

## **Dagdick, Elise (CWS)**

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**From:** Toop, David (MWS)  
**Sent:** July-27-12 9:56 AM  
**To:** Ouimet, Darrell (CON)  
**Cc:** Wang, Jianrong (MWS)  
**Subject:** Environmental Assessment, Sunterra Peat Mine 4254.10

Hi Darrell

I have reviewed the Peat Mine Development proposal

I recommend the following:

1. An exploratory water well should be drilled into the uppermost bedrock aquifer at each of the proposed development sites, to determine baseline hydrogeological conditions.
2. Baseline water table conditions should be established in the peat lands immediately surrounding each of the development sites.

If you have any questions, please give me a call.

David

David C. Toop  
Hydrogeologist  
Groundwater Management

**Manitoba Conservation  
and Water Stewardship**  
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Winnipeg, Manitoba R3J 3W3  
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## **Dagdick, Elise (CWS)**

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**From:** Kaita, Adara (CON) on behalf of +WPG1212 - Conservation\_Circulars (CON)  
**Sent:** July-27-12 3:43 PM  
**To:** Ouimet, Darrell (CON)  
**Subject:** EA Proposal - Sunterra Horticulture - Sunterra Peat Mine Development - File No. 4254.10

The Lands Branch and the Sustainable Resource and Policy Management Branch offer the following comments:

### **3.6.1 Project Components Main Access Roads**

Any permanent road development on Crown Land will require a Crown Land General Permit in addition to any other permit and approvals. Any Crown Land disposition in the area affected by this EAP is within the Peguis First Nation notification area and is therefore subject to the TLE and consultation processes. Any disposition that is located with the Lake Winnipeg Water Power Storage Reservoir will require approval of Water Stewardship.

If an Environment Licence is approved the proponent should be provided with a detailed list of ancillary approvals, permits, licences that are required in addition to the Environment Act Licence and the contact information for these approvals as well.

Facility and Equipment Required at Proposed Peat Development Sites.

The areas identified for the staging site are within the lands held by Quarry Lease. Any surface disposition for these facilities is assumed to be the responsibility of IEM and subject to their process of review.

### **Main Drainage Ditches**

A Water Rights licence is required for surface water drainage. A drainage plan should be provided to Water Stewardship.

### **Site Preparation**

The proposed 100 meter buffer around Ranger Lake, unnamed creeks connecting them to the unnamed lake along Beaver Creek should be expanded to 300m to accommodate leopard frog migration around these water bodies. The increase in buffer width will be an additional sediment mitigation for discharge waters from the sediment ponds.

### **Construction**

Crown Land Work Permits are required for any work on Crown Land. A pre-construction meeting with the proponent and IRMT is recommended to deal with regional resource operational issues if the EAP receives the required Environment licence. Where merchantable timber resources will be impacted from associated developments, under authorization of the Crown Land General Permit or Crown Lands Work Permit, all impacts will be subject to applicable timber royalties where applicable.

### **Operation**

If the proposal reaches development the activities are proposed to operate 7 days a week. Existing recreational cottage developments in the area of this proposal may be affected by the increase in vehicle traffic on PR 234 as the proposed peat operating schedule will be during the same period of time as summer recreational cottage season.

### **4.2.2 First Nations**

The proposal is within Peguis Notification area as identified by the Treaty Land Entitlement Agreement and is subject to the terms of the agreement in regards to notification of land dispositions and activities.

### **4.2.6 Areas of Interest**

There are five Crown Recreational Cottage subdivisions in the area and all of which use PR 234. These subdivisions are Little Deer, Mill Creek, Pebblestone, Lee Side Beach and Islandview. There are approximately 250 recreational cottages in this area in addition to the Cottages at Beaver Creek.

### **5.2 Stakeholders**

Fisher River First Nation, and Kinonjeoshtegon First Nation should also be considered as stake holders. The cottage subdivisions listed in 4.2.6 are also considered as stakeholders. It is the understanding of the IRMT that Consultation with the affected First Nations is required and that IEM is the lead agency in regards to consultation.

