

PERMIT TO ALTER A BODY OF WATER

Pursuant to the *Water Resources Act*, SNL 2002 cW-4.01, specifically Section(s) 39, 48

Date: **MARCH 21, 2017**

File No: **536-09**
Permit No: **ALT9107-2017**

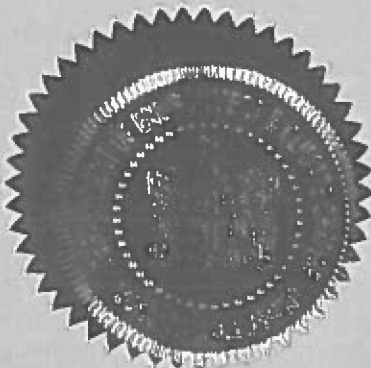
Permit Holder: **Newfoundland and Labrador Hydro-Nalcor Energy Co.**
500 Columbus Drive
PO Box 12400
St. John's NL A1B 4K7

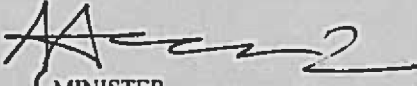
Attention: **Mr. John Linfield**

Re: **Various Bodies of Water - Fording and Various Work Activities**

Permission is hereby given for : i) fording of various water bodies; ii) work within the 15 metre wide environmental buffer surrounding various bodies of water; and iii) placement of utility poles, crossarms, cross braces and other associated hardware (bolts and insulators) and installation and repairs of anchors and guy lines anchors near bodies of water as part of work activities considered minor in nature, outside and within designated Protected Public Water Supply Areas to carry out inspection, maintenance and upgrades to transmission and distribution systems, outside and within designated Protected Public Water Supply Areas, at various locations across the Province, with reference to the applications dated May 11, 2016 and February 6, 2017 and further information provided on or before March 21, 2017.

- 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 Municipal Affairs and Environment 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

Special Conditions

1. The Permit Holder may be required to apply for and obtain a separate permit under the Water Resources Act, SNL 2002 cW-4.01, specifically Section 48 <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> for any work activity within any designated flood risk area as indicated at <http://www.env.gov.nl.ca/env/waterres/flooding/frm.html>.
2. For any work activity carried out under this Permit within any designated Protected Public Water Supply Area (PPWSA) servicing any community as indicated in Water Resources Portal available at <https://maps.gov.nl.ca/water/mapbrowser/Default.aspx>, the Permit Holder shall abide by the Policy for Land and Water Related Developments in PPWSAs available at http://www.ecc.gov.nl.ca/waterres/regulations/policies/water_related.html.
3. This permit does not cover work activities for the placement of utility poles and anchors near areas of historical or archaeological significance, protected habitat, ecological reserves, and within 200 metres of scheduled salmon rivers.
4. The placement of utility poles and anchors within the 15 metre wide environmental buffer surrounding bodies of water must be avoided whenever possible. The placement of poles is contingent upon the Permit Holder having clear title to the land upon which these poles are installed or upon the approval of other landowners.
5. For any work activity carried out under this Permit to be considered minor in nature, it must not involve installation of more than five (5) utility poles and associated anchoring within the 15 metre wide environmental buffer of any body of water (including wetlands).
6. All work must be carried out by the Permit Holder or its contractors bound by written contract to meet the requirements of the Permit Holder's Environmental Management Program.
7. If any work activity carried out under this Permit does prohibit, restrict or impede public access along the shoreline reservation of any body of water, then the Permit Holder shall restore the shoreline reservation to the satisfaction of the Minister within sixty (60) days of a written notice. Failure to do so shall result in the Minister restoring the reservation and the cost of the restoration shall be recovered from the Permit Holder as a debt due to the Crown.
8. A water quality monitoring program is not required at this time. However, the Department reserves the right to require that the Permit Holder sample, analyze, and submit results of water quality tests, for the purpose of ensuring that the water quality is maintained within acceptable guidelines. All analyses must be undertaken by a CALA accredited laboratory. In addition, the Permit Holder must take necessary measures to control dust that may impair the quality of any adjacent body of water or wetland.
9. Select heavy rocks must be placed along the shoreline to provide slope stability and erosion protection as deems necessary for any work activity carried out under this Permit.
10. Copies of this Permit, as well as any subsequent amendments, must be provided to the Permit Holder's contractors who will be carrying out any work under this Permit.
11. For each work activity carried out under this Permit, the Permit Holder must notify this Department via email to waterinvestigations@gov.nl.ca or facsimile at (709)729-0320 in accordance with a reporting protocol as deemed necessary and appropriate in the opinion of the Minister. Also, any work activity carried out under this Permit shall be subject to the payment of applicable fee by the Permit Holder as stated in the application fee schedules approved by the Minister.
12. The Permit Holder acknowledges and agrees that this Permit may require and will be amended to include further provisions pursuant to the Water Resources Act, SNL 2002 cW-4.01 and its regulations and policies in effect thereunder from time to time, as deemed necessary in the opinion of the Minister.

