



**Conservation and Water Stewardship**

Climate Change and Environmental Protection Division  
Environmental Approvals Branch  
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**CLIENT FILE NO.: 5524.00**

August 28, 2012

Cathy Hummelt  
Parks and Natural Areas  
Box 53, 200 Saulteaux Crescent  
Winnipeg MB R3J 3W3

Dear Ms Hummelt:

Enclosed is **Environment Act Licence No. 3016** dated August 28, 2012 issued to **Conservation and Water Stewardship – Parks and Natural Areas** for the construction, operation and maintenance of the Development being designated all terrain vehicle (ATV) trails in Duck Mountain Provincial Park, in accordance with the Proposal filed under *The Environment Act* dated April 12, 2011 and additional information dated November 8, 2011.

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.

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 Conservation within 30 days of the date of the Licence.

Yours truly,

Tracey Braun, M.Sc.  
Director  
Environment Act

c: Don Labossiere, Director, Environmental Compliance and Enforcement  
Tim Prawdzik, Environment Officer, Western Region (via email)  
Public Registries

**NOTE:** Confirmation of Receipt of this Licence No. 3016 (by the Licensee only) is required by the Director of Environmental Assessment and Licensing. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by September 11, 2012.

# LICENCE

Licence No. / Licence n° 3016

Issue Date / Date de délivrance August 28, 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 11(1) / Conformément au Paragraphe 11(1)

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

MANITOBA CONSERVATION AND WATER STEWARDSHIP,  
PARKS AND NATURAL AREAS BRANCH; "the Licencee"

for the construction, operation and maintenance of the Development being designated all terrain vehicle (ATV) trails in Duck Mountain Provincial Park, in accordance with the Proposal filed under *The Environment Act* dated April 12, 2011, additional information dated November 8, 2011, and subject to the following specifications, limits, terms and conditions:

## DEFINITIONS

In this Licence:

“all terrain vehicle” or “ATV” means all-terrain and all-terrain utility vehicles as defined by The Off-Road Vehicles Act and Manitoba Public Insurance;

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

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

“waterbody” means any body of flowing or standing water, whether naturally or artificially created, and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, slough, marsh, swamp and wetland, including ice on any of them; and

“wetland” means land that is saturated with water long enough to promote wetland or aquatic processes as indicated by poorly drained soils, hydrophytic vegetation, and various kinds of biological activity which are adapted to a wet environment, including bogs, fens, marshes, swamps and shallow waters.



### 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 establish any fuel storage areas required for the construction and maintenance 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*, or any future amendment thereof, respecting *Storage and Handling of Petroleum Products and Allied Products*.
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 Licensee 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, immediately report the release, spill, leak, or discharge by calling 204-944-4888. The report shall indicate the nature of the release, leak, or discharge, the time and estimated duration of the event and the reason for the release, spill, leak, or discharge.
4. The Licencee shall, during the construction and maintenance of the Development, clean up and deposit non-woody debris from construction sites 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*, or a Licence pursuant to *The Environment Act*.
5. The Licencee shall, prior to construction, provide a copy of this Licence to each contractor involved in the construction of the Development.

### SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

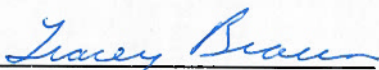
6. The Licencee shall, not less than two weeks prior to beginning construction of the Development, provide notification to the Environment Officer responsible for the administration of this Licence of the intended starting date of construction and the name of the contractor responsible for the construction.
7. The Licencee shall consult with the Manitoba Department of Infrastructure and Transportation regarding the design of trail access points to and from Provincial Roads within the Park as well as trail signage within a highway right-of-way.

8. The Licencee shall design ATV trails associated with the Development using existing trails where feasible and environmentally sustainable.
9. The Licencee shall design ATV trails associated with the Development to minimize the amount of water crossings and impacts to wetlands.
10. The Licencee shall, prior to constructing a new ATV trail, prepare a Trail Development Plan for approval of the Director. The plan shall include, but not be limited to, information on route selection, the potential environmental impacts associated with the trail, mitigation measures to be applied during construction, maintenance, and operation of the trail, and public consultation undertaken during the planning of the trail.
11. The Licencee shall, during construction and maintenance of the Development, limit the clearing of vegetation to the minimum width required for the safe operation of ATVs on the trails with the exception of where the Development shares the right-of-way with designated snowmobile trails.
12. The Licencee shall, during construction and maintenance of the Development, take all appropriate measures to prevent erosion and the deposition of sediment into any waterbodies.
13. The Licencee shall not undertake construction or maintenance activities in connection with the Development in any waterbodies between April 1 and July 15 of any year, or during periods of high streamflow.
14. The Licencee shall, during construction and maintenance of the Development, not alter surface drainage patterns.
15. The Licencee shall, during construction and maintenance of the Development, adhere to the general recommendations on design, construction, and maintenance of stream crossings as specified in the Manitoba Department of Natural Resources guidelines titled *Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat, May 1996*, and the current versions of applicable federal Department of Fisheries and Oceans Operational Statements.
16. The Licencee shall design designated ATV trails to avoid threatened and endangered species, and species of special concern, or their habitats. These species are listed in *Manitoba Regulation 25/98*, or any future amendment thereof, respecting *Threatened, Endangered and Extirpated Species* and/or in the federal Species at Risk Act. A survey of proposed trail segments for these species shall be completed and a report on the survey shall be included in the Trail Development Plan.
17. The Licencee shall, prior to constructing an ATV trail, employ a qualified consultant to conduct a heritage resources impact assessment to identify and assess any heritage resources that may be negatively impacted by the proposed trail. If significant heritage resources are identified, a heritage resource management strategy shall be developed and implemented if required by the Historic Resources Branch.

18. The Licencee shall implement a public education strategy intended to minimize noise, vehicle emissions, litter, fire hazards, the introduction of foreign biota, and the impacts of travel in undesignated areas to wildlife, watercourses, and sensitive landscapes.
19. The Licencee shall develop a written enforcement protocol for ATV use in Duck Mountain Provincial Park. The written protocol shall be submitted to the Director within two years of the date of this licence.
20. The Licencee shall develop and implement an Emergency Response Plan. The plan shall include, but not be limited to, provisions for oil spills, gas spills, fires, and floods. The plan shall be submitted to the Director for approval prior to beginning construction of the Development.
21. The Licencee shall monitor designated trails associated with the Development to determine the sustainability of the trails. Trails with unacceptable levels of impact shall be reclassified or decommissioned.
22. The Licencee shall mitigate unsustainable levels of impact from ATV use of the trails associated with the Development as required by the Director.

#### 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*.

  
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Tracey Braun, M.Sc.  
Director  
Environment Act