



Conservation and Climate
Deputy Minister

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W. V. Penner, P.Eng.
Manager
Waterway Approvals and Monitoring Department
Manitoba Hydro
360 Portage Avenue
P.O. Box 815, Stn. Main
Winnipeg, Manitoba R3C 2P4
[REDACTED]

December 31, 2021

Dear Wes Penner:

Thank you for your request dated June 11, 2021, for a Third Short-term Extension Licence for the Pointe du Bois Generating Station under the provisions of The Water Power Act and Regulation.

Enclosed is the Third Short-term Extension Licence for the Pointe du Bois Generating Station (the "Undertaking").

The Third Short-term Extension Licence applies for a three-year period. Within this period Manitoba Hydro will submit the licence supporting documentation for the completion of the application for the Fifth Renewal Licence for the Undertaking. Indigenous consultation with respect of the Fifth Renewal Licence for the Undertaking will also be undertaken with affected Indigenous communities during this period.

Manitoba Conservation and Climate is in the process of preparing Water Power Act renewal licence guidelines and the Fifth Renewal Licence for the Undertaking will be subject to these guidelines.

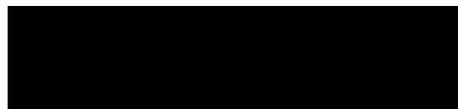
In addition to the enclosed Licence requirements, and in accordance with Section 87 of The Water Power Regulation, the Licensee is instructed to:

- Participate in any future large area planning initiative that may include studies in areas impacted by hydroelectric development, along with affected communities and with other stakeholders.
- Participate in the future licence modernization processes directed by the Province of Manitoba. The Province intends to evaluate the Water Power Act and Regulation to determine what amendments may be required for modernization.

The request to reduce the installed capacity, as indicated in Section 2 of the Fourth Renewal Licence, to 89,200 horsepower with the removal of Units 3, 5, 7, and 11, will be considered following application of the Fifth Renewal Licence.

If you have any questions regarding this matter, please contact Laura Pyles, Acting Director, Environmental Approvals Branch, at Laura.Pyles@gov.mb.ca or 204-227-3124.

Sincerely,

A solid black rectangular box used to redact the signature of Jan Forster.

Jan Forster
Deputy Minister

Enclosures

- c. Honourable Sarah Guillemard
Laura Pyles

SHORT TERM EXTENSION LICENCE

Issue Date / Date de délivrance : December 31, 2021

In accordance with The Water Power Act (C.C.S.M. c. W60) /
Conformément à la LOI sur l'énergie hydraulique (c. W60 de la C.P.L.M.)

Pursuant to Section 92 of the Water Power Regulation (M.R. 25/88R) of The Water Power Act (C.C.S.M. c. W60) /
Conformément à l'article 92 du Règlement sur l'énergie hydraulique (R.M. 25/88R) de la Loi sur l'énergie hydraulique (c. W60 de la C.P.L.M.)

THIS THIRD SHORT TERM EXTENSION LICENCE IS ISSUED TO:

MANITOBA HYDRO, ("the Licensee")

being duly incorporated by an Act of the Legislature of the Province of Manitoba
whose head office address is at 360 Portage Avenue,
Winnipeg, Manitoba, R3C 2P4,

for the development of water power at Pointe du Bois site on Winnipeg River.

WHEREAS:

- A. The Licensee is the holder of a Second Short-term Extension Licence for the Pointe du Bois site, a licence issued under The Water Power Act, dated the 8th day of March, 2017 for a term of five (5) years from the 1st day of January, 2017, as the extension of the previously issued Fourth Renewal Licence (a copy of the Fourth Renewal Licence is attached as Schedule "A" of this Third Short-term Extension Licence);
- B. The Licensee by letter dated August 1, 2007, signed by T.M. Miles, Manager, Hydraulic Operations Department, applied for a renewal of the Pointe du Bois Fourth Renewal Licence;
- C. The Fifth Renewal Licence has not yet been renewed, and the Licensee has applied by letter dated June 11, 2021 signed by W. V. Penner, Manager, Waterway Approvals and Monitoring Department, to the Director of Environmental Approvals Branch of Manitoba, Conservation and Climate for a Short-term Extension Licence Renewal for the Pointe du Bois development in accordance with section 92(6) of the Water Power Regulation and has done all things which, in the opinion of the Director, are required to be done by the Licensee prior to the issuance of this Third Short-term Extension Licence;

- D. It is contemplated that decisions will be made about the application for a Fifth Renewal Licence during the term of this Third Short-term Extension Licence;
- E. The Licensee has duly executed an acceptance of the terms and conditions of this Renewal Short-term Extension Licence and has undertaken to observe and fulfill all the terms and conditions which the Licensee is required to observe and fulfill under this Third Short-term Extension Licence:

