

Draft Licence Conditions

MANITOBA HYDRO.: "the Licencee"

for the construction, operation, and decommissioning of the Manitoba-Minnesota Transmission Project (Dorsey international power line), which includes a 213 km long, 500 kilovolt alternating current, international power line from the Dorsey Converter Station (located near Rosser, Manitoba) to the United States border crossing near Piney, Manitoba, and modifications to the existing Dorsey Converter Station, the existing Riel international power line and the Riel Converter Station (located near the intersection of Provincial Trunk Highways 101 and 15), and the existing Glenboro international power line and the Glenboro Station (located south of Glenboro, Manitoba), in accordance with the Proposal filed under The Environment Act dated November 21, 2014, the Environmental Impact Statement (EIS) dated September 2015, and the response to information requests dated April 29, 2016, in consideration of the September 2017 Clean Environment Commission Report on Public Hearings, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

In this Licence:

"affected area" means a geographical area, excluding the property of the Development;

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

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

"Integrated Resource Management Team (IRMT)" means the regional Integrated Resource Management Team of Manitoba Sustainable Development which is organized to review applications and address issues related to the management of natural resources;

"noise nuisance" means an unwanted sound, in an affected area, which is annoying, troublesome, or disagreeable to a person:

- (a) residing in an affected area;
- (b) working in an affected area; or
- (c) present at a location in an affected area which is normally open to members of the public;

if the unwanted sound

- (d) is the subject of at least 5 written complaints, received by the Director in a form satisfactory to the Director and within a 90 day period, from 5 different persons falling within clauses (a), (b) or (c), who do not live in the same household; or
- (e) is the subject of at least one written complaint, received by the Director in a form satisfactory to the Director, from a person falling within clauses (a),

(b) or (c) and the Director is of the opinion that if the unwanted sound had occurred in a more densely populated area there would have been at least 5 written complaints received within a 90 day period from 5 different persons and who do not live in the same household;

"Region" means the geographic areas of the Province of Manitoba in which the Department of Sustainable Development has been divided;

"Regional Director" means an employee so designated by the Department of Sustainable Development;

"riparian area" means an area of land on the banks or in the vicinity of a waterbody, which due to the presence of water supports, or in the absence of human intervention would naturally support, an ecosystem that is distinctly different from that of adjacent upland areas (*The Water Protection Act 2005*);

"slash" means branches and other woody debris that result from forest clearing;

"transmission line right-of-way" means the corridors for the transmission lines, as defined and described in the EIS;

"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

"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. They are generally less than approximately 2 metres in depth (National Wetland Working Group 1997).

GENERAL TERMS AND CONDITIONS

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;
 - c) conduct specific investigations in response to the data gathered during environmental monitoring programs; and

- d) 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 submit all information required to be provided to the Director or Environment Officer under this Licence, in written and electronic format, in such form (including number of copies) and of such content as may be required by the Director or Environment Officer, and each submission shall be clearly labelled with the Licence Number and Client File Number associated with this Licence.

Approvals and Permits

3. The Licencee shall, prior to construction on Crown land, apply for and obtain the appropriate land tenure allocations in accordance with the Crown Lands Act from the Crown Land and Property Agency.
4. The Licencee shall, prior to construction of the Development on Crown Land, obtain a Crown Lands Work Permit from the Manitoba Sustainable Development, Parks and Regional Services, eastern region and comply with the conditions of the permit.

Compliance

5. The Licencee shall adhere to the commitments made in the EIS and supporting information filed in association with the EIS during construction, operation, and decommissioning of the Development.
6. The Licencee shall, during construction of the transmission component of the Development, employ qualified environmental inspectors to monitor the work on a daily basis to ensure that all the environmental practices outlined in the EIS, supporting information, and the plans submitted pursuant to this licence are carried out.
7. The Licencee shall, prior to construction of the Development, arrange a meeting with the Manitoba Hydro construction project manager(s), the Manitoba Sustainable Development, Parks and Regional Services, eastern region Integrated Resource Management Team (eastern region IRMT), and the Environment Officer responsible for the administration of this Licence to review construction related matters.
8. The Licencee shall, during construction of the Development, arrange quarterly meetings with the eastern region IRMT to discuss construction, environmental protection, and emergency response issues.
9. The Licencee shall, during construction of the Development, submit monthly reports regarding construction, environmental protection, and emergency response issues to the Director and the eastern region IRMT.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Environmental Protection Plans

