

PERMIT TO ALTER A BODY OF WATER

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

Date: **JULY 12, 2019**

File No: **526**
Permit No: **ALT10461-2019**

Permit Holder: **NSP Maritime Link Inc.**
9 Austin Street
St. John's, NL
A1B 1C1

Attention: **Jean-Marc Nicolas**

Re: **Various Bodies of Water - Fording for Maritime Link HVdc Transmission Line**

Permission is hereby given for : **the installation of fording of various water bodies, outside and within designated Protect Public Water Supply Areas to carry out the ongoing vegetation management program, along the Maritime Link HVdc Transmission Line, Segments 1, 2 and 3, with reference to the application received on June 27, 2019, and additional information received on June 26, and 28, 2019.**

- 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*.



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 https://www.mae.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. 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.
5. If the work activity carried out under this Permit does prohibit, restrict or impede public access along the shoreline reservation then the Permit Holder shall restore the reservation to the satisfaction of the Minister within sixty (60) days of written notification. 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.
6. A water quality monitoring program is not required at this time. However, the Department reserves the right to require that the Permit Holder sample, analyse, 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.
7. Select heavy rocks must be placed along the shoreline to provide slope stability and erosion protection, as deemed necessary for any work activity carried out under this Permit.
8. 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.
9. 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.
10. For each fording 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 the 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.

11. All of our Section 48 permits are valid for only two (2) years. Every two (2) years all existing fording sites will be considered to be new if they are used again.

12. Annually (at the end of the year), the Permit Holder shall identify any new fording sites established during the year, and submit the applicable application fee for each new fording site.

Fording

13. Single passenger all-terrain vehicles, crossings by other vehicles or construction equipment shall be permitted to make multiple trips in and multiple trips out under this Permit. The number of fording trips within any designated PPWSA is to be kept to a minimum.

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 consist 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 as an empty 205 litre drum
- One shovel
- One pick axe
- 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 the 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 project activities.

General Alterations

24. Any work that must be performed below the high water mark must be carried out during a period of low water levels.

25. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.

26. 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*.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. All waste materials resulting from this project must be disposed of at a site approved by the Department of Service NL.
35. 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.
36. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
37. 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.
38. 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.
39. 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.
40. 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.

41. The attached Completion Report (Appendix C) for Permit No. 10461 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.
42. This Permit is effective July 12, 2019 and shall expire on July 12, 2021, 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.
43. 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.
44. 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.

PPWSA General

45. 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. Project work has been indicated to be within the Dribble Brook PPWSA and Wellfield WPWSA used by the Town of St. George's, see attached mapping. A copy of this Permit must be on site during operations.
46. Liaison is to be maintained with the appropriate Municipal Authority and Environmental Scientist. If there are any specific problems (i.e., sedimentation, fuel spill, other potential water quality impairment), the appropriate Town Manager/Clerk, Mayor, Chair of the Local Service District Committee, or Chair of the Water Supply Committee must be notified immediately. The Environmental Scientist must also be notified immediately at (709)729-4817 (Eastern Region) or (709)292-4280 (Central Region) or (709) 637-2542 (Western Region and Labrador).
47. The Permit Holder must obtain written permission from each community authority before commencing any work in their PPWSA.
48. An undisturbed (no cutting or ground disturbance) buffer zone of at least **150 metres** shall be maintained around intake ponds or lakes, at least **150 metres** for one km upstream and **100 metres** for one km downstream shall be maintained around intake rivers, at least **50 metres** along both sides of all streams and main tributaries running into intake ponds, lakes or rivers, 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.
49. For any clearing inside buffer zones stipulated in Clause #48: no ground disturbance (no disturbance to the root mat, no grubbing, or removal of soil) shall take place in the buffer zones. 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 #48 shall be completed when the ground is frozen. This Department must approve any work within the buffer zones stipulated in Clause #48 prior to commencement of any work activity carried out under this Permit.
50. Motorized vehicles, including snowmobiles and ATVs, shall not be used to cross the frozen surface of the intake pond within the Protected Public Water Supply Area.

