

Environmental Stewardship Division
Environmental Approvals Branch
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www.gov.mb.ca/conservation/eal

CLIENT FILE NO.: 5804.00

February 3, 2017

Chad Davies, Chief Administrative Officer
Municipality of Harrison Park
P. O. Box 190
Onanole MB R0J 1N0

Dear Mr. Davies:

Enclosed is **Environment Act Licence No. 3208** issued to the Municipality of Harrison Park for the construction and operation of the Development being a water level control project on Sandy Lake draining excess water to Beaufort Lake and on to the Little Saskatchewan River, in accordance with the Proposal filed under *The Environment Act*.

The Licence terms and conditions address numerous concerns identified by members of the public during the environmental assessment process. Specifically, the licence includes geodetic levels for the target level of Sandy Lake and the gated outlet culvert, as well as detailed rules of operation referenced to downstream conditions.

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 Peter Crocker, Environment Officer at 204-726-6565.

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 Manitoba Sustainable Development within 30 days of the date of the Licence.

Yours truly,



Tracey Braun, M.Sc.
Director
Environment Act

c: Don Labossiere, Tim Prawdzik, Peter Crocker - Environmental Compliance and Enforcement
Glen Newton, P. Eng., G. D. Newton and Associates Inc.
Public Registries; Public Distribution List (att.)

NOTE: Confirmation of Receipt of this Licence No. 3208 (*by the Licensee only*) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space below and provide a copy (letter only) to the Department by February 17, 2017

On behalf of the Municipality of Harrison Park

Date

**Public Distribution List – Sandy Lake Water Level Control Project
Licence No. 3208**

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LICENCE

Licence No. / Licence n° 3208

Issue Date / Date de délivrance February 3, 2017

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:

MUNICIPALITY OF HARRISON PARK;
"the Licencee"

for the construction and operation of the Development being a water level control project on Sandy Lake draining excess water to Beaufort Lake and on to the Little Saskatchewan River, in accordance with the Environment Act Proposal dated November 5, 2015, and additional information dated November 9, 2016 and December 7, 2016, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

"**accredited laboratory**" means an analytical facility accredited by the Standards Council of Canada (SCC), or accredited by another accrediting agency recognized by Manitoba Sustainable Development to be equivalent to the SCC, or be able to demonstrate, upon request, that it has the quality assurance/quality control (QA/QC) procedures in place equivalent to accreditation based on the international standard ISO/IEC 17025, or otherwise approved by the Director;

"**approved**" means approved by the Director or assigned Environment Officer in writing;

"**Director**" means an employee of the department appointed as such by the Minister;

"**Environment Officer**" means an employee of the department appointed as such by the Minister;

"**invert elevation**" means the bottom elevation of a culvert or channel; the elevation that the water level will fall to at this location under no flow conditions;

"**m**" means metres;

"mm" means millimeters; and

"riprap" means irregularly sized stones placed on a geotextile fabric to protect soil from erosive high velocity water flow or wave action.

PROJECT SCOPE

1. The Development includes the following components:
 - a) a gated culvert on Sandy Lake in SW 16-18-20 W with an invert elevation of 610.54 m.;
 - b) an outlet channel in SW 16-18-20 W between the gated culvert and PR 250;
 - c) a monitoring point on Sandy Lake at the beach in the community of Sandy Lake, with the reference elevation being 610.93 m.;
 - d) a monitoring point at the outlet of Beaufort Lake in SW 17-18-20W, with the reference elevation being the top of the 750 mm outlet culvert at 608.15 m.; and
 - e) a monitoring point at the west side of W 14-18-21 W, with the reference elevation being the top of the 900 mm culvert at 559.30 m.

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.

2. In addition to any of the limits, terms and conditions specified in this Licence, the Licencee shall, upon the request of the Director:
 - a) sample, monitor, analyze and/or investigate specific areas of concern regarding any segment, component or aspect of pollutant storage, containment, treatment, handling, disposal or emission systems, for such pollutants or ambient quality, aquatic toxicity and discharge or emission rates, for such duration and at such frequencies as may be specified;
 - b) determine the environmental impact associated with the release of any pollutant(s) 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 analytical procedures being used, bioassay data, flow rate measurements and such other information as may from time to time be requested.
3. The Licencee shall submit all information required to be provided to the Director or Environment Officer under this Licence, in written and electronic format, 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 labeled with the Licence Number and Client File Number associated with this Licence.