#### **5.4 Mitigation Measures**

Traffic mitigation proposed is to follow road rules existing signage and support the cottagers to lobby MIT to upgrade 234. etc. Considering the potential increase in truck traffic on 234 if all the proposed peat operations become operational additional mitigation measures by the proponent should be developed to address the issues identified by the stakeholders.

The proponent should provide details and examples in regards to the claim that restoration of a site often results in a wider diversity of flora which results in wider variety of habitats to support more diverse fauna.

#### **6.2.1 Loss of Wetland and 6.6.6 Reclamation and Restoration**

The proponent should provide a Manitoba example of where restoration activities have resulted in a functioning wetland ecosystem within 5-7 years following restoration.

#### **6.2.7 Peat Fire 6.3.6 Vegetation**

An emergency fire plan should be provided to Conservation. If the proposal receives the required Environment licence it is recommended the fire plan be discussed with Conservation.

#### **6.3.4 Surface Water**

The drainage plan should contain information on how the plan will avoid drawdown affects on adjacent lands.

#### **6.3.7 Mammals**

A road management plan should be provided that deals with development of harvest roads, access control methods and a road retirement and closure plan.

#### **6.4.7 Areas of Interest**

Any development of peat that is within areas under Order In Council will be subject to the approval of the responsible authority in addition to any other approvals. Please note that QL-2410PEND borders the Moose Creek Wildlife Management Area. Staff of Wildlife Branch can provide information on permits/conditions that may be required to operate next to the wildlife management area to ensure the hydrology is not adversely affected by the development.

#### **Cumulative Environmental Effects**

The report suggests the effects are relatively small in consideration to the entire area. With the number of operations proposed for the area west of PR234 the IRMT defers to the department expertise (Boreal Peat Land Strategy) to confirm if the cumulative environmental effects are small relative to each other and the regional land use study areas.

The development proposal may cause or have concerns for species protected under the Species at Risk Act (Federal Legislation) or Provincial Endangered Species Act. Wildlife concerns and assessed risks to endangered species; protected under legislation, should be considered and evaluated for in the development proposal and proposed mitigation efforts.



**Infrastructure and Transportation**

Highway Planning and Design Branch  
Environmental Services Section  
1420 – 215 Garry St., Winnipeg, Manitoba R3C 3P3  
T (204) 945-2369 F (204) 945-0593

July 23, 2012

Tracey Braun, M. Sc.  
Director, Environmental Approvals Branch  
Manitoba Conservation  
123 Main St., Suite 160, Winnipeg, MB R3C 1A5

RE: Sunterra Horticulture Inc. – Peat Mine Development  
Client File No 4254.10

Dear Ms. Braun:

MIT South Central Regional Operations (Region) has reviewed the Environment Act Proposal (EAP) noted above and has raised the following concerns:

- The existing structure of Provincial Road (PR) 234 may not be adequate for the resulting loading from the proposed project and the overall development of peat moss mines along PR 234. Currently, the Region has received three similar proposals along this stretch of PR 234.
- The traffic volumes indicated in the EAP did not reflect the total increase in traffic. No traffic volumes were provided for the secondary traffic accessing the sites, such as vehicles used for the delivery of materials, fuels, shipments of finished products, employees required to run their operations, etc. The current traffic data (2010) indicate a current traffic volume of 170 vehicles per day (vpd). The Proponent indicated an increase in volume between 1420 and 2347 truckloads per year (Page 81, Section 6.4.3 Traffic of the EAP). This suggests an increase of between 2840 to 4694 one way truck trips (or between 7.8 to 12.9 vpd). The increase in overall traffic volumes may require intersection improvements and an upgrade to the existing PR's structure.

For more information on highway improvement planning, please contact Mr. Heinz Lausmann, Senior Planning Engineer, at (204) 945-2664 or via email at [Heinz.Lausmann@gov.mb.ca](mailto:Heinz.Lausmann@gov.mb.ca).

Thank you very much for providing us the opportunity to review the proposal.