10. The Licencee shall submit an Environmental Protection Plan(s) for approval of the Director of the Environmental Approvals Branch prior to construction of the Development. The plan(s) shall describe the approach to be used by the Licencee to ensure that mitigative measures are applied systematically, and in a manner consistent with the commitments made in the EIS and supporting information, during the construction and operation of the Development.
11. The Licencee shall, prior to construction of the transmission line component of the Development, submit management plans addressing the following topics for review by the eastern region IRMT and approval by the Director of the Environmental Approvals Branch:
 - a) erosion protection and sediment control;
 - b) rehabilitation and invasive species management, and
 - c) waste and recycling.

12. The Licencee shall make contractor environmental management plans related to the Development available to the public.

Communication Plan

13. The Licencee shall submit a communication plan for the Development to the Director, prior to construction. The plan shall describe how the Licencee will communicate to individuals and communities with an interest in the Development regarding information about activities, such as commencement and completion of construction, clearing, blasting, and vegetation management.

Climate Change Considerations

14. The Licencee shall consider green house gas emissions throughout the supply chain in its selection process for suppliers and contractors for the Development.

Notification

15. The Licencee shall, not less than two weeks prior to beginning construction of the Development, provide notification to the eastern region IRMT and the Environment Officer responsible for the administration of this Licence of the intended start date of construction and the name of the contractor responsible for the construction.
16. The Licencee shall, prior to construction, provide a copy of this Licence to the contractor and subcontractor(s) involved in the Development.

17. The Licencee shall notify the eastern region IRMT and the Environment Officer responsible for the administration of this Licence, no less than one week prior to the completion of construction of the Development, to allow for a final inspection.

Culture and Heritage Resources

18. The Licencee shall provide an opportunity for participation of Indigenous communities in culture and heritage resource surveys conducted in association with the Development.

Access Management

19. The Licencee shall, prior to construction of the transmission line component of the Development, submit a construction access management plan for review by the eastern region IRMT and approval of the Director of the Environmental Approvals Branch. The construction access management plan shall include, but not be limited to, the anticipated types and locations of roads, trails, and water crossings required to access the Dorsey international power line right-of way for construction purposes and a plan for review and approval of unanticipated new access trails and by-pass trails along the right-of-way.

20. The Licencee shall, prior to completion of construction of the transmission line component of the Development, submit an operations access management plan for Crown lands for review by the eastern region IRMT and approval of the Director of the Environmental Approvals Branch. If changes to the plan are proposed, they shall be reviewed with the eastern region IRMT and an updated plan shall be submitted for approval of the Director of the Environmental Approvals Branch. The plan shall include, but not be limited to:

- a) the location of roads, trails, and water crossings required to access the Dorsey international power line right-of way for maintenance and ongoing operations purposes;
- b) the identification of roads, trails, and water crossings to be decommissioned at the completion of construction, and the methods and timeframes for conducting decommissioning and rehabilitation works; and
- c) access methods to be used for managing vegetation along the Dorsey international power line right-of-way.

21. The Licencee shall inform all private landowners whose property is crossed by the Development that when a specific access issue has been identified, measures to limit access to their property from the Dorsey international power line right-of way (i.e. fencing with a gate and signage), can be included in an agreement with Manitoba Hydro and supplied and installed at the Licencee's expense.

22. The Licencee shall annually inspect the Dorsey international power line right-of-way for the effectiveness of access controls implemented in association with the Development, until otherwise directed by the Director of the Environmental Approvals Branch. Annual reports on the results of the inspections shall be submitted

to the Director of the Environmental Approvals Branch. Where access controls are not effective, the Licencee shall work with either the private landowners or the eastern region IRMT to address the issue.

Construction Camps

23. The Licencee shall, prior to construction of the Development, obtain approval from the eastern region IRMT for mobile construction camps located on Crown land and not within the transmission line right-of-way.

