



Canadian Environmental
Assessment Agency

101 - 167 Lombard Avenue
Winnipeg, Manitoba R3B 0T6

Agence canadienne
d'évaluation environnementale

167, avenue Lombard, bureau 101
Winnipeg (Manitoba) R3B 0T6

August 26, 2009

Mr. Bryan Blunt
Manitoba Conservation
Environmental Assessment and Licensing Branch
160 - 123 Main Street
Winnipeg, Manitoba R3C 1A5

CEAA File No. **MP2006-040**

MC File No. **5353.00**



Dear Mr. Blunt:

SUBJECT: St. Joseph Wind Energy Project - RM of Rhineland and RM of Montcalm

I am responding to the June 16, 2009 letter from Ms. Tracey Braun, Director, Environmental Assessment and Licensing Branch, to Dan McNaughton, Director, Prairie Region, Canadian Environmental Assessment Agency (the Agency), regarding the Environmental Impact Study Report supplemental information submitted by the proponent for the project identified above.

The following documents were reviewed by all federal authorities with a potential interest:

Helimax, June 2009, St. Joseph Wind Energy Project – Environmental Impact Study Report – Volume 3 – Revised Project Description and Potential Effects and Volume 4 – Response to Agency Comments. Prepared for St. Joseph Wind Farm Inc and submitted to Manitoba Conservation and CEAA.

Comments received from the federal authorities are briefly summarized below. Please refer to the more detailed responses enclosed for your records.

Health Canada (HC)

HC indicates that the proponent's response to HC's September 8, 2008, noise comments #1 and #2 have been satisfied. However the proponent's response to HC's other noise related comments #3, #4 and # 5 require further clarification or additional information.

Canadian Broadcasting Corporation – Radio Canada (CBC RC):

CBC Radio Canada has raised concerns regarding the risk of interference to CBC RC over-the-air signals and programming. CBC RC notes that there is no detailed impact analysis on radio communications nor a mitigation plan to address the risk identified. The proponent should also be aware of the following CBC RC document that lists and describes CBC RC requirements and involvement concerning wind energy projects.

CBC Radio-Canada Involvement and Requirements Concerning Wind Energy Projects.pdf

Parks Canada

All of Parks Canada recommendations as outlined in its September 5, 2008 letter have been incorporated into the revised project design. If the revised project design remains unchanged, Parks Canada has no further comments.

Fisheries and Oceans Canada (DFO)

DFO has provided a Letter of Advice for the existing stream crossings: The proponent should contact DFO if culvert upgrades or replacements are required for existing stream crossings. DFO concludes that the project is not likely to cause significant adverse effects to fish and fish habitat if the proponent implements the mitigation measures as described in Table 5-6: Effects Assessment Summary – Aquatic Resources from the St. Joseph Wind Energy Project Environmental Impact Study Report Volume 1.

Natural Resources Canada (NRCan):

NRCan has advised that the proponent recently submitted its Technical Project Information (TPI) package to the EcoEnergy Renewable Power Program (EcoERP) at NRCan. If the proponent's TPI receives approval from the EcoERP then NRCan will renew its interest in this project environmental assessment as Responsible Authority. NRCan will commence its review of the supplemental information upon confirmation of its environmental assessment role.

Transport Canada (TC)

Transport Canada has advised that it does not have a trigger under the Canadian Environmental Assessment Act for this project. TC would also like the proponent to be aware of the Minor Works and Waters Order for assessing the water crossings in the project area. The proponent would have to submit application(s) under the *Navigable Waters Protection Act*, if the Minor Works and Waters Order were not applicable to the water crossings.

Department of National Defence (DND):

DND software modelling indicates no conflict with any current radar installations. Should there be changes in the size or location of wind farm, then further analysis would be required by DND.

Environment Canada (EC):

The proponent has not provided a response to a previous comment made by EC in August of 2008, regarding lighting. EC has also advised that to date the proponent has not contacted the Canadian Wildlife Service to discuss the lighting. All other questions raised previously by EC have all been satisfactorily addressed.