This Third Short-term Extension Licence is issued, granting to the Licensee:

- (a) the right to impound, divert, and use water of the Winnipeg River at and near the Pointe du Bois Site;
- (b) the right to develop electric power and energy from the said waters;
- (c) the right to generate, transmit, distribute, sell, and deliver the said electric power and energy and for that purpose to use and occupy the lands of the Province described in the Fourth Renewal Licence; and
- (d) the right to operate and maintain the undertaking, the location and description of which is shown upon the record plans numbered and filed in the office of the Director at Winnipeg (the "Undertaking").

on the same terms and conditions as set out in the Fourth Renewal Licence dated the 17th day of August, 1992, subject to the following specific terms and conditions:

1. This Third Short-term Extension Licence shall apply from January 1, 2022 to and including January 1, 2025.
2. On the second day of January in each year the Licensee shall pay an annual rental in advance for the use and occupation of lands of the Province described in paragraph 4 (a), (b), (c) and (d) of the Fourth Renewal Licence at the rates set from time to time by Regulation under The Water Power Act.¹
3. The Licensee shall pay an annual rental for the use of water for the development of power at the rates set from time to time by Regulation under The Water Power Act and payable at the times and in the manner provided for by Regulation under The Water Power Act.²
4. The terms and conditions set out in the Fourth Renewal Licence apply as if set out specifically in this Third Short-term Extension Licence, except:
 - (a) in Section 2 "one hundred and five thousand (105,000) horsepower³" shall be "one hundred fourteen thousand (114,000) horsepower⁴"; and
 - (b) where the terms and conditions of the Fourth Renewal Licence are inconsistent with the terms and conditions set out specifically in this document, the terms and conditions set out in this document will apply.

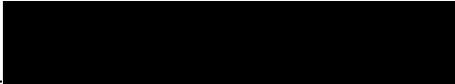
¹ Rental rates for land use are currently set out in s. 48(3.1) of the Water Power Regulation.

² Rental rates for the use of water for the development of power are currently set out in s. 48(3.2) of the Water Power Regulation.

³ 105,000 horsepower equals approximately 78.3 megawatts

⁴ 114,000 horsepower equals approximately 85.0 megawatts

5. The Licensee shall participate in future planning, studies, and other initiatives as instructed by the Minister, in areas impacted by the Undertaking along with affected communities and other stakeholders.
6. The Licensee shall within 6 months of the issuance of this Third Short-term Extension Licence, and annually thereafter submit a report to the Director documenting the Licensee's engagement with Indigenous communities on the continued operation of the Undertaking.
7. The Licensee shall comply with The Water Power Act and the Water Power Regulation.



Jan Forster
Deputy Minister of Conservation and Climate

FOURTH RENEWAL LICENCE DATED AUGUST 17, 1992 **SCHEDULE A**

**PROVINCE OF MANITOBA
DEPARTMENT OF NATURAL RESOURCES
WATER RESOURCES BRANCH**

FOURTH RENEWAL LICENCE FOR THE DEVELOPMENT OF WATER POWER

Pointe du Bois Site, Winnipeg River

Issued in accordance with the provisions of The Water Power Act, being Chapter W60 of the Continuing Consolidation of the Statutes of Manitoba, and of the Regulations in force thereunder to govern the mode of granting and administering provincial water power rights.

WHEREAS an Indenture dated the 29th day of January, 1918 was made between His Majesty the King represented therein by the Honourable the Minister of the Interior, of the first part, and the City of Winnipeg in the Province of Manitoba, of the second part (hereinafter called "the Licensee") under The Dominion Water Power Act for a term of twenty (20) years computed from the 1st day of November, 1911; and

WHEREAS by an Indenture dated the 28th day of August, 1933, the Licensee was issued a First Renewal Licence under The (Manitoba) Water Power Act for a further term of twenty (20) years computed from the 1st day of January, 1932; and

WHEREAS the Licensee was issued a Second Renewal Licence under The Water Power Act dated the 27th day of August, 1954 for a further term of twenty (20) years computed from the first day of January, 1952; and

WHEREAS the Licensee was issued a Third Renewal Licence under The Water Power Act dated the 21st day of June, 1972 for a further term of twenty (20) years computed from the first day of January, 1972; and

WHEREAS the term of the Third Renewal Licence expires on the 31st day of December, 1991 and the Licensee has made a written request to the Executive Director of the Water Resources Branch (hereinafter called "the Director") for a fourth renewal of its licence for a further term of twenty (20) years to be computed from the 1st day of January, 1992; and