Clearing During Construction

24. The Licencee shall, prior to construction of the Development, submit a plan for clearing of the transmission line right-of-way for approval of the Director of the Environmental Approvals Branch. The plan shall:
 - a) describe the clearing methods to be used; and
 - b) describe opportunities for retention of low-growth vegetation along the transmission line right-of-way, to the extent possible, without impeding maintenance activities or vegetation clearance requirements.
25. The Licencee shall, prior to construction of the Development, consult with the Regional Forester of the Forestry and Peatlands Branch related to the clearing of timber in association with the Development. Where an opportunity exists, a plan for timber operations may be established and timber shall be harvested and delivered to an approved destination identified by a scaling plan. In the event that no market exists, a timber valuation (Timber Damage Appraisal) shall be applied.
26. The Licencee shall minimize the burning of slash generated during clearing of the Development where smoke may affect residences. In these areas, the Licencee shall dispose of slash using environmentally suitable methods such as chipping and mulching where feasible.

Mineral Licks

27. The Licencee shall, prior to clearing of the Development, conduct a survey in the spring and/or early summer to identify mineral licks within the transmission line right-of-way and surrounding area. All mineral lick locations shall be reported to the eastern region IRMT. A minimum setback distance of 120 metres shall be maintained between construction activities and mineral licks, unless otherwise approved by the eastern region IRMT.

Water Crossings

28. The Licencee shall, during construction and operation of the Development, manage activities within riparian areas as described in the EIS and supporting information.

29. The Licencee shall, prior to initiating construction of any portion of the Development across the Red River Floodway at the control structure, enter into a Memorandum of Agreement with the Minister of Infrastructure, with terms and conditions governing the construction and operation of the portion of the Development at this location.

Wetlands

30. The Licencee shall carry out construction activities in the Caliento, Sundown, and Piney Bogs only under frozen ground conditions. Maintenance activities within these bogs shall be conducted under frozen ground conditions unless required to ensure the safe and reliable operation of the Development, in which case mitigation measures to reduce impacts to the bogs shall be implemented.

Golden-winged Warbler Habitat Management Plan

31. The Licencee shall implement the plan titled “Right-of-Way Habitat Management Plan for Managing Critical Golden-winged Warbler Habitat during Construction and Operation of the Manitoba-Minnesota Transmission Project” submitted as supporting information on April 29, 2016.

Aquatic Invasive Species

32. The Licencee shall, during construction and operation of the Development, prevent the introduction and spread of foreign aquatic biota. Equipment shall be cleaned in accordance with the requirements of Manitoba Regulation 173/2015 respecting Aquatic Invasive Species, or any future amendment thereof.

Agricultural Biosecurity

33. The Licencee shall, prior to construction of the Development, submit a detailed biosecurity plan for approval of the Director of the Environmental Approvals Branch. The plan shall describe measures to be implemented during construction and operation of the Development to control the spread of soil borne diseases and invasive species from field to field in agricultural areas.

Pesticide Application

34. The Licencee shall adhere to Pesticides Regulation 47/2004, or any future amendment thereof, for the storage, handling and application of pesticides in conjunction with the Development.

Petroleum Storage and Handling

35. 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 respecting Storage and Handling of Petroleum Products and Allied Products, or any future amendment thereof.

36. The Licencee shall, during construction and operation 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 contaminating soil or entering any waterbody. Emergency spill kits for both land and in-water use shall be readily available on site during construction.

Solid Waste Disposal

37. The Licencee shall dispose of all solid waste generated at the Development, which is not recycled, only to a waste disposal ground operating under the authority of a permit issued pursuant to Manitoba Regulation 37/2016 respecting Waste Management Facilities or any future amendment thereof, or a Licence issued pursuant to The Environment Act.

Onsite Wastewater Disposal

38. 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.

Spill Response

39. 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 the 24-hour environmental accident reporting line at 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.
40. The Licencee shall, following the reporting of an event pursuant to Clause 39,
- 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.

Erosion Control

41. The Licencee shall, during construction and operation of the Development, take all appropriate measures to prevent erosion and the deposition of sediment into any waterbodies.

Noise Nuisance

42. The Licencee shall not cause or permit a noise nuisance to be created as a result of the construction, operation, or alteration of the Development, and shall take such steps as the Director may require to eliminate or mitigate a noise nuisance.