Indian and Northern Affairs Canada (INAC):

The proponent is encouraged to consult with First Nations located in the vicinity of the project that are likely to be affected by the project activities such as the level of noise during both construction and operation.

Royal Canadian Mounted Police (RCMP):

For the proponent's consideration the RCMP has provided contact information for the radio sites managed by the Manitoba Telecom Services (MTS) Fleetnet. The MTS contact is Jeff Penner. He can be reached at (204) 941-5447.

Industry Canada (IC)

IC has no concerns with respect to the project.

Thank you again for your continuing effort to ensure coordination and close communication between provincial and federal levels of government with respect to environmental assessment.

If I can be of further assistance, please feel free to contact me by telephone at (204) 983-7997 or by e-mail at: jim.morrell@ceaa-acee.gc.ca.

Sincerely,



Jim P. Morrell
Project Manager

Encls

c.c.:

Rick Grabowecky, HC
Wendy Botkin, Parks Canada
Reg Ejeckam, EC
Corey Simpson, NRCan
Teresa LeMay, NRCan
Zeena Mohammedh, TC
Ashley Presenger, DFO
Julie Bergeron, CBC RC
Tebesi Mosala, INAC
Mark Bartley, DND
Alex Beckstead, RCMP
Lori O'Brennan, IC
Karl-Éric Martel, Helimax



Parks Canada Parcs Canada

145 McDermot Ave.
Winnipeg, MB
R3B 0R9

July 3, 2009

Your file: MP2006-040

Mr. Jim Morrell
Canadian Environmental Assessment Agency
101-167 Lombard Avenue
Winnipeg, MB R3B 0T6

Dear Mr. Morrell,

Re: St. Joseph Wind Energy Project – Manitoba

Parks Canada has reviewed the supplementary information noted in your email correspondence of 25-Jun-09:

- *St. Joseph Wind Energy Project: Environmental Impact Study Report (Volume 3 – Revised Project Description and Potential Effects); and*
- *St. Joseph Wind Energy Project: Environmental Impact Study Report (Volume 4 – Response to Agency Comments).*

Our previous review focused on potential impacts of this project on Neuberghal Street Village National Historic Site of Canada (5-September-2008). Specifically, the overall broad extent and long duration of the visual impact from wind turbines was noted. Parks Canada recommended relocation of certain turbines, and the establishment of buffer zones around the community and along Highway 421. We also identified nine sections where no turbines should be located to mitigate the visual impact and protect the sense of place for visitors to Neuberghal.

The supplementary information notes that the recommendations have been incorporated through project modification and tower relocation. Parks Canada acknowledges that all of its recommendations have been incorporated into the revised project design, including the removal of all towers from the nine sections to the east of Neuberghal. The decision to place three new towers (98, 99, 100) immediately bordering one of the nine sections (29-1-1-E) still results in relatively prominent landscape features from the viewpoint of the Neuberghal Information Kiosk. With that exception, the overall negative residual visual impact has been largely mitigated.

Canada



Parks Parcs
Canada Canada

If the project design remains unchanged, Parks Canada has no further comments with respect to this project. Because of our ongoing interest in the Neubergthal National Historic Site, please keep us informed of any project modifications or licensing decisions.

If you have any questions, please feel free to contact me at (204) 984-1152

Sincerely,

Wendy Botkin
A/Environmental Assessment Scientist

c.c. David Hems, Cultural Resources Manager, Parks Canada
 Frieda Klippenstein, Historian, Parks Canada
 Bryan Blunt, Manitoba Conservation

Canada



Environment Environnement
Canada Canada

Environmental Protection Operations Division
Prairie & Northern
123 Main Street, Suite 150
Winnipeg, MB R3C 4W2

Our File No: 4194-10-5/2949
4194-10-5/2779

Your File No.: MA-503

August 04, 2009

Jim P. Morrell
Project Manager
Operations
Prairie Region
Canadian Environmental Assessment Agency
Suite 101, 167 Lombard Avenue.
Winnipeg MB R3B 0T6

Dear Mr. Morrell,

RE: St. Joseph Wind Power Project (MA-503) Proposals

In June 25, 2009, Environment Canada (EC) received an updated copy of the St Joseph Wind Energy Project description from the Canadian Environmental Assessment Agency for review.

