



APPENDIX A

ENVIRONMENT ACT LICENCE 3163



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 : 5792.00

January 12, 2016

Shannon Johnson, Manager, Licensing & Environmental Assessment
Manitoba Hydro
820 Taylor Avenue
Winnipeg MB R3M 3T1

Dear Ms. Johnson:

Enclosed is **Environment Act Licence No. 3163** dated January 12, 2016 issued to **Manitoba Hydro** for the construction, operation and maintenance of approximately 39 km of 12 inch diameter steel pipeline connecting the existing Oak Bluff pipeline located at the Rosser Gate Station in the R.M. of Rosser to the Liss Pipeline located in the R.M. of St. Andrews, approximately 10.5 km of new 12 inch pipeline between Lockport Road in the R.M. of St. Andrews to the existing Selkirk Gate Station located in the City of Selkirk, approximately 9.5 km of new 6 inch pipeline from NW 10-13-2 EPM to the existing Stonewall Gate Station in the town of Stonewall and two new valve sites at NW 30-12-2 EPM and SE 5-13-3 EPM, in accordance with the Proposal filed under The Environment Act, dated July 10, 2015, and additional information dated October 28, 2015.

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 Peter Crocker, Environment Officer at 204-726-6565.

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 within 30 days of the date of the Licence.

Yours truly,

“original signed by”

Tracey Braun, M.Sc.
Director, Environment Act

c: Don Labossiere, Tim Prawdzik, Peter Crocker , Environmental Compliance and Enforcement
Jasmine Langhan, Manitoba Metis Federation; Public Registries; Public: Devin and Kristin Long

NOTE: Confirmation of Receipt of this Licence No. 3163 (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 January 26, 2016.

On behalf of Manitoba Hydro

Date

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

LICENCE

Licence No. / Licence n° 3163

Issue Date / Date de délivrance January 12, 2016

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 maintenance of approximately 39 km of 12 inch diameter steel pipeline connecting the existing Oak Bluff pipeline located at the Rosser Gate Station in the R.M. of Rosser to the Liss Pipeline located in the R.M. of St. Andrews, approximately 10.5 km of new 12 inch pipeline between Lockport Road in the R.M. of St. Andrews to the existing Selkirk Gate Station located in the City of Selkirk, approximately 9.5 km of new 6 inch pipeline from NW 10-13-2 EPM to the existing Stonewall Gate Station in the town of Stonewall and two new valve sites at NW 30-12-2 EPM and SE 5-13-3 EPM, in accordance with the Proposal filed under The Environment Act, dated July 10, 2015, and additional information dated October 28, 2015, 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*;

“**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 the 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;

“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*);

“shelterbelt” means a barrier of trees or shrubs providing protection to soils, crops or livestock;

“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

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.

Compliance

1. The Licencee 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, operation and decommissioning of the Development.

Permits

2. The Licencee shall, prior to commencing construction of the Development, apply for and obtain all necessary provincial licences, authorizations, permits and/or approvals for construction of the Development.

Additional Reporting

3. 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; or
 - 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.

Environmental Inspection

4. The Licencee shall, during construction of the Development, employ qualified environmental inspectors to ensure that all the environmental practices outlined in the Proposal and supporting information are carried out.

Reporting Format

5. The Licencee shall submit all information required to be provided to the Director or Environment Officer under this Licence, in written or 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.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Notification

6. The Licencee shall, prior to beginning construction of the Development, provide notification to the Environment Officer responsible for the administration of this Licence of the intended start date of construction and the name of the contractor(s) responsible for the construction.