Sincerely,

Ryan Coulter, M. Sc., P. Eng.  
Manager of Environmental Services

DATE: July 24, 2012

<b>To:</b>	Darrell Ouimet Environment Officer Conservation & Water Stewardship 2 <sup>nd</sup> Flr – 123 Main Street Winnipeg MB R3C 1A5	<b>From:</b>	Larissa Sveinson Community Planner Community and Regional Planning 103 – 235 Eaton Avenue Selkirk MB R1A 0W7
<b>Phone:</b>	(204)803-1389	<b>Phone:</b>	(204)785-5131
<b>Fax:</b>		<b>Fax:</b>	(204)785-5155
<b>Email:</b>	darrell.ouimet@gov.mb.ca	<b>Email:</b>	larissa.sveinson@gov.mb.ca

**SUBJECT: Client File No. 4254.10**  
**Sunterra Horticulture (Canada) Inc. – Sunterra Peat Mine Development**

The proposed peat development sites are located approximately 40 and 80 km north of Riverton within unorganized areas of Crown Land. The harvesting sites are within the Bullhead, Little Deer Lake and Ramsay Point Bogs and total approximately 715 ha.

The entire development area is located within the Peguis First Nation Community Interest Zone, and except for Deer Lake Bog, the areas are within the Water Power Reserve. The Ramsay Point Bog Project Area is partially located within the Moose Creek Wildlife Management Area (WMA) and the Beaver Creek Provincial Park.

The proposal includes areas subject to Section 128.1(1) of the *Mines and Minerals Act* as amended by the *Save Lake Winnipeg Act*:

***Moratorium on permits or leases for peat and peat moss***

*128.1(1) For two years after this section comes into force, and for any longer period prescribed by regulation,*

- (a) no quarry permit for peat or peat moss may be issued under subsection 14(7) or 133(2);*
- (b) no quarry lease for peat or peat moss may be granted under subsection 139(2); and*
- (c) no application to enlarge the area covered by an existing quarry lease for peat or peat moss may be approved under subsection 139(2.1).*

Consideration should be given to this recently approved legislation. Additionally, the protection of designated Wildlife Management Areas and Provincial Parks should be given the utmost priority.

Community and Regional Planning has concerns regarding the potential environmental ramifications of the proposed operations given the proximity to Lake Winnipeg, and would defer to the Department of Conservation and Water Stewardship for the provision of mitigation measures and/or additional requirements that might be imposed upon the developer.

*Original sent via email*  
Larissa Sveinson  
Community Planner

cc. S. Shaler, Dept. of Local Government

## Memorandum

**Date:** June 25, 2012

**To:** Darrell Ouimet  
Climate Change and Environmental  
Protection Division  
Environmental Approvals Branch  
123 Main Street, Suite 160  
Winnipeg MB R3C 1A5

**From:** Kevin Jacobs  
Water Quality Management Section  
Manitoba Conservation and Water  
Stewardship  
123 Main Street, Suite 160  
Winnipeg MB R3C 1A5

<http://www.gov.mb.ca>

**Subject:** EAP 4254.10.SUNTERRA PEAT **Telephone:** 204-945-4304

**MINE DEVELOPMENT**

**Facsimile:** 204-948-2357

**E-Mail:** Kevin.Jacobs@gov.mb.ca

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Hello Darrell,

Please find below comments regarding the proposed Sunterra Peat Mine Developments:

The proposal is for development of several new peat mines on land near Lake Winnipeg as peat supply is nearly exhausted at existing Beaver Point Peat Mine.

The baseline data provided with the report was informative. What was noticeably missing from the report is a summary of data collected from the existing Beaver Point Peat Mine. Environment Act License 4254.10 requires monitoring of water quality downstream of the site a minimum of three times per year at two creek locations and 20 meters off shore of the discharge to Lake Winnipeg. We would feel more assured of the proponent's conclusion that the proposed projects are not likely to have adverse effects if they could demonstrate the same for the existing development with actual data. The proponent should have been collecting discharge data since 1997. In light of the major expansion proposed we would respectfully request a summary of these data to be provided such that potential impacts could be determined.

