



GOVERNMENT OF NEWFOUNDLAND AND LABRADOR

Department of Environment and Conservation

**A PERMIT TO ENGAGE IN AN ECONOMIC ACTIVITY UNDER
SECTION 19 OF THE *ENDANGERED SPECIES ACT, SNL 2001 C.E-10.1***

DATE: June 9, 2014

**ECONOMIC
ACTIVITY:** Development of the Muskrat Falls Generation facility and HVAC line (from
Muskrat Falls to Churchill Falls)

**PERMIT
NUMBER:** 2014/2

ISSUED TO: Lower Churchill Management Corporation, on behalf of Muskrat Falls
Corporation and Labrador Transmission Corporation, 500 Columbus Drive, St.
John's, NL A1A 1W5

**SPECIES
AFFECTED:** Woodland Caribou (Red Wine Herd) (*Rangifer tarandus*)
Common Nighthawk (*Chordeiles minor*)
Rusty Blackbird (*Euphagus carolinus*)
Olive-sided Flycatcher (*Contopus cooperi*)
Harlequin Duck (*Histrionicus histrionicus*).

PERMIT TO: Construct the Muskrat Falls Generation facility and HVAC line (from Muskrat
Falls to Churchill Falls) as described in the Lower Churchill Project Species at
Risk Impacts Mitigation and Monitoring Plan: Caribou and Avifauna Nalcor
Doc. No. LCP-PT-MD-0000-EV-PL-0023-01 Revision B2.

**EFFECTIVE
DATE:** June 9, 2014

**EXPIRY
DATE:** December 31, 2017


This permit allows the Lower Churchill Management Corporation, on behalf of Muskrat Falls Corporation and Labrador Transmission Corporation, to engage in an activity as described in the Caribou and Avifauna Nalcor Doc. No. LCP-PT-MD-0000-EV-PL-0023-01 Revision B2 (LCP SAR IMMP), affecting the designated species listed above, the residence of a specimen of any of these designated species or their critical or recovery habitat related to the development of the Lower Churchill Project (Generation) under the authority of the *Endangered Species Act* SNL 2001 C.E-10.1.

This permit does not supersede any prohibitions under the federal *Migratory Birds Convention Act* or the federal *Species at Risk Act*, and covers requirements under the *Endangered Species Act*, SNL 2001 C.E-10.1 only.

CONDITIONS

- 1) The permit holder must adhere to all commitments outlined in the LCP SAR IMMP (Nalcor Doc. No. LCP-PT-MD-0000-EV-PL-0023-01 Revision B2) including conducting monitoring and survey work and providing regular reporting.
- 2) The permit holder may designate other individuals to perform permitted actions on their behalf. The permit holder is responsible for ensuring that the designated individuals follow all conditions of this permit.
- 3) The permit holder must keep a list of all individuals having access to monitoring data for species at risk, including all caribou collar data, and the list must be provided to the Wildlife Division, Department of Environment and Conservation upon issuance of the permit. If new individuals are provided with access to the data, an updated list must be provided. The permit holder must advise all individuals that their information will be provided to the Wildlife Division and may be further disclosed as permitted or required by law. Data on species at risk shall not be shared outside the permit holder or its contractors.
- 4) A copy of this permit must be in the possession of at least one person working in the field undertaking monitoring activities. The copy of the permit must be provided to a Fish and Wildlife Enforcement Officer, Wildlife Division official, or other authorized official upon request.
- 5) The permit holder must adhere to the caribou monitoring and mitigation requirements outlined in Schedule A.
- 6) Reporting Requirements:
 - a. Immediate reporting is required if individuals of a designated species listed above is harassed, injured or killed as a result of the project activities.
 - b. Weekly reporting as described in sections 7.8 and 8.7 of the LCP SAR IMMP.
 - c. Monthly reporting shall include a detailed synopsis including maps and photographs of activities such as access roads, trails, or forest clearing resulting in the removal, loss and or alteration of forests, wetlands or other natural features.
 - d. Yearly reporting is required as described in sections 7.8 and 8.7 of the LCP SAR IMMP and is due on the anniversary of this permit.
 - e. Component Conclusion Reports shall be submitted at the conclusion of each component of the work outlined in the LCP SAR IMMP. Reports must provide a synopsis of the location of surveys, methods employed, number of samples/specimens taken, location of samples/specimens, additional relevant ecological information, raw data and coordinates (submitted in digital format) and a summary of next steps.
- 7) Any changes to the survey design or methodology outlined in the LCP SAR IMMP require approval from the Wildlife Division before implementation.

- 8) A digital copy of the shape files of all survey routes must be provided prior to the annual initiation of the field program for effects monitoring and baseline investigations.
- 9) The permit holder is responsible to obtain any and all permissions which may be required to release any information required under this permit to the Wildlife Division.
- 10) This permit does not absolve or relieve the permit holder from any other laws, permits, regulations, orders or any requirement to obtain permission to access private property.



TERRY FRENCH, MHA
Conception Bay South
Minister of Environment and Conservation

SCHEDULE A: Caribou Monitoring and Mitigations

1. Aerial transect surveys shall be for the primary purpose of investigating for the presence of Woodland Caribou. Aircraft shall not descend lower than 100 feet on located caribou and observation time shall be limited to the minimum amount of time required to count and classify observed caribou, and shall not exceed 2 minutes.
2. Ground surveys shall be for the purpose of assessing caribou occurrence in relation to, and in proximity to project development activities such as roads, hydro lines, and reservoir water level management. Ground surveys may include use of motor vehicles, ATVs, and water craft. ATVs and snowmobiles may only be used on roads, forest roads and hydro line corridors.
3. The permit holder shall submit all raw data collected during the surveys (including GPS caribou locations, description of caribou observations, caribou tracks or observed caribou craters) within one week of the completion of any survey activities.
4. All capture, restraint, sampling, and collaring of caribou will be conducted only by Wildlife Division staff. No capture, restraint or any handling of caribou can occur under any circumstances except in the presence of Wildlife Division staff.
5. The permit holder will deploy up to 10 collars during the construction phase of the project. The permit holder is responsible for all costs associated with the deployment of and data fees related to the collars.
6. Wildlife Division will arrange with the collar manufacturer to have collar location data made available to both the Wildlife Division and the permit holder via an online data account as the data becomes available. The permit holder and the Wildlife Division shall mutually agree on the programming schedules for collars and Wildlife Division staff will be responsible for collar programming.
7. All caribou collar location data from all caribou collars, including both VHF and GPS collars and all collars deployed by the permit holder under this permit, is strictly confidential. The data shall not be released to any individual or group except those individuals directly involved in caribou monitoring or mitigations. No raw or geographically representative data shall to be shared by the permit holder or any employees, contractors or subcontractors without the written permission of the Wildlife Division.