of off-road vehicle access to the Reserve (particularly between Dunn's River and Wigman's Brook) indicates that it will not decrease access; to be assessed in consultation with the Department of Environment and Conservation (ENVC).
 - Proposed methods for restoring/rehabilitating quarries and roads/trails no longer required for maintenance.

- Detailed information on plans to discourage public access both during and post-construction for the purpose of protecting Bay du Nord Wilderness Reserve and sensitive wildlife values.
- Prior to construction, in areas immediately adjacent to the Reserve and other areas with expected occurrence of rare lichens, NL Hydro must conduct a lichen survey in the area of the roads, trails and quarries. The survey team should include a Miawpukek First Nation intern/assistant to promote shared knowledge and inclusion of local stakeholders. In advance of the survey, NL Hydro is required to provide to Wildlife Division (WD) and Parks and Natural Areas Division (PNAD) maps of potential lichen habitat in those areas planned for clearing outside of the right-of-way (ROW). These maps will be used to determine areas that may require lichen surveys. Potential survey areas are to be approved by WD and PNAD, and must target rare lichen species. The surveys must be conducted by an independent third party whose qualifications and methodology have been approved by WD.
- Mitigations to protect rare lichens, such as translocations, must follow best-available science on lichen ecology. The required work must be carried out prior to the start of construction activities in the areas where rare lichens are detected. An experimental adaptive management approach must be employed, and should include long-term (5 years or more) monitoring of any translocations. To that end, a Rare Plant and Lichen Protection and Monitoring Plan must be developed in consultation with WD and PNAD, and submitted for Ministerial approval prior to clearing of areas identified as having potential for listed species. The translocation of lichens to suitable nearby locations in the Reserve must be conducted by an independent third party whose qualifications and methodology have been approved by WD.
- That Nalcor Energy's Diversity and Inclusion Strategy be applied to this project with a detailed overview of the specific diversity initiatives that will be applied to the project to be provided to the Minister Responsible for the Status of Women within 30 days of this release letter; and that quarterly reporting to that Minister on the progress toward these initiatives be implemented, with reporting commencing three months following project start-up.
- Prior to construction, an independent onsite environmental monitor be funded by NL Hydro to monitor the entire project including public visitation and activity in and adjacent to the Reserve, and to provide weekly reports to PNAD during construction. NL Hydro must consult with PNAD and Environmental Assessment Division (EAD) on content and level of detail to be included in the reports. The monitor must be hired for the duration of construction activities and until the decommissioning plan has been implemented.
- NL Hydro to provide PNAD, EAD and WERAC with annual updates on construction progress and anticipated completion date.

- NL Hydro to facilitate and provide in-kind support for site visits by PNAD and WERAC representatives on a seasonal basis during project construction to the construction sites (bridges, roads, culverts, sensitive sites and transmission lines).
- All fish-bearing waterbodies not covered with bridges be traversed with arch beam culverts or other less disruptive mechanisms pursuant to Fisheries and Oceans Canada policies and guidelines to minimize stream disturbance. NL Hydro must consult with ENVC to determine if arch beam culverts are required at specific sites.
- No bridge development over Long Harbour River.
- NL Hydro fund two temporary conservation staff positions to patrol for a minimum of two years post-construction in areas in and adjacent to the Reserve to monitor and report to Parks and Natural Areas Division on public access into the Reserve and activity off the road ROW. This will be reassessed after two years by ENVC in consultation with the Wilderness and Ecological Reserves Advisory Council and NL Hydro.
- NL Hydro post signage after construction in areas adjacent to the Bay du Nord Wilderness Reserve to restrict access and to advise that bridges will or have been removed and that the area is remotely monitored by cameras. NL Hydro to provide the funding for Reserve boundary signs and “No ATVs” signs.
- Cameras and other monitoring devices must be provided by NL Hydro and installed at strategic locations along the main access routes in areas adjacent to the Bay du Nord Wilderness Reserve, in consultation with Environment and Conservation, to monitor public access and activity levels. Any activities recorded are to be submitted to ENVC, and summaries of activities be reported to ENVC annually. NL Hydro must work with PNAD to develop policies for the use of cameras before installation to ensure adherence with the 2015 guidance of the Office of the Information and Privacy Commissioner.
- TL 267 must be managed and maintained in the same way as the existing lines TL 202 and 206 with respect to access, infrastructure maintenance, vegetation control and all other environmental considerations.
- Native plant species only are to be used in the restoration of quarries, roads and access trails, as noted in the submitted EPP.

Although the undertaking, as proposed, is released from further environmental assessment, it is still subject to other legislative requirements. A summary of the comments received from government agencies during the review is attached to provide an indication of likely applicable permits, approvals and legislative requirements.

Please note that you must comply with all relevant legislation and obtain all necessary permits and approvals. You are required to inform this Department of any proposed variations to the route or any significant changes to the undertaking.

You are advised that no construction or construction related activities may occur within the Bay du Nord Wilderness Reserve until after proposed boundary changes removing the relevant land from the Bay du Nord Wilderness Reserve are effected by publication in the Gazette.

If you have any questions concerning these matters, please contact Mr. Bas Cleary, Director, Environmental Assessment Division at (709) 729-0673.

Sincerely,

A handwritten signature in black ink, appearing to read "Perry Trimper". The signature is fluid and cursive, with a large, sweeping flourish at the end.

PERRY TRIMPER, MHA
District of Lake Melville
Minister