

# LICENCE

Licence No. / Licence n° 2754

Issue Date / Date de délivrance February 23, 2007

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 :

**GREENWING ENERGY DEVELOPMENT L.P.; "the Licencee"**

for the construction, operation and maintenance of the Development known as the Yellowhead Wind Energy Project being a 99-megawatt commercial wind-powered electricity generation facility and ancillary facilities located on privately owned land within the Rural Municipality of Minto near the towns of Neepawa, Minnedosa and Clanwilliam. The Development involves the installation of between 50 and 70 wind-turbine generators, access roads, an underground electrical collector system, a collector substation and an operations and maintenance building, in accordance with the Proposal and Environmental Assessment Report filed under The Environment Act, dated December 5, 2006, and subject to the following specifications, limits, terms and conditions:

**DEFINITIONS**

In this Licence:

“**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;

“**noise**” means unwanted or undesirable sound;

***A COPY OF THIS LICENCE AND THE YELLOWHEAD WIND ENERGY PROJECT  
ENVIRONMENTAL PROTECTION PLAN MUST BE KEPT ON SITE AT THE DEVELOPMENT  
AT ALL TIMES***

**“noise nuisance”** means a continuous or repeated noise in an affected area, which is offensive, obnoxious, troublesome, annoying, unpleasant or disagreeable to a person:

- a) residing in an affected area;
- b) working in an affected area; or
- c) present at a location in an affected area which is normally open to the members of the public;

if the noise:

- d) is the subject of at least 5 written complaints, received by the Director in a form satisfactory to the Director, and within a 90 day period, from 5 different persons falling within clauses a), b) or c), who do not live in the same household; and
- e) is the subject of at least one written complaint, received by the Director in a form satisfactory to the Director, from a person falling within clauses a), b) or c), and the Director is of the opinion that if the unwanted noise had occurred in a more densely populated area there would have been at least 5 written complaints received within a 90 day period from 5 different persons who do not live in the same household;

**‘leks’** means bird dancing and display ground;

**“point of reception”** is any point on the premises of a person where sound originating from other than those premises is received;

**“wetland or 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; and

**“ WTG”** means wind turbine generator.

### 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 site wind turbine generators throughout the Development in consideration of with the *Provincial Guidelines for Sound Pollution, Environmental Sound Objectives, Schedule A* and any local by-law respecting the siting of wind turbine generators.

2. The Licencee shall locate fuel storage and equipment servicing areas established for the construction and operation of the Development a minimum distance of 100 meters from any waterbody, and operate the fuel storage areas in compliance with the requirements of *Manitoba Regulation 188/2001* respecting *Storage and Handling of Petroleum Products and Allied Products*.
3. The Licencee shall, at all times during the construction of the Development, have materials available at the construction sites to contain and recover spills of fuel and other fluids associated with construction machinery.
4. The Licencee shall dispose non-reusable demolition and construction debris from the Development at a waste disposal ground operating under the authority of a permit pursuant to the *Waste Disposal Ground Regulation, MR 150/91*, or a Licence pursuant to The Environment Act.
5. 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*.
6. 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, 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 propose corrective action to prevent reoccurrence.
7. 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*.
8. The Licencee shall, on a daily basis throughout construction and restoration of the Development, monitor the work activity to ensure that all the environmental practices outlined in the Environmental Assessment Report and Environmental Protection Plan are carried out.
9. The Licencee shall:
  - a) prepare "As Constructed" drawings for the Development which show the location of the wind turbine generators and associated infrastructure in relation to topographical features within the project area; and
  - b) provide to the Director, within six months of the completion of construction of the Development, two sets of "As Constructed" drawings.

**SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS**

**Respecting Pre-Construction**

10. The Licencee shall, prior to construction, provide a copy of this Licence to the contractor and subcontractor(s) involved in the Development.
11. The Licencee shall not locate wind turbine generator structures near Class 3-5 wetlands closer than 200 meters from the riparian or functional edge of the wetland. Any setbacks in excess of 200 meters for specific wetlands shall be determined in consultation with the Wildlife Ecosystems and Protection Branch.
12. The Licencee shall, following confirmation of location data for the project infrastructure and prior to the commencement of construction activities related to the Development, develop a Yellowhead Wind Energy Project Environmental Protection Plan (EPP) in consultation with the Manitoba Conservation Wildlife Ecosystems and Protection Branch. A copy of the completed EPP shall be filed with the Director. The EPP shall describe the integrated approach to be used by the Licencee to undertake pre-construction plant and wildlife surveys and monitor the effects of construction activities and related environmental conditions both during and operation to ensure that mitigative measures are applied systematically and in a manner consistent with the commitments made in the *Yellowhead Wind Energy Project Environmental Assessment Report, December, 2006*. Specifically, the Plan shall also describe:
  - a) methods to be used to undertake a baseline study of bird use and bird habitat including leks affected by the Development;
  - b) methods used to identify and survey any areas where rare plants may be present and affected by the Development;
  - c) protocols and criteria to be used to implement a two year migratory bird and bat mortality study to monitor bird and bat mortality from strikes WTG structures;
  - d) the methods and criteria to be used to evaluate birds and bird habitat during development operation;
  - e) the proposed environmental management practices to be implemented to mitigate adverse effects to wildlife caused by the Development; and
  - f) the proposed environmental management practices to be implemented to mitigate adverse effects on groundwater and local wells in the event of contamination during construction and operation.

