



Conservation and Climate

Environmental Stewardship Division
Environmental Approvals Branch
1007 Century Street, Winnipeg, Manitoba R3H 0W4
T 204 945-8321 F 204 945-5229

CLIENT FILE NO.: 5950.00

January 14, 2020

James Matthewson
Manitoba Hydro
Licensing and Environmental Assessment
Transmission Planning and Design
360 Portage Ave (5)
Winnipeg, MB
R3C 0G8

Dear Mr. Matthewson:

Enclosed is **Environment Act Licence No. 3314**, issued to **Manitoba Hydro** for the construction, operation and decommissioning of the Development being a new 230-kV transmission line from the Birtle Station, located south of the community of Birtle, Manitoba to the Manitoba-Saskatchewan border, in accordance with the Environment Act Proposal dated January 30, 2018 and the alteration approved October 3, 2019.

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.

If you have any questions on this matter, please contact Peter Crocker, Environment Officer, at 204-726-6565 or Peter.Crocker@gov.mb.ca.

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 Climate within 30 days of the date of the Licence.

Sincerely,

Cordella Friesen
Director
The Environment Act

- c: Cordella Friesen/Peter Crocker: Environmental Compliance and Enforcement
Elise Dagdick: Environmental Approvals
Jennifer Barnes/Jonathan Wiens: Manitoba Hydro
Jack Dubois/Association of Manitoba Community Pastures
Public Registries

NOTE: Confirmation of receipt of this Licence No. 3314 (by the Licensee only) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space below and email a copy of this letter to Elise.Dagdick@gov.mb.ca by January 29, 2020.

On behalf of Manitoba Hydro

Date

LICENCE

Client File No.: 5950.00

Licence No. / Licence n°

3314

Issue Date / Date de délivrance

January 14, 2020

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 HYDRO;
"the Licencee"

for the construction, operation and decommissioning of the Development being a new 230-kV transmission line from the Birtle Station, located south of the community of Birtle, Manitoba to the Manitoba–Saskatchewan border, in accordance with the Environment Act Proposal dated January 30, 2018 (Proposal), the alteration approved October 3, 2019, 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;

"approved" means approved by the Director or an assigned Environment Officer in writing;

"culturally and environmentally sensitive sites" means locations, features, areas, activities or facilities along or immediately adjacent to the transmission line corridor and other components of the Development that are ecologically, socially, economically or culturally important and sensitive to disturbance by the Development;

"Development" means any project, industry, operation or activity, or any alteration or expansion of any project, industry, operation or activity which causes or is likely to cause

a) the release of any pollutant into the environment, or

- b) an effect on any unique, rare, or endangered feature of the environment, or
- c) the creation of by-products, residual or waste products not regulated by The Dangerous Goods Handling and Transportation Act, or
- d) a substantial utilization or alteration of any natural resource in such a way as to pre-empt or interfere with the use or potential use of that resource for any other purpose, or
- e) a substantial utilization or alteration of any natural resource in such a way as to have an adverse impact on another resource, or
- f) the utilization of a technology that is concerned with resource utilization and that may induce environmental damage, or
- g) a significant effect on the environment or will likely lead to a further development which is likely to have a significant effect on the environment, or
- h) a significant effect on the social, economic, environmental health and cultural conditions that influence the lives of people or a community in so far as they are caused by environmental effects.

(The Environment Act E125)

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

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

"Environmental Approvals Branch" means the Environmental Approvals Branch of Manitoba Conservation and Climate, or any future branch responsible for issuing licences under The Environment Act;

"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 who do not live in the same household;

"pesticide" means any chemical or biological agent registered under the Pest Control Products Act of Canada and used or represented as a means for preventing, destroying, mitigating or controlling any pest;

"rehabilitation" means physical treatment of a disturbed site to reclaim its productive potential. This may include, but is not limited to: levelling the surface, establishing appropriate slopes to prevent erosion, loosening compacted surface soils to enable vegetation to root successfully, and revegetation to promote the development of the former species composition;

"transmission line right-of-way" means the corridor for the transmission line, as defined and described in the Proposal and/or any future alterations approved in accordance with section 14(2) of The Environment Act; and

"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 W65).

