



Conservation and Water Stewardship

Environmental Stewardship Division
Environmental Approvals Branch
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5
T 204 945-8321 F 204 945-5229
www.gov.mb.ca/conservation/eal

CLIENT FILE NO.: 5682.00

February 3, 2014

Ryan Coulter
Manager of Environmental Services
Manitoba Infrastructure and Transportation
Environmental Services Section
1420-215 Garry Street,
Winnipeg, MB R3C 3P3

Dear Mr. Coulter:

Enclosed is **Environment Act Licence No. 3092** dated February 3, 2014 issued to **Manitoba Infrastructure and Transportation** for the proposed upgrading of Provincial Trunk Highway (PTH) 39 near Snow Lake, Manitoba, including the construction of 8.6 km of new two-lane road and the decommissioning of 6.0 km of PTH 39 from 6 km west of Provincial Road (PR) 596 to 10 km east of the same PR, in accordance with the Proposal filed under The Environment Act dated October 23, 2013.

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 Cristal Huculak, Environment Officer at 204-627-8248.

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 and Water Stewardship within 30 days of the date of the Licence.

Yours truly,

“original signed by”

Tracey Braun, M.Sc.
Director
Environment Act

c: Don Labossiere, Director, Environmental Compliance and Enforcement
Public Registries
Cristal Huculak, Environment Officer

NOTE: Confirmation of Receipt of this Licence No. 3092 (by the Licensee only) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by February 17, 2014.

On behalf of Manitoba Infrastructure and Transportation

Date

Licence No. / Licence n° 3092

Issue Date / Date de délivrance February 3, 2014

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 INFRASTRUCTURE AND TRANSPORTATION;
"the Licencee"

for the proposed upgrading of Provincial Trunk Highway (PTH) 39 near Snow Lake, Manitoba, including the construction of 8.6 km of new two-lane road and the decommissioning of 6.0 km of PTH 39 from 6 km west of Provincial Road (PR) 596 to 10 km east of the same PR, in accordance with the Proposal filed under The Environment Act dated October 23, 2013 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;

“**Environment Officer**” means an employee of the department appointed as such by the Minister;

“**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, and wetland (slough, marsh, swamp, etc.), including ice on any of them (*The Water Protection Act 2005*); 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 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.

Future Sampling

1. The Licencee shall, in addition to any of the specifications, limits, terms and conditions specified in this Licence, upon the request of the Director:
 - a. sample, monitor, analyse or investigate specific areas of concern regarding any segment, component or aspect of the Development for such duration and at such frequencies as may be specified;
 - b. determine the environmental impact associated from the Development; and
 - c. provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and other information as may from time to time be requested.

Reporting Format

2. The Licencee shall provide to the Director, upon request, all information required under this Licence, in writing and in such form and content (including number of copies), as may be specified by the Director, and each submission shall be clearly labeled with the Licence Number and Client File Number associated with this Licence.

Approvals and Permits

3. The Licencee shall obtain all necessary provincial licences, authorizations, permits and/or approvals for construction of relevant components of the Development prior to commencement of any construction.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Notification

4. 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.
5. The Licencee shall, prior to construction, provide a copy of this Licence to the contractor and subcontractor(s) involved in the Development.

Compliance

6. The Licence shall adhere to the commitments made in the Proposal, supporting information filed in association with the Proposal, and plans submitted and approved

pursuant to this licence during construction, maintenance, and decommissioning of the Development.

Petroleum Storage and Handling

7. 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; and
 - b. in compliance with the requirements of the *Storage and Handling of Petroleum Products and Allied Products Regulation 188/2001*, or any future amendment thereof.
8. The Licencee shall, during construction and maintenance of the Development, operate, maintain, and store all materials and equipment in a manner that prevents any deleterious substances including fuel, oil, grease, hydraulic fluid, coolant, and other similar substances from entering any waterbody. An emergency spill kit shall be readily available on site during construction.
9. 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 Water Stewardship and legislative requirements.

Waste Disposal

10. The Licencee shall dispose of non-reusable construction debris and solid waste from the construction and maintenance of the Development at a waste disposal ground operating under the authority of a permit issued under *Waste Disposal Grounds Regulation 150/91*, or any future amendment thereof, or a licence issued pursuant to *The Environment Act*.

Onsite Wastewater Disposal

11. The Licencee shall, during construction of the Development, dispose of all sewage and septage from on-site sanitary facilities in accordance with the *Onsite Wastewater Management Systems Regulation 83/2003*, or any future amendment thereof.

Release of Pollutants

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, during construction and maintenance of the Development, take all appropriate measures to prevent erosion and the deposition of sediment into any waterbodies.
15. 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.

Water Crossings

16. The Licencee shall, during construction of the Development, adhere to the general recommendations contained in the Department guidelines titled *Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat, 1996*.

Wetlands

17. 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.

Wildlife

18. The Licencee shall not remove, destroy or disturb species pursuant to *Manitoba Regulation 25/98*, or any future amendment thereof, respecting *Threatened, Endangered and Extirpated Species*, and in the federal Species at Risk Act.
19. The Licencee shall only conduct clearing components of the Development between August 30 and April 1 of each construction year to avoid potential impacts to the nesting habitat for migratory birds. Should any clearing be required outside of this period, the Licencee shall, prior to the construction activity, consult and reach an agreement with the Wildlife Branch regarding the location of any key wildlife habitats to be avoided including bird nesting and brooding areas.

20. The Licencee shall, during construction, operation and decommissioning of the Development, prevent the introduction and spread of foreign biota by cleaning equipment prior to its delivery to the site of the Development.

Borrow Pits and Asphalt Plants

21. The Licencee shall construct the borrow pits in connection with the Development to minimize environmental and aesthetic impacts. Borrow pit designs shall be approved in writing by the Northwest Region Integrated Resource Management Team of Manitoba Conservation and Water Stewardship prior to construction, and subject to the requirements of a Quarry Permit.
22. The Licencee shall obtain asphalt for the Development from an asphalt batch plant licensed pursuant to the Environment Act

Decommissioning

23. The Licencee shall, prior to decommissioning of the existing portion of PTH 39, submit for approval of the Director, a decommissioning plan for the Development.
24. The Licencee shall implement the decommissioning plan as approved pursuant to Clause 23 of this Licence.
25. The Licencee shall, rehabilitate decommissioned stream crossings to pre-existing conditions.
26. The Licencee shall landscape and vegetate all areas disturbed during construction and decommissioning with native plant species. These areas shall be revegetated as quickly as possible following construction to prevent soil erosion and the establishment of noxious weeds. This includes but is not limited to access roads no longer used for construction and operation purposes.

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, this 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.

“Original signed by”

Tracey Braun
Director
Environment Act

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