

PERMIT TO ALTER A BODY OF WATER

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

Date: **APRIL 15, 2016**

File No: **536-7**
Permit No: **ALT8496-2016**

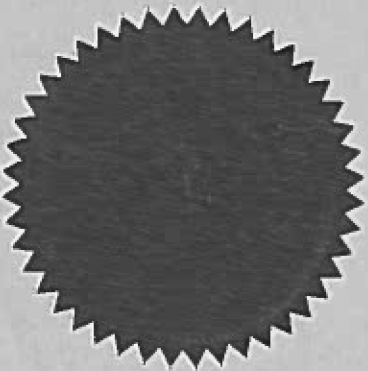
Permit Holder: **Nalcor Energy - NL Hydro**
P.O. Box 12400
500 Columbus Drive
St. John's NL A1B 4K7

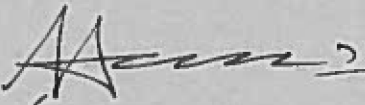
Attention: **Mr. John Linfield**

Re: **Bay d'Espoir Hydroelectric Development- Burnt Dam Gate Lift Upgrades**

Permission is hereby given for : to replace the emergency spillway gate lift apparatus with a fixed, permanent hydraulic lift system, and associated activities, as detailed in the application received from NL Hydro on February 22, 2016.

- 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 Conservation under Section 49 of the *Water Resources Act*.
- Failure to comply with the terms and conditions will render this Permit null and void, place the Permit Holder and their agent (s) in violation of the *Water Resources Act* and make the Permit Holder responsible for taking any remedial measures as may be prescribed by this Department.




MINISTER

APPENDIX A
Terms and Conditions for Permit

Dam/Reservoir Design

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

Name	Datum	Northing (m)	Easting (m)	Zone
Burnt Dam (MD-11)	NAD83	5334430	474754	21

General Alterations

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. 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 the Department.
8. 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.
9. All waste materials resulting from this project must be disposed of at a site approved by the Department of Service NL.
10. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
11. 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.
12. The attached Completion Report (Appendix C) for Permit No. 8496 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.
13. 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 term(s) are valid for the life cycle of the structure: 15.
14. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.

Dam Safety

15. The dam has been conditionally classified in the LOW Consequence category based on the 2007 Canadian Dam Association (CDA) guidelines. A Dam Safety Review is not required for low-consequence dams. However, the consequences of failure

should be reviewed periodically, since they may change with downstream development. If the classification increases, a Dam Safety Review is required at that time.

Special Conditions

16. Suitable booms must be deployed around the construction site to contain any leaking fluid (hydraulic, fuel) that might contaminate the water body. All booms must be properly maintained and remain in place until all work is complete.
17. All new hydraulic hose or piping and appurtenances shall be hydrostatically tested to ensure there are no leaks in the system.
18. 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.
19. The transportation of labour and materials to the site must be along existing access roads.
20. 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.

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 and/or Ministerial orders and guidelines, as determined by this Department, the Minister may, after providing ten (10) day notice to the Permit Holder, 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: **File Copy for Binder**
- cc: **Ms. Paula Dawe, P.Eng.**
Manager, Drinking Water and Wastewater Section
Water Resources Management Division
Dept. of Environment and Conservation
PO Box 8700
St. John's, NL A1B 4J6
- cc: **Fisheries Protection Division**
Ecosystem Management Branch
Fisheries and Oceans Canada
P.O. Box 5667
St. John's NL A1C 5X1

Appendix C - Completion Report

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

Date: **APRIL 15, 2016**

File No: **536-7**
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500 Columbus Drive
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Attention: **Mr. John Linfield**

Re: **Bay d'Espoir Hydroelectric Development- Burnt Dam Gate Lift Upgrades**

Permission was given for : to replace the emergency spillway gate lift apparatus with a fixed, permanent hydraulic lift system, and associated activities, as detailed in the application received from NL Hydro on February 22, 2016.

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 Conservation 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 Conservation
Water Resources Management Division
PO Box 8700
St. John's NL A1B 4J6

APPENDIX D
Location Map for Permit

