



Environment Act Licence Loi sur l'environnement Licence

Licence No./Licence n° 2683
Issue Date/Date de délivrance May 31, 2005

**IN ACCORDANCE WITH THE MANITOBA ENVIRONMENT ACT (C.C.S.M. c. E125)
THIS LICENCE IS ISSUED PURSUANT TO SECTION 11(1) TO:**

**THE RURAL MUNICIPALITY OF STUARTBURN AND THE RURAL
MUNICIPALITY OF FRANKLIN;
"the Licencee"**

for the construction and operation of the Development being a drain along the west side of sections 19, 30 and 31-1-6E and 6, 7, 18, 19, and 30-2-6E, in accordance with the Proposal filed under The Environment Act dated December 23, 2004, and additional information dated April 21, 2005, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

In this Licence,

"**accredited laboratory**" means an analytical facility accredited by the Standard Council of Canada (SCC), or accredited by another accrediting agency recognized by Manitoba Conservation to be equivalent to the SCC, or be able to demonstrate, upon request, that it has the quality assurance/quality control (QA/QC) procedures in place equivalent to accreditation based on the international standard ISO/IEC 17025, or otherwise approved by the Director.

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.

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

1. The Licencee shall collect and dispose of all used oil products and other regulated hazardous wastes generated by the machinery used in the construction and operation of the Development in accordance with applicable Manitoba Conservation and legislation requirements.
2. The Licencee shall not undertake construction activities in connection with the Development during periods of rain or when runoff is occurring into the Development.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Respecting Construction:

3. The Licencee shall, prior to beginning construction of the Development, conduct a survey of rare and endangered plant and animal species along the route of the Development. The survey shall be conducted by a person with qualifications satisfactory to the Director. If rare or endangered species are found, a report on their presence, including appropriate mitigation measures for their protection, shall be provided to the Director for approval prior to beginning construction in the affected areas.
4. The Licencee shall, not less than two weeks prior to beginning construction of the Development, provide notification to the Environment Officer responsible for the administration of this Licence of the intended starting date of construction and the name of the contractor responsible for the construction.
5. 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 *Manitoba Regulation 188/2001*, or any future amendment thereof, respecting *Storage and Handling of Petroleum Products and Allied Products*.
6. The Licencee shall, during construction of the Development, immediately report fuel spills in excess of 100 litres to an Environment Officer.
7. The Licencee shall not place excavated material east of the eastern edge of the right-of-way for the Development, unless prior written approval is received from the Director.
8. The Licencee shall, during construction of the Development, construct culvert crossings in accordance with the requirements of the May, 1996 publication "Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat".

9. The Licencee shall not alter groundwater conditions through the construction of the Development. If, during construction of the Development, the Licencee encounters groundwater discharge into the Development, the Licencee shall immediately notify the Director and prepare a report for the approval of the Director detailing measures proposed to prevent groundwater discharge into the Development. The Licencee shall implement all approved groundwater discharge prevention measures.
10. The Licencee shall revegetate areas disturbed by the construction of the Development with a mixture of native or introduced grasses or legumes. These areas shall be revegetated as quickly as possible following construction to prevent soil erosion and the establishment of noxious weeds. Native species shall be used to revegetate disturbed areas adjacent to land which was vegetated with native species prior to construction. In particular, native species shall be used to revegetate the drain adjacent to the south half of NW 31-1-6E.

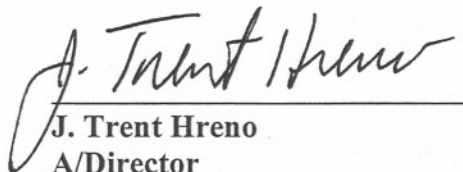
Respecting Monitoring:

11. The Licencee shall conduct a water quality monitoring program as described in Clauses 12 to 16 of this Licence, for the period April through October for three years commencing with the construction of the Development. In the year of construction, samples shall be collected weekly when flow is occurring. In the two years following construction, samples shall be collected monthly when flow is occurring. Following this period, the duration of the monitoring program may be extended by the Director if the results, in the opinion of the Director, indicate that a longer monitoring period is appropriate.
12. The Licencee shall collect grab samples pursuant to Clause 11 of this Licence from the drain at three locations: at the south end of Section 19-1-6E, at the north end of Section 30-1-6E immediately south of Provincial Road 209, and at the north end of Section 19-2-6E.
13. The Licencee shall, on the same dates that the grab samples required pursuant to Clause 11 of this Licence are obtained, determine flow in the drain at the north end of Section 19-2-6E. Flow shall be determined based on a rating curve for the culverts installed at this location.
14. The Licencee shall transport the grab samples collected pursuant to Clause 11 of this Licence to an accredited laboratory for analysis. The samples shall be stored and transported in accordance with procedures specified by Manitoba Conservation to ensure that the samples are suitable for analysis.

15. The Licencee shall, at an accredited laboratory, have the samples collected pursuant to Clause 11 of this Licence analyzed for the following parameters:
 - a) total Kjeldahl nitrogen (TKN);
 - b) nitrate-nitrite;
 - c) ammonia;
 - d) total phosphorus;
 - e) dissolved phosphorus;
 - f) ortho phosphorus;
 - g) total dissolved solids (TDS); and
 - h) total suspended solids (TSS).
16. The Licencee shall, not more than 30 days after the results of each analysis are available, submit the results and the corresponding flow in the drain to the Director.
17. The Licencee shall, for a period of five years commencing with the year of construction of the Development, undertake a summer vegetation survey on the south half of NW 31-1-6E. The surveys shall be conducted by persons with qualifications satisfactory to the Director. Results of each survey, including any changes in the vegetation community, shall be provided to the Director within two months of the date of the survey.

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.



J. Trent Hreno
A/Director
Environment Act