Environment Canada has reviewed the updated project description for proposed construction and operation of a 300 MW (net of net electrical generation capacity) commercial wind energy facility by St Joseph's Wind Farm Inc. in the vicinity of the town of St Joseph approximately 85 Km south of Winnipeg. The project area overlaps the Rural Municipalities of Rhineland and Montcalm.

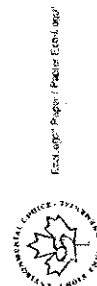
EC's interest relates primarily to our mandate under the Migratory Birds Convention Act and the Species at Risk Act.

EC provides the following comments

The updated project description appears answer almost all of the questions that we raised satisfactorily except earlier comment on lighting. There was no additional comment provided with regards to lighting. The proponent only committed to discussing lighting with EC's Canada Wildlife Services (CWS). As at the time of this letter, there has been no contact.

Canada

www.ec.gc.ca





If the proponent wishes to discuss lighting, they are advised to contact Paul Gregoire, at 780-951-8695 or by email at paul.gregoire@ec.gc.ca

Yours sincerely,

Reg. B. Ejeckam, MSc. P. Geo.
Environmental Assessment Coordinator
Environmental Protection Operations
Phone: (204) 984-3522;
Fax: (204) 983-0960
E-mail reg.ejeckam@ec.gc.ca
Internet: www.ec.gc.ca

CC Paul Gregoire



Morrell,Jim [CEAA]

From: +WindTurbines@forces.gc.ca
Sent: Friday, August 07, 2009 1:48 PM
To: Morrell,Jim [CEAA]
Subject: RE: St.Joseph Wind Energy Project CEAA File No. MP2006-040

Hello Jim:

I have analyzed the proposed St. Joseph Wind Energy Project, with respect to the Department of National Defence, Air Traffic Control and Air Defence Radars.

Our software modelling indicates no conflict with any current radar installations. Should there be changes in the size or location of the wind farm, please re-submit the proposal for further analysis.

Thank you for your consideration of the Dept of National Defence radars and we look forward to assisting you in any future wind turbine endeavours.

Thanks, Mark

Mark Bartley
Electronic Engineering Development Officer | Officier de génie de developement electronique
ATESS - CCISF | ESTTMA - ESICC
National Defence | Défense nationale
Astra, Canada K0K 3W0
Mark.Bartley@forces.gc.ca
Telephone | Téléphone 613-392-2811 #7042
CSN | RCCC 827-7042
Government of Canada | Gouvernement du Canada

From: Morrell,Jim [CEAA] [mailto:Jim.Morrell@ceaa-acee.gc.ca]
Sent: Friday, 24, July, 2009 08:22 AM
To: Ejeckam,Reg [Wpg]; alex.beckstead@rcmp-grc.gc.ca; Tebesi Mosala; Presenger,Ashley: DFO XCA;
+WindTurbines@ATESS@TRENTON
Subject: RE: St.Joseph Wind Energy Project CEAA File No. MP2006-040
Importance: High

Good morning,

I have not received your departments response regarding the review of the supplemental information on the St. Joseph Wind Energy Project CEAA File No. MP2006-040. In the second week of August, I would like to submit a summary of the comments to Manitoba Conservation and the proponent. Could I please receive your comments on this supplemental information by **August 7, 2009**. If you have no further interest in this project please indicated that in the response.

Thanks in advance for your cooperation.

