

**Licence No.: 2327**

**Licence Issued: May 15, 1998**

**IN ACCORDANCE WITH THE MANITOBA ENVIRONMENT ACT (C.C.S.M. c. E125)  
THIS LICENCE IS ISSUED PURSUANT TO SECTION 11(1) TO:**

**MANITOBA HYDRO; "the Licencee"**

for the construction and operation of the Development being a rockfill weir and associated fish passage and marina facilities on the lower Churchill River between Mosquito Point and Drachm Point near the Town of Churchill, in accordance with the Proposal filed under The Environment Act dated December 22, 1997, and subject to the following specifications, limits, terms and conditions:

**GENERAL TERMS AND CONDITIONS**

This Section of the Licence contains requirements intended to provide guidance to the Licencee in implementing practices to ensure that the environment is maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for present and future Manitobans.

1. The Licencee shall ensure that all used oil products and other regulated hazardous wastes generated by the machinery used in the construction and operation of the Development are collected and disposed of in accordance with applicable Manitoba Environment and legislation requirements.
2. The Licencee shall stabilize soil exposed during the construction of the Development and take necessary actions to enhance the growth of natural vegetation on these soils such as through revegetation.
3. The Licencee shall ensure, following construction of the Development, that all public roads used for the transport of materials to the location of the Development are returned to their original condition.

**SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS**

4. The Licencee shall notify the Northern Region of Manitoba Environment not less than two weeks prior to beginning construction of the Development. The notification shall include the intended starting date of construction and the names of the contractors responsible for the construction.
5. The Licencee shall, prior to commencing construction of the Development on Crown land, obtain work permits as required from the Churchill District Office of Manitoba Natural Resources.
6. The Licencee shall, prior to commencing construction of the Development, obtain a Crown land reservation for the weir and related works from Manitoba Natural Resources.
7. The Licencee shall, prior to commencing construction of each phase of the Development, review the intended construction schedule with Northern Region staff of Manitoba Environment and Northeastern Region staff of Manitoba Natural Resources. The phases shall consist of the summer and fall of 1998, the winter of 1998-1999, and the spring, summer and fall of 1999.
8. The Licencee shall, by June 15, 1998, prepare for the approval of the Director, an Environmental Protection Plan. This plan shall contain the project specific environmental protection measures referenced in the Environmental Impact Statement for the Development as well as other measures respecting the Development and agreed to by the Licencee since the date of submission of the Environmental Impact Statement to the Director.
9. The Licencee shall comply with all conditions specified in the document "Authorization for Works or Undertakings Affecting Fish Habitat", Authorization No. MB-94-0197, issued by the Department of Fisheries and Oceans in respect of the Development. A copy of the executed Authorization and any subsequent

- amendments or alterations shall be provided to the Environment Officer by the Licencee within two weeks of the date of the Authorization and amendments or alterations.
10. The Licencee shall not undertake clearing activities in connection with the marina site for the Development between June 1 and September 1 of any year.
  11. The Licencee shall ensure that cleared vegetation which can be salvaged for firewood is set aside for that purpose. Other cleared vegetation shall be disposed of in accordance with instructions from Manitoba Natural Resources.
  12. The Licencee shall ensure that fuel storage areas established for the construction of the Development are located a minimum distance of 100 metres from any existing or post re-watering watercourse, and shall comply with the requirements of *Manitoba Regulation 97/88R* respecting *Storage and Handling of Gasoline and Associated Products*.
  13. The Licencee shall ensure, during construction of the Development, that equipment and materials to contain and remove spills of petroleum products and other fluids used in construction machinery are available within close proximity of the construction site.
  14. The Licencee shall, during construction and operation of the Development, comply with the requirements of *Manitoba Regulation 92/88R* respecting *Litter*.
  15. The Licencee shall ensure, during construction and operation of the Development during open water conditions, that vehicular and equipment access to the weir is provided only along the alignment of the weir, or along routes approved by an Environment Officer or a Natural Resources Officer.
  16. The Licencee shall ensure, during construction of the Development, that instream construction time is minimized and that appropriate measures are taken to prevent the entry of excessive sediment into Goose Creek or the Churchill River.
  17. The Licencee shall ensure that, during operation of the Development, any necessary vegetation control is undertaken using mechanical or hand clearing methods. Chemical vegetation control shall not be undertaken unless previously authorized in writing by the Director.
  18. The Licencee shall ensure, during the construction and operation of the Development, that appropriate warning signage is maintained to advise recreational traffic of construction activity, the presence of structures, and water conditions.
  19. The Licencee shall, by June 15, 1998, prepare for the approval of the Director, a report on monitoring programs to be undertaken in connection with the construction of the Development. A report on monitoring programs to be undertaken in connection with the operation of the Development shall be submitted for the approval of the Director by March 31, 1999. Both reports shall note the item which is to be monitored, the method by which the monitoring will be done, the time period for which the monitoring will be done, and the rationale for the methods and time periods chosen. The reports shall include both monitoring proposed by the Licencee and monitoring requested by federal and provincial agencies represented on the Technical Advisory Committee for the Development and accepted by the Licencee.
  20. The Licencee shall, for the period from 1999 to 2003 inclusive, not less than two times each summer, inspect the spoil material excavated for the marina approach channel for evidence of erosion by wave action. The results of each inspection shall be reported to the Director within two weeks of the inspection.
  21. The Licencee shall, at the request of the Director, prepare and implement a plan to address excessive erosion of the spoil material excavated for the marina approach channel.

22. The Licencee shall, at all times following construction of the Development, maintain a minimum daily water level of 4.7 metres above sea level, as measured by a water level gauge at the CR30 pumping station immediately upstream of the weir, and based on the Geodetic Survey of Canada, 1978 Local Adjustment.
23. The Licencee shall, at all times following construction of the Development, maintain releases from the Missi Falls Control Structure on the Churchill River such that these flows are not less than those maintained under the existing Churchill River Diversion operation flow regime for the period 1986 to the date of this Licence.

### **REVIEW AND REVOCATION**

- A. If, in the opinion of the Director, the Licencee has exceeded or is exceeding or has or is failing to meet the specifications, limits, terms, or conditions set out in this Licence, the Director may, temporarily or permanently, revoke this Licence.
- B. If construction of the development has not commenced within three years of the date of this Licence, the Licence is revoked.
- C. If, in the opinion of the Director, new evidence warrants a change in the specifications, limits, terms or conditions of this Licence, the Director may require the filing of a new proposal pursuant to Section 11 of The Environment Act.

"original signed by"

**Serge Scrafield**  
**Director**  
**Environment Act**

**Client File: 4292.00**