



Conservation and Water Stewardship

Environmental Stewardship Division

Environmental Approvals Branch

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CLIENT FILE NO. : 5624.00

April 28, 2015

Shannon Johnson, Manager

Manitoba Hydro

820 Taylor

Winnipeg MB R3C 0J1

Dear Ms. Johnson:

Enclosed is **Environment Act Licence No. 3120** dated April 28, 2015 issued to **Manitoba Hydro** for the construction, operation, and decommissioning of the Lake Winnipeg East System Improvement Transmission Project in accordance with the Proposal filed under *The Environment Act*, dated January 2, 2013, and supporting information dated March 26, 2013, April 18, 2013, August 1, 2013, and October 4, 2013.

In addition to the enclosed Licence requirements, please be informed that all other applicable federal, provincial and municipal regulations and by-laws must be complied with. A Notice of Alteration must be filed with the Director for approval prior to any alteration to the Development as licensed.

For further information on the administration and application of the Licence, please feel free to contact Diane Oertel, Environment Officer at 204-345-1486.

Pursuant to Section 27 of *The Environment Act*, this licensing decision may be appealed by any person who is affected by the issuance of this Licence to the Minister of Conservation within 30 days of the date of the Licence.

Yours truly,

“original signed

Tracey Braun, M.Sc.

Director

Environment Act

c: Don Labossiere, Director, Environmental Compliance and Enforcement
Donna Smiley, Diane Oertel, Environmental Compliance and Enforcement (**email**)
Public Registries

NOTE: Confirmation of Receipt of this Licence No. 3120 (*by the Licensee only*) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by May 12, 2015.

On behalf of Manitoba Hydro

Date

****A COPY OF THE LICENCE MUST BE KEPT ON SITE AT THE DEVELOPMENT AT ALL TIMES****

LICENCE

Licence No. / Licence n° 3120

Issue Date / Date de délivrance April 28, 2015

In accordance with *The Environment Act* (C.C.S.M. c. E125) /
Conformément à *la Loi sur l'environnement* (C.P.L.M. c. E125)

Pursuant to Section 11(1) / Conformément au Paragraphe 11(1)

THIS LICENCE IS ISSUED TO : / CETTE LICENCE EST DONNÉE À :

MANITOBA HYDRO.;
"the Licencee"

for the construction, operation, and decommissioning of the Lake Winnipeg East System Improvement Transmission Project which includes a new 115 kV transmission line from the Town of Powerview-Pine Falls to Manigotagan, a new 115-66 kV transmission station west of the intersection of Provincial Road (PR) 304 and Rice River Road, and modifications to the existing Pine Falls Generating Station Switchyard within the existing fenced area in accordance with the Proposal filed under The Environment Act, dated January 2, 2013, supporting information dated March 26, 2013, April 18, 2013, August 1, 2013, and October 4, 2013, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

In this Licence:

“**Director**” means an employee so designated pursuant to *The Environment Act*;

“**Environment Officer**” means an employee so designated pursuant to *The Environment Act*;

“**riparian area**” means an area of land on the banks or in the vicinity of a waterbody, which due to the presence of water supports, or in the absence of human intervention would naturally support, an ecosystem that is distinctly different from that of adjacent upland areas (*The Water Protection Act* 2005);

“transmission line right-of-way” means the corridors for the transmission lines, as defined and described in the Proposal;

“waterbody” means any body of flowing or standing water, whether naturally or artificially created, and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, and wetland (slough, marsh, swamp, etc.), including ice on any of them (*The Water Protection Act* 2005);

“wetland” means land that is saturated with water long enough to promote wetland or aquatic processes as indicated by poorly drained soils, hydrophytic vegetation, and various kinds of biological activity which are adapted to a wet environment. They are generally less than approximately 2 metres in depth (National Wetland Working Group 1997); and

“wildlife trees” means a dead, decaying, deteriorating, or other designated tree that provides present or future habitat for the maintenance or enhancement of wildlife (borealforest.org 2011).

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.

Future Sampling

1. The Licencee shall, in addition to any of the specifications, limits, terms and conditions specified in this Licence, upon the request of the Director:
 - a) sample, monitor, analyse or investigate specific areas of concern regarding any segment, component or aspect of the Development for such duration and at such frequencies as may be specified;
 - b) determine the environmental impact associated from the Development; and
 - c) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and other information as may from time to time be requested.

