



**MINISTER OF
CONSERVATION AND CLIMATE**

Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

Jay Grewal
President
Manitoba Hydro
360 Portage Avenue
P.O. Box 815, Stn. Main
Winnipeg MB R3C 2P4
jgrewal@hydro.mb.ca

Dear Jay Grewal:

Manitoba Hydro applied on December 16, 1998, for a Final Licence for the Jenpeg Generating Station (JGS) under the provisions of The Water Power Act and Regulations.

This decision and the licensing and non-licensing conditions have been informed based on the Crown-Indigenous Consultation Report, the Clean Environment Commission (CEC) Lake Winnipeg Regulation Report, the Regional Cumulative Effects Assessment (RCEA) for Hydroelectric Developments on the Churchill, Burntwood and Nelson River Systems and the CEC Report on RCEA as part of the licensing decision process. It should be noted that the following conditions are related to the JGS project area as defined in the Final Licence.

It accordance with Section 87 of The Water Power Regulation, the Licensee is instructed to:

- Work with Manitoba to expand the Coordinated Aquatics Monitoring Program to other areas including shoreline erosion, shoreline wetland issues (such as traditional plants, medicines and waterfowl), and monitoring of terrestrial and riparian components and shoreline health downstream of Lake Winnipeg with the inclusion of Indigenous community participation and Indigenous traditional knowledge.
- Participate in any future large area planning initiative that may include studies, in areas impacted by hydroelectric development, along with affected communities with other stakeholders.
- Continue to monitor and evaluate water quality, including toxicology and methylmercury (MeHg) in fish.

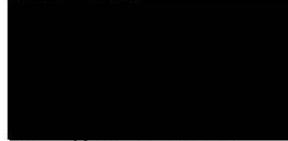
- Participate in the future licence modernization processes directed by the Province of Manitoba. The Province intends to evaluate the Water Power Act and Regulation to determine what amendments may be required for modernization.

My department will contact you in the near future to develop a Licence Implementation Guide collaboratively with Manitoba Hydro. This Guide will be used by Manitoba Hydro and the department to evaluate and measure compliance; outline specific operating requirements; and operational guidelines for how Manitoba Hydro operates JGS within the licence range and how it deals with excursions from that range.

In accordance with Section 82 of the Water Power Regulation, before executing the Final Licence, I, as Minister, am submitting the enclosed "Certificate of Acceptance" and its attached Exhibit "A" (Final Licence) in order to secure from you, the prospective licensee, an acceptance of the terms and conditions of the proposed Final Licence and an undertaking to observe the terms and conditions of the proposed Final Licence and the Water Power Regulation. Therefore, in this regard, please have the appropriate officials of Manitoba Hydro sign and seal two copies of the enclosed "Certificate of Acceptance", and return one copy to my office together with its attached Exhibit "A" by May 7, 2021.

If you have any questions regarding this matter, please contact Shannon Kohler, Director, Environmental Approvals Branch, at Shannon.Kohler@gov.mb.ca or 204-792-9074.

Sincerely,



Sarah Guillemard
Minister

Enclosure(s)

Certificate of Acceptance
Exhibit A: Final Licence to Jenpeg Generating Station

c. Shannon Kohler

**PROVINCE OF MANITOBA
MANITOBA CONSERVATION AND CLIMATE**

FINAL LICENCE FOR THE DEVELOPMENT OF WATER POWER

Jenpeg Site, West Channel of Nelson River

Issued to Manitoba Hydro, a corporation duly incorporated by Act of Legislature of the Province of Manitoba, whose head office address is 360 Portage Avenue, Winnipeg, Manitoba, R3C 0G8

("the Licensee")

Issued in accordance with the provisions of The Water Power Act, (C.C.S.M., cW60), and the Water Power Regulation (M.R. 25/88R) as amended from time to time.

