



Conservation and Water Stewardship

Environmental Stewardship Division
Environmental Approvals Branch
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www.gov.mb.ca/conservation/eal

File: 2966.00

March 6, 2014

Mr. Dave McDonald
Vale
Manitoba Operations
P.O. Box 5000
Thompson, MB R8N 1P3

Dear Mr. McDonald:

Re: Vale Birchtree Mine - Environment Act Licence No. 1881 – Notice of Alteration

Receipt of your February 7, 2014 letter submission is acknowledged as a notice of alteration in accordance with Section 14 of *The Environment Act*.

The requested change to the Development as Licensed is to construct a diversion ditch to redirect surface runoff water around the Birchtree Mine site. The surface runoff is currently conveyed through piping across a portion of the mine site which has resulted in the water coming into contact with the mine waste rock. The proposed diversion ditch would divert water from the Birchtree Mine site to the Manasan River.

The potential environmental effect of the requested change to the Development as Licensed is insignificant and considered to be a minor alteration in accordance with section 14(2) of *The Environment Act*. The request to construct the diversion ditch as detailed in the February 7, 2014 letter is approved based on the following conditions:

1. The Licencee shall obtain a Water Rights Licence for the diversion ditch prior to commencing construction activities;
2. The Licencee shall implement effective erosion and sediment control measures during construction to minimize the amount of sediment entering all waterways and maintain the control measures until natural vegetation has been re-established;
3. The Licencee shall, should natural re-vegetation not occur within one year following completion of construction, re-vegetate the disturbed areas with a natural seed mix; and

4. The Licencee shall place all material removed during construction at locations above the high water mark so that material will not enter the waterways during precipitation events.

The *Application for Licence to Construct Water Control Works* form is attached for your convenience. If you have any questions, please contact Jennifer Winsor, P.Eng. at 204-945-7012.

Yours truly,

“Originally signed by”

Tracey Braun, M.Sc.
Director
Environmental Approvals Branch

- c. Don Labossiere, Director – Environmental Compliance and Enforcement Branch,
Manitoba Conservation and Water Stewardship
Geoff Reimer – Drainage and Water Control Licensing Branch, Manitoba Conservation
and Water Stewardship
Kevin Jacobs – Water Science and Management Branch, Manitoba Conservation and
Water Stewardship
Laureen Janusz – Fisheries Branch, Manitoba Conservation and Water Stewardship
Public Registries

**Application for Licence
to Construct Water Control Works**

FORM 1: Revised: July 14, 2009



Applicant Name (s) _____
 Company Name _____ Telephone No. _____
 Mailing Address _____ Postal Code _____ Cell Phone No. _____
 Location of Residence _____ Fax No. _____ E-mail _____

A. DEFINITIONS

1) Pursuant to *The Water Rights Act*: **WATER CONTROL WORKS** are defined as any dyke, dam, surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert, borehole or contrivance for carrying or conducting water that (a) temporarily or permanently alters or may alter the flow or level of water, including but not limited to water in a water body, by any means, including drainage, or (b) changes or may change the location or direction of flow of water, including but not limited to water in a water body, by any means, including drainage.

2) **MINOR WATER CONTROL WORKS** (as defined by policy) are those works that meet the following criteria:

Respecting drainage, minor water control works:

- Are constructed solely on lands owned or controlled by the applicant without negative impact to other lands.
- Meet industry accepted engineering and construction standards.
- Involve excavation of organic soils only and do not lower water levels more than 30 cm (1 foot) below natural ground level.
- Are proven acceptable to municipal or provincial governments if water control works affect the location or flow of water on municipal or provincial property.
- Are proven acceptable to the landowner of lands on which they are constructed if applicant does not own the land.
- Do not occur in naturally vegetated riparian areas.
- Do not occur on Class 6 and 7 soils as defined by Canada Land Inventory (CLI) Soil Capability for Agriculture (1965).
- Do not alter the natural state of seasonal, semi-permanent or permanent marshes (Classes III, IV, V – Stewart and Kantrud marsh classification system).