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

Construction Environmental Protection Plan

8. The Licencee shall submit an Environmental Protection Plan for the approval of the Director for the construction of the Development. This 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. Separate plans may be submitted for different components or phases of the Development. Specifically, the plan shall:
 - a) describe the environmental management system;
 - b) provide field construction personnel with clear instructions on the mitigation measures to be implemented and on the appropriate lines of communication and means of reporting to be followed throughout the life cycle of the project;
 - c) summarize environmental sensitivities and mitigation actions and emergency response plans and reporting protocols;

Dangerous Goods Storage and Handling

9. The Licencee shall comply with all the applicable requirements of:
 - a) *Manitoba Regulation 188/2001*, or any future amendment thereof, respecting *Storage and Handling of Petroleum Products and Allied Products*.
 - b) *The Dangerous Goods Handling and Transportation Act*, and regulations issued thereunder, respecting the handling, transport, storage and disposal of any dangerous goods brought onto or generated at the Development; and
 - c) the Office of the Fire Commissioner – Province of Manitoba.
10. The Licencee shall provide containment for all vessels containing chemicals in each area of the development where the chemicals are stored, loaded, transferred, used or otherwise handled, in compliance with the National Fire Code of Canada (2010), or any future amendment thereof, such that any product leakage or spillage and any contaminated liquid generated is contained within the Development and contamination of groundwater is prevented.
11. The Licencee shall establish any fuel storage areas required for the construction and operation of the Development a minimum distance of 100 metres from any waterbody.
12. 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 for in-water use shall be readily available on site during construction.

Spill Response

13. 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.
14. The Licencee shall, following the reporting of an event pursuant to Clause 13,
 - 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.
15. The Licencee shall, in a manner approved by the Environment Officer, remove and dispose of all spilled dangerous goods.
16. The Licencee shall, following construction of the Development, verify that terrestrial contamination of the environment has not occurred in work areas of the Development. Any areas of contamination shall be remediated to the satisfaction of the Environment Officer.

Noise Nuisance

17. 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.

Onsite Wastewater Disposal

18. The Licencee shall, during construction of the Development, dispose of all wastewater from on-site sanitary facilities in accordance with *Manitoba Regulation 83/2001*, or any future amendment thereof, respecting *Onsite Wastewater Management Systems*.

Waste Disposal

19. 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 *Manitoba Regulation 150/91*, or any future amendment thereof, respecting *Waste Disposal Grounds*, or a licence issued pursuant to *The Environment Act*.

Shelterbelts

20. The Licencee shall, where possible, minimize disturbance to existing shelterbelts not located on road rights-of-way and horizontally directional drill areas where shelterbelts would be potentially affected by conventional trenching methods.

Water Crossings

21. The Licencee shall construct waterway crossings on flowing waterways, including Omand's Creek, East Branch Colony Creek, Grassmere Creek Drain, and Parks Creek by horizontal directional drilling. Open cut crossings on flowing waterways shall not be made unless prior consultation with Manitoba Conservation and Water Stewardship and Department of Fisheries and Oceans staff has occurred and the prior written approval of the Director has been obtained. Dry or non-flowing (i.e. hydraulically unconnected to downstream flowing water) natural and artificial waterways may be crossed with open cut techniques where approval has been obtained where necessary from the authority responsible for the channel.
22. The Licencee shall complete augered, tunneled or bored waterway crossings in accordance with the Fisheries and Oceans Canada Manitoba Operational Statement on High-Pressure Directional Drilling, and notify the Environment Officer if a frac out occurs.
23. The Licencee shall, where conditions allow, excavate endpoints for directional drilling operations a minimum of 30 m from the high water mark of third and higher order waterways, and a minimum of 15 m from the high water mark of first and second order waterways.
24. The Licencee shall, where open cut stream crossing techniques are used on intermittent waterways and artificial drainage channels, not construct open cut crossings associated with the Development between March 15 and June 15 of any year.
25. The Licencee shall construct open cut stream crossings associated with the Development in accordance with the methodologies described in the October, 2005 publication "Pipeline Associated Watercourse Crossings Third Edition", published by the Canadian Pipeline Water Crossing Committee, and the May, 1996 publication "Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat", published by the Department of Fisheries and Oceans and Manitoba Natural Resources.
26. The Licencee shall, during construction and maintenance of the Development associated with any waterbody crossings:
 - a) minimize disturbance to riparian areas;
 - b) implement erosion control measures within dry waterbodies to ensure sediment does not enter downstream waters in the event of rain;
 - c) re-contour the bed and banks of the waterbody to their original elevations and shapes;
 - d) stabilize the disturbed soils once the bed and banks are re-contoured; and

- e) re-vegetate disturbed areas using a seed mix native to the area, or other effective methods, to prevent the establishment of invasive plant species.