8/20/2009

Morrell,Jim [CEAA]

From: Tebesi Mosala [Tebesi.Mosala@inac-ainc.gc.ca]
Sent: Sunday, August 23, 2009 4:14 PM
To: Morrell,Jim [CEAA]
Subject: Re: FW: St.Joseph Wind Energy Project CEAA File No. MP2006-040

Jim I thought I responded quite awhile ago that INAC' s only comment is that the proponent is encouraged to consult with FN in the vicinity of the project who are likely to be affected by the project activities such as the level of noise during both construction and operation.

Tebesi

>>> "Morrell,Jim [CEAA]" <Jim.Morrell@ceaa-acee.gc.ca> 8/20/2009 7:55

AM >>>

Good morning Tebesi,

I have not received an INAC response for the St.Joseph Wind Energy Project CEAA File No. MP2006-040 and wanted to confirm if your department has an interest or comments to provide.

I would like to response back to Manitoba Conservation and the proponent very soon and would like to send all the federal comments/responses at one time.

Could you please advise.

Thanks

Jim

Jim P. Morrell
Project Manager | Gestionnaire de projets
> Operations | Opérations
Prairie Region | Région des Prairies
Canadian Environmental Assessment Agency | Agence canadienne d'évaluation environnementale
Suite 101, 167 Lombard Avenue. Winnipeg MB R3B 0T6 | 167, avenue Lombard, bureau 101,
Winnipeg MB R3B 0T6 jim.morrell@ceaa-acee.gc.ca Telephone | Téléphone 204-983-7997
Facsimile | Télécopieur 204-983-1878 Government of Canada | Gouvernement du Canada

>

> From: Morrell,Jim [CEAA]
> Sent: Friday, July 24, 2009 7:22 AM
> To: Ejeckam,Reg [Wpg]; 'alex.beckstead@rcmp-grc.gc.ca'; 'Tebesi Mosala'; Presenger,Ashley: DFO XCA; '+windturbines@forces.gc.ca'
> Subject: RE: St.Joseph Wind Energy Project CEAA File No. MP2006-040

> Importance: High

>

>

> Good morning,

>

> I have not received your departments response regarding the review of the supplemental information on the St. Joseph Wind Energy Project CEAA File No. MP2006-040. In the second week of August, I would like to submit a summary of the comments to Manitoba Conservation and the proponent. Could I please receive your comments on this supplemental information by August 7, 2009. If you have no further interest in this project please indicated that in the response.

>

>

> Thanks in advance for your cooperation.

Morrell, Jim [CEAA]

From: Lori.OBrennan@ic.gc.ca
Sent: Thursday, June 25, 2009 11:19 AM
To: Morrell, Jim [CEAA]
Subject: RE: St. Joseph Wind Energy Project CEAA File No. MP2006-040

Thanks for the info. Industry Canada has no concerns wrt this project.

Lori O'Brennan

Spectrum Management Officer | Agente de gestion du spectre
Spectrum, Information Technologies and Telecommunications Sector | Secteur du Spectre, des technologies de l'information et des télécommunications

Prairie and Northern Region | Région des Prairies et du Nord
Industry Canada | Industrie Canada
400 St Mary Avenue, Winnipeg MB R3C 4K5 | 400, avenue St Mary, Winnipeg MB R3C 4K5
Lori.OBrennan@ic.gc.ca
Telephone | Téléphone 204-983-5554
Facsimile | Télécopieur 204-984-6045
Teletypewriter | Téléimprimeur 1-866-694-8389
Government of Canada | Gouvernement du Canada

From: Morrell, Jim [CEAA] [mailto:Jim.Morrell@ceaa-acee.gc.ca]
Sent: Thursday, June 25, 2009 11:10 AM
To: LeMay, Teresa; NRCAN; Simpson, Corey; Ejeckam, Reg; EC; Rick Grabowewky; Barker, Jackie; alex.beckstead@rcmp-grc.gc.ca; eoliennes_windturbines@radio-canada.ca; Tebesi Mosala; O'Brennan, Lori; SITT-STIT; Presenger, Ashley; F&O; Botkin, Wendy; PCA; +windturbines@forces.gc.ca
Subject: St. Joseph Wind Energy Project CEAA File No. MP2006-040

Good morning,

For those who received this email sent earlier this morning please disregard.