Respecting dams, minor water control works:

- Are constructed solely on lands owned or controlled by the applicant without negative impact to other lands.
- Meet industry accepted engineering and construction standards.
- Are located within artificially constructed drainage channels.
- Are less than 1.5 meters in height and do not raise the spill elevation of a wetland above natural ground level.

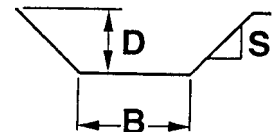
Respecting infrastructure installations, minor water control works:

- Are constructed solely on lands owned or controlled by the applicant without negative impact to other lands.
- Do not alter the natural state of seasonal, semi-permanent or permanent wetlands (Classes III, IV, V – Stewart and Kantrud marsh classification system).
- Meet industry accepted engineering and construction standards.
- Do not change the hydraulic capacity of the structure by more than 15%.
- Includes replacement of culverts at the same location and elevation as the previous culvert.

B. PHOTO/SKETCH/PLANS/DRAWING

All Water Rights Act license applications for construction of WATER CONTROL WORKS must include a photo, sketch, plan and/or drawing that incorporates:

- 1) Location of effected water bodies, maximum depths, approximate sizes, complete or partial drainage
- 2) Proposed drain location, length, depth (D), bottom width (B), and side slopes (S)
- 3) A topographic survey, if the magnitude of the project results in a request for survey information by Water Stewardship staff
- 4) Location of designated spoil sites
- 5) Flow direction of nearby watercourses
- 6) Description and location of proposed control structures and operation schedule (if applicable)
- 7) Road and culvert locations (including culvert sizes)
- 8) Legal descriptions and landowner names of surrounding/affected lands
- 9) North arrow
- 10) Industry accepted engineering and construction standards



For dam projects, except those that meet the definition of minor water control works, a copy of design drawings and decommissioning plan designed by a professional engineer registered to practice in Manitoba. Dams that have the capacity of less than 50 cubic decameters (40 acre feet) must be constructed to industry accepted engineering and construction standards but may be subject to less stringent reporting standards. Please contact either of the Manitoba Water Stewardship offices listed below for further details.

C. LOCATION of Works:

- 1) Municipality/Parish _____ 2) Conservation District (if applicable) _____
- 3) Location of water control works (include ¼ section, township and range, river lots, sub-division, or other legal description)

LEGAL SUBDIVISION	QUARTER	SECTION	TOWNSHIP	RANGE	E/W	LOT	BLOCK	PLAN

Or otherwise described as _____

- 4) Identify water body, natural waterway, or drain that water flows into (if known) _____

D. DESCRIPTION of Works:

- 1) Describe your proposal and its purpose (Please include any methods to control outflow):

- 2) Does the proposed project meet the definition of minor water control works? Yes No
 (See definition section A)
- 3) Is a bio-security plan in place for the subject property? Yes No
- 4) Will drainage/lowering of a slough, pond or lake be undertaken? Yes No
 - a. If yes, please indicate the following:
 What is the total estimated area of water? _____ Acres _____ Hectares
- 5) Has a survey been completed for these works? Yes No
 - a. If yes, please attach a copy to this application
- 6) Provide details on sediment and erosion control plan(s). _____

