

Appendix I – Manitoba Conservation and Water Stewardship Environment Act Licence No. 3121



Conservation and Water Stewardship

Climate Change and Environmental Protection Division
Environmental Approvals Branch
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5
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www.gov.mb.ca/conservation/eal

CLIENT FILE NO. : 5709.00

December 18, 2014

Björn Rådström, BSc(CE), P. Eng., Manager of Service Development
Winnipeg Transit Service - Development Division
421 Osborne Street
Winnipeg, Manitoba R3L 2A2

Dear Mr. Rådström:

Enclosed is **Environment Act Licence No. 3121** dated December 18, 2014 issued to the **City of Winnipeg** for the construction and operation of the Development being a road (transitway) and associated infrastructure extending from the intersection of Pembina Highway and Jubilee Avenue to the University of Manitoba within the City of Winnipeg, in accordance with the Proposal filed under *The Environment Act* dated April 17, 2014.

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 Yvonne Hawryliuk, Environment Officer at 204-945-5305.

Pursuant to Section 11(10) of *The Environment Act*, the Director has decided not to recommend a public hearing for this project as the environmental concerns raised by the public have been addressed through the mitigation measures outlined in the Proposal and in the conditions of the licence. This decision may be appealed to the Minister of Conservation and Water Stewardship within 30 days of the date of this letter.

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; Donna Smiley, Provincial Manager; ECE
Yvonne Hawryluk, Environment Officer; Dennis Heinrichs, Dillon Consulting Limited (**via email**)
Public Registries, Public Distribution (attached) .../2

NOTE: Confirmation of Receipt of this Licence No. 3121 (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 7, 2015.

On behalf of the City of Winnipeg

Date

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

Public Distribution List:

Councillor Orlikow
Miriam Neuman
David M. Sanders, MA LLB
Cal Dueck on behalf of Parker Wetlands Conservation
Shane Nestruck
Nancy Newall
Heather A. Erickson
Jennifer Sinclair
Laura Pearson
Jay Smith
Lisa Waldner
Susan Belmonte
Ed Innes
Bev Pike

LICENCE

Licence No. / Licence n°

3121

Issue Date / Date de délivrance

December 18, 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:

CITY OF WINNIPEG;
"the Licencee"

for the construction and operation of the Development being a road (transitway) and associated infrastructure extending from the intersection of Pembina Highway and Jubilee Avenue to the University of Manitoba within the City of Winnipeg, in accordance with the Proposal filed under The Environment Act dated April 17, 2014, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

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

"**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;

"**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; 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 or hydrophilic 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 labelled with the Licence Number and Client File Number associated with this Licence.

Notification

3. 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 start date of construction and the name of the contractor(s) responsible for the construction.

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

Compliance

5. The Licence shall adhere to the commitments made in the Proposal and reports submitted and approved pursuant to this licence during construction and maintenance of the Development.

SPECIFICATIONS, TERMS AND LIMITS

Land Use Restrictions

6. The Licencee shall restrict construction and operational activities related to the Development to those lands to which the Licencee possesses complete ownership, or a signed agreement with another person or legal entity respecting the use of any land to which that person or legal entity possesses complete ownership, wherein the agreement clearly identifies the party which accepts full responsibility for any environmental liabilities incurred by the activities of the Licencee.
7. The Licencee shall not, during construction, clear, compact, grade or fill any wetlands or natural upland habitat, which are not required for the footprint of the Development.

Invasive Plant Species

8. The Licencee shall, during construction and maintenance of the Development, regularly monitor the project area for invasive plant species, specifically including purple loosestrife and common reed grass. If invasive species are found, the Licencee shall manage the eradication and/or containment of these species.

Species at Risk

9. The Licencee shall conduct a pre-construction survey in late spring within the Parker Lands for Species at Risk. A report on the survey shall be submitted to the Director for approval prior to construction, which includes recommendations for conservation of Species at Risk found in this area.
10. The Licencee shall relocate and/or replace milkweed plants found within the Development that are to be impacted by construction, to suitable areas and at a suitable time for the protection of Monarch butterfly larvae, unless otherwise authorized by the Director.
11. The Licencee shall, unless otherwise authorized by the Director, not conduct construction activities within the cattails stands and wet meadow areas within the Development in spring and summer for the protection of Northern leopard frogs.

Parker Retention Pond

12. The Licencee shall replace the structure and function of cattail stands and wet meadow areas in the Parker Lands that are impacted by the Development with new areas of semi-aquatic vegetation, aquatic vegetation and a pond habitat through development of the planned Parker Retention Pond.

Wells

13. The Licencee shall properly seal all wells constructed for the Development and any abandoned wells encountered within the project area during construction to prevent vertical movement of water in the well or well bore. Reports on completed well construction and the sealing of wells shall be submitted to the Groundwater Management Section of Manitoba Conservation and Water Stewardship. Any groundwater analysis results from the constructed wells shall be included in the reports.

Noise Nuisance

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

Petroleum Storage and Handling

15. 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.
16. 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 contaminating soil or entering any waterbody. Emergency spill kits for both land and in-water use shall be readily available on site during construction.

Release of Pollutants

17. 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

emergency response line at 204-944-4888 or toll-free at 1-855-944-4888 pursuant to the *Environmental Accident Reporting Regulation 439/87* or any future amendment thereof. The report shall indicate the nature of the event, the time and estimated duration of the event and the reason for the event.

18. The Licencee shall, following the reporting of an event pursuant to Clause 17,
 - 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.

19. 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.

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*.

“original signed by”

Tracey Braun, M.Sc.
Director
Environment Act