Wetlands and Drainage

- 27. The Licencee shall not, during construction, clear, compact, grade or fill any wetlands or native upland habitat, which are not required for the construction of right-of-way of the Development.
- 28. The Licencee shall establish marshalling yards and vehicle trails in dry upland areas.
- 29. The Licencee shall not alter local drainage patterns by the construction of the Development, including inflows and outflows from small wetlands adjacent to the Development.

Wildlife

- 30. The Licencee shall not conduct clearing of large trees and shrubs between April 21 and August 15.
- 31. The Licencee shall, where feasible, ensure that no frogs are buried during backfilling of excavated areas.

Invasive Plant Species

- 32. The Licencee shall, during construction and maintenance of the Development, take measures to prevent the introduction and spread of foreign aquatic and terrestrial biota.

Revegetation

- 33. The Licencee shall, during construction and maintenance of the Development, take all appropriate measures to prevent erosion.
- 34. The Licencee shall, immediately upon completion of construction of the Development, where native habitat existed prior to the disturbance, re-vegetate areas exposed during the construction to pre-existing conditions with locally produced native seed mixes. Follow-up monitoring, re-seeding, maintenance, and weed control shall be conducted until disturbed areas are re-vegetated to the satisfaction of Conservation and Water Stewardship.
- 35. The Licencee shall, in association with Clause 34 of this Licence, file a copy of a post construction environmental monitoring report with the Director, prior to January 31st of each year following construction of the Development, until the Director deems the reclamation is satisfactory. The report shall outline the results of the reclamation of native prairie along the right-of-way.
- 36. The Licencee shall separate and replace topsoil from backhoe and trenching operations associated with the Development in accordance with the methodology described in Figures 1, 2 and 3 attached to this Licence. This requirement is not applicable where the topsoil has been previously disturbed due to the construction of roads or drains.

Hydrostatic Test Water

37. The Licencee shall contact the Water Stewardship Division of Conservation and Water Stewardship to obtain criteria for the withdrawal of water for hydrostatic testing and for the discharge of hydrostatic test water associated with the Development. Hydrostatic test water shall be withdrawn and discharged according to these criteria.

REVIEW AND REVOCATION

38. 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.

39. If construction of the development has not commenced within three years of the date of this Licence, the Licence is revoked.

40. 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, M.Sc.
Director
Environment Act

