



# Province of British Columbia

## *Water Sustainability Act*

### CONDITIONAL WATER LICENCE

The holder of Crown land tenure held under Lands File 2408242 to which this licence is appurtenant is hereby authorized to divert and use water as follows:

- a) The streams on which the rights are granted are Hunter Creek and East Hunter Creek.
- b) The points of diversion are Hunter Creek denoted by PD78277 at an elevation of 658 masl, and East Hunter Creek denoted by PD77543 at an elevation of 586 masl, located as shown on the attached plan.
- c) The date from which this licence shall have precedence is April 29, 2013.
- d) The purpose for which this licence is issued is Power (general), which is to be generated with the Hunter Creek Generating Station.
- e) The maximum quantity of water which may be diverted and used under this licence is 4.0 cubic metres per second, of which 4.0 cubic metres per second may be diverted from East Hunter Creek, and may be supplemented by a maximum diversion of 2.0 cubic metres per second diverted from Hunter Creek, subject to the following:

The licensee shall maintain:

1. In Hunter Creek, an Instream Flow Requirement of 0.06 cubic metres per second;
  2. In East Hunter Creek, an Instream Flow Requirement of 0.06 cubic metres per second;
  3. Instream Flow Requirements are to be measured immediately at the works, immediately downstream of the point of diversion, or at a location as directed by the Water Manager; or
  4. A minimum flow as ordered under clause (o) by the Water Manager.
- f) The period of the year during which the water may be used is the whole year.
  - g) The land upon which the water is to be used and to which the licence is appurtenant is the land on which the powerhouse of the Hunter Creek Generating System is situated, described as the parcel or tract of land tenured under the Land Act, held under Lands File No. 2408242.
  - h) The works authorized for the Hunter Creek Generating System are:

1. An intake (dam) for the Hunter Creek diversion;
  2. An intake (dam) for the East Hunter Creek diversion;
  3. Main penstock;
  4. Supplemental penstock pipe;
  5. Access roads;
  6. A powerhouse, tailrace and switch yard; and
  7. A 25 kV transmission line from the powerhouse to the point of interconnection which shall be located approximately as shown on the attached plans.
- i) The construction of the said works shall be completed and the water shall be beneficially used prior to September 16, 2018. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.
- j) Before commencing construction of the works authorized under clause (h) of this licence, the licensee must to the satisfaction of the Engineer under the Water Sustainability Act (the "Engineer") or the Water Manager:
1. Retain a Professional Engineer registered in the Province of British Columbia (the "Independent Engineer") who will provide services to the Engineer for the regulation of construction of the works;
  2. Retain a person with professional qualifications (the "Environmental Monitor") who will monitor environmental impacts during the construction of works;
  3. Submit the following:
    - Plans that show the general arrangement of the works;
    - (a) Criteria for the design of the works;
    - (b) Criteria for the operation of the works;
    - (c) A schedule for the construction of the works;
    - (d) A Construction Environmental Management Plan (CEMP) for the management and mitigation of construction impacts;
    - (e) Terms of Reference for an Hydraulic Connectivity Study;
    - (f) Terms of Reference for a Ramping Study; and
  4. Obtain Leave to Commence Construction (LTCC) in writing from the Water Manager.
- k) Before undertaking construction of any component of works for which the Leave to Commence Construction (LTCC) is issued under (j)(4), the licensee must:
1. Ensure that the design drawings for the works to be constructed are signed and sealed by a Professional Engineer registered in the Province of British Columbia (the "Design Engineer");
  2. Ensure that a Professional Engineer registered in the Province of British Columbia (the "Construction Engineer") supervises the construction of the works; and
  3. Obtain a letter from the Independent Engineer that the actual construction of that component of work may proceed.