Background:

- A. The Licensee was granted an Interim Licence dated December 14, 1972 that provided for the construction of a reinforced concrete powerhouse situated adjacent to the Jenpeg Control Structure (the Jenpeg diversion channel and Control Structure were authorized to be constructed by an Interim Licence, as amended by a Supplementary Interim Licence, for the control and regulation of Lakes Winnipeg, Playgreen and Kiskittogisu); and all necessary machinery and equipment required for the development, generation, transformation, and transmission of electric power for industrial and general purposes.

The Interim Licence also granted the right to divert and use waters of the west channel of the Nelson River at the Jenpeg site; to develop electric power and energy from these waters; the right to generate, transmit, distribute, sell and deliver the said electric power and energy and for that purpose to use and occupy certain lands of the Province; and the right to construct, operate and maintain the Undertaking.

- B. An extension of time to complete the initial development was granted by Order-In-Council 812/1979.
- C. The Licensee completed the Undertaking and is operating it for the development of water power. The nature of the Undertaking being: the Jenpeg Generating Station, Main Dam and switchyard; and all necessary machinery and equipment required for the development of water power, as shown or described more particularly by means of the record plans and data filed with the Director, as specified herein.
- D. The initial development of the Undertaking was completed on November 1, 1979.
- E. On November 13, 1979, the Licensee provided written notification to the Senior Assistant Deputy Minister that the Undertaking was completed.
- F. Since 2008 and in partnership with the Province of Manitoba, the Licensee has operated the Coordinated Aquatic Monitoring Program to monitor environmental effects of system operation.
- G. In 2015, the Licensee and the Province of Manitoba produced a Regional Cumulative Effects Assessment documenting the social and environmental changes resulting from hydroelectric development in northern Manitoba to fulfill a requirement of the Clean Environment Commission.
- H. The Licensee has done all the things which in the opinion of the Director are required to be done prior to the issuance of a Final Licence.
- I. The Licensee has fully complied with the requirements of the Regulations and the terms and conditions of said Interim Licence insofar as it is required for the issuance of this Final Licence.

- J. The Licensee has, by Certificate of Acceptance dated May 5th, 2021, accepted and undertaken to observe and fulfill all the terms and conditions of this Final Licence and the applicable sections of the Water Power Regulation that the Licensee is required to observe or fulfill.

TERMS AND CONDITIONS OF THE FINAL LICENCE

PART 1.0 DEFINITIONS

1.1 In this Licence, the following words have the meaning ascribed to them and form part of the recital above:

- (a) "ASL" means above mean sea level, Canadian Geodetic Datum;
- (b) "Department" means the Department of Conservation and Climate, or such department under the responsibility of the Minister from time to time;
- (c) "Director" means the Director of Environmental Approvals Branch of the Department, or such person who is performing the function of Director under The Water Power Act and the Water Power Regulation;
- (d) "Minister" means the Minister responsible for the administration of The Water Power Act;
- (e) "Severance Line" means the line within which, in the event that the licence should ever be terminated either by the failure to renew it upon the expiry of the term, or by voidance, cancellation, or any other legal process, the lands, works, and properties used or useful in connection with the Undertaking should be considered as essentially tributary to the power or storage development, and outside of which such lands, works, and properties should be subject to be taken over on a different basis;
- (f) "Undertaking" means the undertaking to be carried on pursuant to this Licence for works described in Section 2.2 of this Licence and all such ancillary works as may be necessary for its development and includes all matters authorized by this Licence.
- (g) "The Water Power Act" means The Water Power Act (C.C.S.M. c.W60) and includes any amendment or replacement of that Act; and
- (h) "Water Power Regulation" means the Water Power Regulation (M.R. 25/88R) and includes any amendments or replacement of that Regulation and any other regulations now or hereinafter in force governing the granting or administering of provincial water powers or the lands required in connection with the development and use of provincial water powers in effect from time to time.

PART 2.0 GRANT OF WATER POWER RIGHTS

2.1 Under authority of and subject to the provisions of The Water Power Act and the Water Power Regulation this Final Licence is issued, authorizing the Licensee to:

- (a) divert and use continuously, the waters of the West Channel of the Nelson River at the Jenpeg site;
- (b) develop electric power and energy from the said waters;
- (c) 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 Section 4.2 of this Final Licence; and
- (d) operate and maintain the Undertaking, described in Section 2.2 of this Final Licence.