Reporting Format

2. The Licencee shall provide to the Director, upon request, all information required under this Licence, in writing and in such form and content (including number of copies), as may be specified by the Director, and each submission shall be clearly

labelled with the Licence Number and Client File Number associated with this Licence.

Permits

3. The Licencee shall, prior to the commencement of construction on Crown land, apply for and obtain the appropriate land tenure allocations in accordance with *the Crown Lands Act* from the Crown Land and Property Agency.
4. The Licencee shall, prior to construction of the Development, obtain a Crown Lands Work Permit from the Pine Falls District Natural Resource Officer (NRO) and comply with the conditions of all permits.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Environmental Protection Plan

5. The Licencee shall submit an Environmental Protection Plan (EPP) for approval of the Director prior to construction of the Development. The EPP shall describe the approach to be used by the Licencee to ensure that mitigative measures are applied systematically, and in a manner consistent with the commitments made in the Proposal and supporting information, during the construction and operation of the Development. Specifically, EPP shall:
 - a) describe the environmental management system and protocol for internal reporting on monitoring and compliance; and
 - b) provide field construction personnel with clear instructions on the project-specific environmental protection measures to be implemented including those referenced in the Proposal, supporting information, and this licence.
6. The Licencee shall implement the EPP as approved pursuant to Clause 5 of this Licence.
7. The Licencee shall, prior to construction of the transmission line component of the Development, submit a construction-phase access management plan for approval of the Director. The construction-phase access management plan shall include, but not be limited to, the anticipated types and locations of roads, trails, and water crossings required to access the right-of way of the Development for construction purposes.
8. The Licencee shall, prior to completion of construction of the transmission line component of the Development, submit an operations and maintenance-phase access management plan for approval of the Director. The operations and maintenance access management plan shall include, but not be limited to:
 - a) the location of roads, trails, and water crossings required to access the right-of way of the Development for maintenance and ongoing operations purposes;

- b) the identification of roads, trails, and water crossings to be decommissioned at the completion of construction, and the methods and timeframes for conducting decommissioning and rehabilitation works; and
- c) methods to be used for managing vegetation along the right-of-way of the Development.

Notification

- 9. The Licencee shall, not less than two weeks prior to beginning construction of the Development, provide notification to the Environment Officer responsible for the administration of this Licence of the intended start date of construction and the name of the contractor responsible for the construction.
- 10. The Licencee shall, prior to construction, provide a copy of this Licence to the contractor and subcontractor(s) involved in the Development.
- 11. The Licencee shall notify the supervising NRO, no less than one week prior to the completion of construction of the Development, to allow for a final inspection.
- 12. The Licencee shall provide notification to local First Nations, Metis Communities, and other Aboriginal communities a minimum of 90 days prior to the application of herbicides within the transmission right-of-way of the Development.
- 13. The Licencee shall, during maintenance of the Development, when and where herbicides have been applied in areas along the transmission line right-of-way, post signs indicating that herbicides have been applied. The postings shall be left in place for one month after the application has occurred.

Compliance

- 14. The Licencee shall adhere to the commitments made in the Proposal, supporting information filed in association with the Proposal, and plans submitted and approved pursuant to this licence during construction, maintenance, and decommissioning of the Development.
- 15. The Licencee shall, during construction of the Development, employ qualified environmental inspectors to monitor the work on a daily basis to ensure that all the environmental practices outlined in the Proposal, supporting information, and the plans submitted pursuant to this licence are carried out.

Culture and Heritage Resource Protection Plan

- 16. The Licencee shall, prior to construction, develop and implement a Culture and Heritage Resource Protection Plan for identification and protection of cultural and heritage resources within the Development.

Mineral Licks

17. The Licencee shall, prior to clearing, conduct a pre-construction survey to identify mineral licks within the Development. Mitigation and monitoring for mineral licks shall be completed as described in the Proposal.

Timber Harvest and Disposition

18. The Licencee shall, prior to construction, consult with the Regional Forester of the Forestry Branch to determine the disposition of timber cleared in association with the Development. Where a plan for timber operations may be required based on volume, timber shall be harvested and delivered to an approved destination identified by a scaling plan. In the event that no market exists, a timber valuation (Timber Damage Appraisal) shall be applied.
19. The Licencee shall offer non-merchantable timber salvaged from the Development to local First Nations, Metis Communities, other Aboriginal communities, and other local communities as fuelwood where possible. The timber shall be made available for pick up in stockpiles located in close proximity to all season access points to prevent the spread of invasive species.

