



Conservation and Water Stewardship

Climate Change and Environmental Protection Division
Environmental Approvals Branch
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CLIENT FILE NO.: 5538.00

August 22, 2013

Shelley Glenn, C.A.O.
Rural Municipality of Strathclair
Box 160
Strathclair MB R0J 2C0

Dear Ms. Glenn:

Enclosed is **Environment Act Licence No. 3060** dated August 22, 2013 issued to **the Rural Municipality of Strathclair** for the construction and operation of the Development being a water level control project on North, Central and South Salt lakes, draining excess water from the Salt lakes to the Oak River watershed, in accordance with *The Environment Act* Proposal dated August 22, 2011, and additional information dated March, 2012 and October 15, 2012.

We have determined that public concerns have been addressed through the additional information and/or through licence conditions. Consequently, pursuant to Section 11(10) of *The Environment Act*, I have decided not to recommend a public hearing for this project to the Minister of Conservation and Water Stewardship. Pursuant to Section 27 of *The Environment Act*, my decision in this matter can be appealed to the Minister of Conservation and Water Stewardship within 30 days of the date of this letter.

Also pursuant to Section 27 of *The Environment Act*, my licensing decision can be appealed to the Minister of Conservation and Water Stewardship within 30 days of the date of this letter.

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 Tim Prawdzik, Environment Officer at 204-622-2123.

Yours truly,

“original signed by”

Tracey Braun, M.Sc.
Director
Environment Act

c: Don Labossiere, Director, Environmental Compliance and Enforcement
Bob Sheedy
Public Registries, Public Distribution (see attached)

NOTE: Confirmation of Receipt of this Licence No. 3060 (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 September 5, 2013.

On behalf of the Rural Municipality of Strathclair

Date

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

LICENCE

Licence No. / Licence n° 3060

Issue Date / Date de délivrance August 22, 2013

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:

RURAL MUNICIPALITY OF STRATHCLAIR;
“the Licencee”

for the construction and operation of the Development being a water level control project on North, Central and South Salt lakes, draining excess water from the Salt lakes to the Oak River watershed, in accordance with the Environment Act Proposal dated August 22, 2011, and additional information dated March, 2012 and October 15, 2012, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

“**accredited laboratory**” means an analytical facility accredited by the Standard Council of Canada (SCC), or accredited by another accrediting agency recognized by Manitoba Conservation and Water Stewardship 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;

“**ASL**” means height above sea level in metres; an elevation datum to allow levels across the project area to be referenced to a single point to allow comparisons between points;

“**Director**” means an employee so designated pursuant to *The Environment Act*;

“**Environment Officer**” means an employee so designated pursuant to *The Environment Act*;

“**HAE**” means height above ellipsoid in metres; an elevation datum to allow levels across the project area to be referenced to a single point to allow comparisons between points. The conversion between ASL and HAE levels is (March, 2012): 569.819 m ASL= 546.410 m HAE. Therefore, HAE levels are ASL levels minus 23.409 m;

“**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) Centre Salt Lake Outlet Approach Channel: a flat bottomed trapezoidal channel in SW 27-16-22W, extending approximately 224 m from Road 94 N into Centre Salt Lake;
 - b) Centre Salt Lake Control Structure: a 900 mm gated culvert at Road 94 N south of SW 27-16-22W, with an upstream invert elevation of 542.59 m HAE (565.999 m ASL);
 - c) Centre Salt Lake Outlet Channel: a channel in NW 22-16-22W and S 22-16-22W connecting Centre and South Salt lakes, consisting of a trapezoidal channel approximately 980 m in length in the upstream reach and a natural drainage channel in the southern reach, with an access trail on the east side the channel for maintenance purposes;
 - d) South Salt Lake Control Structure: two 600 mm gated culverts at Road 129 W in NE 4-16-22W, with an upstream invert elevation of 533.125 m HAE (556.534 m ASL), and an associated short level approach channel on the upstream (South Salt Lake) side; and
 - e) South Salt Lake Outlet Channel: a channel in NE 4-16-22W connecting the South Salt Lake Control Structure with Riley’s Marsh, consisting of a trapezoidal channel approximately 263 m in length.

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 from the Development; or

- c) 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 and/or the 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 and/or the 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 Conservation and Water Stewardship 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.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

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 dispose of non-reusable construction debris from 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*.
10. The Licencee shall locate fuel storage and equipment servicing areas established for the construction and operation of the Development a minimum distance of 100 metres from any waterbody, and shall comply with the requirements of *Manitoba Regulation 188/2001*, or any future amendment thereof, respecting *Storage and Handling of Petroleum Products and Allied Products*.
11. 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.
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 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.
14. The Licencee shall not during construction, operation and maintenance of the Development, remove, destroy or disturb species pursuant to *Manitoba Regulation 25/98*, or any future amendment thereof, respecting *Threatened, Endangered and Extirpated Species*, or species listed 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 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.
17. The Licencee shall not apply nutrients within 35 metres of wetlands or waterbodies, in accordance with the requirements of *Manitoba Regulation 62/2008*, or any future amendment thereof, respecting *Nutrient Management*.