2.2 The Undertaking authorized to be maintained and operated by the Licensee under this Final Licence consists of the following:

- (a) The Jenpeg Generating Station, which is a reinforced concrete structure with six turbine generator units having a total nameplate capacity of 174 megawatts (233,340 horsepower);
- (b) Main Dam;
- (c) Switchyard and ground mat; and

- (d) All necessary machinery, equipment and ancillary works required for the complete development and utilization of the power economically available at this site, together with such other approved works as have been constructed as shown by plans and descriptions thereof filed in the office of the Director at Winnipeg and as described in Section 7.2 (Appendix 1) of this Final Licence. This includes the communication tower, aerodrome (airstrip) with beacon tower, sewage lagoon, staff housing, transfer station, boat ramp, access roads, and stockpile areas.

PART 3.0 REGULATION AND CONTROL OF WATERS

- 3.1 The Licensee may divert and use continuously for the development of electric power and energy at the Jenpeg site all the water of the West Channel of the Nelson River which may be flowing at the site from time to time during the term of this Final Licence. However, in accordance with Section 72 of the Water Power Regulation, this 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 the Licensee in such a manner as not to interfere, in the opinion of the Minister, with the maximum advantageous development of the electric power and energy 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 behalf; 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 behalf.

PART 4.0 LANDS TO BE USED AND OCCUPIED

- 4.1 The Severance Line is defined as shown on Plan No. WULS-1-00198-PE-07311-0001 filed in the office of the Director. These plans may be amended from time to time.
- 4.2 The Licensee may enter upon, use, occupy or flood the lands of the Province for the maintenance and operation of the Undertaking are broadly described as located at Jenpeg on the West Channel of the Nelson River. These lands comprise 117.4 hectares (290.1 acres) of Crown lands as shown on Plan No. WULS-1-00198-PE-07311-0001 filed in the office of the Director and shall be the following:
- (a) Lands of the province not covered by water required for main diverting works, powerhouse, etc. comprise 98.3 hectares (243.0 acres);
 - (b) Lands of the province covered by water required for main diverting works, powerhouse, etc. comprise 0.0 hectares (0.0 acres);
 - (c) Lands of the province required only to be flooded in connection with the storage or pondage of water comprise 0.0 hectares (0.0 acres);
 - (d) Lands of the province required for rights-of-way comprise 19.1 hectares (47.1 acres); and
 - (e) Lands of the province required for substations, distribution stations, etc. comprise 0.0 hectares (0.0 acres).

PART 5.0 LAND AND WATER USE RENTALS

- 5.1 The Licensee shall pay a land rental during the term of this Final Licence for the use and occupation and flooding of lands of the Province in accordance with the Water Power Regulation then in force, or as may be amended under Section 48 of the Water Power Regulation. This rental shall be determined by the rate prescribed in

Section 48(3.1) of the Water Power Regulation, and by the area described in Section 4.2 of this Final Licence.

5.2 The Licensee shall pay water rentals during the term of this Final Licence for the use of water in accordance with the Water Power Regulation then in force, or as may be amended under Section 48 of the Water Power Regulation. This rental shall be determined by the rate prescribed in Section 48(3.2) of the Water Power Regulation.

PART 6.0 DURATION OF FINAL LICENCE

6.1 In accordance with Section 45 of the Water Power Regulation, the term of this Final Licence shall be for the fifty (50) year period from November 1, 1979 to November 1, 2029. This Final Licence shall thereafter be subject to renewal or extension in accordance with the provisions of the applicable Acts and Regulations relating then in force.

PART 7.0 GENERAL PROVISIONS

7.1 The Licensee shall comply with:

- (a) all terms and conditions of this Licence;
- (b) all applicable provisions of The Water Power Act and the Water Power Regulation;
- (c) all applicable federal and provincial laws; and
- (d) any instructions of the Minister concerning any of those matters not inconsistent with the above-mentioned Acts and Regulations.

