

**Licence No.: 2352**

**Licence Issued: August 21, 1998**

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

**WAPELLA PIPELINES MANITOBA INC.: "the Licencee"**

for the construction and operation of the Development being a crude oil pipeline from the Neutrino Resources Battery located in 5-18-12-29 WPM to a tie-in with the Waskada Pipeline located in 14-16-9-28 WPM at the Interprovincial Pipeline Cromer Terminal and in accordance with the Proposal filed under The Environment Act dated June 30, 1998, and subject to the following specifications, limits, terms and conditions:

**DEFINITIONS**

In this Licence:

**"dry" condition** means some standing water may be present within a stream bed, without detectable flow.

**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, during construction, ensure that any fuel storage areas established for the construction of the Development are located a minimum distance of 100 meters away from waterbodies including wetlands and ensure the storage areas comply with the requirements of *Manitoba Regulation 97/88R - Storage and Handling of Gasoline and Associated Products*.
2. The Licencee shall ensure that all used petroleum products and other hazardous wastes generated by the machinery used in the construction and operation of the Development are collected and disposed of in accordance with Manitoba Environment and legislative requirements.
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, Manitoba Regulation 150/91*.
4. The Licencee shall, prior to commencing construction of the Development, obtain an agreement respecting the construction of the pipeline in the rights-of-way of Provincial Trunk Highways and Provincial Roads with Manitoba Highways and Transportation.
5. The Licencee shall, prior to construction, provide a copy of this Licence and the Environment Act Proposal to the contractor involved in the Development.
6. The Licencee shall:
  - a. prepare "As Constructed" drawings for the Development and shall label the drawings "As Constructed"; and
  - b. provide to the Director, within three months of the completion of construction of the Development, two sets of "As Constructed" drawings.
7. The Licencee shall ensure during construction and operation of the Development that spills of petroleum or other contaminants are reported to an Environment Officer in accordance with the requirements of *Manitoba*

**Regulation 439/87** respecting **Environmental Accident Reporting**.

**SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS**

8. The Licencee shall, prior to construction of the Development contact the Regional Wildlife Manager in Brandon to review the final alignment of the pipeline through any sensitive wildlife areas.
9. The Licencee shall, prior to open cut construction of Bosshill and Gopher Creeks stream crossings, consult and reach an agreement with the Manitoba Department of Natural Resources Fisheries Manager in Brandon and the Department of Fisheries and Oceans regarding contingency plans, schedule details, fisheries investigation(s) of the crossing location(s), mitigation and compensation measures. No instream or riparian area construction activities shall be undertaken between March 15 and June 15 of any year. Water crossings of Bosshill and Gopher Creeks shall be constructed only under "dry" conditions.
10. The Licencee shall, prior to construction of any water crossings, obtain a work permit from the Manitoba Department of Natural Resources in Virden.
11. The Licencee shall carry out the construction of the crossings of Bosshill and Gopher Creeks in accordance with the "Fisheries Habitat Environmental Screening Procedure" provided in the ***Watercourse Crossing Guidelines for Pipeline Systems (Canadian Association of Petroleum Producers, 1993)***.
12. The Licencee shall not construct the Development in wetlands earlier than July 1 of any year.
13. The Licencee shall, during construction, maximize the use of land and bridge routes to transport construction equipment to avoid the riparian zone at the stream crossing sites. Any temporary stream crossings required to transport construction equipment shall be carried out in accordance with the ***Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat (DFO & MNR, 1996)***. The width of the construction activity shall be minimized near aquatic areas and through riparian zones.
14. The Licencee shall, during any hydrostatic testing of the pipeline, not exceed 10% of flow of the source stream. Hydrostatic test water shall not be allowed to directly or indirectly enter the originating water source or any other water body. Where water withdrawal requirements may exceed 10% of flow of the source stream, or when dewatering will occur during sensitive periods, the Licencee shall consult with the Manitoba Department of Natural Resources Fisheries Manager in Brandon and the Department of Fisheries and Oceans regarding the expected natural water levels or flows, the method, timing, duration and volume of withdrawals, and requirements for a fisheries investigation of the source stream and mitigation and compensation measures.
15. The Licencee shall screen hydrostatic test intake pipes in accordance with the ***Freshwater Intake End-of-Pipe Fish Screen Guideline (DFO, 1995)***.
16. The Licencee shall, in the event that heritage material is located during soil removal and construction, cease all construction in the affected area and immediately notify the Historic Resources Branch. Construction shall not recommence until authorized by the Historic Resources Branch.
17. The Licencee shall separate and replace topsoil from backhoe and trenching operations in accordance with the methodology described in the Environment Act Proposal. This requirement is not applicable where the topsoil has been previously disturbed due to the construction of roads and drains.
18. The Licencee shall, where open cut stream crossing techniques are used on intermittent waterways and artificial drainage channels, restore the bottom and banks of the waterways to their original elevations and profiles.
19. The Licencee shall re-establish the profile and compact all excavated areas within the Provincial Highway and Municipal Roads rights-of-way.

20. The Licencee shall revegetate soil exposed during the construction of the Development with native or introduced grasses or legumes. Native species shall be used to revegetate areas where native species existed prior to construction. Revegetation is not required for pipelines installed on previously disturbed ground including road allowances.
21. The Licencee shall, at the completion of construction, ensure that the banks of stream crossings are stabilized from channel level to high water elevation at bank full conditions.

### **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 filing of a new proposal pursuant to Section 11 of The Environment Act.

"original signed by"

**Larry Strachan, P. Eng.**

**Director**

**Environment Act**

**Client File No.: 4353.00**