18. The Licencee shall not destroy permanent or semi-permanent wetlands during the construction or maintenance of the Development, and shall follow the direction provided on wetlands protection in a Water Rights Licence to Construct Water Control Works to be issued for the Development.
19. The Licencee shall not eliminate landowner access to agricultural land through the construction and operation of the Centre Salt Lake Outlet Channel.

Operation

20. The Licencee shall operate the Development to maintain water levels in the Salt lakes and downstream as follows:
 - a) No controlled outflows from either South or Centre Salt lakes shall occur when water levels in Riley's Marsh are less than 0.3 m below the top of the culverts under Road 130 W in SW 33-15-22W (that is, greater than 532.148 m HAE or 555.557 m ASL);
 - b) Controlled outflows from South Salt Lake may occur subject to Clause 19 a) when the level of South Salt Lake exceeds 533.125 m HAE (556.534 m ASL);
 - c) Controlled outflows from Centre Salt Lake may occur when levels on Centre and North Salt lakes exceed 542.59 m HAE (565.999 m ASL) and the level on South Salt Lake does not exceed 533.425 m HAE (556.834 m ASL);
 - d) When the level of South Salt Lake is between 533.125 m HAE and 533.425 m HAE (556.534 m ASL and 556.834 m ASL), the sum of controlled outflows from the Centre Salt Lake Control Structure and local inflows into South Salt Lake shall not exceed the outflow from the South Salt Lake Control Structure. This shall be determined by monitoring the level of South Salt Lake – if the lake is rising, outflow from Centre Salt Lake must be reduced so that the level of South Salt Lake is stable or declining.
 - e) Water levels on South Salt Lake and Centre Salt Lake shall be measured by staff gauges located not less than 5 m and not more than 10 m from the upstream side of each control structure. When gauge readings are affected by waves, the reading shall be the average of high and low readings. Gauges shall be re-surveyed each spring following ice melt, and re-established and re-surveyed as necessary if damage occurs;
 - f) Water levels shall be monitored daily at each of the three reference locations (Riley's Marsh at Road 130 W, South Salt Lake at Road 129 W, and Centre Salt Lake at Road 94 N), when controlled releases are being made from South Salt Lake and/or Centre Salt Lake. Flows at the South Salt Lake and Centre Salt Lake control structures shall be adjusted daily based on observed water levels. Water levels shall be monitored weekly at each of the three reference locations during the open water season when controlled releases from South Salt Lake and/or Centre Salt Lake are not being made;
 - g) The gates on the Centre and South Salt lakes control structures shall be designed to resist vandalism and unauthorized operation. In the event that damage to the control structures occurs or unauthorized operation is discovered, the Licencee shall immediately restore the authorized setting or adjust the setting to comply with the rules of operation of this Licence; and
 - h) All water levels and gate settings shall be recorded and provided in a monthly report on the operation of the Development during the open water season. This report shall be forwarded by the 15th day of the following month to the Environment Officer and made available to the public at the Licencee's office.

Monitoring and Reporting

21. The Licencee shall, if outflow occurs from South Salt Lake and/or Centre Salt Lake during freezing conditions:
 - a) monitor ice accumulation in the outlet route channel(s) and at all culvert locations along the outlet route; 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.
22. The Licencee shall conduct a monitoring program as described in Clauses 23 to 26 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.
23. 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 Centre Salt Lake and South Salt Lake upstream of each outlet control structure and in Riley's Marsh at Road 130 W. These samples shall be collected regardless of the operation of the Development.
24. The Licencee shall transport the grab samples collected pursuant to Clause 23 of this Licence, to an accredited laboratory for analysis. The samples shall be stored and transported in accordance with procedures specified by Manitoba Conservation and Water Stewardship to ensure that the samples are suitable for analysis.
25. The Licencee shall, at an accredited laboratory, have the samples collected pursuant to Clause 23 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.

26. The Licencee shall, not more than 30 days after the results of each analysis are available, submit the results to the Environment Officer.

Associated Water Management Activities

27. The Licencee shall participate in the implementation of the Integrated Watershed Management Plan for the Arrow-Oak River.
28. The Licencee shall not undertake or facilitate drainage works in the Oak River watershed unless the works have been authorized pursuant to *The Water Rights Act*.

Alterations to the Development

29. 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*.

“Originally signed by”

Tracey Braun, M.Sc.
Director
Environment Act

Client File No.: 5538.00