Vegetation Management

43. The Licencee shall, within six months of the completion of construction of the Development, submit for review by the eastern region IRMT and approval of the Director of the Environmental Approvals Branch, a plan for the management of vegetation along the Dorsey international power line right-of-way. The plan shall describe the methods to be used for vegetation control and for communication to the public and Indigenous communities during operation of the Development.

44. The Licencee shall conduct reviews, and report to the Director of the Environmental Approvals Branch, on the results of integrated vegetation management practices implemented on the Dorsey international power line right-of-way of the Development 5 and 10 years after the completion of construction and as determined by the Director thereafter.

45. The Licencee shall offer private landowners compensation to plant shrubs or trees outside of the Dorsey international power line right-of-way to replace shelterbelts removed from their property in relation to the Development.

Monitoring

46. The Licencee shall, prior to construction, submit a monitoring plan for the Development for the approval of the Director of the Environmental Approvals Branch. The plan shall describe monitoring programs to be undertaken in relation to the Development, including proposed programs for:
 - a) collection of baseline information;
 - b) pre-construction surveys of the eastern tiger salamander and mottled duskywing butterfly obligate plant host, in areas of likely habitat;
 - c) inclusion of the least bittern and the short-eared owl in surveys;
 - d) pre-construction surveys for traditional use plant species and invasive plant species in areas of the Development where information on these plant species is insufficient; and
 - e) monitoring of peregrine falcon interactions with the Dorsey international power line in the vicinity of the Parkland Mews breeding site during construction and reporting of mortalities.
47. The Licencee shall consult annually with the Wildlife and Fisheries Branch of Manitoba Sustainable Development on the progress of the monitoring programs approved pursuant to Clause 46 of this Licence, and on any proposed adjustments or amendments to the programs.

48. The Licencee shall establish and support a monitoring advisory group composed of nominees of First Nations communities and the Manitoba Metis Federation, which will provide input into monitoring and management of the Dorsey international power line right-of-way of the Development for the duration of the monitoring programs approved pursuant to Clause 46 of this Licence.
49. The Licencee shall submit annual reports to the Director of the Environmental Approvals Branch, on the results of monitoring programs approved pursuant to Clause 46 of this Licence for the duration of the monitoring programs. The reports shall:
- a) report on the accuracy of predictions made in the EIS and supporting information,
 - b) report on the success of the mitigation measures employed during construction and operation,
 - c) provide a description of the adaptive management measures undertaken to address issues, and commitments for future mitigation;
 - d) identify any unexpected environmental effects of the Development;
 - e) identify additional mitigation measures to address unanticipated environmental effects, if required; and
 - f) report on how input from the monitoring advisory group, formed pursuant to Clause 48 of this licence, was incorporated into the monitoring program.
50. The Licencee shall provide the data from monitoring programs approved pursuant to Clause 46 of this Licence to the Wildlife and Fisheries Branch of Manitoba Sustainable Development. The data provided shall include sufficient detail to allow for its assessment.
51. The Licencee shall implement additional mitigation measures that are requested by the Director of the Environmental Approvals Branch to address unanticipated environmental effects of the Development identified by the monitoring program approved pursuant to Clause 46 of this Licence.
52. The Licencee shall, upon request of the Director of the Environmental Approvals Branch, revise the monitoring plan approved pursuant to Clause 46 of this Licence to incorporate adjustments and amendments to the monitoring programs based on the results of annual assessment and reporting and submit it for approval of the Director.

Reporting

53. The Licencee shall maintain a frequently updated, project-related website where monitoring advisory group minutes and reports, reports on monitoring and assessment of mitigation, and other material relevant to the Development will be posted.

Decommissioning

54. The Licencee shall decommission temporary infrastructure associated with the Development on Crown land to the satisfaction of the eastern region IRMT.
55. The Licencee shall, prior to decommissioning of the Development, submit for approval of the Director of the Environmental Approvals Branch, a decommissioning and rehabilitation plan for the Development.

Implementation of Plans

56. The Licencee shall implement the plans submitted and approved pursuant to this licence.

Respecting Alterations to the Development

57. The Licencee shall obtain written approval from the Director of the Environmental Approvals Branch for any proposed alteration to the Development before proceeding with the alteration.

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*.