

Environment Act Licence

Loi sur l'environnement Licence

Manitoba
Conservation
Conservation
Manitoba



Licence No./Licence n° 2709
Issue Date/Date de délivrance November 28, 2005

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

MANITOBA HYDRO; "the Licencee"

for the construction and operation of the Development being a natural gas pipeline from Hamiota to the community of Shoal Lake, in accordance with the Proposal filed under The Environment Act dated September 1, 2005, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

In this Licence:

"**Director**" means an employee of the department so designated pursuant to The Environment Act;

"**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, 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.

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

2. The Licencee shall collect and dispose of all used oil products and other regulated hazardous wastes generated by the machinery used in the construction and operation of the Development in accordance with applicable Manitoba Conservation and legislation requirements.
3. The Licencee shall, during construction and operation of the Development, report spills of fuels or other contaminants to an Environment Officer in accordance with the requirements of *Manitoba Regulation 439/87* respecting *Environmental Accident Reporting*.
4. The Licencee shall, at all times during the construction of the Development, maintain materials to contain and recover spills of fuel and other fluids associated with construction machinery at construction sites.
5. The Licencee shall establish fuel storage and equipment servicing areas for the construction and operation of the Development:
 - (a) a minimum distance of 100 metres from any waterbody; and
 - (b) in compliance with the requirements of *Manitoba Regulation 188/2001* respecting *Storage and Handling of Petroleum Products and Allied Products*.
6. The Licencee shall undertake all instream and riparian work along waterbodies associated with the Development in accordance with the methodologies described in the November, 1999 publication "Watercourse Crossings Second Edition", published by the Canadian Pipeline Water Crossing Committee.
7. The Licencee shall, during construction of the Development, implement all necessary measures to prevent the erosion of exposed soil into any waterbodies. Construction adjacent to waterbodies shall not occur during high rainfall events.
8. The Licencee shall, during construction, adhere to the general recommendations on design, construction and maintenance of stream crossings as specified in the Manitoba Department of Conservation guidelines titled *Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat, 1996*.
9. 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 six months of the completion of construction of the Development, two sets of "As Constructed" drawings.

10. The Licencee shall construct and operate the Development in accordance with the requirements of The Gas Pipeline Act and appropriate standards of the Canadian Standards Association.

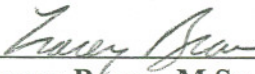
SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

11. The Licencee shall notify the Western Region of Manitoba Conservation not less than two weeks prior to beginning construction of the Development. The notification shall include the intended starting date of construction and the name and telephone number of the contractor responsible for the construction.
12. The Licencee shall, prior to construction start-up, instruct the on-site project construction supervisor to ensure that only land required for the right-of-way of the Development will be affected by clearing, compacting, grading or filling during construction. All construction related traffic shall be restricted to the right-of-way.
13. The Licencee shall, prior to construction, retain a qualified on-site naturalist to conduct a survey of the Development area to determine if any rare and endangered species as listed in The Endangered Species Act are present. The presence of rare and endangered species or species at risk within the Development area shall be reported immediately to the Biodiversity Conservation Section of the Manitoba Conservation Wildlife and Ecosystem Protection Branch in order to reach an agreement on impact mitigation measures for these species. A report on the results of the survey and proposed mitigation shall be filed with the Director.
14. The Licencee shall construct waterway crossings on flowing waterways by augering, tunnelling or boring. Open cut crossings on flowing waterways shall not be made unless prior consultation with Manitoba Conservation and Department of Fisheries and Oceans staff has occurred and the prior written approval of the Director has been obtained. Dry or non-flowing natural and artificial waterways may be crossed with open cut techniques where approval has been obtained from the provincial or municipal authority responsible for the channel.
15. Notwithstanding Clause 14 of this Licence, the Licencee shall not undertake open cut stream crossings associated with the Development before June 15 of any year.
16. The Licencee shall separate and replace topsoil from backhoe and trenching operations in accordance with the methodology described in Figures 1 and 2 attached to this Licence. This requirement is not applicable where the topsoil has been previously disturbed due to the construction of roads or drains.

17. The Licencee shall not undertake construction of the Development in wetland areas and in riparian zones adjacent to waterways between April 1 and June 15 in any year.
18. The Licencee shall, during construction of the Development, minimize disturbance to vegetation in wetlands and in riparian zones adjacent to waterways. Where directional boring is undertaken to cross waterways, consideration shall be given to boring across the riparian zone, as well as under the waterway.
19. The Licencee shall mitigate through the Wetlands Habitat Mitigation Program any impacts to the wetlands in NE 9-15-23W, SE 16-15-23W and any other wetland affected by construction.
20. The Licencee shall not alter surface drainage patterns or wetlands during construction of the Development.
21. The Licencee shall re-establish the profile and compact all excavated areas within the Provincial Highway and Municipal Roads rights-of-way

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.



Tracey Braun, M.Sc.
Director
Environment Act