File: 5792.00

Figure 1 to Environment Act Licence No. 3163

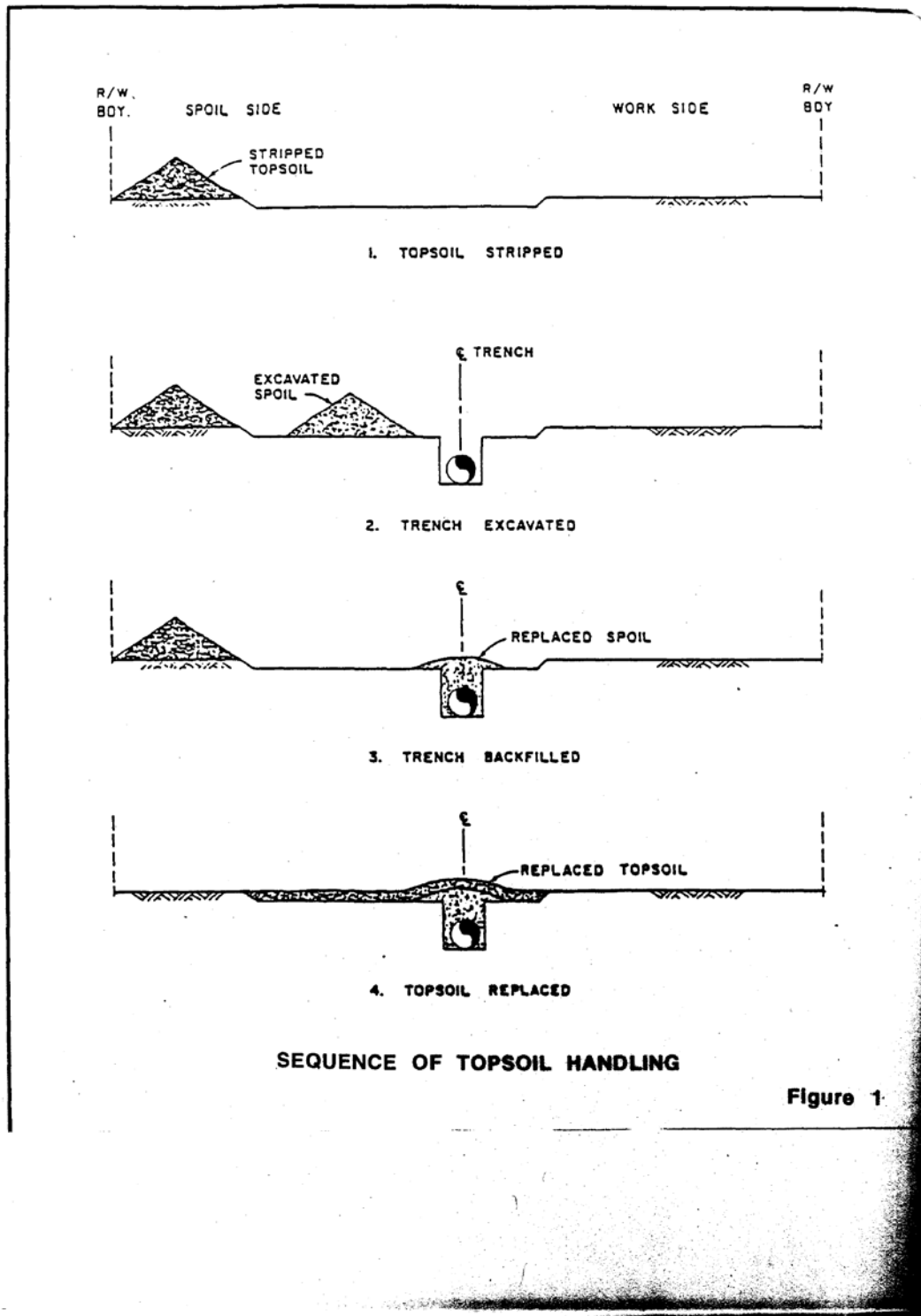
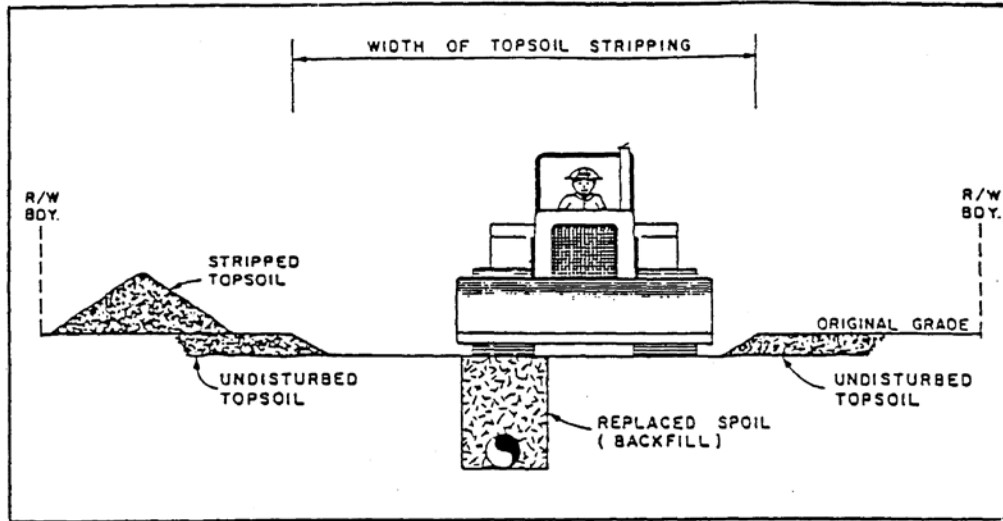
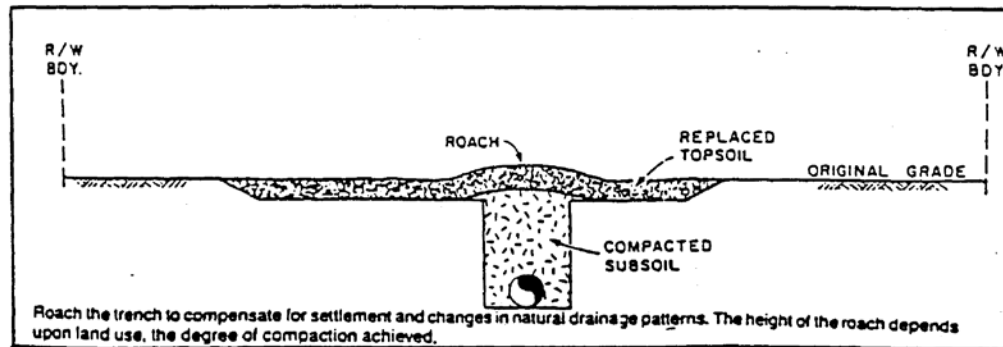