7.2 The plans filed by the Licensee and made a part of this Final Licence are as listed in Appendix 1.

7.3 As provided for in Section 65 of the Water Power Regulation, the Licensee shall submit all information and data on water levels and flows necessary to enable the Director to determine compliance with this Final Licence and other approvals pertaining to water levels and flows in connection with the operation of the Undertaking.

7.4 The Licensee shall provide the Minister, the Director, or any person appointed by either for the purpose with free access to all parts of the works, lands and properties of the Licensee and to all books, plans, records or accounts used in connection with or affecting this Final Licence or the Undertaking, and may from time to time make measurements and observations and take such other steps for carrying out any inquiry as may be considered necessary or expedient in the administration of the Regulation.

7.5 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.

7.6 The Licensee shall, to the satisfaction of the Minister, continue to participate in a system-wide monitoring program in the lands and waters that are affected by the Undertaking, including Indigenous community participation and Indigenous traditional knowledge.

7.7 Licensee shall, to the satisfaction of the Minister, continue to implement a public safety and debris management program in lands and waters within the Severance Line, and report annually to the Director.

7.8 The Licensee shall submit an annual report to the Director documenting the Licensee's engagement with Indigenous communities on the continued operation of the Undertaking.

7.9 The Licensee shall, to the satisfaction of the Minister, prepare a licence implementation guide, within one year of the date of this Final Licence.

Issued at Winnipeg this 12th day of May, 2021 by the Honourable Minister of Conservation and Climate.

Sarah Guillemard

[Redacted Signature]

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Appendix 1

The following approved plans filed by the Licensee in the office of the Director constitute part of this Final Licence.

Province of Manitoba Plan Number	Licensee's Drawing Number	Description
	7-00198-E-00048 0001	Main Dam – Jenpeg – As Built – Plan View
	7-00198-E-00048 0002	Main Dam – Jenpeg – As Built – Sections
39-3-1019	1-00198-D-00202 0001 (Rev.0)	Location General Arrangement and Cross-Sections of Development
WULS-1-00198-PE-07311-0001	1-00198-PE-07311-0001	Jenpeg Generating Station - Severance Line and Lands Required for Flooding and Other Purposes
51-2-3001 (Sht.1)	1-00198-E-01026 0001 (Rev.6)	Powerhouse; Units 1 to 6 & Service Bay; Exterior Elevations General Arrangement (As built)
51-2-3001 (Sht.2)	1-00198-E-01026 0002 (Rev.6)	Powerhouse; Units 1 to 6 & Service Bay; Plan Above Elev. 765.0' General Arrangement (As built)
51-2-3001 (Sht. 3)	1-00198-E-01026 0003 (Rev.5)	Powerhouse; Units 1 to 6 & Service Bay; General Arrangement Section Through Unit (As built)
51-2-3001 (Sht. 4)	1-00198-E-01026 0004 (Rev.4)	Powerhouse; Units 1 to 6 & Service Bay; General Arrangement Section At Contraction Joint (As built)
51-2-3001 (Sht. 5)	1-00198-E-01026 0005 (Rev.5)	Powerhouse; Units 1 to 6 & Service Bay; General Arrangement Sections In Vicinity of Service Bay (As built)
51-2-3001 (Sht. 6)	1-00198-E-01026 0006 (Rev.6)	Powerhouse; Units 1 to 6 & Service Bay; Plan Above El. 714.0' General Arrangement (As built)
51-2-3001 (Sht. 7)	1-00198-E-01026 0007 (Rev.9)	Powerhouse; Units 1 to 6 & Service Bay; Plan At Elev. 691.0' Plan At Elev. 678.0' General Arrangement (As built conditions)
51-2-3001 (Sht. 8)	1-00198-E-01026 0008 (Rev.5)	Powerhouse; Units 1 to 6 & Service Bay; General Arrangement Plan At El. 656.0' Plan At El. 626.0' (As built)
51-2-3001 (Sht. 9)	1-00198-E-01026 0009 (Rev.5)	Powerhouse; Units 1 to 6 & Service Bay; General Arrangement Longitudinal Section Through Powerhouse (As built)