13. The Licencee shall, prior to construction start-up, retain a qualified on-site field biologist to conduct a pre-construction survey within the project area to ensure that impacts to wildlife and vegetation are avoided or minimized during construction. 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.
14. The Licencee shall, prior to construction, consult with Water Stewardship Regional Fisheries staff, the Department of Fisheries and Oceans and the field biologist to determine:
  - a) site specific impact management practices, and
  - b) water crossing locations and types.The Whitemud Conservation District Manager and the Department of Fisheries and Oceans shall be consulted prior to any work proposed near Stony Creek and tributaries and the Little Saskatchewan River.
15. The Licencee shall, prior to construction, obtain a Water Rights Act Licence for any dewatering required during construction.

### **Respecting Construction**

16. The Licencee shall, during construction, avoid clearing, compacting, grading or filling any agricultural lands, yard sites and natural habitat areas including wetlands, woodlands and grasslands which are not required for the Development. All construction related traffic shall be restricted to the access roads and marshalling yards throughout the Development.
17. The Licencee shall construct underground electrical and communication cables across flowing waterways and through wetlands by augering, tunnelling or boring. Open cut crossings on flowing waterways and through wetlands shall not be made unless prior consultation with Manitoba Water Stewardship 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.

18. The Licencee shall, during construction activities near waterbodies and wetland areas throughout the Development:
  - a) locate any temporary marshalling yards and storage sites required for the Development a minimum distance of 200 meters from any wetland or watercourse;
  - b) avoid construction activities on native grasslands, wetlands, lake or pond edges between April 15 and July 30;
  - c) avoid instream construction between April 1 and June 15;
  - d) avoid instream construction on Stony Creek between April 1 and June 15 and between September 15 and May 15<sup>th</sup>;
  - e) avoid crossing first and second order drains by trenching until July 31<sup>st</sup>;
  - f) avoid burying underground electrical cables in or near wetlands;
  - g) avoid altering surface drainage patterns and wetland water levels;
  - h) maintain adequate setback distance between transmission line structures and wetlands; and
  - i) use metal poles in wetland areas where transmission line poles are required.
19. The Licencee shall, during construction, undertake temporary erosion control measures to reduce siltation from erosion prone areas. Erosion prone areas shall be monitored following construction to ensure stabilization procedures are effective.
20. The Licencee shall separate and replace topsoil from backhoe and trenching operations in accordance with the methodology described in Figures 1, 2 and 3 attached to this Licence. This requirement shall not apply where the topsoil has been previously disturbed due to the construction of roads or drains.
21. The Licencee shall obtain water required for dust control during construction from a source other than waste water treatment facilities.
22. The Licencee shall, at the completion of the construction of the Development:
  - a) landscape and vegetate erosion prone areas disturbed during the construction with native plant species and cultivars; and
  - b) fill and seal any boreholes and test pits to prevent groundwater contamination.

**Respecting Operation**

23. The Licencee shall maintain a buffer near wetlands and waterbodies of 30 meters for application of herbicides. Any herbicide application shall be carried out in accordance with applicable regulatory requirements.
24. The Licencee shall not cause or permit a noise nuisance to be created as a result of the operation of the Development, and shall take such steps as the Director may require to eliminate or mitigate noise nuisance.
25. The Licencee shall carry out any noise monitoring required by an Environment Officer at the point of reception.
26. The Licencee shall, in accordance with Clause 12 (c) of this Licence, file a copy of the two year post construction migratory bird and bat mortality study report with the Director.

**Respecting Alterations to the Development**


27. 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, 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.