4. 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 Sustainable Development and legislation requirements.
5. The Licencee shall revegetate soil in areas of the Development exposed by construction with a mixture of native or introduced grasses or legumes. These areas shall be revegetated as quickly as possible following construction to prevent soil erosion and the establishment of noxious weeds. Native species shall be used to revegetate areas where native species existed prior to construction.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Respecting Construction

6. The Licencee shall contact the Environment Officer responsible for the administration of this Licence not less than two weeks prior to undertaking construction of the Development. The notification shall include the intended starting date of construction and the name of any contractor responsible for the construction.
7. The Licencee shall, prior to undertaking construction of the Development, obtain a Water Rights Licence to construct Water Control Works, pursuant to *The Water Rights Act*.
8. The Licencee shall:
 - a) conduct all ditch related work activities during no flow or dry conditions;
 - b) place and/or isolate all excavated and construction material where it will not erode into any watercourse;
 - c) implement effective long-term sediment and erosion control measures to prevent soil-laden runoff, and/or silt from entering any watercourse during construction and until vegetation is established;
 - d) routinely inspect all erosion and sediment control structures and immediately complete any necessary maintenance or repair; and
 - e) use rock that is free of silt and clay for riprap.
9. The Licencee shall, during construction of the Development, dispose of non-reusable construction debris at a waste disposal ground operating under the authority of a permit issued under *Manitoba Regulation 37/2016* respecting *Waste Management Facilities* or any future amendment thereof, or a Licence issued pursuant to *The Environment Act*.

10. The Licencee shall, during construction of the Development, operate, maintain and store all materials and equipment in a manner that prevents any deleterious substances (fuel, oil, grease, hydraulic fluids, coolant, paint, uncured concrete and concrete wash water, etc.) from entering watercourses, and have an emergency spill kit for in-water use available on site during construction.
11. 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* or any future amendment thereof.
12. 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.
13. The Licencee shall, following the reporting of an event pursuant to Clause 12:
 - 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 from the Director and/or the Environment Officer; and
 - d) submit a report to the Director about the causes of breakdown and measures taken, within one week of the repairs being done.
14. The Licencee shall not, during construction, operation and maintenance of the Development, remove, destroy or disturb species listed as rare, endangered, or of special concern, or their habitats. These species are listed in *Manitoba Regulation 25/98* respecting *Threatened, Endangered and Extirpated Species* or any future amendment thereof, and in the federal Species at Risk Act.
15. The Licencee shall not, during construction or maintenance of the Development, disturb migratory bird nests.
16. The Licencee shall not construct the Development in areas likely to provide bird habitat before August 1 of any year.
17. The Licencee shall not undertake construction or maintenance activities in connection with the Development between April 1 and June 30 of any year, or during periods of high precipitation.

18. 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.
19. The Licencee shall, during construction and maintenance of the Development, prevent the introduction and spread of foreign aquatic and terrestrial biota by cleaning equipment prior to its delivery to the site of the Development in accordance with the requirements of *Manitoba Regulation 173/2015* respecting *Aquatic Invasive Species*, or any future amendment thereof.
20. The Licencee shall not apply nutrients within 35 metres of wetlands or waterbodies, in accordance with the requirements of *Manitoba Regulation 62/2008* respecting *Nutrient Management*, or any future amendment thereof.

