



Conservation and Water Stewardship

Climate Change and Environmental Protection Division
Environmental Approvals Branch
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CLIENT FILE NO. : 5614.00

July 10, 2014

Shannon Johnson, Manager
Manitoba Hydro
820 Taylor (3)
Winnipeg MB R3C 0J1

Dear Ms. Johnson:

Enclosed is **Environment Act Licence No. 3106** dated July 10, 2014 issued to **Manitoba Hydro** for the construction, operation, maintenance and decommissioning of the Keeyask Transmission Project, to be located north of the proposed Keeyask Generation Station, in accordance with the Proposal filed under *The Environment Act*, dated November 5, 2012, and additional information dated April 26, 2013.

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. A Notice of Alteration must be filed with the Director for approval prior to any alteration to the Development as licensed.

For further information on the administration and application of the Licence, please feel free to contact Darrell Ouimet, Environment Officer at 204-803-1389.

Pursuant to Section 27 of *The Environment Act*, this licensing 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,

“original signed by”

Tracey Braun, M.Sc.
Director
Environment Act

c: Don Labossiere, Director, Environmental Compliance and Enforcement
Pierce Roberts, Northeastern Director: – **via email**
Public Registries; Public Distribution List (see attached)

NOTE: Confirmation of Receipt of this Licence No. 3106 (by the Licensee only) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by July 24, 2014.

On behalf of Manitoba Hydro

Date

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

Keeyask Transmission Project – Public Distribution List

Manitoba Wildlands
Peguis First Nation

LICENCE

Licence No. / Licence n° 3106

Issue Date / Date de délivrance July 10, 2014

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 :

MANITOBA HYDRO;
"the Licencee"

for the construction, operation, maintenance and decommissioning of the Keeyask Transmission Project, consisting of 22 km of a new 138 kV ac Construction Power transmission line, a new 138 kV ac to 12.47 kV ac Construction Power Station to be located north of the proposed Keeyask Generation Station, upgrades to the existing Radisson Converter Station, a new Keeyask Switching Station to be located south of the Nelson River, 4 km of four 138 kV ac Unit transmission lines that will transmit power from the proposed Keeyask Generation Station to the Keeyask Switching Station, and 38 km of three 138 kV ac Generation Outlet transmission lines that will transmit power from the new Keeyask Switching Station to the Radisson Converter Station, in accordance with the Proposal filed under *The Environment Act*, dated November 5, 2012, and additional information dated April 26, 2013, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

In this Licence:

“**Director**” means an employee so designated pursuant to *The Environment Act*;

“**Environment Officer**” means an employee so designated pursuant to *The Environment Act*;

“riparian area” means an area of land on the banks or in the vicinity of a waterbody, which due to the presence of water supports, or in the absence of human intervention would naturally support, an ecosystem that is distinctly different from that of adjacent upland areas (*The Water Protection Act 2005*);

“waterbody” means any body of flowing or standing water, whether naturally or artificially created, and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, and wetland (slough, marsh, swamp, etc.), including ice on any of them (*The Water Protection Act 2005*); and

“wetland” means land that is saturated with water long enough to promote wetland or aquatic processes as indicated by poorly drained soils, hydrophytic vegetation, and various kinds of biological activity which are adapted to a wet environment. They are generally less than approximately 2 metres in depth (National Wetland Working Group 1997).

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.

Compliance

1. The Licencee shall adhere to the commitments made in the Proposal, supporting information filed in association with the Proposal, and plans submitted and approved pursuant to this licence during construction, maintenance, operation and decommissioning of the Development.

Additional Permits

2. The Licencee shall, prior to commencing construction of the Development, apply for and obtain all land tenure allocations and Work Permits as required from the appropriate Conservation and Water Stewardship district office and shall comply with the conditions of all permits.

Additional Reporting

3. The Licencee shall, in addition to any of the specifications, limits, terms and conditions specified in this Licence, upon the request of the Director:

- a) sample, monitor, analyse or investigate specific areas of concern regarding any segment, component or aspect of the Development for such duration and at such frequencies as may be specified;
- b) determine the environmental impact associated from the Development;
- c) conduct specific investigations in response to the data gathered during environmental monitoring programs; or
- d) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and other information as may from time to time be requested.

Environmental Inspection

4. The Licencee shall, during construction of the Development, employ qualified environmental inspectors to monitor the work on a daily basis to ensure that all the environmental practices outlined in the Proposal, supporting information, and the plans submitted pursuant to this Licence are carried out.

Reporting Format

5. The Licencee shall submit all information required to be provided to the Director or Environment Officer under this Licence, in writing, in such form (including number of copies) and of such content as may be required by the Director or Environment Officer, and each submission shall be clearly labelled with the Licence Number and Client File Number associated with this Licence.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Notification

6. The Licencee shall, prior to beginning construction of the Development, provide notification to the Environment Officer responsible for the administration of this Licence of the intended start date of construction and the name of the contractor(s) responsible for the construction.
7. The Licencee shall, prior to construction, provide a copy of this Licence to the contractor(s) and subcontractor(s) involved in the Development.