Figure 2 & 3 to Environment Act Licence No. 3163



COMPACTION OF BACKFILL

Figure 2



ROACHING THE TRENCH

Figure 3

APPENDIX B

APPLICABLE GUIDELINES

APPLICABLE GUIDELINES

Canadian Pipeline Environment Committee. 2004. The Pipeline Industry and the Migratory Birds Act. Available at <http://www.neb-one.gc.ca/clf-nsi/rsftyndthnvrnmnt/nvrnmnt/lfcclpprch/pplnndstrmqtrtrbrdcnvtntct2004CPEC-eng.pdf>

Canadian Pipeline Environment Committee. 2005. Pipeline Associated Watercourse Crossings Third Edition. Available at <http://www.cepa.com/wp-content/uploads/2014/01/Pipelines-Associated-Watercourse-Crossings.pdf>

Environment Canada. 2009. Petroleum Industry Activity Guidelines for Wildlife Species at Risk in the Prairie and Northern Region. Canadian Wildlife Service, Environment Canada, Prairie and Northern Region, Edmonton Alberta. 64p.

Fisheries and Oceans Canada (DFO). 2014a. Measures to Avoid Causing Harm to Fish and Fish Habitat. Available at: <http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/index-eng.html>. Accessed February 01, 2014.

Fisheries and Oceans Canada (DFO). 2014b. Manitoba Restricted Activity Timing Windows for the Protection of Fish and Fish Habitat. Available at: <http://www.dfo-mpo.gc.ca/pnw-ppe/timing-periodes/mb-eng.html>. Accessed February 01, 2014.

Fisheries and Oceans Canada. 2007. Manitoba Operational Statement for Timing Windows, Version 3.0. Available at http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territories-territoires/mb/pdf/os-eo21_e.pdf

Fisheries and Oceans Canada. 2007. Manitoba Operational Statement for High Pressure Directional Drill, Version 3.0. Available at http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territories-territoires/mb/pdf/os-eo09_e.pdf

Fisheries and Oceans Canada. 1995. Freshwater Intake End-of-Pipe Fish Screen Guidelines. Available at <http://www.dfo-mpo.gc.ca/library/223669.pdf>

Fisheries and Oceans Canada (DFO) and Manitoba Natural Resources (MNR). 1996. Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat. Available at <http://www.gov.mb.ca/waterstewardship/fisheries/habitat/sguide.pdf>

Henderson, Darcy, C. 2011. Activity Setback Distance Guidelines for Prairie Plant Species at Risk. Canadian Wildlife Service, Prairie and Northern Region.

National Energy Board. 2013. Onshore Pipeline Regulations. SOR/99-294. Amended April 2013.

