

Environment Act Licence Loi sur l'environnement Licence

Manitoba
Conservation
Conservation
Manitoba



Licence No./Licence n° 2700
Issue Date/Date de délivrance June 21, 2006

IN ACCORDANCE WITH THE 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, operation and maintenance of the Development being the Wuskwatim Transmission Project. The Development consists of three transmission line segments, new transmission station developments at Wuskwatim and Birchtree near Thompson and modifications to the existing Herblet Lake and Rall's Island transmission stations at Snow Lake and The Pas, respectively. The three transmission line segments include one 230 kV transmission line from Wuskwatim to the Birchtree Station, two 230 kV transmission lines from Wuskwatim to Herblet Lake Station, and one 230 kV transmission line from Herblet Lake Station to Rall's Island Station, in accordance with the Proposal and the Environmental Impact Statement filed under The Environment Act in April 2003, in consideration of the September 2004 Clean Environment Commission Report on Public Hearings, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

In this Licence:

"**Department**" means Manitoba Conservation.

"**Director**" means an employee of the department so designated pursuant to The Environment Act;

"**Environment Officer**" means an employee of the department appointed as such by the Minister; and

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

“wetland” means those areas where the water table is at or above the land surface for a long enough period each year to make the area capable of supporting aquatic or hydrophilic vegetation, and which have soils with characteristics indicative of wet 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 locate fuel storage and equipment servicing areas established for the construction and operation of the Development at a minimum distance of 100 meters from any waterbody, and operate the fuel storage areas in compliance with the requirements of *Manitoba Regulation 188/2001* respecting *Storage and Handling of Petroleum Products and Allied Products*.
2. The Licencee shall, at all times during the construction of the Development, have materials available at the construction sites to contain and recover spills of fuel and other fluids associated with construction machinery.
3. The Licencee shall ensure that non-reusable demolition and construction debris from the Development is disposed of at a waste disposal ground operating under the authority of a permit, pursuant to the *Waste Disposal Ground Regulation, MR 150/91*, or an *Environment Act Licence pursuant to The Environment Act*.
4. The Licencee shall, during construction, dispose of all sewage from on-site sanitary facilities in accordance with the *Onsite Wastewater Management Systems Regulation, MR 83/2003*.
5. The Licencee shall during construction and operation of the Development:
 - a) immediately report any reportable spills to Manitoba Conservation's Accident Reporting Line at (204) 944-4888, and
 - b) at the request of the Director, provide a follow-up report to the Director on a reportable environmental accident outlining the cause(s) and propose corrective action to prevent reoccurrence.
6. The Licencee shall, during construction, adhere to the general recommendations on design, construction and maintenance of stream crossings contained in the Department guidelines titled *Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat, 1996*.

7. The Licencee shall, prior to commencing construction of the Development, obtain Work Permits from the appropriate Department Regional Office.
8. The Licencee shall, prior to construction, obtain all permits and agreements as required by Manitoba Transportation and Government Services.
9. The Licencee shall, prior to construction, provide a copy of this Environment Act Licence to the contractor and subcontractor(s) involved in the Development and require that all contractors and subcontractors comply with the requirements of this Licence.
10. The Licencee shall, prior to construction of the Development, prepare access management plans in consultation with the Nelson House Resource Board, the Cormorant Resource Management Board, the Opaskwayak Cree Nation and communities in which new facilities will be located or those where there are expected to be discernable project related changes to the physical environment.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

11. The Licencee shall, prior to commencement of construction activities for the new oil containment facilities at the Wuskwatim and Birchtree Switching Stations, submit to the Director the results of an Oil Containment Assessment. Oil Containment Plans and Specifications, as recommended in the Oil Containment Assessment, shall be approved by the Director prior to the commencement of construction of the oil containment facilities at the Development.
12. The Licencee shall construct and install the oil containment equipment as described in the Plans and Specifications approved by the Director as required by this Licence.
13. The Licencee shall consider the elements outlined in Manitoba Clean Environment Commission Recommendation 7.2A, and prior to commencement of construction activities for the Development, submit to the Director for approval, a Wuskwatim Transmission Project Environmental Protection Plan (EPP). If appropriate, separate EPPs can be submitted for the construction and operation phases, as well as for different components of the project, if prior approval by the Director is obtained. The EPP shall describe the approach to be used by the Licencee to monitor environmental conditions during the construction and operation of the Transmission Project to ensure that mitigative measures are applied systematically, and in a manner consistent with the commitments made in the Wuskwatim Transmission Project Environmental Impact Statement (EIS). Specifically, the EPP shall:

- a) describe the protocol for reporting on monitoring and compliance for the construction and operational phases of the project;
 - b) facilitate the mitigation of environmental effects throughout the full-life cycle of the project by providing field construction and operating personnel with clear instructions on the mitigation measures to be implemented and on the appropriate lines of communication and means of reporting to be followed;
 - c) address issues and concerns identified by individuals representative of resource user communities in which new facilities will be located or those where there are expected to be discernable project related changes to the physical environment;
 - d) identify modifications to construction methods or schedules, summarize environmental sensitivities and mitigation actions, list emergency response plans and reporting protocols, describe a closure plan for aggregate quarries, including mitigation of potential hazards to public safety and mitigation to address land reclamation concerns;
 - e) provide specific information on waste management practices to be utilized during the construction phase of the project, including consideration of all liquid and solid wastes generated; and
 - f) monitor on-site construction practices to ensure that the work proceeds in accordance with the EPP.
14. The Licencee shall, within six months of the date of issuance of this Licence, initiate and facilitate discussions with representatives of the Department, the Government of Canada, where appropriate, individuals representative of resource user communities in which new facilities will be located or those where there are expected to be discernable project related changes to the physical environment, to establish baseline monitoring and ecosystem research programs to:
- a) protect vulnerable, threatened or endangered species or ecosystems; threatened or sensitive habitats; and protected areas with particular consideration of woodland caribou; and
 - b) support the establishment of permanent monitoring and research sites within the designated study area and the development of long-term ecological monitoring on those sites.
15. The Licencee shall establish an ongoing advisory committee comprised of representatives of the Department, the Government of Canada and individuals representative of resource user communities in which new facilities will be located or where there are expected to be discernable project related changes to the physical environment, for the purpose of providing guidance on the research and monitoring activities described in Clause 14 of this Licence related to potential project effects on woodland caribou and, where appropriate, to apply adaptive management measures. The committee shall coordinate its activities with the advisory committee established pursuant to Environment Act Licence

- No. 2699 for the purpose of modifying project research and monitoring activities in relation to other regional developments, as required.
16. The Licencee shall provide data collected in the course of monitoring or research activities pursuant to Clause 14 this Licence, to the Governments of Manitoba and Canada, and others as requested.
 17. The Licencee shall, within one year of the date of issuance of this Licence, as a component of the EPP, prepare for the approval of the Director, a report on monitoring programs to be undertaken in connection with the operation of the Development. The report shall:
 - a) provide a description of the proposed monitoring activities for effects on the physical, aquatic, terrestrial, and socio-economic environments including the evolving baseline condition arising from the site preparation, construction, operation, and eventual decommissioning of the Wuskwatim Transmission Project;
 - b) describe the equipment to be used, the parameters to be measured, the methodology and frequency of measurement, and the mechanism for reporting the results of monitoring of the environmental conditions affected by the Wuskwatim Transmission Project; and
 - c) include monitoring considerations raised by federal and provincial agencies represented on the Technical Advisory Committee for the Development.
 18. The Licencee shall report annually to the Director, the Nelson House Resource Management Board, the Cormorant Resource Management Board, the Opaskwayak Cree Nation and communities in which new facilities will be located or those where there are expected to be discernable project related changes to the physical environment, on the results of monitoring programs in connection with the EPP, as approved pursuant to Clause 17 of this Licence.
 19. The Licencee shall construct the transmission components of the Development between August 1 and April 30 of each construction year to avoid potential impacts to the nesting habitat for migratory birds and the calving and rearing habitat for woodland caribou. Should any transmission line construction activity be required after April 30, the Licencee shall, prior to the construction activity, consult and reach an agreement with the Department Regional Wildlife staff, regarding the location of any key wildlife habitats to be avoided including ungulate calving areas and bird nesting and brooding areas.
 20. The Licencee shall ensure that all contractors working on the Development restrict bush clearing to the transmission line right-of-way during clearing and construction activities. Clearing and use of other access trails and riparian buffer zones shall require prior approval of the Department.