Access Routes and Line of Sight

8. The Licencee shall not create or improve roads or short access routes for construction and/or maintenance of the Development without written approval from the Northeast Region Integrated Resource Management Team (IRMT) of Conservation and Water Stewardship.

9. The Licencee shall submit an access route inventory and decommissioning and rehabilitation plan for all access routes created or improved in association with the Development, upon completion of construction of the Development, as required by the Northeast Region IRMT.
10. The Licencee shall maintain existing vegetation screens at all points where the transmission right-of-way of the Development intersects an existing road or trail to limit the ability of humans to observe wildlife along the right-of-way.
11. The Licencee shall, during maintenance of the Development, to the extent possible without impeding maintenance activities, maintain natural re-growth of shrubs and other understory vegetation along the transmission line right-of-way to minimize the line of sight of hunters and predators.

Air Quality

12. The Licencee shall minimize the burning of slash generated during clearing of the Development where smoke may affect residences. In such cases, the Licencee shall dispose of slash using environmentally suitable methods such as mulching, where feasible.

Environmental Protection Plan

13. The Licencee shall submit an Environmental Protection Plan for the approval of the Director for the construction of the Development. This plan shall describe the approach to be used by the Licencee to ensure that mitigative measures are applied systematically, and in a manner consistent with the commitments made in the Proposal. Separate plans may be submitted for different components or phases of the Development. Specifically, the plan shall:
 - a) describe the environmental management system;
 - b) provide field construction 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 throughout the life cycle of the project;
 - c) summarize environmental sensitivities and mitigation actions and emergency response plans and reporting protocols.

Environmental Monitoring Plan

14. The Licencee shall prepare an Environmental Monitoring Plan to be undertaken in relation to the mitigation measures outlined in the Proposal and supporting information. The plan shall be submitted prior to November 30, 2014, for the approval of the Director, and:
 - a) describe the protocol for reporting on compliance monitoring;
 - b) describe the specific monitoring measures to be installed/undertaken;
 - c) outline the communication and reporting protocol on implementation progress;

- d) define the parameters to be measured and the methods to be used to evaluate the environmental effects of the Development to pre-Development baseline conditions;
- e) describe how the performance and effectiveness of the recommended mitigation measures will be evaluated during implementation; and
- f) describe how adverse effects will be adaptively managed.

15. The Licencee shall implement the plans approved pursuant to Clauses 13 and 14 of this Licence.

Annual Reporting

16. The Licencee shall, during construction, report annually, before June 15th, to the Director on the results of environmental monitoring plans, as approved pursuant to Clause 14 of this Licence and include sufficient detail that assessments can be made as to the accuracy of predictions, success of mitigation actions and commitment to future actions. These reports will provide assessments of any trends detected over the entire reporting period. The annual reports shall be submitted for five years after completion of construction or as otherwise approved by the Director.

Dangerous Goods Storage and Handling

17. The Licencee shall comply with all the applicable requirements of:
- a) *Manitoba Regulation 188/2001*, or any future amendment thereof, respecting *Storage and Handling of Petroleum Products and Allied Products*.
 - b) *The Dangerous Goods Handling and Transportation Act*, and regulations issued thereunder, respecting the handling, transport, storage and disposal of any dangerous goods brought onto or generated at the Development; and
 - c) The Office of the Fire Commissioner – Province of Manitoba.
18. The Licencee shall establish any fuel storage areas required for the construction and operation of the Development a minimum distance of 100 metres from any waterbody.
19. The Licencee shall, during construction and maintenance of the Development, operate, maintain, and store all materials and equipment in a manner that prevents any deleterious substances including fuel, oil, grease, hydraulic fluid, coolant, and other similar substances from entering any waterbody. An emergency spill kit for in-water use shall be readily available on site during construction.

Spill Response

20. The Licencee shall, in the case of physical or mechanical equipment breakdown or process upset where such breakdown or process upset results or may result in the

release of a pollutant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, immediately report the event by calling 204-944-4888 (toll-free 1-855-944-4888). The report shall indicate the nature of the event, the time and estimated duration of the event and the reason for the event.

21. The Licencee shall, following the reporting of an event pursuant to Clause 20,
 - a) identify the repairs required to the mechanical equipment;
 - b) undertake all repairs to minimize unauthorized discharges of a pollutant;
 - c) complete the repairs in accordance with any written instructions of the Director;
and
 - d) submit a report to the Director about the causes of breakdown and measures taken, within one week of the repairs being done.
22. The Licencee shall, in a manner approved by the Environment Officer, remove and dispose of all spilled dangerous goods.
23. The Licencee shall, following construction of the Development, verify that terrestrial contamination of the environment has not occurred in work areas of the Development. Any areas of contamination shall be remediated to the satisfaction of the Environment Officer.

Heritage Resources

24. 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 Tourism, Culture, Heritage, Sport, and Consumer Protection.

Oil Containment Facilities

25. The Licencee shall, prior to commencement of construction activities for the oil containment facilities of the Development, 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 of the Development.
26. The Licencee shall construct and install the oil containment equipment, as described in the Plans and Specifications approved by the Director, as required by Clause 25 of this Licence.