The Agency recently received two documents (listed below in blue) from Manitoba Conservation for distribution to federal authorities involved in the review of St. Joseph Wind Energy Project proposal. I have attached for your records as well the letters from Manitoba Conservation.

St. Joseph Wind Energy Project - Environmental Impact Study Report Volume 3 - Revised Project Description and Potential Effects (June 2009)

St. Joseph Wind Energy Project - Environmental Impact Study Report Volume 4 - Response to Agency Comments (June 2009)

At this time I ask that you review the St. Joseph Wind Energy Project - Environmental Impact Study Report Volume 4 - Response to Agency Comments (June 2009) document and verify that your questions and concerns have been adequately addressed. Please also review the Revised Project Description and Potential Effects

7/8/2009

Morrell,Jim [CEAA]

From: Alex Beckstead [alex.beckstead@rcmp-grc.gc.ca]
Sent: Monday, July 27, 2009 11:27 AM
To: Morrell,Jim [CEAA]
Subject: RE: St.Joseph Wind Energy Project CEAA File No. MP2006-040

Hi Jim,

For wind project coordination in Manitoba, we do not manage the radio sites. They are leased to MTS Fleetnet. The contact information:

Jeff Penner
(204)-941-5447

I apologize for the delay. If there is anything else I can help you with, please do not hesitate reach me.

Thank you.

Alex Beckstead
Radio Spectrum Engineer - Ingénieur du spectre radio Mobile Communication Services -
Services de communication mobile RCMP - GRC
tel.: 613-949-4519
fax.: 613-998-7528
alex.beckstead@rcmp-grc.gc.ca

>>> "Morrell,Jim [CEAA]" <Jim.Morrell@ceaa-acee.gc.ca> 7/24/2009 8:21 AM >>>

Good morning,

I have not received your departments response regarding the review of the supplemental information on the St. Joseph Wind Energy Project CEAA File No. MP2006-040. In the second week of August, I would like to submit a summary of the comments to Manitoba Conservation and the proponent. Could I please receive your comments on this supplemental information by August 7, 2009. If you have no further interest in this project please indicated that in the response.

Thanks in advance for your cooperation.

Jim

Jim P. Morrell
Project Manager | Gestionnaire de projets
> Operations | Opérations
Prairie Region | Région des Prairies
Canadian Environmental Assessment Agency | Agence canadienne d'évaluation environnementale
Suite 101, 167 Lombard Avenue. Winnipeg MB R3B 0T6 | 167, avenue Lombard, bureau 101,
Winnipeg MB R3B 0T6 jim.morrell@ceaa-acee.gc.ca Telephone | Téléphone 204-983-7997
Facsimile | Télécopieur 204-983-1878 Government of Canada | Gouvernement du Canada

>
> From: Morrell,Jim [CEAA]
> Sent: Thursday, June 25, 2009 11:09 AM
> To: LeMay,Teresa: NRCAN; Simpson,Corey: NRCAN; Ejeckam,Reg [Wpg];
'Rick Grabowecky'; 'Barker, Jackie'; 'alex.beckstead@rcmp-grc.gc.ca';



Freshwater Institute
Prairies Area, Manitoba District
501 University Crescent
Winnipeg, Manitoba
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(204) 983-5163

Institut des eaux douces
Secteur des Prairies, District du Manitoba
501 University Crescent
Winnipeg, (Manitoba)
R3T 2N6
(204) 983-5163

24 July 2009

Your file / Votre référence

Our file / Notre référence
06-HCAA-CA1-01427

Mr. Jim Morrell
Project Manager
Canadian Environmental Assessment Agency
Suite 101 – 167 Lombard Avenue
Winnipeg MB R3B 0T6

Dear Mr. Morrell:

Subject: Response to RA to subsection 12(3) CEAA request for project review for expert or specialist information/knowledge.