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. In addition to any of the limits, terms and conditions specified in this Licence, the Licencee shall, upon the request of the Director:
 - a) sample, monitor, analyze or investigate specific areas of concern regarding any segment, component or aspect of pollutant storage, containment, treatment, handling, disposal or emission systems, for such pollutants, ambient quality, aquatic toxicity, leachate characteristics and discharge or emission rates, and for such duration and at such frequencies as may be specified;
 - b) determine the environmental impact associated with the release of any pollutant from the Development;
 - c) conduct specific investigations in response to the data gathered during environmental monitoring programs; or
 - d) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and analytical procedures being used, bioassay data, flow rate measurements and such 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 labeled 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 Real Estate Services Division of the Department of Central Services.
4. The Licencee shall, prior to construction of the Development on Crown Land, obtain a Crown Lands Work Permit from Manitoba Agriculture and Resource Development, Lands Branch, and comply with the conditions of the permit.

Notification

5. The Licencee shall notify the Environment Officer assigned enforcement of this Licence not less than two weeks prior to beginning construction of the Development. The notification shall include the intended starting date of construction and the name of the contractor responsible for the construction.
6. The Licencee shall, during construction of the Development, notify interested Indigenous communities when and where construction will be occurring.
7. The Licencee shall, prior to construction, provide a copy of this Licence to the contractor and subcontractor(s) involved in the Development.
8. The Licencee shall notify the assigned Environment Officer, no less than one week prior to the completion of construction of the Development, to allow for a final inspection.

Compliance

9. The Licencee shall adhere to the commitments made in the Proposal, supporting information filed in association with the Proposal, the plans submitted pursuant to this Licence, and any future alterations approved in accordance with section 14(2) of The Environment Act, during construction, operation and decommissioning of the Development.
10. The Licencee shall, during construction 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 Proposal, supporting information, and the plans submitted pursuant to this Licence are carried out.

11. The Licencee shall, prior to construction of the Development, arrange a meeting with the Manitoba Hydro construction project manager(s) and the assigned Environment Officer to review construction related matters.
12. The Licencee shall, during construction of the Development, submit monthly reports regarding construction, environmental protection, and emergency response issues to the assigned Environment Officer.
13. The Licencee shall at all times maintain a copy of this Licence at the Development or at the premises from which the Development's operations are managed.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Environmental Protection Plan

14. The Licencee shall, prior to construction, submit a construction Environmental Protection Plan for approval of the Director of the Environmental Approvals Branch. The plan 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 Proposal and supporting information, during construction of the Development. The plan shall:
 - a) identify measures to minimize impacts to culturally and environmentally sensitive sites by implementing mitigation measures such as flagging of the area, buffers zones, selective clearing, construction matting, and non-chemical vegetation management; and
 - b) include specific sites that are identified by Indigenous communities for use for the exercise of Aboriginal rights-based activities in the vicinity of the project (such as plant harvesting, ceremonial practices, hunting, and trapping) as culturally and/or environmentally sensitive sites.

Grassland Mitigation, Recovery, and Offset

15. The Licencee shall install perch deterrents on transmission line towers within Spy Hill-Ellice Community Pasture during construction of the Development.
16. The Licencee shall enter into an agreement to provide a one-time \$150,000 contribution, to be held by the Manitoba Habitat Heritage Corporation, for use toward the capital costs of establishing a grassland habitat recovery program within the Spy Hill Ellice Community Pasture as developed by Manitoba Conservation and Climate, Manitoba Agriculture and Resource Development, and other relevant organizations.
17. The Licencee shall enter into an agreement with the Wildlife and Fisheries Branch of Agriculture and Resource Development and the Manitoba Habitat Heritage Corporation for an offset contribution for the impacts to grasslands associated with the Development. The

Licencee shall develop a grassland offset plan for impacts to grassland bird habitat in the Spy Hill-Ellice Community Pasture that includes a description of area impacted by the transmission line right-of-way, offset ratio, and mitigation measures to be implemented during construction in accordance with the values specified in Schedule A of this Licence. The offset contribution will be held by the Manitoba Habitat Heritage Corporation and may be used for securement of perpetual conservation agreements for grasslands on private land, or other mechanisms to be approved by the Director of the Environmental Approvals Branch in consultation with officials responsible for The Endangered Species and Ecosystems Act.

