

SEP 15 2021

COR/2021/03092

Reg. # 2118

Nicholas Mercer
Nunatsiavut Government
25 Ikajuktauvik Road, P.O. Box 70
Nain, NL A0P 1L0
nick.mercer@nunatsiavut.com

Amy Pellerin
Senior Development Manager
Natural Forces Development Limited Partnership
1205-1801 Hollis Street
Halifax, NS B3J 3N4
apellerin@naturalforces.ca

Dear Mr. Mercer and Ms. Pellerin:

Re: Nain Wind Power Micro-Grid Project

Your proposal has been reviewed by an interdepartmental environmental assessment screening committee 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:

- You are required to uphold all commitments made in your environmental assessment submission to mitigate the effects of the project on the environment.
- The Water Resources Management Division of my Department requires that you collect GPS waypoints to ground truth the boundary of the Trouser Lake Protected Public Water Supply Area (PPSWA). This area must be clearly marked during construction and there is to be no development within the PPSWA. The GPS waypoints and boundary information must be provided to the Water Resources Management Division. For more information, please contact that Division at (709)729-2563.
- The Department of Fisheries, Forestry and Agriculture advises that you are to conduct surveys and submit an Environmental Effects Monitoring Plan for review

by the Wildlife Division of that Department prior to construction. Specifically, you are required to:

Bats

- submit previously conducted bat surveys for a determination of whether further pre-construction monitoring is required;
- discuss monitoring programs with the Wildlife Division prior to construction and potentially during operations;
- propose adequate mitigations for resident as well as migratory bats, if present; and,
- conduct regular mortality surveys for bats during operational phases of the project.

Short-eared Owls

- discuss with the Wildlife Division a targeted breeding bird survey for the Short-eared Owl prior to the construction of crane pads and turbine foundations; and,
- conduct regular mortality surveys for avian species during operational phases.

Peregrine Falcon

- discuss with the Wildlife Division pre-construction Peregrine Falcon nest search surveys within 20 kilometres of the proposed turbine(s). These data are collected annually by Wildlife Division and can be shared with you; and,
- conduct regular mortality surveys for the Peregrine Falcon during operational phases of the project.

For further information, please contact the Wildlife Division at (709) 637-2025.

- The Pollution Prevention Division of my Department and the Department of Digital Government and Service NL require you to submit a Waste Management Plan and an Environmental and Safety Contingency plan for both the construction and operation phases of the project. These plans may be combined as an Environmental Management and Protection Plan, which you have committed to developing in the environmental assessment registration document, and must be approved by both departments prior to construction. For further information, please contact the Pollution Prevention Division at (709) 729-1810 and Digital Government and Service NL at (709) 896-5428.
- The Office for Women and Gender Equality requires that you develop a Women's Employment Plan (WEP) to be approved by the Deputy Minister for that Office. The WEP should identify specific commitments to support the recruitment, training, employment and retention of women. For further information, please contact the Office for Women and Gender Equality at (709) 729-5032.

- You are required to advise the Environmental Assessment Division when the conditions of release have been met, by emailing a written description, documents, and images (where applicable) to demonstrate that the conditions have been fulfilled to EAProjectComments@gov.nl.ca.
- You are required to update the Environmental Assessment Division on the status of your project, including a copy of all permits, licences, certificates, approvals and other authorizations required for your project, one year from the date of this release letter and to provide additional updates if required. Please email your project updates to EAProjectComments@gov.nl.ca.

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

The Water Resources Management Division of my Department advises that permits are required for any work in any body of water (including wetland), any work in shore water zones, and for any infilling work within fifteen (15) metres of a body of water. A water use licence for the use of water from any water source for any purpose is also required. Any effluent or runoff leaving the site must 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 Government Services Centre of the Department of Digital Government and Service NL advises that all fuel storage tank systems, other than those connected to a heating appliance of capacity of 2,500 litres or less will require registration prior to installation. Furthermore, all electrical work required for this project must be conducted by a registered electrician and electrical plans must be submitted for approval prior to construction. For further information, please contact the Government Service Centre at (709) 896-5428.

The Occupational Health and Safety Division of the Department of Digital Government and Service NL advises you 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. The Occupational Health and Safety Division reminds you to consider procedures associated with the protection of workers related to COVID-19. Procedures must follow the requirements set forth by the Chief Medical Officer of Newfoundland and Labrador.