As requested, we have reviewed the additional information for the St. Joseph Wind Energy Project, Volumes 3 and 4 (June 2009), provided by you pursuant to subsection 12(3) of the *Canadian Environmental Assessment Act*. Our review of this project was limited to its impacts on fish and fish habitat.

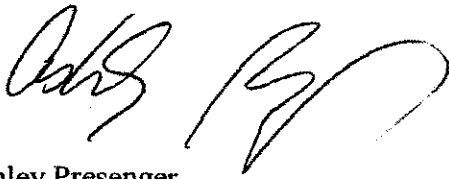
Given that existing access routes including stream crossings will be utilized, we have concluded that the project is not likely to cause significant adverse effects on fish and fish habitat after taking into account implementation of mitigation measures. The following measures, if incorporated into the project, will ensure that any potentially adverse effects on fish and fish habitat will be mitigated:

- Contact Fisheries and Oceans Canada (DFO) if culvert upgrades or replacements are required for existing crossings, where the replacement results in a reduction in the productive capacity of fish habitat (increase physical footprint) or culvert lengthening where there is significant length increase that harmfully alters fish habitat or represents a barrier to fish passage.
- Implement mitigation measures, as outlined in Table 5-6: Effects Assessment Summary – Aquatic Resources from the St. Joseph Wind Energy Project Environmental Impact Study Report Volume 1.

Please note that this advice is provided to satisfy the requirements of subsection 12(3) of the *Canadian Environmental Assessment Act* and should not be taken to imply DFO's approval of the project, or any part thereof, in accordance with the *Fisheries Act* or any other federal legislation.

Should you have any questions or comments, please contact me directly by phone at 204 984 - 0405, by fax at 204 984 - 2402, or by e-mail at Ashley.Presenger@dfm-mpo.gc.ca.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ashley Presenger', written in a cursive style.

Ashley Presenger
Fish Habitat Biologist

c.c.: DFO Distribution



Environmental Assessment Directorate
Regions and Programs Branch
510 Lagimodière Blvd.
Winnipeg, MB R2J 3Y1

Our file MB/SK-2008/09-053

July 22, 2009

Jim Morrell
Canadian Environmental Assessment Agency
Suite 100, 167 Lombard Avenue
Winnipeg, MB R3B 0T6

Subject: Health Canada's Review of the Response to Agency Comments for the St. Joseph Wind Energy Project

Dear Mr Morrell,

This letter is in response to Health Canada's (HC) review of BoArk Energy Ltd.'s document entitled "St. Joseph Wind Energy Project Environmental Impact Study Report Volume 3 – Revised Project Description and Response to Agency Comments (BoArk's Response)" dated June, 2009. Health Canada is participating as a Federal Authority in this environmental review under the provisions of the *Canadian Environmental Assessment Act*.

We have reviewed BoArk's Response. HC's comments #1 and #2, as found in our September 8, 2008 letter to your office, have been satisfied by the information provided in the Response. HC's comments #3 - #5 have been reproduced in italics below for your reference, along with BoArk's response and our outstanding comments:

HC Original Comment #3.

The noise power results were modeled using the single wind speed of 6 m/s. Section 5.14 indicates that the wind turbines would operate within the range of 3m/s to 25 m/s. For typical relationships between wind turbine sound power and wind speed, an assessment at only 6 m/s does not fully account for potentially substantial increases in the percentage highly annoyed with wind turbine noise once the wind turbine project becomes operational. Therefore it is advisable that the predicted sound power emissions from the project be reported as a function of a range of representative operational wind speeds.

Proponent Response to Comment #3.