Onsite Wastewater Disposal

27. The Licencee shall, during construction of the Development, dispose of all wastewater from on-site sanitary facilities in accordance with *Manitoba Regulation*

83/2001, or any future amendment thereof, respecting *Onsite Wastewater Management Systems*.

Pesticide Application

28. The Licencee shall not use herbicides in association with the construction of transmission components of the Development unless there are no other feasible means available. If herbicides are used, the Licencee shall adhere to the *Manitoba Regulation 47/2004*, or any future amendment thereof, respecting *Pesticides*.

Waste Disposal

29. The Licencee shall dispose of non-reusable construction debris and solid waste from the construction and maintenance of the Development at a waste disposal ground operating under the authority of a permit issued under *Manitoba Regulation 150/91*, or any future amendment thereof, respecting *Waste Disposal Grounds*, or a licence issued pursuant to *The Environment Act*.

Water Crossings

30. The Licencee shall, during construction and maintenance of the Development, adhere to the general recommendations on design, construction, and maintenance of stream crossings as specified in the Manitoba Department of Natural Resources guidelines titled *Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat, May 1996*, and the current versions of applicable federal Department of Fisheries and Oceans Operational Statements.

Riparian Areas

31. The Licencee shall, during construction and maintenance of the Development within riparian areas associated with fish-bearing and potentially fish-bearing waterbody crossings:

- a) maintain all existing low growth vegetation such as grasses, shrubs, and willows;
- b) clear trees that must be removed using only low impact methods including hand clearing;
- c) prohibit the application of herbicides;
- d) where natural revegetation methods will be insufficient to stabilize disturbed soils, biodegradable erosion control materials and a seed mix native to the area will be utilized.
- e) where possible, maintain 15 metres of riparian area from the high water mark of 1st and 2nd order creeks, and 30 metres from the high water mark of 3rd order and higher streams and rivers;
- f) minimize in-stream construction time to reduce sedimentation;
- g) avoid use of organic soil, silt, or clay in temporary winter stream crossings; and

- h) remove all materials used in the construction of ice bridges from the watercourse or water body prior to spring breakup.

Sedimentation and Erosion

- 32. The Licencee shall, during construction and maintenance of the Development, take all appropriate measures to prevent erosion and the deposition of sediment into any waterbodies. Construction adjacent to waterbodies shall not occur during high rainfall events if construction activities will result in increased erosion and sediment disposition in the adjacent waterbody.

Instream Works

- 33. The Licencee shall only conduct construction activities in connection with the Development in fish bearing waters or potentially fish bearing waters in accordance with applicable federal *Fisheries Act* Authorizations. The Licencee shall notify Conservation and Water Stewardship, Fisheries Branch, if an application is made to the federal Department of Fisheries and Oceans to work outside the prescribed in-stream work timing windows.

Wetlands

- 34. The Licencee shall not, during construction, clear, compact, grade or fill any wetlands or native upland habitat, which are not required for the construction of right-of-way of the Development.

Wildlife

- 35. The Licencee shall only conduct clearing 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 caribou. Should any transmission line clearing be required outside of this period, the Licencee shall, prior to the construction activity, consult and reach an agreement with the Wildlife Branch regarding the location of any key wildlife habitats to be avoided including bird nesting and brooding areas, and obtain approval of the Director.
- 36. The Licencee shall not remove, destroy or disturb species pursuant to *Manitoba Regulation 25/98*, or any future amendment thereof, respecting *Threatened, Endangered and Extirpated Species*, and in the federal *Species at Risk Act*.
- 37. The Licencee shall, during construction and maintenance of the Development, take measures to prevent the introduction and spread of foreign aquatic and terrestrial biota.

38. The Licencee shall not, unless otherwise approved by Environment Canada under the federal *Migratory Birds Convention Act*, disturb active migratory bird nests during construction and maintenance of the Development.
39. The Licencee shall avoid when possible, during construction and maintenance of the Development, operating helicopters at low level near calving habitat from May 1 to June 30.

Revegetation

40. The Licencee shall, when natural re-vegetation methods are insufficient to revegetate soil in areas of the Development exposed by construction, a mixture of native or introduced grasses or legumes will be utilized. Native species shall be used to revegetate areas where native species existed prior to construction. Exposed areas shall be revegetated as quickly as possible following construction to prevent soil erosion and the establishment of noxious weeds.

Decommissioning or Alteration

41. The Licencee shall, prior to decommissioning of the Development, submit for approval of the Director, a decommissioning plan for the Development.
42. The Licencee shall implement the decommissioning plan as approved pursuant to Clause 41 of this Licence.
43. The Licencee shall obtain approval from the Director for any proposed alteration to the Development before proceeding with the alteration.

REVIEW AND REVOCATION

44. 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.
45. If construction of the development has not commenced within three years of the date of this Licence, the Licence is revoked.
46. 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”

File: 5614.00

Tracey Braun, M.Sc.
Director
Environment Act