

JUN 3 0 2022

COR-2022-864

Reg. # 2136

Chad Evans
Newfoundland and Labrador Hydro
500 Columbus Drive
P.O. Box 12400
St. John's NL A1B 4K7
Email: chadevans@nlh.nl.ca

Dear Chad Evans:

RE: Star Lake to Valentine Gold Transmission Line TL271 Project (the Project)

NL Hydro's Environmental Preview Report (EPR) has been reviewed by an Environmental Assessment Committee (EAC) and an opportunity to comment has been provided to the public, as required by Part X of 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:

- NL Hydro is required to uphold all commitments made in its environmental assessment submissions to mitigate the effects of the Project on the environment.
- This release pertains specifically to the construction and operation of the preferred route as described in the EPR.
- The Department of Fisheries, Forestry and Agriculture (FFA) requires the following:
 - Vegetation and construction work schedules shall be coordinated based on the most recent camera and collar (live) data to ensure actual sensitive wildlife/ caribou times are avoided;
 - A copy of NL Hydro's Environmental Protection Plan shall be provided to FFA for review and shall include details on how observation of caribou within 500m of Project activities will be accomplished;
 - Surveys for bat maternity colonies/roosts shall occur prior to tree removal during the active season (May 01 to Sept 30) and survey results must be approved by FFA. Please contact FFA - Wildlife Division at (709) 637 – 2025 for details regarding survey design;

- NL Hydro shall consult the Wildlife Division regarding any in-water activities / construction that will occur during sensitive fisheries timing windows;
- NL Hydro shall submit a digital GIS file of the completed right of way, culvert, bridge locations and access roads (clearly identifying decommissioned and non-decommissioned sections) to FFA prior to the start of Project construction.

For further information, please contact FFA at (709) 637-2353.

- The Electricity and Alternative Energy Division of the Department of Industry, Energy and Technology advises that, as Marathon Gold Corporation will be the sole customer of TL-271, NL Hydro shall ensure that other ratepayers are protected from the rate impact of the Project, including the cost of decommissioning the line (TL-271). For further information, please contact (709) 729-1476.
- NL Hydro is required to advise the Environmental Assessment Division when each of the conditions of release has been met, if required, by emailing a written description, documents, and images (where applicable) to demonstrate that the conditions have been fulfilled to EAProjectComments@gov.nl.ca.
- NL Hydro required to update the Environmental Assessment Division on the status of the Project, including a copy of all permits, licences, certificates, approvals and other authorizations required for the Project, within one year from the date of this release letter and to provide additional updates, if requested. Please email Project updates to EAProjectComments@gov.nl.ca.

Federal and provincial government departments and agencies that reviewed the Project during the environmental assessment provide the following advice:

The Water Resources Management Division of my Department advises that under the authority of the **Water Resources Act**, permits are required for any work in any body of water (including wetland), any work in shore water zones, and any infilling work within fifteen (15) metres of a body of water, and a water use licence is required for the use of water from any water source for any purpose. The Water Resources Management Division also advises that any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003. For further information, please contact the Water Resources Management Division at (709) 729- 2563.



The Pollution Prevention Division of my Department reminds NL Hydro that all pesticide purchase, storage and use is subject to compliance with the Pesticide Control Regulations, 2012, under the **Environmental Protection Act**. The Regulations stipulate that an Applicator must be licensed for the class of pesticide which is intended to be applied. Also, the regulations stipulate that a Pesticide Operator Licence is required in order to purchase pesticides unless otherwise exempted by the regulations. The Pollution Prevention Division further recommends that NL Hydro develop a site-specific contingency plan to enable a quick and effective response to a spill event. Response equipment, such as absorbents and open-ended barrels for collection of clean-up debris, should be stored in an accessible location on site. Any spill or leak of gasoline or associated product is to be reported immediately by calling the Environmental Emergencies Telephone Line at 1-800-563-9089. As the Project will incorporate the use of treated wood poles, NL Hydro is advised to consult the Treated Wood Waste Guidance Document available at <https://www.gov.nl.ca/eccm/files/env-protection-waste-guidancedocs-gd-ppd-075.1treated-wood-waste-disposal-.pdf>. For further information, please contact the Pollution Prevention Division at (709) 729-5782.

The Government Services Centre of the Department of Digital Government and Service NL advises that the extent of land clearing and grubbing should be restricted such that naturally vegetated areas between the site and surrounding properties and thoroughfares are maintained. Any existing tree screen concealing the operation from public view is to be maintained. Any proposed access roads to the site must be approved by the Department of Transportation and Infrastructure. For further information, please contact the Government Service Centre at (709) 643-8650.