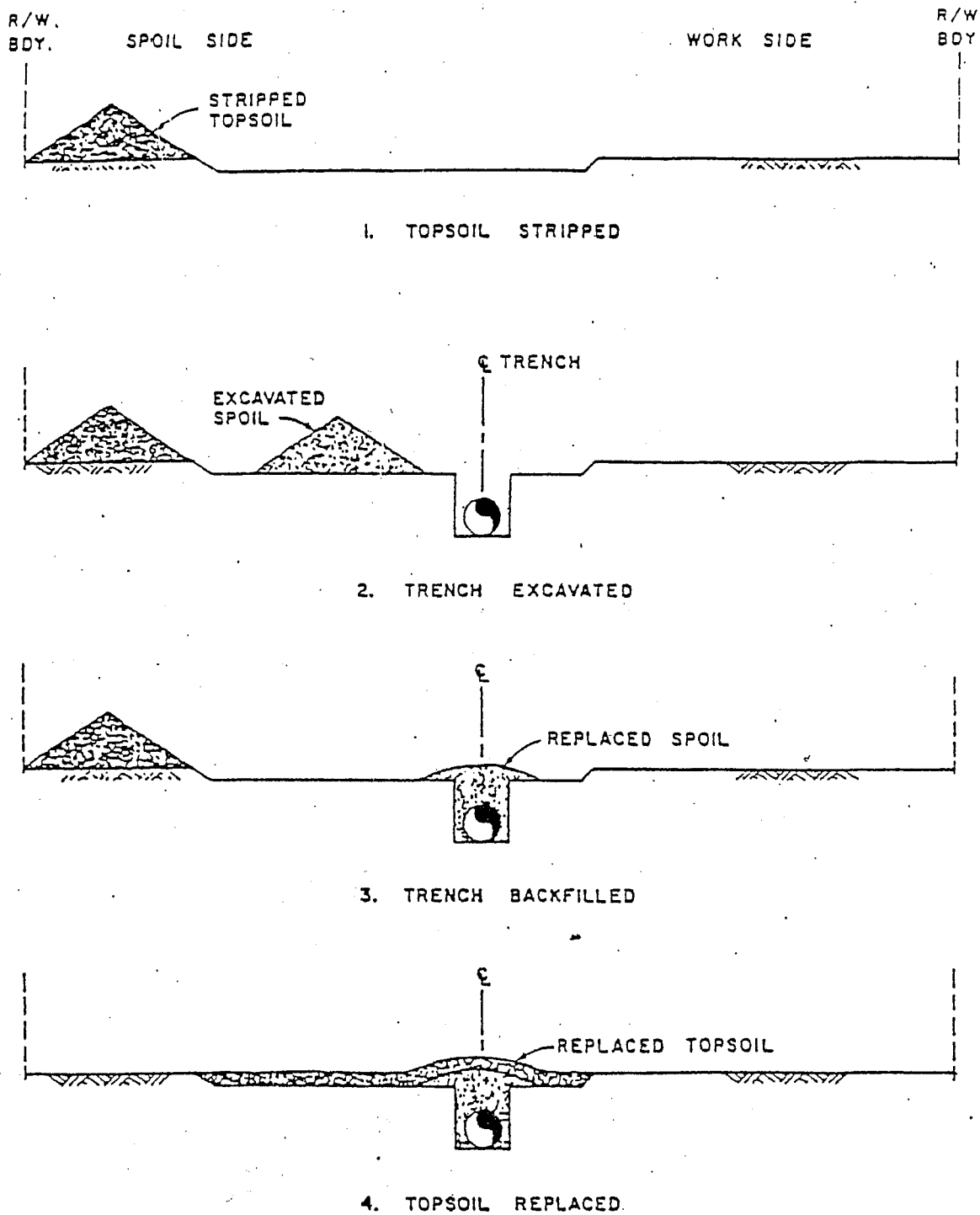
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- C. If the construction of the Development has not commenced within three years of the date of this Licence, the Licence is revoked.