Fording

13. Except for single passenger all-terrain vehicles, crossings by other vehicles or construction equipment shall be limited to one trip in and one trip out. However, more than one trip in and one trip out are permitted as may deemed necessary due to the

nature of any work activity carried out under this Permit.

14. Timbers or rocks shall be placed in streams to facilitate crossing or to minimize damage to the channel sections provided the streams are not unnecessarily constricted or backed up.
15. Alteration of the natural minimum streamflow is not permitted in order to preserve aquatic life.
16. Stream banks at fording sites that contain loose or erodible material must be adequately stabilized before crossing to minimize any siltation of streams.
17. The natural course of any stream must not be altered.
18. Infilling must not cause increased water elevation upstream or increase flow velocity downstream of the site. Reduction of the natural cross sectional area of any watercourse is not permitted.
19. The fording sites must be located at shallow sections of the channels where there are low approach grades, and where the channels consists of stable non-erodible rock or cobbles.
20. Fording shall only be carried out during periods of low water levels.
21. When the fording sites are no longer required, the Permit Holder must dismantle and remove all constructed works and restore the sites to their original condition. All material placed in streams must be completely removed.
22. A complete oil spill clean-up kit must be on site at all times when gasoline or fuel powered equipment is being used or refuelled. The kit must contain the following:
 - One hand operated fuel pump
 - One recovery container such an empty 205 litre drum
 - One shovel
 - One pick ax
 - Five metres of containment boom
 - Five absorbent pads
 - Twenty-five litres of loose absorbent material
23. Within 30 days after expiry of this Permit, the Permit Holder must submit to this Department a report confirming that each fording location was left in as good or better condition than prior to Permit Holder's fording activities. This report should include detailed pictures of each site before and after work activities carried out under this Permit.

Water Supply Area

24. All persons working on any work activity carried out under this Permit must be informed that they are within a PPWSA, and must be made aware of all conditions of this Permit. A copy of this Permit must be on site during operations.
25. Liaison is to be maintained with the Regional Environmental Scientist for all activities within the PPWSA. If there are any problems, they may be reached at 637-2542 (Western Region), 292-4220 (Central Region), and 729-4817 (Eastern Region).
26. The Permit Holder must obtain written permission from each community before commencing any work in their PPWSA.
27. An undisturbed (no cutting or ground disturbance) buffer zone of at least 150 metres shall be maintained around any intake pond, at least 50 metres along both sides of all streams and main tributaries running into any intake pond, and at least 30 metres around all ponds and along both sides of all other bodies of water. 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.
28. For any clearing inside buffer zones stipulated in Clause # 27: no ground disturbance (no disturbance to the root mat, no grubbing, or removal of soil) shall take place in the buffer zones stipulated in Clause # 27. The Permit Holder is to ensure that the appropriate best practices are employed to prevent any detrimental effects that could impact water quality. Where possible, work in buffer zones stipulated in Clause # 27 shall be completed when the ground is frozen. This Department must approve any work within the buffer zones stipulated in Clause #27 prior to commencement of any work activity carried out under this Permit.
29. Fording is only permitted within the boundaries of PPWSAs where conditions are conducive to fording (stable non-erodible stream channels, low approach grades etc.) and where fording sites are not in close proximity to water supply intakes.