The Department of Industry, Energy and Technology advises that if quarrying activity takes place within the Labrador Inuit Settlement Area, permits are required to establish a new quarry, re-activate an inactive quarry or to source quarry materials from a site for which a quarry permit is held by a third-party. Any quarrying activity located on Labrador



Inuit Lands must conform to the regulatory requirements of the Labrador Inuit Land Claims Agreement. Industry, Energy and Technology advises also advises that the project site is located within a large area of Exempt Mineral Land covering much of the region around Nain and mineral exploration is prohibited at this time. Should the Exempt Mineral Land status be lifted, exploration activities such as the use of the existing and proposed access road may occur near the site. For further information, please contact Industry, Energy and Technology at (709) 729-5811.

The Department of Municipal and Provincial Affairs advises that a development permit from the Nain Inuit Community Government is required and that all work must abide by the Community's development regulations. For further information on permitting, please contact the Nain Inuit Community Government at (709) 922-2842.

The Department of Transportation and Infrastructure cautions that repairs scheduled for the existing dock this summer may disrupt marine services. Please consider the status of these repairs if the project will require use of marine infrastructure for transport or storage of equipment or materials. For further information, please contact Transportation and Infrastructure at (709) 729-6110.

Environment and Climate Change Canada requires that you submit the Bat Survey results and Spring Migration Avifauna Surveys report for review prior to construction. Additional surveys during times not sufficiently covered by the completed surveys/methods may be necessary. Post-construction surveys will be also be required to determine the impacts to migratory birds in the area. For further information regarding survey requirements, please contact ECCC at (709) 772-2126.

Environment and Climate Change Canada also recommends that in order to avoid nest destruction and to accommodate the breeding season of migratory songbirds and waterfowl, operations should consider nesting locations between April 25th and August 15th in this region. However, as some species protected under the Migratory Birds Convention Act (MBCA) do nest outside of this period, it is your responsibility to ensure that project activities are in compliance with the MCBA and associated regulations. Environment and Climate Change Canada requests that you provide a GIS file of the project boundaries and study area so that the project can be mapped. For further information, please contact Environment and Climate Change Canada at (709) 772-2126.

Fisheries and Oceans Canada advises that, as this project involves work in or near water, you should refer to the "Projects Near Water" website located at <https://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html> for information about how to comply with the fish and fish habitat protection provisions of the **Fisheries Act** and on the project review process. For further information, please contact the Fisheries Protection Program at (709) 772-4140.



The Impact Assessment Agency of Canada advises that the proposed project may be subject to sections 82-91 of **the Impact Assessment Act**. Section 82 requires that, for any project occurring on federal lands, the federal authority responsible for administering those lands or for exercising any power to enable the project to proceed must make a determination regarding the significance of environmental effects of the project. For further information, please contact the Impact Assessment Agency of Canada at (902) 426-0564.

Health Canada advises that additional modelling and mitigations with respect to Low Frequency Noise is to be submitted for review, if the single Enercon GmbH E-82 turbine option is selected for this project. For further information, please contact Health Canada at (343) 574-5310.

Transport Canada Civil Aviation Atlantic requires that you submit an Aeronautical Assessment to determine day and night protection of aeronautical obstructions. Forms for the assessment are available at <http://wwwapps.tc.gc.ca/Corp-Serv-Gen/5/Forms-Formulaires/search>. For further information, please contact Transport Canada at (709) 772-3088.

Although the undertaking as proposed is released from further environmental assessment, it is still subject to other legislative requirements. I am aware of the environmental assessment that is being undertaken by the Lands and Natural Resources Department of the Nunatsiavut Government and remind you that approval must be issued in accordance with that process prior to project commencement. 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. You must comply with all relevant legislation and obtain all necessary permits and approvals. You are required to 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 you have not commenced your project within this three year period, you may apply to extend the three-year period for a maximum of three one-year periods, if needed. For further information, please email EAPProjectComments@gov.nl.ca.



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

Sincerely,

A blue ink signature of the name "Hon. BERNARD DAVIS, MHA".

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

Enclosures

Cc: Hon. Greg Flowers, Minister of Lands and Natural Resources
Lela Evans, MHA, District of Torngat Mountains