WHEREAS the Licensee has done all things which in the opinion of the Director are

required to be done prior to the issuance of a Fourth Renewal Licence for the Pointe du Bois development, and

WHEREAS the Licensee has fully complied with the requirements of the Water Power Act and Regulations insofar as it is required for the issue to the said Licensee of this Fourth Renewal Licence; and

WHEREAS the Licensee has on July 7, 1992 duly executed an acceptance of the terms and conditions of this Fourth Renewal Licence and has undertaken to observe and fulfil all the terms and conditions which under this Fourth Renewal Licence and under the Manitoba Water Power Regulation, M.R. 25/88R (hereinafter called "the Regulation") and all amendments thereto as may be made from time to time, the said Licensee is required to observe or fulfil;

NOW THEREFORE, under authority of and subject to the provisions of The Water Power Act, Chapter W60 of the Continuing Consolidation of the Statutes of Manitoba (hereinafter called "the Act") and the Regulation, this Fourth Renewal Licence is issued, authorizing the Licensee:

- (a) to divert, use or store waters of the Winnipeg River at and near the site for the development of electric power and energy from the said waters;
- (b) to occupy or use lands of the Province described in Section 4 in order to generate, transmit, distribute, sell and deliver electric power and energy; and
- (c) to construct, operate and maintain the undertaking described in Section 2 of this Fourth Renewal Licence.

This Fourth Renewal Licence is subject to the provisions of the Act and Regulation and to any other acts or regulations now or hereinafter in force governing the administration of provincial water powers and lands required in connection with the development or use thereof. This Fourth Renewal Licence is also subject to the following terms and conditions:

1. The Licensee may divert and use continuously for the development of power at the site all the water of the Winnipeg River which may be flowing at the site from time to time during the term of this Fourth Renewal Licence. However, in accordance with Section 72 of the Regulation, this Fourth Renewal Licence is issued on the express condition that the Licensee shall:

- (a) divert, use or store the water authorized to be diverted, used, or stored by it in such a manner as not to interfere, in the opinion of the Minister of Natural Resources (hereinafter called "the Minister"), with the maximum advantageous development of the power and other resources of the river or stream upon which the works are located;
 - (b) conform to and comply with any orders in respect of the control or regulation of the flow of the waters of such river or stream as may be made from time to time by the Minister or any person authorized by the Minister in that regard; and
 - (c) at no time cause or permit the surface level of the waters of such river or stream or of any storage reservoir operated by the Licensee to be raised or lowered beyond the limits which shall be fixed from time to time by the Minister or by a person authorized by the Minister in that regard.
2. The undertaking authorized to be maintained and operated by the Licensee under this Fourth Renewal Licence shall consist of the following:
- The works at present located at the site which include a reinforced concrete powerhouse with sixteen (16) horizontal shaft hydroelectric turbines, rated at a total capacity of one hundred and five thousand (105,000) horsepower measured at the turbine shaft; adjoining reinforced concrete forebay walls; four (4) concrete spillways; a sluiceway with five (5) vertical lift gates; a rockfill dam; a bridge across the forebay channel; and all plant machinery and equipment requisite for the complete development and utilization of the power economically available at the said Pointe du Bois site, together with such other approved works as have been constructed for purposes of the undertaking, all as shown by plans and descriptions thereof filed in the office of the Director at Winnipeg and as described in Section 3 of this Fourth Renewal Licence.
3. The approved plans set out below have been filed by the Licensee in the office of the Director at Winnipeg and constitute part of the undertaking. This Fourth Renewal Licence applies to each part of the undertaking as described in the plans.

Manitoba Water Resources Branch File Number	Licensee's Drawing Number	Description
21-12-1015	64-A-5	Pointe Du Bois Townsite
21-12-1016	33-E-1	Pointe Du Bois - General Plan of Works
21-12-1017	90-E-1	Map Showing Lands Required for Flooding and Other Purposes for Pointe Du Bois Power Plant
21-12-1018	90-E-2	Map Showing Severance Area Required for Hydro Electric Power Generation - Pointe Du Bois
21-12-1019 (sheet 1)	54-D-66	Pointe Du Bois - 1954 Stadia Survey of Camp - Sheet #1
21-12-1019 (sheet 2)	55-D-39	Pointe Du Bois - 1955 Stadia Survey of Camp - Sheet #2
21-12-3006	24-D-18	Repair to Rock Fill Dam - Pointe Du Bois
21-12-3011	90-E-3	Pointe Du Bois Power House East Wing Dam Detail - Sections
21-12-3012	90-E-4	Pointe Du Bois Power House West Wing Dam Detail - Sections
21-12-3013	90-C-28	Pointe Du Bois Development - Typical Cross Section of Power House
21-12-3014	EX20-D-66	Sectional Plan of Power House
21-12-3015	16-B-6	Sections of Main Spillway
21-12-3016	16-B-7	Sections Through Forebay Wall
21-12-3017	24-D-20	Improvement to Rock Fill Dam