30. The use of creosote treated wood utility poles and/or anchor boxes is strictly prohibited. CCA, ACA or CuNap treated utility poles and/or anchor boxes may be used outside the buffer zones described in in Clause # 27 in PPWSAs. Untreated utility poles/anchor boxes must be used within the buffer zones described in Clause #27 in PPWSAs.
31. Motorized vehicles, including snowmobiles and ATVs, shall not be used to cross the frozen surface of the intake pond within the PPWSA.
32. The Permit Holder is hereby informed that if there is any change in water quality in a PPWSA resulting directly from any work activity carried out under this Permit which causes sufficient changes in physical, chemical or bacteriological composition to render the water within the PPWSA unsuitable as a public water supply, then the Permit Holder shall be responsible for and must ensure that an alternate source of potable water is provided to the citizens until water quality returns to an acceptable level.
33. Equipment storage, maintenance facilities associated with any work activity carried out under this Permit, and all maintenance other than emergency repairs must not be located/carried out within the PPWSA. All stationary motorized equipment and fuel tanks shall have metal trays, absorbent pads or impervious liners under them to catch any leaking fuel or oil. Any spills of gasoline, fuel or oil, regardless of volume, shall be reported immediately to the Regional Environmental Scientist by calling 729-4817 (Eastern Region), 292-4280 (Central Region), 637-2542 (Western Region). Furthermore, all spills in excess of 70 litres shall be reported immediately to the 24 hour spill report line at (709) 722-2083 (call collect) or 1-800-563-9089. Refuelling sites shall be located at least 150 metres from any body of water or wetland.
34. There shall be no bulk fuel storage associated with an work activity carried out under this Permit 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. 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.
35. A complete oil spill clean-up kit must be on site at all times when gasoline or fuel powered equipment is being used or refuelled. The kit must contain the following:
 - One hand operated fuel pump
 - One recovery container such an empty 205 litre drum
 - One shovel
 - One pick ax
 - Five metres of containment boom
 - Five absorbent pads
 - Twenty-five litres of loose absorbent material.
36. Refueling sites shall be located at least 150m from any water body or wetland.

Utility Poles

37. Armour stone must be placed around cribbing, where required, to prevent erosion.
38. The use of creosote treated wood is strictly prohibited within any PPWSA. Outside PPWSAs, creosote treated wood may be used in or within 15 metre of any body of water.
39. Infilling must not cause increased water elevation upstream or increase flow velocity downstream of the site. Reduction of the natural cross sectional area of any watercourse is not permitted.
40. Infilling must not disrupt the established surface drainage pattern of the area.
41. CCA treated utility poles must not be installed within 5.0 metres of a domestic well or other private water supply.
42. Installation of overhead lines under frozen conditions is preferable in all situations and, in particular, on wet terrains (e.g. bogs). The use of aerial methods (i.e. helicopter) is also acceptable.

General Alterations

43. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
44. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
45. 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*.

46. 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.
47. 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.
48. All vehicles and equipment must be clean and in good repair, free of mud and oil leaks, or other harmful substances that could impair water quality.
49. During the construction of concrete components, formwork must be properly constructed to prevent any fresh concrete from entering a body of water. Dumping of concrete or washing of tools and equipment in any body of water is prohibited.
50. 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.
51. Any areas adversely affected by any work activity carried out under this Permit, 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.
52. The bed, banks and floodplains of watercourses, or other vulnerable areas affected any work activity carried out under this Permit, must be adequately protected from erosion by seeding, sodding or placing of rip-rap.
53. All waste materials resulting from any work activity carried out under this Permit, must be disposed of at a site approved by the Department of Service NL.
54. 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. The Permit Holder must consult with the Department of Fisheries and Oceans should any in water work take place outside the following timing window between June 1st and September 30th.
55. Where pumping is used to bypass flow, cofferdams must be installed both above and below areas of construction. The Permit Holder must provide pumps with sufficient capacity to prevent washout of cofferdams.
56. 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.
57. Cofferdams must be properly designed and constructed of suitable materials to prevent leakage and to resist loss of any material as a result of erosion. Cofferdams must be removed upon completion of their intended function. All material must be removed carefully to prevent disturbance of water bodies and to prevent water quality degradation.
58. 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.
59. The attached Completion Report (Appendix C) for Permit No. 9107 must be completed and returned to this Department upon completion of work activities carried under this Permit. Pictures of completed work activities must be submitted along with the completion report and written report, showing the work sites prior to and after work activities completed under this Permit.
60. This Permit is effective January 1, 2016 and shall expire on December 31, 2018 or earlier if modified, suspended or cancelled by the Minister. Also, this Permit may be renewed by the Minister for such renewal term as the Minister deems appropriate, on such terms and conditions as the Minister considers appropriate and in the public interest, provided the Permit Holder applies for the renewal at least ninety (90) days before the expiry of this Permit.
61. All work must be carried out within the Permit Holder's legal property boundaries. In case of Crown Lands, all work must comply with all other terms and conditions of the Crown Lands grant, lease or license for occupancy. The Permit Holder acknowledges and agrees that this Permit does not grant any interest in land or any exclusive right in or to use or occupy lands.
62. Except as stated in Clause #13 under **FORDING**, 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.