  
Tracey Braun, M. Sc.  
Director  
Environment Act

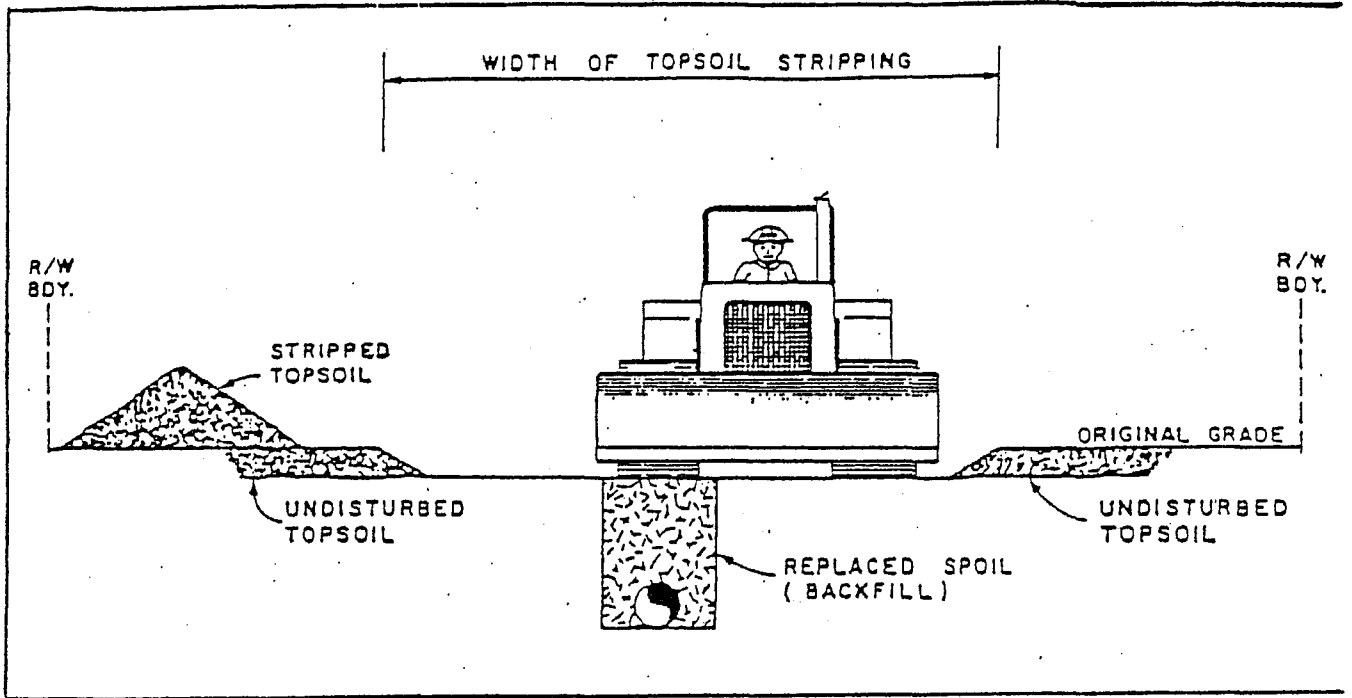
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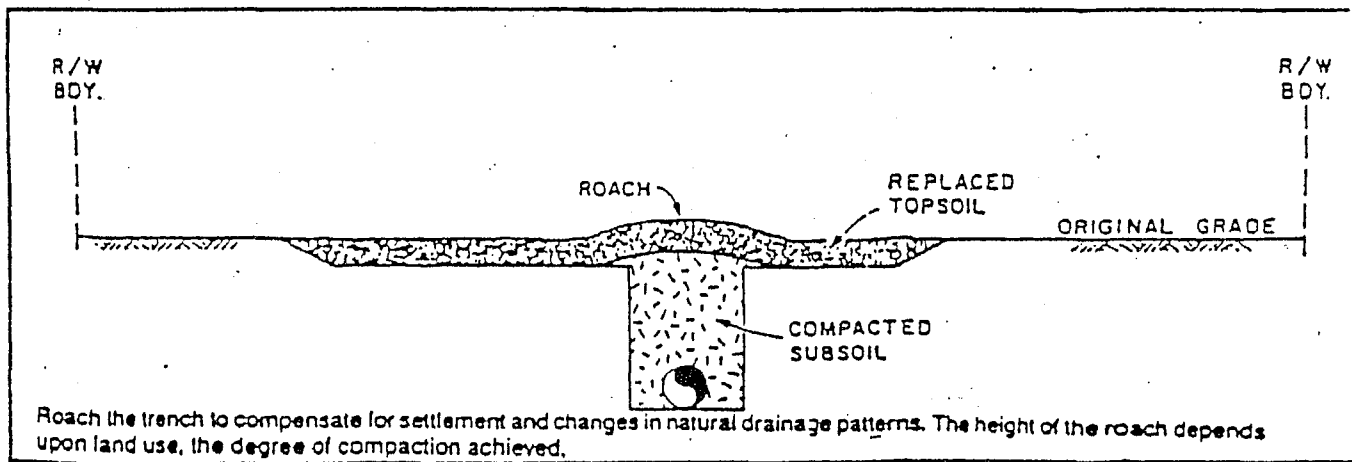
SEQUENCE OF TOPSOIL HANDLING

Figure 1.



COMPACTION OF BACKFILL

Figure 2



ROACHING THE TRENCH

Figure 3