- l) Before commencing the diversion and use of water for commissioning of the works authorized under clause (h) of this licence, the licensee must:
  1. Submit an interim functional Operating Parameters and Procedures Report (OPPR) for acceptance by the Water Manager for the operation of the works;
  2. Submit an Hydraulic Connectivity Study for acceptance by the Water Manager;
  3. Submit a Ramping Study for acceptance by the Water Manager;
  4. Submit an Operational Environmental Monitoring plan (OEMP) for acceptance by the Water Manager; and
  5. Obtain Leave to Commence Diversion (LTCD) and the use of water, in writing, from the Water Manager.
  
- m) The licensee must:
  1. Design and submit an Operational Environmental Monitoring Plan (OEMP) suitable to determine the nature of any impacts on fish habitat and wildlife, which includes pre-diversion data that allows for statistically supportable quantification of impact to baseline conditions over time to the satisfaction of the Water Manager;
  2. Implement the OEMP program including the pre-diversion period and prepare a baseline monitoring report which shall be submitted to the Water Manager within six months of the diversion of water;
  3. Continue the OEMP program for five (5) years following the commencement of operation of the works or to the satisfaction of the Water Manager;
  4. Submit annual reports summarizing the results of the monitoring program to the Water Manager, within 30 working days of the date of precedence (April 29) specified in clause (c); and,
  5. At the completion of the monitoring program, prepare a report that identifies the nature of any impacts on fish habitat and wildlife and implement the appropriate mitigation and/or compensation to the satisfaction of the Water Manager.
  
- n) Before commencing operations of the works authorized under clause (h) for power production, the licensee must:
  1. Submit an Operating Parameters and Procedures Report (OPPR) for acceptance by the Water Manager for the operation of the works;
  2. Submit the results of the Hydraulic Connectivity Study;
  3. Submit the results of the Ramping Study; and
  4. Obtain Leave to Commence Operations (LTCO) of the Hunter Creek Generating System, in writing, from the Water Manager.
  
- o) The licensee must operate the works in accordance with the procedures ordered by the Water Manager, including any amendment for the regulation of the diversion, rate of diversion and use of water as may be required for the preservation of aquatic habitat, fish, wildlife and navigation.

- p) The intakes (dams) authorized under clause (h) are subject to the Dam Safety Regulations and shall be designed, constructed and maintained to the satisfaction of a Dam Safety Officer under the Water Sustainability Act and in accordance with the Canadian Dam Association Guidelines.
- q) For the intake (dams) authorized under clause (h), final construction drawings, the Operation, Maintenance and Surveillance (OMS) Manual, and the Emergency Preparedness Plan (EPP) must be submitted to the Dam Safety Officer during the first year of operation.
- r) Based on the results of the Hydraulic Connectivity Study, the Water Manager may require the licensee to:
  - 1. Develop and execute a monitoring plan, in addition to those specified in the OEMP, specifically to evaluate the potential influence of connectivity changes on aquatic values;
  - 2. Implement pulse flows to manage the ecological values on the streams.
- s) The licensee must submit a Compensation Plan to compensate for the project impacts to the satisfaction of the Water Manager:
  - 1. The Water Manager may require the Compensation Plan to be approved or finalized, prior to the Leave to Commence Construction (LTCC) being issued;
  - 2. The Water Manager may require the Compensation Works to be approved or constructed, prior to the Leave to Commence Diversion (LTCD) being issued.
  - 3. The Water Manager may require the Compensation Works to be approved or constructed, prior to the Leave to Commence Operations (LTCO) being issued.
- t) The drawings of record that show the works as they were constructed, must be stored and archived, and shall be provided for review when directed by the Water Manager.
- u) The project development term of this licence expires five years from the date of issuance of this licence.
- v) The project operational term of this licence is a period of 40 years from the expiry date of the project development term, or commencement of power production, whichever occurs first.
- w) This licence is issued in substitution of Conditional Water Licence C132271.

A handwritten signature in black ink, appearing to read 'Remko', with a long horizontal flourish extending to the right.

Remko Rosenboom, M.Sc., A.Ag.  
Regional Water Manager