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
Department of Municipal Affairs and Environment

File No: 536-09
Permit No: ALT9107-2017

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: Dr. Abdel-Zaher Kamal Abdel-Razek, Ph. D., P.Eng.
Manager, Water Rights and Investigations Section
Water Resources Management Division
Department of Municipal Affairs and Environment
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- cc: Mr. Robert Wight (C)
Environmental Scientist
Water Resources Management Division
Department of Municipal Affairs and Environment
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robertwight@gov.nl.ca
- cc: Ms. Annette Tobin, P. Eng.
Environmental Engineer, Drinking Water and Wastewater Section
Water Resources Management Division
Department of Environment and Climate Change
P.O. Box 8700
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annettetobin@gov.nl.ca
- cc: Ms. Carla Hayes, P.Tech
Environmental Scientist, Drinking Water and Wastewater Section
Water Resources Management Division
Department of Municipal Affairs and Environment
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CarlaHayes@gov.nl.ca
- cc: Ms. Christa Ramsay (E)
Environmental Scientist, Drinking Water and Wastewater Section
Water Resources Management Division
Department of Environment and Climate Change
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christaramsay@gov.nl.ca
- cc: Ms. Dorothea W. Hanchar, M.Sc.
Manager of Groundwater Resources
Groundwater Section, Water Resources Management Division
Department of Municipal Affairs and Environment
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4th Floor, West Block, Confederation Building
St. John's, NL A1B 4J6
DorotheaHanchar@gov.nl.ca
- cc: Mr. Rodger Primmer (C)
Regional Lands Manager, Central Regional Crown Lands
Crown Lands Administration Division
Department of Fisheries and Land Resources
230 Airport Boulevard, Fraser Mall, P.O. Box 2222
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rprimmer@gov.nl.ca
- cc: Mr. Steve Barnable (E)
Eastern Regional Lands Manager

Crown Lands Administration Division
Department of Fisheries and Land Resources
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Howley Building, Higgin's Line
St. John's, NL A1B 4J6
easternlandsoffice@gov.nl.ca



Government of Newfoundland and Labrador
Department of Municipal Affairs and Environment
Water Resources Management Division

Appendix C - Completion Report

Pursuant to the *Water Resources Act*, SNL 2002 cW-4.01, specifically Section(s) 39, 48

Date: **MARCH 21, 2017**

File No: **536-09**
Permit No: **ALT9107-2017**

Permit Holder: **Newfoundland and Labrador Hydro-Nalcor Energy Co.**
500 Columbus Drive
PO Box 12400
St. John's NL A1B 4K7

Attention: **Mr. John Linfield**

Re: **Various Bodies of Water - Fording and Various Work Activities**

Permission was given for : i) fording of various water bodies; ii) work within the 15 metre wide environmental buffer surrounding various bodies of water; and iii) placement of utility poles, crossarms, cross braces and other associated hardware (bolts and insulators) and installation and repairs of anchors and guy lines anchors near bodies of water as part of work activities considered minor in nature, outside and within designated Protected Public Water Supply Areas to carry out inspection, maintenance and upgrades to transmission and distribution systems, outside and within designated Protected Public Water Supply Areas, at various locations across the Province, with reference to the applications dated May 11, 2016 and February 6, 2017 and further information provided on or before March 21, 2017.

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 Municipal Affairs and Environment 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 Municipal Affairs and Environment
Water Resources Management Division
PO Box 8700
St. John's NL A1B 4J6