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**NEWFOUNDLAND AND LABRADOR
REGULATION 18/12**

Lower Churchill Hydroelectric Generation Project Undertaking Order
under the
Environmental Protection Act
(O.C. 2012-061)

(Filed March 15, 2012)

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, March 15, 2012.

Robert Thompson
Clerk of the Executive Council

ORDER

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Short title

1. This Order may be cited as the *Lower Churchill Hydroelectric Generation Project Undertaking Order*.

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Definition

2. In this Order, "Lower Churchill Hydroelectric Generation Project" means the Lower Churchill Hydroelectric Generation Project 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 Lower Churchill Hydroelectric Generation Project undertaking by Nalcor Energy is released from environmental assessment.

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Conditions of release

4. The release of the Lower Churchill Hydroelectric Generation Project from environmental assessment under section 3 is subject to the following conditions:

- (a) Nalcor Energy shall abide by all commitments made by it in the Environmental Impact Statement dated February 2009, and all the Environmental Impact Statement Additional Information Requests made by the Lower Churchill Hydroelectric Generation Project Environmental Assessment Panel and consequently submitted by Nalcor Energy, and the submissions made by Nalcor Energy during the panel hearings and, subsequent to the hearings, to the panel, unless one or more of the commitments, or a part of a commitment is specifically waived by the minister;
- (b) Nalcor Energy shall obtain and abide by the requirements of all licences, permits, approvals, certificates, leases or other documents of authorization required by law;
- (c) Nalcor Energy shall prepare and abide by the requirements of environmental protection plans for all phases of the project and those plans shall be submitted to and approved by the Minister of Environment and Conservation or the appropriate minister of the Crown before the commencement of an activity which is associated with or may affect one or more of the following matters:
 - (i) dust and other particulate management,
 - (ii) air emissions,
 - (iii) site water management,
 - (iv) waste management,
 - (v) waste rock and acid-generating rock ,
 - (vi) management and rehabilitation of the quarries,
 - (vii) water quality and quantity,
 - (viii) road construction and decommissioning,
 - (ix) reservoir preparation,

- (x) transportation, storage and handling of hazardous materials,
 - (xi) plant community and terrain disturbance,
 - (xii) forest fire prevention and suppression,
 - (xiii) species at risk,
 - (xiv) caribou,
 - (xv) black bears,
 - (xvi) beavers ,
 - (xvii) harlequin ducks,
 - (xviii) raptors,
 - (xix) wildlife species and habitat,
 - (xx) historic resources, and
 - (xxi) ways to reduce interactions with rock knoll at the Muskrat Falls construction site;
- (d) Nalcor Energy shall prepare and abide by the requirements of
- (i) emergency preparedness and response plans,
 - (ii) contingency plans,
 - (iii) occupational health and safety plans,
 - (iv) wetland compensation plans, and
 - (v) riparian compensation plans

for all phases of the project, and those plans shall be submitted to and approved by the Minister of Environment and Conservation or the appropriate minister of the Crown before the commencement of an activity which is the subject of or associated with those plans;

- (e) Nalcor Energy shall prepare and abide by the requirements of environmental effects monitoring plans for all phases of the project, and those plans shall be submitted to and approved by the Minister of Environment and Conservation or the appropriate minister of the Crown before the commencement of an activity which is associated with or may affect one or more of the following matters:
- (i) atmospheric,
 - (ii) aquatic,
 - (iii) water quality,
 - (iv) methylmercury,
 - (v) sediment quality and transport,
 - (vi) bank erosion,

- (vii) ice formation,
 - (viii) wetland and riparian habitats,
 - (ix) navigation,
 - (x) reservoir clearing,
 - (xi) groundwater in Mud Lake ,
 - (xii) contaminant levels in country foods,
 - (xiii) species at risk,
 - (xiv) rare plants,
 - (xv) caribou,
 - (xvi) black bears,
 - (xvii) beavers,
 - (xviii) harlequin ducks,
 - (xix) raptors,
 - (xx) aboriginal land and resource use and culture,
 - (xxi) social effects,
 - (xxii) human health,
 - (xxiii) employment and business,
 - (xxiv) local, regional and provincial economies,
 - (xxv) community services and infrastructure, and
 - (xxvi) family and community;
- (f) Nalcor Energy shall prepare and maintain a document which contains the licences, permits, approvals, certificates or other documents of authorization and which outlines and identifies the source or basis of all of the various terms and conditions under which the project will operate and all commitments made by Nalcor Energy as identified in paragraph (a), including performance standards, financial assurances, targets, quotas and reporting procedures and submit it to the minister, at a date to be prescribed by the minister;
- (g) Nalcor Energy shall prepare and submit to the Minister of Environment and Conservation and Minister of Natural Resources an annual report describing the project's performance in delivering socio-economic benefits to residents and businesses of the province, commencing March 31, 2013;
- (h) Nalcor Energy shall reimburse the department for the province's cost of the environmental assessment of the Lower Churchill Hydroelectric Generation Project and the incremental costs that the province will incur with respect to monitoring of all phases of the Lower Churchill Hydroelectric Generation Project, including site surveillance, compliance, environmental effects and socio-economic monitoring;

- (i) to ensure full and fair benefits for the people of the province for training, employment, and the procurement of goods and services, before the tendering of future contracts associated with one or more phases of the Lower Churchill Hydroelectric Generation Project, Nalcor Energy shall prepare and abide by benefits policies and procedures, developed in consultation with the government of the province and submitted to the appropriate government department for approval, including a supplier development strategy to be developed in consultation with representatives of aboriginal and Newfoundland and Labrador businesses and relevant provincial government departments, which supplier development strategy includes contract procurement procedures, supplier development initiatives and objectives for aboriginal and Newfoundland and Labrador businesses, and Nalcor Energy shall regularly monitor, evaluate and report its compliance with the approved benefits policies and procedures to the appropriate provincial government departments, at a date to be prescribed by the appropriate departments;
- (j) Nalcor Energy shall prepare a Women's Employment Plan containing measurable goals and submit it to the Women's Policy Office for approval at a date prescribed by the Minister Responsible for the Women's Policy Office; and
- (k) before the commencement of construction, Nalcor Energy shall establish an Environmental Monitoring and Community Liaison Committee to provide feedback to Nalcor Energy and government on the effects of the Lower Churchill Hydroelectric Generation Project.

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