

LICENCE

Licence No. / Licence n° 2896

Issue Date / Date de délivrance August 12, 2009

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 10(1) / Conformément au Paragraphe 10(1)

THIS LICENCE IS ISSUED TO: / CETTE LICENCE EST DONNÉE À:

TOLKO INDUSTRIES LTD.: "the Licencee"

for the construction, operation and maintenance of the Development being a road in Grass River Provincial Park from Provincial Trunk Highway 39 to the Chisel Lake railbed in Townships 65 and 66, Range 22W (Dickstone South Road), in accordance with the Proposal filed under The Environment Act dated March 10, 2008, and additional information dated July 18, 2008, and subject to the following specifications, limits, terms and 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.

1. The Licencee shall collect and dispose of all used petroleum products and other regulated hazardous wastes generated by the machinery used in the construction, maintenance and decommissioning of the Development in accordance with applicable Manitoba Conservation and legislative requirements.
2. The Licencee shall revegetate areas disturbed by the construction, maintenance and decommissioning of the Development with a mixture of species native to Grass River Provincial Park. These areas shall be revegetated as quickly as possible following construction to prevent soil erosion.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Construction - General

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 starting date of construction and the name of the contractor responsible for the construction.
4. The Licencee shall, prior to construction of the Development, obtain a General Permit from the Parks and Natural Areas Branch of Manitoba Conservation.
5. The Licencee shall, prior to construction of the Development, submit a Forest Road Development Plan and obtain a Work Permit from Manitoba Conservation.
6. The Licencee shall, prior to construction of the Development, provide a copy of this Licence and the Work Permit required by Clause 5 of this Licence to the contractor(s) involved.
7. The Licencee shall, prior to construction of the Development, obtain a permit from the Highway Traffic Board for the connection of the Development to Provincial Trunk Highway 39.
8. The Licencee shall establish any fuel storage areas required for the construction, maintenance and decommissioning 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*.
9. The Licencee shall, during construction, maintenance, operation and decommissioning of the Development:
 - (a) immediately report any reportable spills to Manitoba Conservation's Accident Reporting Line at (204) 944-4888; and
 - (b) provide a follow-up report to the Director on a reportable environmental accident outlining the cause(s) and proposing corrective action to prevent reoccurrence.
10. The Licencee shall, at all times during the construction and decommissioning of the Development, have materials available at all construction sites to contain and recover spills of fuel and other fluids associated with construction machinery.
11. The Licencee shall, during the construction and decommissioning of the Development, clean up and deposit all debris from construction sites, including demolition debris, at a Waste Disposal Ground operating under the authority of a permit issued pursuant to *Manitoba Regulation 150/91*, or any future amendment thereof, respecting *Waste Disposal Grounds*.
12. The Licencee shall, during construction, maintenance, operation and decommissioning of the Development, dispose of all sewage and septage from on-site sanitary facilities in accordance with

Manitoba Regulation 83/2003, or any future amendment thereof, respecting ***Onsite Wastewater Management Systems***.

13. The Licencee shall design the right-of-way of the Development to avoid rare or endangered species and species of special concern, as well as migratory birds, their nests and their eggs. A survey of the right-of-way for these species shall be completed and a report on the survey shall be provided for the approval of the Director prior to construction of the Development.
14. The Licencee shall not remove, destroy or disturb species listed as rare, endangered, or of special concern, or their habitats. These species are listed in ***Manitoba Regulation 25/98***, or any future amendment thereof, respecting ***Threatened, Endangered and Extirpated Species*** and in the federal Species at Risk Act.
15. The Licencee shall not harm, remove, destroy or disturb migratory birds, their nests or their eggs pursuant to the requirements of the federal Migratory Birds Convention Act.
16. The Licencee shall, during construction, maintenance, operation and decommissioning of the Development, take all appropriate measures to prevent erosion and the deposition of sediment into any waterbodies adjacent to the Development.
17. The Licencee shall not undertake construction or decommissioning activities in connection with the Development in waterways and wetlands between April 1 and July 15 of any year, or during periods of high streamflow.
18. The Licencee shall, during construction, maintenance and decommissioning of the Development, not alter surface drainage patterns or wetlands.
19. The Licencee shall not, during construction, maintenance and decommissioning of the Development, clear, compact, grade or fill any areas of natural vegetation including wetlands, which are not required for the right-of-way of the Development. All construction and maintenance related traffic shall be restricted to the right-of-way of the Development.
20. The Licencee shall not construct other roads connected to the Development. Short access routes for construction and maintenance purposes such as routes to borrow pits shall be approved in writing by Northwest Region staff of Manitoba Conservation prior to construction.
21. The Licencee shall design and construct borrow pits in connection with the Development to minimize environmental and aesthetic impacts. Borrow pit designs shall be approved in writing by the Northwest Region Integrated Resource Management Team of Manitoba Conservation prior to construction, and subject to the requirements of a Quarry Permit.
22. The Licencee shall construct the Development in accordance with requirements provided in the most recent edition of Manitoba Conservation's Forest Practices Guidebook on Forestry Road Management.

