

**NEWFOUNDLAND AND LABRADOR
REGULATION 87/13**

**Labrador-Island Transmission Link Undertaking
Release Order**

**under the Environmental Protection Act
(O.C. 2013-222)**

(Filed August 14, 2013)

Under the authority of paragraph 67(3)(a) of the Environmental Protection Act, the Lieutenant-Governor in Council, on the recommendation of the Minister of Environment and Conservation, makes the following Order.

Dated at St. John's, August 1, 2013.

Robert Thompson
Clerk of the Executive Council

ORDER

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Short title

1. This Order may be cited as the Labrador-Island Transmission Link Undertaking Release Order.

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Definition

2. In this Order, "Labrador-Island Transmission Link" means the Labrador-Island Transmission Link as described in the project registration document on file with the minister, and "project" has the same meaning.

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Release from environmental assessment

3. The Labrador-Island Transmission Link undertaking by the proponent Nalcor Energy is released from environmental assessment.

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Conditions of release

4. The release of the Labrador-Island Transmission Link from environmental assessment under section 3 is subject to the following terms and conditions:

(a) Nalcor Energy shall adhere to all mitigation, monitoring and commitments stated in the Environmental Impact Statement submitted April 12, 2012 and the additional Environmental Impact Statement information submitted December 10, 2012;

(b) Nalcor Energy shall submit a diversity plan for the project satisfactory to the Minister Responsible for the Status of Women and the Minister of Environment and Conservation;

(c) Nalcor Energy shall prepare an environmental protection plan for the following project valued ecosystem components, VECs, in order to minimize disturbance and mitigate potential effects on VECs during project construction and operation and submit the environmental protection plan to the Minister of Environment and Conservation for approval before the start of any site-specific construction;

(d) the environmental protection plan referred to in paragraph (c) shall address the following:

- (i) vegetation,
- (ii) island caribou,
- (iii) furbearers and small mammals, including American marten in Labrador ,
- (iv) Avifauna, species not covered by Section 19 of the Endangered Species Act , and
- (v) freshwater fish;

(e) the proponent shall prepare an environmental protection plan for all applicable construction and operation activities and submit the environmental protection plan to the Minister of Environment and Conservation for approval before the start of any site specific construction;

(f) the proponent shall prepare environmental effects monitoring plans, EEMs, in consultation with the applicable government divisions, and submit them to the Minister of Environment and Conservation for approval before the start of any site specific construction;

(g) the environmental effects monitoring plans referred to in paragraph (f) shall address the following project valued ecosystem components, VECs, and will be developed to monitor effects as a result of the project and to ensure that any changes to existing baseline as a result of project effects are documented and mitigated:

- (i) vegetation,
- (ii) island caribou,
- (iii) furbearers and small mammals, including American marten in Labrador ,
- (iv) Avifauna, species not covered by Section 19 of the Endangered Species Act, and
- (v) freshwater fish;

(h) the proponent shall provide financing for 2 full-time Environmental Monitor positions, employed by the Department of Environment and Conservation, whose responsibilities will include monitoring the biophysical components related to the project where

(i) one position will be for the duration of the construction of the project, approximately 4 years, and

(ii) the second position will be for the duration of drilling and cable installation activities at the Shoal Cove, Newfoundland, cable landing site in the Strait of Belle Isle, approximately one year;

(i) the proponent, in consultation with the Newfoundland and Labrador Outfitters Association and outfitters who may potentially be impacted by the project, will develop a monitoring plan related to the potential impacts of the project on these outfitters;

(j) should direct impacts referred to in paragraph (i) be identified,

(i) the proponent shall work with the affected outfitters and the Newfoundland and Labrador Outfitters Association to develop reasonable compensation provisions, and

(ii) in areas with new project access, the proponent shall also design and implement an Access Decommissioning Plan to mitigate diminished outfitting success rates;

(k) the proponent shall prepare and submit to the Minister of Environment and Conservation for approval a Species at Risk Project Impacts Mitigation and Monitoring Plan to provide protection for listed species, to the greatest extent possible, through avoidance measures and mitigation of the impacts resulting from authorized activities, as well as to monitor the effects of authorized activities on listed species at risk; and

(l) approval of the plan referred to in paragraph (k) is a precondition to the issuance to the proponent of an Economic Activity Permit under section 19 of the Endangered Species Act .