The Occupational Health and Safety Division of the Department of Digital Government and Service NL advises NL Hydro to ensure that the activities associated with the development are conducted in compliance with the Occupational Health and Safety Act and its Regulations. This includes the responsibility for ensuring that contractors hired to perform work also comply with this legislation. For more information, please contact Occupational Health and Safety Division at (709) 729-3275.

The Office of Women and Gender Equality reminds NL Hydro of its commitment to develop a Women's Employment Plan (WEP), to be approved by the Minister responsible for the Office of Women and Gender Equality. The WEP must be submitted and approved prior to commencement of Project construction. Please contact the Office of Women and Gender Equality directly at (709) 729-5032 for a copy of the template for WEPs and support in developing a WEP that meets the goals of the Project and the Office.

The Wildlife Division of the Department of Fisheries, Forestry and Agriculture advises NL Hydro to operate under established legislation and regulations to avoid or minimize adverse impacts. The **Migratory Birds Convention Act, 1994**, Migratory Bird Regulations, **Wild Life Act** and Wild Life Regulations protect birds and prohibit the



disturbance or destruction of bird nests and eggs in Newfoundland & Labrador. NL Hydro is further advised to develop and implement appropriate preventative and mitigation measures to avoid incidental take of birds, nests and eggs. Additionally, the denning period for the Newfoundland population of American Marten occurs from early April to the end of June and dens must be protected from damage and disturbance during this time-period. For further information, please contact the Wildlife Division at (709) 637-2353.

The Forestry Branch of the Department of Fisheries, Forestry and Agriculture advises that a commercial cutting permit is required prior to any harvesting or timber removal in the area. An operating permit is required prior to the start of any work during the forest fire season. A permit to burn must be obtained to ignite a fire on or within 300 meters of forest land during the forest fire season. For further information, please contact a Forest Management District Office at (709) 686-2071 or (709) 646-3720.

The Tourism Product Development Division of the Department of Tourism, Culture and Recreation recommends that NL Hydro continue working with the outfitter located in the Project area to mitigate impacts, and to continue to engage with the Newfoundland and Labrador Outfitters Association to address potential cumulative impacts of the Project on the outfitting sector. For further information, please contact the Tourism Product Development Division at (709) 729-4518.

Environment and Climate Change Canada (ECCC) recommends that nest searches or pre-clearing surveys for active bird nests are not carried out during the breeding season as a mitigation, given the difficulty associated with finding nests and the high likelihood of disturbing nesting birds when searching. In order to avoid nest destruction and to accommodate the breeding season of migratory songbirds and waterfowl, Project activities should consider nesting locations between April 15 and August 15 in this region. It is NL Hydro's responsibility to manage Project activities so as to ensure compliance with the **Migratory Birds Convention Act** and associated regulations. ECCC also recommends avoiding and reducing adverse effects to Newfoundland caribou and American Marten (Newfoundland population) to the greatest extent possible through careful Project design and the development and implementation of mitigation measures. Should residual and cumulative effects remain, ECCC recommends that NL Hydro develop and implement offset plans for caribou and marten to address any residual adverse effects of the Project. For further information, please contact ECCC at (709) 689-8915.

Fisheries and Oceans Canada recommends that NL Hydro submit its Project description for review by the Fish and Fish Habitat Protection Program. Information on the Project review process is available at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>. For further information, please contact the Fish and Fish Habitat Protection Program at FPP-NL@dfo-mpo.gc.ca or (709) 772-4140.



Transport Canada recommends that NL Hydro assess the power transmission line watercourse crossings against the criteria in the *Minor Works Order* to determine if an approval is required. For further information, please contact the Navigation Protection Program at NPPATL-PPNATL@tc.gc.ca or (506) 851-3113.

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. NL Hydro shall comply with all relevant legislation and obtain all necessary permits and approvals. NL Hydro shall inform this Department of any proposed significant changes to the undertaking.

Please note that in accordance with Section 17 of the Environmental Assessment Regulations, the Minister's decision is valid for a period of three years from the date of this letter. If NL Hydro has not commenced the Project within this three-year period, it may apply to extend the three-year period for a maximum of three one-year periods, if needed. For further information, please email EAProjectComments@gov.nl.ca.

If you have any questions, please contact Joanne Sweeney, Director (A), Environmental Assessment Division, at (709) 729-0673 or joannesweeney@gov.nl.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bernard Davis", with a horizontal line extending to the right.

HON. BERNARD DAVIS, MHA
District of Virginia Waters - Pleasantville
Minister

Enclosures

Cc: The Honourable Andrew Parsons, Minister of Industry, Energy and Technology
Chris Tibbs, MHA, District of Grand Falls-Windsor-Buchans