Transport Canada Navigable Waters Protection Act. Pipeline Crossings. TP 14593 (12/2009) Available at <http://www.tc.gc.ca/publications/bil/tp14593/pdf/hr/tp14593b.pdf>



APPENDIX C

**BIOSECURITY STANDARD OPERATING
PROCEDURES**



Related Policies: P853 Agricultural Biosecurity
G125A Point of Delivery for Intensive Livestock Operations

1. PURPOSE OF THE PROCEDURE

This standard operating procedure (SOP) provides guidance for Customer Service & Distribution (CS&D) employees to assist in the prevention of spreading invasive organisms.

2. SCOPE

This procedure applies to the Customer Service & Distribution Business Unit, its employees and contractors. All invasive organisms (plants, pests, disease) that pose a risk to agricultural operations are included in this procedure.

The procedure is geographically specific to:

1. Land zoned for agricultural use by a provincial or municipal government, planning commission or planning district
2. Manitoba Hydro's service area (gas & electric)

3. APPLICABILITY

The SOP is applicable when there is a reasonable risk of moving invasive organisms in soil from one location to another while performing tasks in CS&D, or at the landowner's request. Frozen, dry, or uncultivated ground poses little risk. Where possible, try to avoid wet areas or traveling through areas that contain manure.

Conditions where the SOP does not apply include:

1. Where land use is not zoned agricultural
2. When equipment only comes in contact with gravel or pavement
3. Where the work is carried out on a public right of way
4. In emergency situations (*The Manitoba Hydro Act* will prevail in order to return services to normal operating condition)

4. GENERAL INFORMATION

Agricultural biosecurity is the protection of crops and livestock systems against the threats to production from invasive organisms (disease, pests and invasive species).

Human activity is one of the factors in the spread of invasive organisms. Responsibility for the management of agricultural biosecurity rests with all stakeholders.

5. RESPONSIBILITY

- All CS&D employees who carry out work on agricultural land must be aware of this Standard Operating Procedure
- Contractors (non-prime) who carry out work on agricultural land must be made aware of this Standard Operating Procedure prior to the commencement of work
- Employees from other Business Units carrying out work on behalf of CS&D will be required to follow this SOP during the course of their work
- Managers must monitor compliance with the procedure



6. PROCEDURAL INSTRUCTIONS

1. Continue with the well established practice of communicating with landowners or producers prior to beginning work on or adjacent to private property. This is the landowner or producer's opportunity to voice any concerns, including those related to biosecurity.
 - Respect the landowner or producer's written biosecurity protocol.
2. If a degree of elevated risk is identified (see list below) mechanical cleaning shall be performed which removes about 90% of the soil. Manitoba Hydro vehicles and equipment should enter and exit fields in a clean condition. Mechanically clean vehicles and equipment by removing visible dust, soil, and plant materials using brushes, brooms, and shovels from:
 - interior and exterior of vehicles and equipment
 - shovels, augers and vehicle tires
 - clothes, personal protective equipment, and boots

Elevated risk identifiers:

- A. Confirmed presence of invasive species (e.g. clubroot)
 - B. Extremely wet conditions with disturbed soil (significant accumulation of soil on vehicles and equipment)
 - C. Work involves close contact with livestock
 - D. Where there is heightened sensitivity around a particular project and/or from a particular customer or group of customers.
3. RECORD the action completed related to cleaning on one of the three documents: the workorder, the job plan (tailboard), or environmental checklist.

7. DISTRIBUTION, COMMUNICATION & REVIEW

The SOP will be communicated to CS&D employees and contractors as required. It is available on Manitoba Hydro's intranet and to the public upon request.

For subject matter expert guidance or questions from the public, please contact Mr. Alec Stuart, Manager, Corporate Environmental Management at environment@hydro.mb.ca or 204-360-3015.

This procedure will be reviewed every three years by the Division Managers of CS&D.

8. PROCEDURE APPROVAL

Date: April 30, 2014

Signature:  APRIL 30/14

G. B. Reed, Vice President, Customer Service & Distribution Business Unit