



Conservation and Water Stewardship

Environmental Stewardship Division
Environmental Approvals Branch
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5
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www.gov.mb.ca/conservation/eal

Client File: 5698.00

May 21, 2014

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

Dear Ms. Johnson:

Enclosed is **Environment Act Licence No. 3103** dated May 21, 2014 issued to **Manitoba Hydro** for the construction, operation, maintenance and decommissioning of the Tyndall Transmission Project, consisting of the decommissioning of the Garson Station, the construction of a 10 MVA, 115-12.47 kV Distribution Supply Centre and 10.6 km of 115 kV transmission line and associated salvaging activities in accordance with the Proposal filed under *The Environment Act*, dated January 10, 2014.

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 Diane Oertel, Environment Officer at 204-345-1486.

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
Environmental Act

NOTE: Confirmation of Receipt of this Licence No. 3103 (*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 June 4, 2014.

On behalf of Manitoba Hydro

Date

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

LICENCE

Licence No. / Licence n° 3103

Issue Date / Date de délivrance May 21, 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 Tyndall Transmission Project, consisting of the decommissioning of the Garson Station, the construction of a 10 MVA, 115-12.47 kV Distribution Supply Centre and 10.6 km of 115 kV transmission line and associated salvaging activities in accordance with the Proposal filed under *The Environment Act*, dated January 10, 2014, 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 Licence shall adhere to the commitments made in the Proposal, any 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.
2. The Licencee shall, prior to commencing construction of the Development, obtain all Work Permits as required from the appropriate Manitoba Conservation and Water Stewardship regional office.

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.

Reporting Format

4. 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

5. The Licencee shall, not less than two weeks 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 responsible for the construction.
6. The Licencee shall, prior to construction, provide a copy of this Licence to the contractor and subcontractor(s) involved in the Development.

Fuel Storage and Spill Containment

7. 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.
8. 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.
9. 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.
10. 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.
11. The Licencee shall, following the reporting of an event pursuant to Clause 10,

- 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.
12. The Licencee shall, in a manner approved by the Environment Officer, remove and dispose of all spilled dangerous goods.
13. 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.

Onsite Wastewater Disposal

14. The Licencee shall, during construction of the Development, dispose of all sewage and septage from on-site sanitary facilities in accordance with *Manitoba Regulation 83/2001*, or any future amendment thereof, respecting *Onsite Wastewater Management Systems*.

Pesticide Application

15. The Licencee shall adhere to the policies and procedures for pesticide applications pursuant to *Manitoba Regulation 94/88*, or any future amendment thereof, respecting *Pesticides*.

Waste Disposal

16. 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 and Riparian Areas

17. 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.

18. The Licencee shall, during construction and maintenance in riparian areas associated with the Development, 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.
19. 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 existing low growth vegetation such as grasses, shrubs, and willows to the extent possible;
 - b) clear trees that must be removed using only low impact methods including hand clearing;
 - c) prohibit the application of herbicides; and
 - d) stabilize and re-vegetate disturbed soils with biodegradable erosion control materials and a seed mix native to the area.
20. 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.
21. The Licencee shall not undertake construction activities in connection with the Development in fish bearing waters or potentially fish bearing waters between April 1 and July 15 of any year, or during periods of high stream flow.

Wildlife

22. The Licencee shall not, during construction, clear, compact, grade or fill any wetlands or native upland habitat, which are not required for the right-of-way of the Development.
23. 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*.
24. The Licencee shall, during construction and maintenance of the Development, prevent the introduction and spread of foreign aquatic and terrestrial biota.
25. The Licencee shall revegetate soil in areas of the Development exposed by construction with a mixture of native or introduced grasses or legumes. Native species shall be used to revegetate areas where native species existed prior to construction. Exposed areas at risk of soil erosion and establishment of noxious weeds shall be revegetated as quickly as possible following.

Decommissioning or Alteration

26. The Licencee shall, prior to decommissioning of the Development, submit for approval of the Director, a decommissioning plan for the Development.

27. The Licencee shall implement the decommissioning plan as approved pursuant to Clause 25 of this Licence.
28. The Licencee shall decommission and rehabilitate any access routes created or improved in association with the Development, upon completion of construction of the Development.
29. The Licencee shall obtain approval from the Director for any proposed alteration to the Development before proceeding with the alteration.

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 construction of the development has not commenced within three years of the date of this Licence, the Licence is revoked.
- C. 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”

Tracey Braun, M.Sc.
Director
Environment Act

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