

LICENCE

Licence No. / Licence n° 1426 RR

Issue Date / Date de délivrance November 1, 1990

REVISED : March 12, 1993

REVISED : October 15, 2008

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) and 14(2) / Conformément au Paragraphe 11(1) and 14(2)

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

MANITOBA WATER STEWARDSHIP, "THE LICENCEE":

for the operation of the Development known as the Pelican Lake Enhancement Project, specific components of which include the Pembina River Weir, the Inlet Diversion Channel, the Inlet Control Structure, the Outlet Control Structure, and the Outlet Channel, located in the East half of Section 6, Township 4, Range 15 WPM in the Rural Municipality of Turtle Mountain, in Section 5, Township 4, Range 15 WPM in the Rural Municipality of Strathcona and in the Northwest quarter of Section 32, Township 3, Range 15 WPM in the Rural Municipality of Roblin; subject to the following terms, limits and conditions:

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Operation – Normal Conditions

1. The Licencee shall regulate Pelican Lake to a target level in the range 411.54 to 412.00 metres above sea level; notwithstanding that upon the approval of the Pelican Lake Advisory Committee, Pelican Lake may be temporarily surcharged during spring flows to a maximum level of 412.20 metres above sea level with subsequent release to facilitate the flushing of spawned fish and their progeny back to Rock Lake. (These levels are referenced to the 2006 corrected elevation of Benchmark 20MBB50 near Ninette, which is 0.06 metres higher than recorded prior to 2006.)
2. The Licencee shall divert water from the Pembina River into Pelican Lake at a rate not to exceed 9 cubic metres per second. Diversion shall not be made:
 - (a) when the Pembina River flow at PR 253 above Lorne Lake is less than 0.4 cubic metres per second; and

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

- (b) during medium and high spring flow years, until Lorne and Louise lakes have achieved an elevation of 408.10 metres above sea level.
3. The Licencee shall release water from Pelican Lake to Lorne Lake at a rate not to exceed 11 cubic metres per second. Release shall not be made:
 - (a) when the flow in the Pembina River at PR 253 above Lorne Lake exceeds 20 cubic metres per second; and
 - (b) so that the release flow plus the flow in the Pembina River at PR 253 above Lorne Lake exceeds 20 cubic metres per second.
 4. The Licencee shall operate the Development so that:
 - (a) channel capacities downstream of Pelican Lake are not exceeded such that overbank flooding occurs as a result of releases from Pelican Lake, except in the spring when such flooding would normally occur;
 - (b) periodic spring season flooding downstream of Pelican Lake occurs to the extent and as frequently as deemed optimal by the Advisory Committee to protect downstream wetlands; and
 - (c) flooding is prevented when possible along the Pembina River during seasons other than the spring.

Operation – High Water Conditions on Pelican Lake

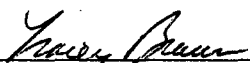
5. The Licencee shall, during extreme Pelican Lake inflow events when the lake exceeds 412.30 metres above sea level, release water from Pelican Lake at a rate not to exceed 12 cubic metres per second despite high flows on the Pembina River.

Pelican Lake Advisory Committee

6. The Licencee shall co-operate with a Pelican Lake Advisory Committee to be appointed by this Licence. Representation on the Committee shall include municipal officers from the Rural Municipalities of Strathcona, Riverside, Turtle Mountain, Argyle and Roblin, representatives of local and downstream landowners including farmers, cottage owners, and the Swan Lake First Nation, and the Committee shall be chaired by a representative from Manitoba Water Stewardship. Costs of the Committee shall be borne by the Licencee. The Terms of Reference for the Committee are attached to this Licence as Appendix 1.
7. The Licencee shall, at least two full weeks before each meeting of the Committee, provide a report on past performance of the Development, present conditions and flow forecasting to Committee members and interested members of the public.

REVIEW AND REVOCATION

- A. This Licence replaces Licence No. 1426 R, which is hereby rescinded.
- B. 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.
- 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.



Tracey Braun, M. Sc.
Director
Environment Act

Client File: 3090.00

Appendix 1 to Environment Act Licence No. 1426 RR

PELICAN LAKE ADVISORY COMMITTEE TERMS OF REFERENCE

PURPOSE

- to provide a forum for the exchange of information between representatives of local interest groups and representatives of government agencies concerned with the technical and environmental details of constructing and operating works to regulate Pelican Lake
- to provide a forum for the exchange of information on general water issues in and around Pelican Lake
- to review project designs, operating rules and other matters which may be referred to the committee by Manitoba Water Stewardship and to provide advice on the same
- to carry out the duties assigned under Environment Act Licence No. 1426 RR.

MEMBERSHIP

- the composition of the Committee shall be as shown on Attachment 1
- municipal officers, landowners, cottage owners and the representative of the Community of Ninette shall be designated by the council of the municipality concerned
- the representative of the Swan Lake First Nation shall be designated by the band council
- the representative of the Pembina Valley Protection Association shall be designated by the Board of Directors of the Association
- representatives of branches of government departments shall be designated by the branch director concerned
- all designates are subject to ratification by the Director under the Environment Act
- where an appointed member cannot attend a meeting, the agency designating the member may designate an alternate for that meeting

- if an organization's member/alternate is absent from three consecutive meetings, a letter will be sent to the organization that person represents requesting a new member be designated.

ADMINISTRATION

- each participating agency and municipality shall determine the expenses and remuneration, if any, to be paid to their representatives on the Committee, and shall be responsible for providing same. Other expenses of the Committee shall be borne by Manitoba Water Stewardship
- the time and place of meetings shall be set by mutual agreement
- a resource person of Manitoba Water Stewardship shall act as recording secretary at each meeting
- the chairperson shall be a representative of Manitoba Water Stewardship
- the committee shall meet at least twice per year (spring and fall) to review the experience of the previous year, current lake levels, runoff forecasts, and the project operation proposed by Manitoba Water Stewardship for that year. It shall provide advice and approval as required
- a majority of the members shall constitute a quorum
- decisions of the Committee shall be by majority of votes cast
- the chairman will vote only in the event of a tie.

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Attachment 1 to Environment Act Licence No. 1426 RR

PELICAN LAKE ADVISORY COMMITTEE MEMBERSHIP

AGENCY/GROUP

R.M. Argyle	Municipal Officer Landowner
R.M. Roblin	Municipal Officer Landowner
R.M. Riverside	Municipal Officer Cottage Owner Ninette Resident
R.M. Strathcona	Municipal Officer Cottage Owner Cottage Owner Cottage Owner Cottage Owner
R.M. Turtle Mountain	Municipal Officer Cottage Owner
Swan Lake Indian Band	Representative
Manitoba Conservation – Environment Section	Representative
Manitoba Water Stewardship	
• Fisheries Branch	Representative
• Operations	Chairman
Pembina Valley Protection Association	Representative

2008-10-06