E. LANDOWNER Approvals:

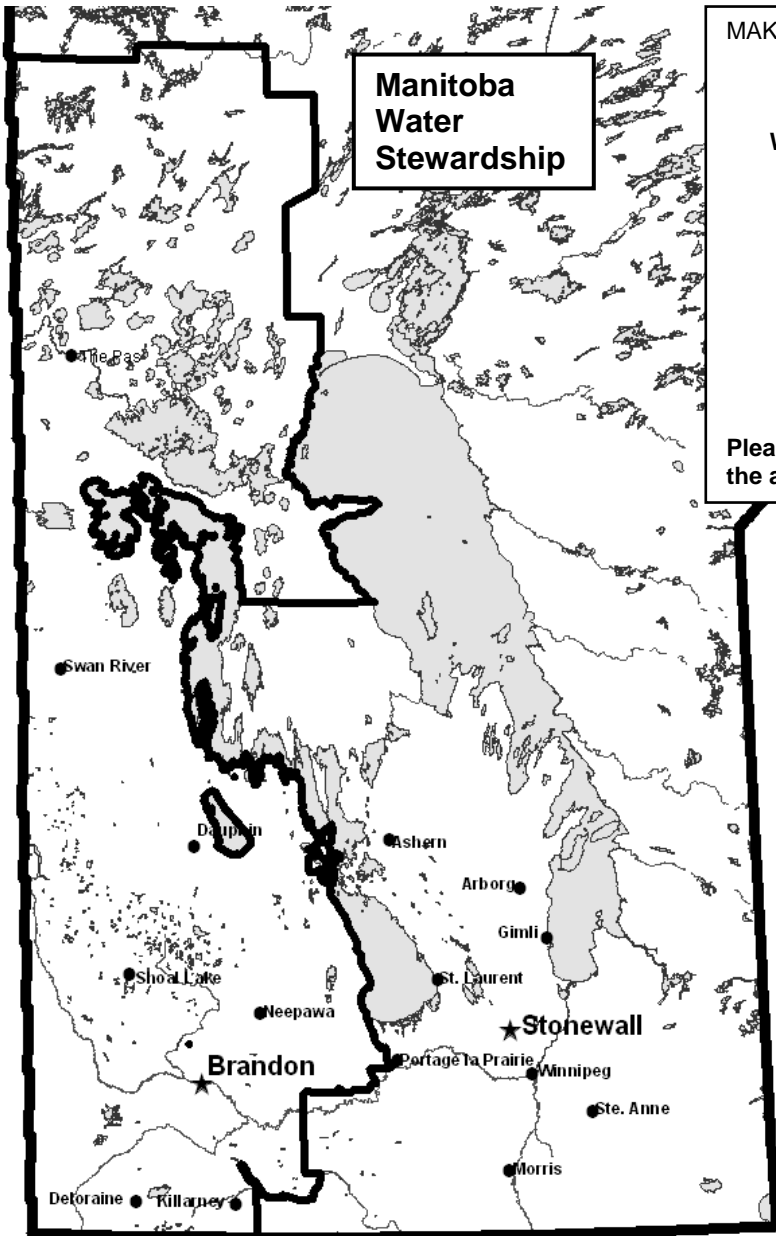
- 1) Proposed water control works are located on: Private Property Municipal Property Crown Land
- 2) The applicant is the: Registered Landowner Lessee Other: _____

If lessee or other, please provide registered landowner signature of approval below.

- 3) Will the proposed water control works alter a water body or water level(s) on land you do not own or control?
- 4) Will the proposed water control works cause water to leave your land?

If yes to either questions 3 or 4, please provide evidence of impacted landowner(s) approval below.

<u>Legal Description</u>	<u>Landowner Name(s)</u> (Please Print)	<u>Signature of Approval</u>	<u>Date Signed</u>



MAKE CHEQUES PAYABLE TO: **MINISTER OF FINANCE**
 FEE OF \$25.00 MUST ACCOMPANY APPLICATION
 CHEQUE AND APPLICATION CAN BE MAILED TO:

WATER CONTROL WORKS & DRAINAGE LICENSING SECTION

Box 13, 1129 Queens Avenue
 Brandon, MB R7A 1L9

OR

Box 4558, 293 Main Street
 Stonewall, MB R0C 2Z0

Please Note: Incomplete applications may be returned to the applicant unprocessed.

 Signature of Applicant

 Print Name

 Signature of Landowner (if different from Applicant)

 Print Name

 Date Signed

FOR OFFICE USE ONLY	Date Received: _____
	Amount Received: \$ _____
	Received By: _____
	MRO #: _____