

Licence No.: 2341

Licence Issued: July 9, 1998

**IN ACCORDANCE WITH THE MANITOBA ENVIRONMENT ACT (C.C.S.M. c. E125)
THIS LICENCE IS ISSUED PURSUANT TO SECTION 11(1) TO:**

**THE PROVINCE OF MANITOBA REPRESENTED BY THE
MINISTER OF HIGHWAYS AND TRANSPORTATION; "the Licencee"**

for the construction, operation and maintenance of the Development being the upgrading of a section of Provincial Road 340 from Provincial Road 457 to Provincial Trunk Highway 1 near Douglas, Manitoba and in accordance with the Proposal filed under The Environment Act on March 17, 1998 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.

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, during construction, ensure that any re-fueling and oil changes of the construction equipment and fuel storage areas established for the construction of the Development are located a minimum distance of 100 meters away from waterbodies including wetlands and ensure the storage areas comply with the requirements of *Manitoba Regulation 97/88R - Storage and Handling of Gasoline and Associated Products*.
2. The Licencee shall ensure that all used petroleum products and other hazardous wastes generated by the machinery used in the construction and operation of the Development are collected and disposed of in accordance with Manitoba Environment and legislative requirements.
3. The Licencee shall, during the full term of the construction of the Development, cleanup and deposit all debris from the construction site at a Waste Disposal Ground operating under the authority of a permit issued pursuant to *Manitoba Regulation 150/91* respecting *Waste Disposal Grounds*.
4. 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 Natural Resources guidelines titled *Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat, 1996*.
5. The Licencee shall, prior to construction, provide a copy of this Licence to the contractor(s) involved in the Development.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

6. The Licencee shall, prior to the commencement of construction activities related to the Development, submit to the Director for his approval, a Provincial Road Upgrade 340 Environmental Protection Plan (EPP). The EPP shall describe the integrated approach to be used by the Licencee to monitor the effects of construction activities and related environmental conditions both during and after construction to ensure that mitigative measures are applied systematically and in manner consistent with the commitments made in the *Environmental Impact Assessment, November 1997*. The Plan shall also:

- a. describe the methods to be used to prevent excessive water level drops when the old roadbed is breached;
 - b. describe the methods to be used to document the re-vegetation of the abandoned part of Provincial Road 340 to determine if an approximate "no net loss" of marsh habitat is achieved; and
 - c. describe the remedial measures to be undertaken to achieve an acceptable "no net loss" in the event that vegetation reclamation of marsh habitat of the abandoned part of Provincial Road 340 is not achieved within two years of the completion of construction of the Development.
7. The Licencee shall, during the detailed design stage of the project, consult with the Manitoba Natural Resources Regional Wildlife Manager to review the final road alignment through the marsh and to determine the type of beaver management programs to be integrated into the design of the roadway. Any beaver control structures required by the Wildlife Manager shall be constructed and maintained by the Licencee.
 8. The Licencee shall not undertake any construction activities through the marsh between May 1 and July 15 of each construction year. Construction through the marsh shall not begin prior to August 15 of each construction year should pre-construction monitoring surveys confirm the presence of the Yellow Rail in the marsh nesting in proximity to the road right-of-way.
 9. The Licencee shall, prior to construction start-up, retain a qualified on-site naturalist to ensure that impacts to wildlife and vegetation from the construction of the Development are avoided. Yellow Rail nesting sites shall be marked in the field prior to any construction activity and shall be clearly identified to all contractors and operators to ensure that all sites remain undisturbed. Marsh Felwort directly impacted by the route shall be transplanted to another area of the marsh.
 10. The Licencee shall, a minimum of two weeks prior to construction start-up, instruct the on-site project construction supervisor to arrange a pre-construction meeting with representatives of Manitoba Environment's regional office in Brandon, the Manitoba Natural Resources Regional Wetlands Habitat Specialist in Brandon and the on-site naturalist to ensure ongoing compliance with the specifications, limits, terms and conditions of this Licence and the Environmental Protection Plan during the full term of the construction and restoration of the Development.
 11. The Licencee shall, prior to construction start-up, instruct the on-site project construction supervisor to ensure that no marshland, other than the land required for the right-of-way of the Development will be affected by clearing, compacting, grading or filling during construction. All construction related traffic shall be restricted to the right-of-way.
 12. The Licencee shall conduct a baseline flow monitoring program for a period of three years commencing with the operation of the Development. Flow measurements shall be standardized and flow fluctuations documented on a systematic basis to ensure that culverts and control structures do not impede flow. The results of the baseline flow measurements shall be reported to the Director within 90 days following completion of the flow monitoring program each year. The duration of the flow monitoring period may be varied by the Director if the results indicate that a longer monitoring period is appropriate.

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.

"original signed by"

Larry Strachan, P. Eng.
Director
Environment Act

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