Water Crossings

20. The Licencee shall, during construction of the Development, adhere to the general recommendations contained in the Department guidelines titled *Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat, 1996*.
21. The Licencee shall, during construction and maintenance of the Development within riparian areas at water crossings associated with fish-bearing waterbodies, potentially fish-bearing waterbodies, and/or waterbodies that contribute to fish bearing waterbodies:
 - a) maintain existing low growth vegetation such as grasses, shrubs, and willows to the extent possible;
 - b) clear trees that must be removed using only low impact methods including hand clearing;
 - c) prohibit the application of herbicides; and
 - d) stabilize and re-vegetate disturbed soils with biodegradable erosion control materials and a seed mix native to the area.
22. The Licencee shall, during construction and maintenance of the Development, apply the requirements of Clause 21 within a minimum of 30 m from the riparian area of the Black River, O'Hanley River, and Manigotagan River.

Wetlands

23. The Licencee shall carry out construction activities associated with the Development within wetlands only during frozen ground conditions.

Foreign Biota

24. The Licencee shall, during construction and maintenance of the Development, prevent the introduction and spread of foreign biota (e.g., weeds, non-native species) on land and to surface waters. All equipment used for the construction of the Development shall be cleaned prior to entering the construction area. Monitoring for incursion of invasive plant species as a result of the project, and control programs for invasive plants, shall be conducted as described in the Proposal dated January 2, 2013.

Clearing and Access Routes

25. The Licencee shall only conduct clearing components of the transmission line component of the Development between August 1 and April 30 of each construction year to avoid impacts to migratory birds nesting habitat and moose calving. Should any transmission line clearing be required outside of this period, the Licencee shall, prior to the activity, consult and reach an agreement with the Wildlife Branch regarding the location of any key wildlife habitats to be avoided including bird nesting and brooding areas.
26. The Licencee shall, notwithstanding the requirements of Clause 25, only conduct clearing components of the transmission line component of the Development during frozen ground conditions, unless otherwise approved by the Director, and limit grubbing and stripping to tower locations and other infrastructure sites, to minimize rutting and damage to surface vegetation.
27. The Licencee shall leave wildlife trees along the right-of-way of the Development, where possible, where they do not pose a hazard.
28. The Licencee shall maintain or enhance existing visual barriers using vegetation composition and/or terrain features at all points where the transmission right-of-way of the Development intersects PR 304, to limit the ability of humans and predators to observe wildlife along the right-of-way. The length of the individual visual vegetation barriers shall be as indicated in the in the access management plans approved pursuant to Clause 7 and 8 of this Licence, unless otherwise approved by the IRMT.
29. The Licencee shall not create or improve any roads, trails, or other access routes for construction and/or maintenance of the transmission line component of Development unless approved in the access management plans pursuant to Clause 7 and 8 of this Licence, or as otherwise approved by the IRMT.

30. The Licensee shall design and maintain access routes to the transmission line right-of-way originating from PR 304 for a maximum line-of-sight of 50 metres from the centreline of PR 304 where possible, unless otherwise approved by the IRMT.
31. The Licensee shall decommission and rehabilitate any access routes created or improved in association with the transmission line component Development that are not required for maintenance or operation upon completion of construction of the Development, as indicated in the operations and maintenance access management plan approved pursuant to Clause 8 of this Licence.
32. The Licensee shall, notwithstanding the requirements of Clause 31, when active construction activities are temporarily shut-down for extended periods of time, consult with the IRMT to identify access routes which may require short-term decommissioning.

Petroleum Storage and Handling

33. The Licensee shall establish any fuel storage areas required for the construction and operation of the Development:
 - a) a minimum distance of 100 metres from any waterbody; and
 - b) in compliance with the requirements of the *Storage and Handling of Petroleum Products and Allied Products Regulation 188/2001*, or any future amendment thereof.
34. The Licensee shall, during construction and maintenance of the Development, operate, maintain, and store all materials and equipment in a manner that prevents any deleterious substances including fuel, oil, grease, hydraulic fluid, coolant, and other similar substances from contaminating soil or entering any waterbody. Emergency spill kits for both land and in-water use shall be readily available on site during construction.

