

LICENCE

Licence No. / Licence n° 2798

Issue Date / Date de délivrance January 9, 2008

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 :

**THE PROVINCE OF MANITOBA REPRESENTED BY THE MINISTER OF
INFRASTRUCTURE AND TRANSPORTATION; "the Licencee"**

for the construction and operation of the Development being the relocation of approximately 4 km of Provincial Trunk Highway (PTH) 10 from within the Community of Forrest to the western side of Forrest, in the R.M. of Elton. The Development consists of the construction of two-lane roadway around Forrest and revesting the by-passed portion of PTH 10 to the R.M. of Elton, in accordance with the Proposal filed under The Environment Act on October 30, 2007, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

"wetlands" 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 establish any fuel storage areas required for the construction and operation of the Development:

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

- (a) a minimum distance of 100 metres from any waterbody; and
 - (b) in compliance with the requirements of *Manitoba Regulation 188/2001*, or any future amendment thereof, respecting *Storage and Handling of Petroleum Products and Allied Products*.
2. The Licencee shall ensure fuel storage containers incorporate secondary containment satisfactory to an Environment Officer.
3. The Licencee shall collect and dispose of all used petroleum products and other hazardous wastes generated by the machinery used in the construction and operation of the Development in accordance with Manitoba Conservation and legislative requirements.
4. The Licencee shall, at all times during the construction of the Development, have available at the construction sites, materials to contain and recover spills of fuel and other fluids associated with construction machinery.
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 pursuant to *Manitoba Regulation 439/87* or any future amendment thereof, respecting *Environmental Accident Reporting*; 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 proposed corrective action to prevent reoccurrence.
6. The Licencee shall, during the full term of the construction of the Development, cleanup and deposit all debris from the construction site, including demolition debris, at a Waste Disposal Ground operating under the authority of a permit issued pursuant to *Manitoba Regulation 150/91* or any future amendment thereof, respecting *Waste Disposal Grounds*.
7. The Licencee shall, during construction, dispose of all sewage and septage from on-site sanitary facilities in accordance with the *Onsite Wastewater Management Systems Regulation, MR 83/2003* or any future amendment thereof.
8. The Licencee shall, on a daily basis throughout construction of the Development, monitor the work activity to ensure adherence to all the environmental practices outlined in the Environmental Assessment Report.
9. The Licencee shall, prior to construction, provide a copy of this Licence to the contractor and subcontractor(s) involved in the Development.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

10. The Licencee shall, prior to construction activities which affect wetland habitat, consult and reach an agreement with the Manitoba Conservation Regional Wildlife staff and representatives of the Manitoba Habitat Heritage Corporation, regarding a site specific wetland mitigation plan. The plan shall:
 - a) recommend replacement or mitigation for the loss of wetland areas affected by the Development; and
 - b) provide for an post development evaluation of the wetland replacement or mitigation implemented pursuant to Clause 10 (a) of this Licence.

11. The Licencee shall, prior to construction, provide the following information to and obtain approval from Manitoba Water Stewardship's Water Control Works and Drainage Licensing Section for water management activities related to the Development:
 - a) changes in spill elevations of culverts or road side ditches;
 - b) diversions of water from natural channels/courses; and
 - c) alterations to culvert capacity as a result of changes to temporary or permanent water storage areas.Facilitation of unapproved drainage activities on private lands adjacent to the Development during the construction period shall be prohibited.

12. The Licencee shall, prior to construction, obtain authorization for construction dewatering activities associated with the Development, pursuant to the Water Rights Act.

13. The Licencee shall not undertake construction activities near wetland areas between May 1 and July 15 of each construction year, unless otherwise approved by the Director.

14. The Licencee shall notify the assigned Environment Officer not less than two weeks prior to beginning construction of the Development. The notification shall include the intended starting date of construction.

15. The Licencee shall obtain asphalt for the Development from an asphalt batch plant licensed pursuant to the Environment Act.


16. The Licencee shall not, during construction, clear, compact, grade or fill any wetlands, native upland habitat, agricultural lands or yard sites, which are not required for the right-of-way of the Development. All construction related traffic shall be restricted to the development right-of-way.

17. The Licencee shall not remove, destroy or disturb species pursuant to *Manitoba Regulation 25/98*, respecting *Threatened, Endangered and Extirpated Species*, or any future amendment thereof, and in the federal Species at Risk Act.

18. The Licencee shall not harm, remove, destroy or disturb migratory birds, their nests or their eggs pursuant to the requirements of the federal Migratory Birds Convention Act.
19. The Licencee shall retain a 30 metre buffer between the highway right-of-way and borrow sites associated with the Development in areas where bush exists along the highway. Potential borrow areas covered by native vegetation shall be avoided.
20. The Licencee shall undertake dust control measures during construction. Water required for dust control during construction shall be obtained from a source other than waste water treatment facilities.
21. The Licencee shall, during construction, undertake temporary erosion control measures to reduce siltation from erosion prone areas.
22. The Licencee shall, during construction and operation of the Development, not alter surface drainage patterns or wetlands.
23. The Licencee shall, at the completion of construction, landscape and vegetate all areas disturbed during the construction with native and/or introduced plant species.

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.


Tracey Braun, M. Sc.
Director
Environment Act

Client File: 5299.00



Conservation

Environmental Stewardship Division
Environmental Assessment and Licensing Branch
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5
T 204 945-7100 F 204 945-5229
www.gov.mb.ca/conservation/envapprovals

FAXED

CLIENT FILE NO.: 5299.00

January 9, 2008

Joseph Romeo, P. Eng.
Highway Planning and Design
Manitoba Infrastructure & Transportation
14th Floor – 215 Garry Street
Winnipeg MB R3C 3Z1

Dear Mr. Romeo:

Enclosed is Environment Act **Licence No. 2798** dated January 9, 2008 issued in accordance with The Environment Act to **The Province of Manitoba Represented by the Minister of Infrastructure and Transportation** for the construction and operation of the Development being the relocation of approximately 4 km of Provincial Trunk Highway (PTH) 10 from within the Community of Forrest to the western side of Forrest, in the R.M. of Elton. The Development consists of the construction of two-lane roadway around Forrest and revesting the by-passed portion of PTH 10 to the R.M. of Elton, in accordance with the Proposal filed under The Environment Act on October 30, 2007.

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.

For further information on the administration and application of the Licence, please feel free to contact Peter Crocker at (204) 726-6565.

Pursuant to Section 27 of The Environment Act, this licencing 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,

Tracey Braun, M. Sc.
Director
Environment Act

Enc.

c: B. Wright, Western Regional Director
Millennium Public Library/Manitoba Eco-Network
Western Manitoba Regional Library
R.M. of Elton

NOTE: Confirmation of Receipt of this Licence No. 2798 (*by the Licensee only*) is required by the Director of Environmental Assessment and Licensing. Please acknowledge receipt by signing in the space provided below and faxing (letter only) a copy back to the Department by January 14, 2008.

On behalf of MB Infrastructure & Transportation

Date

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