Invasive Species

18. 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.
19. The Licencee shall, prior to construction of the Development, submit a detailed biosecurity management plan for approval of the Director of the Environmental Approvals Branch. The plan shall describe measures to be implemented to control the spread of invasive species as well as the spread of soil borne diseases from field to field in agricultural areas during construction of the Development.

Culture and Heritage Resources

20. The Licencee shall, prior to construction, submit a Cultural and Heritage Resources Protection Plan for the Development for approval of the Director of the Environmental Approvals Branch.
21. The Licencee shall provide cultural awareness training for staff working in construction areas within the Development that is reflective of the Indigenous cultures in the area. The training shall include recognizing cultural sites and management of any resources encountered.
22. The Licencee shall employ Métis and First Nation monitors to be present during construction within the Spy Hill-Ellice Community Pasture where there is potential for the discovery of historic resources. The Licencee shall provide the necessary training to be a monitor for the identification of historic resources in relation to implementation the cultural and heritage resources plan.

Access Management

23. The Licencee shall, prior to construction of the transmission line component of the Development, submit an access management plan for 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 Development for construction.

24. The Licencee shall install a fence to prevent access along the transmission line right-of-way into the Spy Hill-Ellice Community Pasture from the east.

Monitoring

25. 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 the adaptive monitoring process, triggers, and actions for each monitoring program, and including proposed programs for:
- a) monitoring of the effectiveness of perch deterrents deployed within Spy Hill-Ellice Community Pasture; and
 - b) monitoring for sharp-tailed grouse lek sites adjacent to the transmission line right-of-way within Spy Hill-Ellice Community Pasture.
26. The Licencee shall submit annual reports to the Director of the Environmental Approvals Branch, on the results of monitoring programs approved pursuant to Clause 25 of this Licence for the duration of the monitoring programs.
27. The Licencee shall provide the data from monitoring programs approved pursuant to Clause 25 of this Licence to the Wildlife and Fisheries Branch of Manitoba Agriculture and Resource Development.
28. 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 programs approved pursuant to Clause 25 of this Licence.

Petroleum Storage and Handling

29. 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, unless otherwise approved by an Environment Officer, 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.
30. 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.

Hazardous Waste

31. The Licencee comply with the requirements of Manitoba Regulation 195/2001 respecting Hazardous Waste, or any future amendment thereof.

Noise Nuisance

32. 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.

Erosion Control

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

Spill Response

34. 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.
35. The Licencee shall, following the reporting of an event pursuant to Clause 34:
- 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/or the Environment Officer; and
 - d) submit a report to the Director about the causes of breakdown and measures taken, within one week of the repairs being done.

Pesticide Application

36. The Licencee shall adhere to Pesticides Regulation 94/88 R, or any future amendment thereof, for the storage, handling and application of pesticides in conjunction with the Development.

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.

Vegetation Management

39. The Licencee shall, within six months of the completion of construction of the Development, submit for approval of the Director of the Environmental Approvals Branch, a plan for the management of vegetation along the transmission 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.

Decommissioning

40. The Licencee shall decommission temporary infrastructure associated with the Development on Crown land to the satisfaction of the assigned Environment Officer.
41. 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

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

Respecting Alterations to the Development

43. The Licencee shall notify the Director and receive the approval of the Director for any alterations to the Development as licensed, prior to proceeding with such alterations.

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.



Cordella Friesen
Director
The Environment Act

Schedule A

Offset Calculation:

An offset ratio of 4:1 is appropriate given the uniqueness of the habitat type and high densities of endangered grassland birds in the area.

Area of Influence	Offset Ratio	Area	Per Hectare Cost	Required Offset Contribution
New grassland edge created by project	Multiplier to achieve no net loss of grassland area and function	Area of Influence (13.6 HA) x offset multiplier	For grassland rehabilitation	Offset Contribution area x per hectare cost
13.6 HA	4:1	54.4 HA	\$17,500	\$952,000