Waste Disposal

35. The Licensee shall dispose of non-reusable construction debris and solid waste from the construction and maintenance of the Development at a waste disposal ground operating under the authority of a permit issued under *Waste Disposal Grounds Regulation 150/91*, or any future amendment thereof, or a licence issued pursuant to *The Environment Act*.

Onsite Wastewater Disposal

36. The Licensee shall, during construction of the Development, dispose of all sewage and septage from on-site sanitary facilities in accordance with the *Onsite Wastewater Management Systems Regulation 83/2003*, or any future amendment thereof.

Pesticide Application

37. The Licencee shall adhere to the policies and procedures for pesticide applications pursuant to *The Environment Act*, or any future amendment thereof, and regulations thereunder respecting *Pesticides*, so as to minimize the exposure of its employees and the public, as well as non-target biota, to pesticides.

Release of Pollutants

38. The Licencee shall, in the case of physical or mechanical equipment breakdown or process upset where such breakdown or process upset results or may result in the release of a pollutant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, immediately report the event by calling the 24-hour environmental accident reporting line at 204-944-4888 (toll-free 1-855-944-4888). The report shall indicate the nature of the event, the time and estimated duration of the event and the reason for the event.

39. The Licencee shall, following the reporting of an event pursuant to Clause 38,

- a) identify the repairs required to the mechanical equipment;
- b) undertake all repairs to minimize unauthorized discharges of a pollutant;
- c) complete the repairs in accordance with any written instructions of the Director; and
- d) submit a report to the Director about the causes of breakdown and measures taken, within one week of the repairs being done.

40. The Licencee shall, during construction and maintenance of the Development, take all appropriate measures to prevent erosion and the deposition of sediment into any waterbodies.

Emergency Response Plan

41. The Licencee shall, prior to construction, include in relevant environmental protection documents for the Development, the locations of drinking water intakes for communities in the vicinity of the Development and specific emergency response measures related to the intakes. These measures shall include notification of the communities in the event of an emergency that could impact the drinking water source.

42. The Licencee shall, prior to construction of the transmission line component of the Development, request Black River First Nation's emergency response plan from the community and, if obtained, incorporate relevant items from the plan in an emergency response plan for the Development.

Monitoring

43. The Licencee shall prepare a report on monitoring programs to be undertaken in relation to the mitigation measures outlined in the Proposal and supporting

information. The report shall be submitted prior to October 30, 2015, for the approval of the Director, and:

- a) provide a description of the proposed activities for monitoring the physical, aquatic, and terrestrial environments for effects from construction and operation of the Development;
- b) describe the parameters to be measured, the methodology and frequency of measurement, references to establish thresholds and sustainability indicators, where appropriate, and the protocol for reporting the results of monitoring of the environmental conditions affected by the Development to Manitoba Conservation and Water Stewardship; and
- c) include descriptions of proposed programs developed in cooperation and consultation with the Wildlife Branch, which employ post-construction monitoring components and methodologies (design, data collection, analyses) to determine the impacts of the project on moose, wolf predation on moose; and on the distribution of white-tailed deer.

44. The Licencee shall implement the monitoring programs as approved pursuant to Clause 43 of this Licence.

45. The Licencee shall provide the data, and report annually to the Director, on the results of monitoring programs as approved pursuant to Clause 43 of this Licence.

46. The Licencee shall consult annually with the Wildlife Branch on the progress of the monitoring programs approved pursuant to Clause 43 of this Licence, and on any proposal adjustments or amendments to the programs.

Maintenance

47. The Licencee shall, during maintenance of the Development, to the extent possible without impeding maintenance activities or vegetation clearance requirements, maintain natural re-growth of shrubs and other understory vegetation along the transmission line right-of-way to minimize the line of sight for hunters and predators.

48. The Licencee shall, during operation and maintenance of the Development, not apply herbicides within specific berry patches located within the right-of-way of the Development that are identified by Aboriginal communities.

Decommissioning

49. The Licencee shall, prior to decommissioning of the Development, submit for approval of the Director, a decommissioning and rehabilitation plan for the Development.

50. The Licencee shall implement the decommissioning plan as approved pursuant to Clause 49 of this Licence.

Respecting Alterations to the Development

51. The Licencee shall obtain written approval from the Director for any proposed alteration to the Development before proceeding with the alteration.

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”

Tracey Braun, M.Sc.
Director
Environment Act

File: 5624.00