Construction – Grass River Bridge

23. The Licencee shall, during construction and maintenance of the Development, adhere to the general recommendations on design, construction and maintenance of stream crossings as specified in the Manitoba Department of Natural Resources guidelines titled *Recommended Fish Protection Procedures for Stream Crossings in Manitoba, May 1996*, and the current version of the federal Department of Fisheries and Oceans Operational Statement on Clear-Span Bridges ([www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territoires-territoires/mb/pdf/os-eo05_e.pdf](http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territoires-territoires/mb/pdf/os-<u>eo05_e.pdf</u>)).
24. The Licencee shall locate the Grass River Bridge of the Development in accordance with the Proposal so that the bridge is not visible from Provincial Trunk Highway 39.
25. The Licencee shall locate the Grass River Bridge of the Development so that clear sightlines are provided to the bridge for both truck traffic on the road and boat traffic on the river.
26. The Licencee shall construct the Grass River Bridge of the Development as a single span, single lane structure with an approximate maximum width of 5 metres and a precast concrete deck.
27. The Licencee shall comply with the requirements of Transport Canada pursuant to the Navigable Waters Protection Act respecting the Grass River Bridge of the Development.
28. The Licencee shall make provisions to maintain a safe boat portage at the site of the Grass River Bridge of the Development.

Operation

29. The Licencee shall, between April 1 and October 31 of any year, limit access to and use of the Development to logging trucks hauling from or returning to the Operating Area north of Grass River Provincial Park. Service vehicles and equipment other than that required for maintenance of the Development shall access the Operating Area north of the Development using the Chisel Lake Railbed Road and the existing Dickstone North Road.
30. The Licencee shall, between November 1 of any year and March 31 of the following year, limit access to and use of the Development to logging trucks and other vehicles directly related to forest harvesting operations in the Operating Area north of Grass River Provincial Park. Vehicles not directly related to forest harvesting operations or the maintenance of the Development shall access the Operating Area north of the Development using the Chisel Lake Railbed Road and the existing Dickstone North Road.
31. The Licencee shall provide locked gates at each end of the Development. The North gate shall be locked except at times when hauling is occurring. The South gate shall be locked at all times, and operated for individual vehicles when hauling is occurring to allow only authorized traffic. Keys for both gates shall be held only by the Licencee's authorized gatekeepers and Northwest Region staff of Manitoba Conservation.

32. The Licencee shall secure the South gate of the Development when hauling is occurring either by staffing the gate so that the gate is opened for authorized vehicles and locked when no authorized vehicle is passing through, or by installing an electronic control system acceptable to the Director to accomplish the same objective. If an electronic control system is used, the gate must be immediately staffed during hauling in the event of a failure of the electronic control system. An electronic control system must be capable of opening and closing the gate for each vehicle using coded cards, identifying the card, vehicle and time of each operation, and transmitting this information in real time to the Licencee. Reporting of this information shall be required in accordance with Clause 35 of this Licence.
33. The Licencee shall provide and maintain signage at trail crossing points along the Development for the safety of trail users and to inform trail users that travel on the Development is not authorized.
34. The Licencee shall not use chemical means for dust or ice control on the Development. Sand shall not be used in winter within 100 m of the Grass River Bridge of the Development. Crushed rock may be used for traction assistance within 100 m of the Grass River Bridge. Any crushed rock carried onto the bridge deck shall be removed each spring.
35. The Licencee shall, commencing one year from the date of this Licence, provide an annual report to the Director on usage of the Development. The report shall include information on the number and dates of loads hauled on the Development, incidents of unauthorized use and remedial measures, and maintenance issues including those at watercourse crossings for the reporting period.

Decommissioning

36. The Licencee shall, not later than six months from the date of this Licence, provide for the approval of the Director a plan for the decommissioning of the Development. The plan shall include a discussion of actions to be taken by the Licencee in the decommissioning of the Development, including the anticipated timing of decommissioning following the conclusion of forest harvesting activities in the Loonhead Lake/Wheadon River operating area, restoration and re-forestation of the roadbed with tree species native to Grass River Provincial Park, the removal of the Grass River Bridge and the permanent blocking of access at trail crossings and gate locations.
37. The Licencee shall implement the plan approved by the Director pursuant to Clause 36 of this Licence. Implementation of the plan shall be as described in the plan unless otherwise required by the Director in writing.
38. The Licencee shall provide financial assurance in an amount and form required by the Director in respect of the implementation of the plan required by Clause 36 of this Licence.

Monitoring

39. The Licencee shall participate in monitoring and research activities relating to woodland caribou in proximity to the Development within Grass River Provincial Park in cooperation with Manitoba Conservation. Participation by the Licencee may include data collection, the provision of technical expertise and the provision of funding.

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 the Licencee fails to maintain a valid Forest Management Licence for forest harvest activities supported by this Licence, the Director may, temporarily or permanently, revoke this Licence after initiating decommissioning activities pursuant to Clause 37 of this Licence.
- D. 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.



Tracey Braun, M. Sc.
Director
Environment Act