



MINISTER OF CONSERVATION

Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

Mr. Christopher M. Clary-Lemon, P.Eng., P.E.
Manitoba Infrastructure and Transportation
1420 - 215 Garry Street
Winnipeg MB R3C 3P3

Dear Mr. Clary-Lemon:

Enclosed is Revised **Environment Act Licence No. 2967 R (Client File: 5515.00)** dated June 5, 2012 issued to **Manitoba Infrastructure and Transportation** for the construction and operation of the Development being a four lane divided expressway connecting Inkster Boulevard with PTH 101, the installation of a drainage system and the realignment of Sturgeon Road and Inkster Boulevard within the City of Winnipeg and the R.M. of Rosser, in accordance with the Proposal filed under *The Environment Act* dated March 22, 2011 and additional information dated May 8, 2012.

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 28 (1) of *The Environment Act*, any person who is affected by the issuance of this Licence may file an appeal in writing with the undersigned. The appeal must set out the reasons for the appeal and must be filed within 30 days after the date of the licence. In accordance with 28 (1.1), the appeal will be referred to the Lieutenant Governor in Council for a decision.

Yours sincerely,

Gord Mackintosh
Minister

Enc: Environment Act Licence No. 2967 R
c: D. Labossiere, Director, Environmental Compliance and Enforcement
Public Registries

NOTE: Confirmation of Receipt of this Licence No. 2967 R (by the Licensee only) is required by the Director of Environmental Assessment & Licensing (Fax 945-5229). Please acknowledge receipt by signing in the space provided below and faxing a copy (cover letter only) back to the Department by June 19, 2012.

On behalf of Manitoba Infrastructure and Transportation

Date

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

LICENCE

Licence No. / Licence n° 2967 R
Issue Date / Date de délivrance August 11, 2011
Revised : June 5, 2012

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 12(1) / Conformément au Paragraphe 12(1)

THIS LICENCE IS ISSUED TO: / CETTE LICENCE EST DONNÉE À:

MANITOBA INFRASTRUCTURE AND TRANSPORTATION;
"the Licencee"

for the construction and operation of the Development being a four lane divided expressway connecting Inkster Boulevard with PTH 101, the installation of a drainage system and the realignment of Sturgeon Road and Inkster Boulevard within the City of Winnipeg and the R.M. of Rosser, in accordance with the Proposal filed under *The Environment Act* dated March 22, 2011 and additional information dated May 8, 2012 and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

"**affected area**" means a geographical area, excluding the property of the Development;

"**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 nuisance**" means an unwanted sound, in an affected area, which is annoying, troublesome, 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 unwanted sound

- 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; or
- 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 sound 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 and who do not live in the same household, and;

"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 collect and dispose of all used petroleum products and other hazardous wastes generated by the machinery used in the construction and operation of the Development in accordance with Manitoba Conservation and legislative requirements.
2. The Licencee shall, at all times during the construction of the Development, have available at the construction sites, materials to contain and recover spills of fuel and other fluids associated with construction machinery.
3. The Licencee shall not cause or permit a noise nuisance to be created as a result of the construction of the Development, and shall take such steps as the Director may require to eliminate or mitigate a noise nuisance.
4. The Licencee shall restrict construction and operational activities related to the Development to those lands to which the Licencee possesses complete ownership, or a signed agreement with another person or legal entity respecting the use of any land to which that person or legal entity possesses complete ownership, wherein the agreement

clearly identifies the party which accepts full responsibility for any environmental liabilities incurred by the activities of the Licencee.

5. The Licencee shall notify the assigned Environment Officer not less than two weeks prior to beginning construction of the Development. The notification shall include the intended starting date of construction.
6. 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.
7. The Licencee shall, during construction, maintenance, and operation of the Development, take all appropriate measures to prevent erosion and the deposition of sediment into any waterbodies.
8. The Licencee shall notify Manitoba Water Stewardship prior to beginning work related to the injection of water into underlying aquifers.

SPECIFICATIONS, TERMS AND LIMITS

9. The Licencee shall establish any fuel storage areas required for the construction and operation of the Development:
 - a) a minimum distance of 100 metres from any waterbody;
 - b) in compliance with the requirements of *Manitoba Regulation 188/2001*, or any future amendment thereof, respecting *Storage and Handling of Petroleum Products and Allied Products*, and;
 - c) incorporate secondary containment satisfactory to an Environment Officer.
10. The Licencee shall, during the full term of the construction of the Development, cleanup and deposit all debris from the construction site, including demolition debris, at a Waste Disposal Ground operating under the authority of a permit issued pursuant to *Manitoba Regulation 150/91* or any future amendment thereof, respecting *Waste Disposal Grounds*.
11. The Licencee shall, during construction, dispose of all sewage and septage from on-site sanitary facilities in accordance with *Manitoba Regulation 83/2003*, or any future amendment thereof, respecting *Onsite Wastewater Management Systems*.
12. The Licencee shall, during construction and maintenance, adhere to the general recommendations on design, construction and maintenance of stream crossings as specified in the guidelines titled *Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat, 1996*.

13. The Licencee shall, in the event of a release, spill, leak, or discharge of a pollutant or contaminant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts, during construction and operation of the Development immediately report any reportable spills to Manitoba Conservation's Accident Reporting Line at (204) 944-4888 pursuant to *Manitoba Regulation 439/87* or any future amendment thereof, respecting *Environmental Accident Reporting*.
14. The Licencee shall, prior to construction, provide a copy of this Licence to the contractor and subcontractor(s) involved in the Development.
15. 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 Culture, Heritage and Tourism.
16. The Licencee shall obtain asphalt for the Development from an asphalt batch plant licensed pursuant to *The Environment Act*.
17. The Licencee shall not remove, destroy or disturb species pursuant to *Manitoba Regulation 25/98*, respecting *Threatened, Endangered and Extirpated Species*, or any future amendment thereof, and in the federal *Species at Risk Act*.
18. The Licencee shall undertake dust control measures during construction. Water required for dust control during construction shall be obtained from a source other than waste water treatment facilities.
19. The Licencee shall revegetate soil in areas of the Development exposed by construction with a mixture of native or introduced grasses. These areas shall be revegetated as quickly as possible following construction to prevent soil erosion and the establishment of noxious weeds.
20. The Licencee shall not undertake construction or maintenance activities in connection with the Development in fish bearing waters or potentially fish bearing waters between April 1 and June 15 of any year, or during periods of high stream flow.
21. The Licencee shall ensure native plant species in the area shown in Appendix "A" are not removed or destroyed during the construction or operation of the Development.

REVIEW AND REVOCATION

- A. Environment Act Licence No. 2967 is hereby rescinded.
- B. If, in the opinion of the Minister, the Licencee has exceeded or is exceeding or has or is ailing to meet the specifications, limits, terms, or conditions set out in this Licence, the Minister may, temporarily or permanently, revoke this Licence.
- C. If, in the opinion of the Minister, new evidence warrants a change in the specifications, limits, terms or conditions of this Licence, the Minister may require the filing of a new proposal pursuant to Section 12 of *The Environment Act*.



Gord Mackintosh
Minister

Client File: 5515.00

Appendix "A"



Legend

 Native Vegetation