As with other peat harvest applications we recommend that this proposal be deferred until the Province completes the Boreal Peatland Stewardship Strategy to ensure that this and any other peat harvest applications are not in contravention of this new policy direction.

As this proposal is one of a number of peat mining developments proposed for the area. It is important that environmental impacts be considered in concert with other mines proposed and currently under development within the area.

Peatland development and environmental consequences must be evaluated on a case by case bases as each bog area may encompass differing concerns. However, generally, peatland development impacts water quality and local hydrology.

Water quality in peat bogs tends to be acidic and during the de-watering phase of each quarry lease, there is an impact to the receiving body of water by increasing suspended sediments,

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increase nutrient (nitrogen and phosphorus) and lowering the pH thus potentially increasing dissolved metals. Loss of ecological functioning of wetlands is also a concern. The ability of wetlands to filter nutrients becomes less as their function is lost. Further, draining, ditching, de-watering, and harvesting can increase nutrient loading to receiving watercourses.

Sedimentation is a concern for receiving water bodies as areas of quarry leases are drained. Effective sediment and erosion control technologies and measure must be implemented as part of the overall development plan.

- Peatland development must respect government's Wetland policies.
- Nutrient loading to surface waters is a major concern in Manitoba. The project proposal must demonstrate with actual data that the impact to surface water quality will be negligible.

These projects are in close in proximity to Lake Winnipeg and the report includes several unsubstantiated statements regarding how this project will not adversely affect water quality. Samples collected from the bogs indicated that the water includes several parameters that do not meet Manitoba Water Quality Objectives and or Water Quality Guidelines namely ammonia, silver, manganese, aluminum, iron, lead, and pH. During initial drainage this poor quality water could be flushed directly into Lake Winnipeg. Although this individual project would not be expected to significantly alter water quality of Lake Winnipeg as a whole, research indicates current issues experienced on Lake Winnipeg are due to the cumulative effects of many inputs. Ameliorative action is required to ensure that if this project is approved the water quality leaving the mine sites is at a minimum is no worse than baseline water quality in Lake Winnipeg.

The proponent would be required to ensure any discharge meets water quality criteria as specified in the Manitoba Water Quality Standards, Objectives and Guidelines (2011) or any future amendments.

Regarding mitigation, little information is provided regarding the effectiveness of the proposed settling basins. The report indicates these have been used elsewhere however no performance data is provided. The report shows that the proposed settling basins are expected to have a residence time of 2 hours. A 2 hour residence time is likely insufficient for nutrient removal and would not likely result in pH meeting objectives or a decrease in metal concentrations.

For pH mitigation the proponent indicates that a limestone lined ditch could be used to raise pH sufficiently, however no performance criteria or design is provided.

Although as noted above we recommend deferral of project review pending the Provinces Boreal Peatland Stewardship Strategy, should this project be licensed we recommend the following minimum water quality monitoring.

While the proponent identifies pH and totals suspended solids will be measured periodically. A comprehensive monitoring plan is required should this mine be granted a License. This monitoring plan should include but is not limited to weekly pH, and total suspended sediment

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monitoring at outlet ditches, and sedimentation ponds but also includes the following additional parameters measured on a monthly basis during the open water season (April to November).

- Total alkalinity
  - Acidity
  - Conductivity
  - Total dissolved solids
  - Total suspended solids
  - 5-day biochemical Oxygen Demand
  - Hardness
  - Total Phosphorus
  - Total Kjeldahl Nitrogen
  - Total ammonia as (N)
  - Nitrate +Nitrite (as N)
  - Sulphates
  - Total organic carbon
  - Complete Scan for total and dissolved metals and metalloids by ICPMS or similar method
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- In addition total mercury (cold vapour) should be sampled once per year at the outlet ditch and receiving waters.
  - Detection limits should be commensurate with interpretation of Canadian Environmental Quality guidelines.
  - Additional sampling locations would include the outlet ditch(s), and upstream/ downstream receiving waters including the confluence with Lake Winnipeg. A monitoring plan should be prepared by a qualified aquatic ecologist and submitted to Manitoba Conservation and Water Stewardship for review and approval and be appended as a requirement in the License.
  - Monitoring data should be summarized in an annual report including trend analysis of previous years monitoring data. In addition an electronic copy of all monitoring data should be submitted to Manitoba Conservation and Water Stewardship in a spreadsheet compatible format.
  - All water quality analysis shall be performed by an accredited laboratory.