Respecting Operation

21. The Licencee shall operate the Development to maintain a target level of 610.93 metres above sea level on Sandy Lake. Outflows may be made when Sandy Lake levels exceed this elevation, subject to Clause 22 of this Licence. Outflows shall not occur when Sandy Lake levels are less than or equal to 610.93 metres above sea level.
22. The Licencee shall not release water from Sandy Lake when such releases would cause flows to exceed the capacity of the downstream water conveyance works including channels and culverts between Sandy Lake and the Little Saskatchewan River. In particular, the capacity of the downstream water conveyance works shall be monitored:
 - a) at the outlet of Beaufort Lake in SW 17-18-20 W, where releases from Sandy Lake shall be controlled so that the level of Beaufort Lake does not exceed the top elevation of the outlet culvert. When other inflows into Beaufort Lake cause the level of the lake to exceed the top elevation of the outlet culvert, releases from Sandy Lake shall be terminated; and
 - b) at the west side of W 14-18-21 W, where releases from Sandy Lake shall be controlled so that the water level at the culvert under the road does not exceed one metre above the top of the culvert. When other outflows upstream of the culvert cause the water level at the culvert to be greater than one metre above the top elevation of the culvert, releases from Sandy Lake shall be terminated.
23. The Licencee shall establish an operational advisory committee for the Development to monitor compliance with the requirements of Clauses 21 and 22 of this Licence, and to advise the Licencee when downstream conditions require the reduction or cessation of outflows from Sandy Lake, or maintenance at culvert crossings. The committee shall consist of a resident of Sandy Lake and a landowner resident between Beaufort Lake and W 14-18-21 W, both appointed by the Licencee, and a representative appointed by the Keeseekowenin Ojibway Nation. The Licencee shall appoint a contact person for the committee members who is authorized to operate the gated culvert of the Development.

24. The Licencee shall install and maintain a fish screen at the upstream end of the gated culvert at Sandy Lake, if, in the opinion of the Environment Officer, fish passage through the culvert and on to Beaufort Lake is excessive. The fish screen shall be sized to prevent the escape of adult fish from Sandy Lake, or as otherwise directed by the Environment Officer.

Respecting Monitoring and Reporting

25. The Licencee shall, if outflow occurs from Sandy Lake during freezing conditions:
- a) monitor ice accumulation in the outlet route channel and at all culvert locations along the outlet route not less than twice weekly; and
 - b) take action as may be necessary to prevent flooding along the outlet route due to ice accumulation from the operation of the Development. Actions may include, but not necessarily be limited to, the cessation of operation of the Development and/or the removal of ice from points of accumulation.
26. The Licencee shall conduct a monitoring program as described in Clauses 27 to 30 of this Licence, for a period of two years commencing with the operation of the Development. Following this period, the duration of the monitoring program may be extended by the Director if the results, in the opinion of the Director, indicate that a longer monitoring period is appropriate.
27. The Licencee shall, in May, July and October of each year for the duration of the monitoring program, collect grab samples at locations approved by the Director in Sandy Lake upstream of the outlet control structure, in Beaufort Lake upstream of its outlet and in the Little Saskatchewan River downstream of its confluence with the Beaufort Lake outlet channel. These samples shall be collected regardless of the operation of the Development.
28. The Licencee shall transport the grab samples collected pursuant to Clause 27 of this Licence, to an accredited laboratory for analysis. The samples shall be stored and transported in accordance with procedures specified by Manitoba Sustainable Development to ensure that the samples are suitable for analysis.
29. The Licencee shall, at an accredited laboratory, have the samples collected pursuant to Clause 27 of this Licence, analysed for the following parameters:
- a) pH;
 - b) conductivity;
 - c) total suspended solids;
 - d) total dissolved solids;
 - e) iron;
 - f) hardness as CaCO₃;
 - g) sodium;
 - h) chloride;
 - i) sulphate;


- j) calcium;
 - k) manganese;
 - l) total kjeldhal nitrogen;
 - m) nitrate-nitrite nitrogen;
 - n) total phosphorous; and
 - o) dissolved phosphorous.
30. The Licencee shall, not more than 30 days after the results of each analysis are available, submit the results to the Director.

Respecting Alterations to the Development

31. The Licencee shall obtain approval from the Director for any proposed alteration to the Development before proceeding with the alteration. Alterations include the physical works of the Development and the operation of the Development.

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 the Licencee has not commenced construction of the Development 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