4. Lands of the Province which may be entered upon, used or occupied for the maintenance and operation of the undertaking shall be the following:

(a) **Lands of the Province not covered by water required for main diverting works, powerhouses, etc.**

All those portions of Township 15 in Range 14, East of the Principal Meridian, not covered by water, as shown shaded and described under (1a) of the notes on File No. 21-12-1017 (Licensee's No. 90-E-1) filed in the office of the Director at Winnipeg, such lands comprising a total of 144 acres.

(b) **Lands of the Province covered by water required for main diverting works, powerhouses, etc.**

All those portions of Township 15 in Range 14, East of the Principal Meridian, covered by water as shown shaded and described under (1b) of the notes on File No. 21-12-1017 (Licensee's No. 90-E-1) filed in the office of the Director at Winnipeg, such lands comprising a total of 4 acres.

(c) Lands of the Province required only to be flooded in connection with the storage or pondage of water

All those portions of Townships 15 and 16 in Ranges 14 and 15, East of the Principal Meridian, required only to be flooded, as shown shaded and described under (1c) of the notes on File No. 21-12-1017 (Licensee's No. 90-E-1) filed in the office of the Director at Winnipeg, such area comprising 2600 acres.

(d) Lands of the Province required only for rights-of-way for transmission lines, etc. and substations, distributing stations, terminal stations, etc.

All those portions of Township 15 in Range 14, East of the Principal Meridian, required for rights-of-way as shown and described under (1d) of the notes on File No. 21-12-1017 (Licensee's No. 90-E-1) filed in the office of the Director at Winnipeg, such area comprising 15 acres.

The total area of Lands of the Province entered upon, used or occupied for the maintenance and operation of the undertaking under the preceding four categories comprises 2763 acres.

5. The Licensee shall not raise the headwater of the development, as measured at the powerhouse, to an elevation higher than 981.1 feet above mean sea level, Dominion Water Power Survey Datum (with wind effect eliminated). A higher elevation may be created only with written permission by the Director and in accordance with Section 72 of the Regulation.
6. The term of this Fourth Renewal Licence shall be twenty (20) years from and after the 1st day of January, 1992, and this Fourth Renewal Licence shall thereafter be subject to renewal or extension in accordance with the provisions of the laws and Regulations relating thereto and then in force.
7. The Licensee shall, during the portion of the term of this Fourth Renewal Licence following the date of issuance thereof, pay annually in advance on the second day of January in each year an annual land rental in the amount of \$9,670.50 or at a rate that may in the future be prescribed in the Regulation, for the use, occupation and flooding of lands of the Province described in Section 4 hereof. In 1996 and every fifth year thereafter, the Minister may, at his sole option, by notice in writing to the Licensee on or before the thirty first day of October in that year, establish a new annual land rental rate to be effective in respect of the following year.
8. The Licensee shall pay annually, in arrears, a rental during the term of this Fourth Renewal Licence for the use of water for the development of power, determined in accordance with the principles set out in Section 48 of the Regulation and at a rate as prescribed in Subsection 48(8)

of the Regulation in force or as may be amended in the future, and payable at the time and in the manner therein provided.

The Licensee shall, on or before the first day of March in each year following any calendar year for which water rental is payable, submit all data required by the Director for the determination of said water rental. The Director shall thereupon prepare and submit to the Licensee a statement of the water rental due. Payments shall be made within sixty (60) days of submission of the said statement; otherwise the penalties provided in Subsections (4) to (6) inclusive of Section 48 of the Regulation shall apply.

9. The Severance Line as defined in Section 1 of the Regulation shall be as shown on File No. 21-12-1018 (Licensee's No. 90-E-2) in the office of the Director.
10. The Licensee shall at the request of the Director cause additional surveys to be made and plans prepared by a Manitoba Land Surveyor showing in detail any revisions to; the lands required to be occupied for the purposes of the power development, the lands required for flooding purposes only, the lands required as rights-of-way for transmission lines, roads, railways, drains and other purposes, and the severance line. Such survey shall be limited to include only such areas for the said purposes as the Director may approve.
11. This Fourth Renewal Licence is issued upon the express condition that it shall be subject to the provisions of the Act and the Regulation and all amendments thereto as may be made from time to time.

Issued at Winnipeg this 17th day of August 1992 ^{AS} by the Honourable Minister of

Natural Resources.