Other comments:

- The facility should have a comprehensive emergency response plan including, spill response kits within each vehicle.
  - All work within or near waterways should be accordance with the Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat
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- The proponent shall have a sediment control plan during initial construction specifying the use of erosion mats, barriers, and other materials, to reduce sediment transport into receiving waters.
- Consideration should be given to the proponent entering into a Wetland Compensation Agreement with an approved habitat conservation organization to reflect the relative long nature of this development.

Thank you for the opportunity to comment on this proposal. If you should require any clarification do not hesitate to contact me.

Kevin Jacobs  
Water Quality Management Section



## Dagdick, Elise (CWS)

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**From:** Wiens, Jonathan (CON)  
**Sent:** July-03-12 10:46 AM  
**To:** Ouimet, Darrell (CON)  
**Subject:** Client File 4254.1

Please accept the following comments from the Wildlife Branch, in regards to environmental assessment (Client File 4254):

- The environmental assessment indicates that wildlife surveys were conducted between September 2010 and October 2011, with site visits occurring in September, May and June(p22). Wildlife Branch biologists request that the proponent provide more specific information regarding the exact days that site visits occurred.
- Uncontrolled access to these site is of great concern to the Wildlife Branch. Moose and other big game species become vulnerable with increased access into remote areas. A traffic gate must be erected and maintained at the proposed access roads from PTH #243. This gate must be closed when access is not required, and diligently monitored to prevent vandalism and damage. Trails or access roads are not be developed outside or around the project area. Please request a response from the proponent, as to whether they are prepared to abide by this mitigation condition.

Jonathan Wiens, MSc  
Habitat Specialist  
Manitoba Conservation  
Box 24 - 200 Saulteaux Crescent  
Winnipeg, Manitoba, R3J 3W3  
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## Dagdick, Elise (CWS)

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**From:** Flynn, Heather [CEAA] [Heather.Flynn@ceaa-acee.gc.ca]  
**Sent:** July-17-12 11:04 AM  
**To:** Chudobiak, Darryl: DFO XCA; pnrea-rpnee@tc.gc.ca; EASouthPNR [Wpg]  
**Cc:** Ouimet, Darrell (CON); Farmer, Kristina [CEAA]  
**Subject:** Sunterra Horticulture Inc. - Sunterra Peat Mine Development (MC file 4254.10) (CEAA 5309)  
**Attachments:** 5309 Memo from MC.pdf

Good morning,

Please be advised that the Canadian Environmental Assessment Agency has received a Manitoba Environment Act Proposal titled Sunterra Peat Mine Development, Sunterra Horticulture Inc. (MC file number 4254.10).

As you may be aware, on April 26 2012, the Government of Canada tabled the *Jobs, Growth and Long-term Prosperity Act*. This legislation provides the legal foundation for the Government's plan to modernize the regulatory system for project reviews. As part of this plan, the *Canadian Environmental Assessment Act, 1992* was repealed and a new Canadian Environmental Assessment Act, 2012 (CEAA 2012) was enacted together with three supporting regulations namely: the *Cost Recovery Regulations*, the *Prescribed Information for a Description of a Designated Project Regulations*, and the *Regulations Designating Physical Activities* (the Project List Regulations).

CEAA 2012 focuses federal reviews on those project proposals that have a greater potential for significant adverse environmental effects in areas of federal jurisdiction. The *Regulations Designating Physical Activities* identify the physical activities which, if carried out individually or in combination, constitute a designated project that is subject to the requirements of CEAA 2012.

The project referred to above does not meet the definition of a designated project under *The Regulations Designating Physical Activities* of CEAA 2012. As the Agency will only be involved in the review of designated projects, no formal federal coordination exercise will be undertaken for this file. However, for your information we are sending a link to the proposal that is available on the Manitoba Conservation website : <http://www.gov.mb.ca/conservation/eal/registries/4254-1sunterra/index.html>.