51. 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.
52. 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.
53. 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.
54. 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.*
55. Any streams not visible on a 1:50,000 scale map (including field identified streams) shall require a minimum buffer of 30 m.
56. 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.
57. 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.
58. Drainage from roads and other disturbed areas, and all water, runoff or effluent from the site, that is pumped or flows by gravity, shall have silt, sludge, sediment, cuttings, and visible turbidity removed by means of sediment boxes, settling tanks, settling ponds, sumps dug into the ground, filtration or other suitable treatment, to less than or equal to 30 milligrams per litre of Total Suspended Solids (TSS), before being discharged to the environment. More specifically, at the last point of control, the final discharge of all water, runoff or effluent must conform to the limits specified in Schedule A of the Environmental Control Water and Sewer Regulations, 2003, <https://www.assembly.nl.ca/Legislation/sr/Regulations/rc030065.htm>. It is the responsibility of the Permit Holder to demonstrate, that the final discharge meets the requirement of these Regulations.
59. Treated wood shall not be used in a water body or within 150m of an intake pond/lake, 75m of a main river channel, 50m of major tributaries/lakes/ponds, and 30m of other bodies of water measured from the high water mark. The use of creosote treated wood anywhere within the Protected Public Water Supply Area is strictly prohibited.
60. The Permit Holder must inspect the site daily, and any water quality impairment related problems are to be reported immediately to the Environmental Scientist at (709)729-4817 (Eastern Region) or (709) 292-4280 (Central Region) or (709)637-2542 (Western Region and Labrador and the appropriate Municipal Authority or Watershed Monitoring Committee.
61. Where permits, licences, approvals or authorizations are issued by multiple governments departments or agencies, in the case of similar conditions, the more stringent of the 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.

62. The Permit Holder is required to ensure that adequate sanitary (bathroom) facilities are available or provided on site. This may be in the form of a portable toilet, chemical toilet, pit privy (outhouse), sub-surface disposal system, or municipal sewer system. 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. If a pit privy (outhouse) or sub-surface disposal system is used, it must be located outside the required buffers, and be subject to Service NL standards, requirements and approval.
63. 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.
64. Officials of the Department and the appropriate Municipal Authority, Operator, or Watershed Management Committee may visit the site to ensure compliance with this Permit.

Fuel Storage

65. 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.
66. 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.
67. Any spills of gasoline, fuel or oil, regardless of volume, shall be reported immediately to the Environmental Scientist and the appropriate Municipal Authority or Watershed Management Committee. Furthermore, all spills in excess of 70 litres shall be reported immediately to the 24 hour spill report line at 1-800-563-9089.
68. Refueling sites shall be located at least 150 metres from any water body or wetland.

Power Lines

69. Wood and brush removed from the work site must not be stored within undisturbed buffer zones of any water body.
70. The use of creosote or pentachlorophenol (PCP) treated utility poles and/or anchor boxes is strictly prohibited.
71. Chromated copper arsenate (CCA), ammoniacal copper arsenate (ACA) or copper naphthanate (CuNap) treated utility poles and/or anchor boxes may be used outside the specified buffer zones in Condition #48. Untreated poles must be used within the above-referenced buffer zones.
72. All poles and/or anchor boxes within specified buffer zones in Condition #48 must be of untreated wood, metal or concrete.
73. The **Policy Guidelines for Utility Poles in Water Supply Areas (WR 93-01)** must be strictly adhered to.

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: Amir Ali Khan, Ph.D., P.Eng.
Manager, Water Rights, Investigations and Modelling Section
Water Resources Management Division
Department of Municipal Affairs and Environment
P.O. Box 8700
4th Floor, West Block, Confederation Building
St. John's, NL A1B 4J6
akhan@gov.nl.ca
- cc: Janice McCarthy
Senior Engineer
Water Resources Management Division
Dept of Municipal Affairs and Environment
JaniceMcCarthy@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
P.O. Box 2006
Corner Brook, NL A2H 6J8
CarlaHayes@gov.nl.ca
- cc: Fisheries Protection Division
Ecosystem Management Branch
Fisheries and Oceans Canada
P.O. Box 5667
St. John's, NL A1C 5X1
FPP-NL@dfo-mpo.gc.ca
- cc: Western Regional Lands Office
Crown Lands
Fisheries and Lands Resources
WesternRegionLands@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
P.O. Box 8700
4th Floor, West Block, Confederation Building
St. John's, NL A1B 4J6
DorotheaHanchar@gov.nl.ca
- cc: Ms. Paula Dawe, P.Eng.
Manager, Drinking Water and Wastewater Section
Water Resources Management Division
Department of Municipal Affairs and Environment
P.O. Box 8700
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St. John's, NL A1L 4J6
pauladawe@gov.nl.ca

cc: **Jeremy Keeping (Western)**
Land Management Specialist
Crown Lands Administration
jeremykeeping@gov.nl.ca



Appendix C - Completion Report

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

Date: **JULY 12, 2019**

File No: **526**

Permit No: **ALT10461-2019**

Permit Holder: **NSP Maritime Link Inc.**
9 Austin Street
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Attention: **Jean-Marc Nicolas**

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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

APPENDIX D
Location Map for Permit