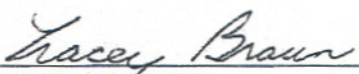
21. The Licencee shall, where practical, set aside cleared vegetation which can be salvaged for local community use as firewood. Cleared vegetation shall be disposed of in accordance with the Department requirements.
22. The Licencee shall, during construction in riparian areas associated with the Development:
 - a) complete construction under frozen ground conditions between November 1 and April 30 of each construction year;
 - b) maintain a minimum 30 meter buffer zone extending from stream bank shorelines to the top of stream banks. Trees within the buffer zone shall be cleared by hand and all existing low growth vegetation such as grasses, shrubs, and willows shall be maintained;
 - c) establish buffers in accordance with practices set out in:
 - i) *Forest Management Guidelines for Wildlife in Manitoba;*
 - ii) *Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat;*
 - iii) *Timber Harvesting Practices for Forestry Operations in Manitoba;*
 - iv) *Consolidated Buffer Management Guidelines;* and
 - v) any other relevant provincial guidelines;
 - d) design and/or modify buffers, in consultation with the Department, to ensure post-clearing runoff does not negatively affect sediment loads in local waterbodies;
 - e) minimize in stream construction time to reduce sedimentation;
 - f) avoid the use of organic soil, silt or clay in temporary winter stream crossings;
 - g) remove all materials used in the construction of ice bridges from the watercourse or waterbody prior to spring break;
 - h) locate any temporary marshalling yards and storage sites required for the Development a minimum distance of 100 meters from any wetland or watercourse;
 - i) locate transmission line structures to maintain adequate setback distance from stream banks;
 - j) treat any wood poles used with chromated copper arsenate (CCA) in wetland areas related to the Development, where wood poles are required; and
 - k) implement and monitor any additional on-site details and mitigative measures recommended for sensitive areas, as identified in the approved Wuskwatim 230 kV Transmission Line Project EPP.

23. The Licencee shall, during construction minimize erosion to the extent possible, and at the completion of the construction of the Development, stabilize and vegetate all erosion-prone areas where the soil has been disturbed by construction. Erosion prone areas shall be monitored following construction to ensure stabilization procedures are effective.
24. The Licencee shall, during construction and operation of the Development, use mechanical or hand clearing methods to control vegetation to the extent possible. Any chemical vegetation control shall require approval by an Environment Officer, and the Licencee shall:
 - a) maintain a buffer near wetlands and waterbodies along the transmission line right-of-way of 30 meters for application of herbicides;
 - b) adhere to *Manitoba Regulation 47/2004* respecting pesticides; and
 - c) limit the use of herbicides in the Tom Lamb Wildlife Management Area, as determined through discussion with Manitoba Conservation.
25. The Licencee shall, during construction and operation of the Development, apply measures to protect heritage resources, as directed by the Historic Resources Branch of Manitoba Culture, Heritage and Citizenship.
26. The Licencee shall, during construction and operation of the Development, apply measures determined through discussion and consultation with the Department, to protect:
 - a) vulnerable, threatened, or endangered species or ecosystems;
 - b) threatened or sensitive habitats;
 - c) protected areas;
 - d) furbearers; and
 - e) medicinal plants.
27. The Licencee shall obtain approval from the Director for any proposed alteration to this Development before proceeding with the alteration.

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 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 Licencee to file a new proposal pursuant to Section 11 of The Environment Act.
- C. If construction of the Development has not commenced within five years of the date of this Licence, this Licence is revoked.



Tracey Braun, M. Sc.
Director
Environment Act

Client File No.: 4725.00