If your department has any concerns or questions about the project proposal please contact Darrell Ouimet of Manitoba Conservation by phone at (204) 803-1389 or by email [Darrell.ouimet@gov.mb.ca](mailto:Darrell.ouimet@gov.mb.ca) (details are provided in the attached memo from MC). Please note that the proponent would be responsible for confirming its regulatory responsibilities in developing the project.

<<5309 Memo from MC.pdf>>

Regards,

Heather

**Heather Flynn, MSc.**

Environmental Assessment Officer, Prairie Region | Agente d'évaluation environnementale, Région des Prairies  
Canadian Environmental Assessment Agency | Agence canadienne d'évaluation environnementale  
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Environment Canada  
Environnement Canada



ENVIRONMENTAL PROTECTION  
PRAIRIE & NORTHERN REGION  
Room 200, 4999-98 Ave. NW  
Edmonton, Alberta  
T6B 2X3

Our File No.: 4194-10-5/3278

August 8, 2012

Darrell Ouimet  
Environmental Officer  
Manitoba Conservation  
123 Main Street, Suite 160  
Winnipeg, MB R3C 1A5

Dear Mr. Ouimet:

**RE: SUNTERRA PEAT MINE DEVELOPMENT**

Environment Canada (EC) has reviewed the Sunterra Peat Mine Development – Manitoba Environmental Act Proposal Final Report prepared by KGS Group (December 2011). EC submits this letter into the provincial environmental assessment review of this project under the *Canada-Manitoba Agreement on Environmental Assessment Co-operation*.

EC appreciates the opportunity to provide feedback on this matter. At this time EC would like to remind the proponent and potential RA(s) of their responsibilities to the following four areas:

(1) Species at Risk

EC is reminding responsible authorities of their responsibilities under section 79(1) and 79(2) of the *Species at Risk Act*.

“Every person who is required by or under an Act of Parliament to ensure that an assessment of the environmental effects of a project is conducted must, without delay, notify the competent minister or ministers in writing of the project if it is likely to affect a listed wildlife species or its critical habitat.”

“The person must identify the adverse effects of the project on the listed wildlife species and its critical habitat and, if the project is carried out, must ensure that measures are taken to avoid or lessen those effects and to monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and actions plans.”

The federal *Species at Risk Act* is directed towards preventing wildlife species from becoming extinct or lost from the wild, helping in the recovery of species that are at risk as a result of human activities, and promoting stewardship. The Act prohibits the killing, harming or harassing of listed species; the damage and destruction of their residences; and the destruction of critical habitat. The prohibitions apply to all Threatened, Endangered and Extirpated species listed on Schedule 1 of SARA on federal lands. The prohibitions apply only to Migratory Birds (under the MBCA) and aquatic species (under the Fisheries Act) on lands that are not federal lands, unless an Order is made. The Minister may recommend that the order be made if the laws of the province do not effectively protect the species, the residences of its individuals or critical habitat. If species at risk are likely to occur within the project area, proponents are advised to use experienced personnel to undertake appropriately timed surveys and using widely accepted protocols. Proponents are also

advised to include COSEWIC listed species as these are candidates for future SARA listing.. Species appropriate setbacks and timing restrictions should be implemented.

EC notes that several other COSEWIC and SARA-listed species may also be present in the project area, including the olive-sided flycatcher (Threatened SARA-listed species) and the northern leopard frog (Special Concern SARA-listed species).

Also, section 4.1.8, Mammals/Habitat, page 43, mentions that Boreal Caribou are located within the project ecoregion, EC notes that current range maps for the Boreal Population of Woodland Caribou does not extend into the project area.

**EC recommends that an Environmental Monitor knowledgeable in the identification of all species at risk (COSEWIC or SARA-listed) that may occur in the project area, and their habitat, is present on site during project activities.**

EC refers the proponent to the *"Petroleum Industry Activity Guidelines for Wildlife Species at Risk in the Prairie and Northern Region"* (attached). This document applies to all industries and includes species-specific timing restrictions, setback distances and best management practices. For additional SARA and COSEWIC-listed species not reflected in the document, please contact the Canadian Wildlife Service.

**In addition to the setbacks described in this document, EC recommends the following minimum setback distances from nests (unless otherwise indicated) for high intensity activities:**

**Olive-Sided Flycatcher** (Threatened SARA species). May 1 to August 31 a 300m setback from active nests.

EC also refers the proponent to the *"Activity Setback Distance Guidelines for Prairie Plant Species at Risk"* (attached) for a list of species appropriate setbacks for plant Species at Risk that may occur in the project area.

(2) Migratory Birds

EC's mandate also includes the protection of migratory birds and their habitat. Regulations pursuant to the Migratory Birds Convention Act provide for the conservation of migratory birds and the protection of their nests and eggs. Section 5(1) of the Regulations prohibits the hunting of a migratory bird except under authority of a permit. "Hunt" means chase, pursue, worry, follow after, or attempt in any manner to capture, kill, injure or harass a migratory bird, whether or not the migratory bird is captured, killed or injured. Section 6 of the Regulations prohibits the disturbance, destruction, or taking of a nest, egg or nest shelter of a migratory bird. Possession of a migratory bird, nest or egg without lawful excuse is also prohibited. Section 5.1 of the Act prohibits the deposition of substances harmful to migratory birds in waters or areas frequented by migratory birds or in a place from which the substance may enter such waters or such an area.

EC provides timing restrictions as general guidelines for industry to protect the great majority of migratory birds while realizing the practicalities of development activities on the landscape. However the onus remains with the proponent to comply with the legislation.

1. To minimize disturbance to breeding migratory birds in the northern Parkland and Boreal ecozones of Manitoba, in areas where migratory birds may be nesting, EC recommends that habitat destruction activities (e.g. vegetation clearing) should avoid at minimum the period between May 1 and July 31 in areas up to 50 hectares in size.

2. For areas greater than 50 hectares in the northern Parkland and Boreal ecozones, habitat destruction avoidance dates should extend to at minimum between April 1 and August 31, to minimize population level effects to breeding birds.
3. Wetlands attractive to breeding migratory birds (e.g. those containing water) should not be cleared/destroyed at minimum between April 1 and August 31. Canada geese and Mallards may nest early and broods of waterfowl and waterbird species are dependent upon wetlands throughout August and beyond.
4. If an individual has a priori knowledge of an active nest, at any time during the year, it must be protected with a suitable species-appropriate buffer until the young have fledged. For further information please contact the Canadian Wildlife Service.

(3) Wetlands

The Federal Policy on Wetland Conservation promotes the wise use of wetlands and elevates concerns for wetland conservation to a national level. The policy promotes the maintenance of the functions and values derived from wetlands throughout Canada, enhancement and rehabilitation of wetlands in areas where continuing loss or degradation of wetlands have reached critical levels, no net loss of wetland functions for federal lands and waters, recognition of wetland functions in resource planning and economic decisions, and utilization of wetlands in a manner that enhances prospects for their sustained and productive use by future generations. EC recommends that proponents comply with the provisions of the Federal Policy on Wetland Conservation. Wetlands should be avoided irrespective of whether they are wet or dry and buffers or setbacks should originate from the high water mark. 100m setbacks should be utilized where feasible. Where wetlands will be lost, consideration should be given for compensation that is consistent with the Policy.

(4) Water Quality

With respect to construction activities and sedimentation, the proponent is reminded of Subsection 36(3) of the *Fisheries Act* that states:

“Subject to subsection (4), no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in place under conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter such water.”

EC looks forward to continued dialogue and co-operation with respect to this Project. If you have any questions, please contact me at (780) 951 8946.

Sincerely,



**Krista Flood**  
Environmental Assessment Coordinator  
Telephone (780) 951 8946  
Facsimilie (780) 495 2444  
krista.flood@ec.gc.ca

cc: Sarah James, Ecologist, Canadian Wildlife Services, EC