The noise simulation was produced using the noise output of the wind turbine when the wind speed is 6 m/s at a height of 10 m above ground level (104 dBA), whilst respecting 40 dBA for all dwellings considered as point of receptions, as defined in Ontario (i.e. any point on the premises of a person within 30 m of a dwelling, where sound or vibration originating from other than those premises is received). For "Participating Receptors" (i.e. a dwelling on a

Sent by e-mail to: Jim.Morrell@ceaa-acee.gc.ca

property that is associated with the Wind Farm by means of a legal agreement with the property owner for the installation and operation of wind turbines or related equipment located on that property), the maximum sound level used for this project is 45 dBA. The noise simulation was conducted for one-storey (1.5 m agl) and two-storey buildings (4.5 m agl). A noise simulation using noise output at 8 m/s (106 dBA) was also conducted to confirm that all dwellings will be compliant with the 45 dBA limit.

HC Response to Proponent Response #3.

Please clarify whether the noise simulation using a wind speed of 8m/s and a sound power of 106 dBA was performed to estimate the maximum power level from the model of wind turbine generators (WTG) proposed for this project. The results of this simulation would be acceptable if the speed representing the maximum noise output was used and the results indicated that sound power at receptors would not exceed 45dBA. If it is unknown whether a wind speed of 8m/s yields the maximum sound power from this model of WTG, it would be advisable to provide an assessment of the predicted sound power emissions from the project as a function of a range of representative operational wind speeds (i.e. 3 m/s to 25 m/s range).

Should a simulation result in the estimation of an operational Leq within 3 dB of 45 dBA (i.e., the typical estimated uncertainty for modeling), it would be advisable that the proponent have a mitigation plan including a complaint resolution procedure and a monitoring program to validate the predicted sound levels during operation. Additionally, HC suggests that technically and economically feasible mitigation be applied if the predicted sound level at receptors due to wind turbine operation exceeds 45 dBA.

HC Original Comment #4.

In quiet rural areas, Health Canada recommends that technically and economically feasible mitigation be applied if the predicted sound level at receptors due to wind turbine operation exceeds 45 dBA. The prediction is to be determined using the wind speed yielding the maximum sound power from the wind turbine.

Health Canada uses a 45 dBA criterion limit for the sound level at receptors due to wind turbine operation in quiet rural areas to reduce or eliminate the potential of adverse health effects including; disturbance of rest and sleep; interference with speech communication, psycho-physiological effects, mental-health and performance effects; effects on residential behavior and annoyance; and interference with intended activities (HC, 2005, WHO, 1999). Assuming constant noise, the World Health Organization, (WHO), sleep guideline value of 30 dBA indoors (estimated 45 dBA outdoors for partially open windows) is one rationale (WHO, 1999). A draft criterion based on an increase of 6.5% increase in the percentage highly annoyed for a quiet rural area is also currently used by Health Canada (ISO 1996-12003). It suggests a criterion level of about 43 dBA for a project Leq 24 (Michaud et al., 2007). Taking all of these criteria into account the use of a 45 dBA limit seems reasonable, assuming that the noise estimate is a worst case level based on favorable propagation conditions and the highest turbine noise level.

Please provide the predicted noise levels at the receptors due to the wind turbine at conditions of maximum noise output to determine compliance to the above criteria. Please also provide the worst case predicted levels for wind turbine operation (also see the preceding # 2 and #3 items). Please calculate the sound propagation as if all receptors were downwind of the turbine, regardless of their actual position. Mitigation measures would be

advisable if the predicted noise levels are in exceedance of the 45 dBA described above. A complaint resolution process would be also advisable in the event of public complaints.

Proponent Response to Comment #4.

Noise simulations are produced using industry standard software, such as CadnaA in the case of St. Joseph. The software is based on the currently approved ISO 9613 standard. This standard provides a model for the calculation of the equivalent continuous A-weighted sound pressure level at a distance from one or more point sources under meteorological conditions favourable to propagation from sources of sound emission. These conditions are for downwind propagation and propagation under a well-developed moderate ground-based temperature inversion, such as commonly occurs at night. The method consists of octave-band algorithms (i.e. with nominal mid-band frequencies from 63 Hz to 8 kHz) for calculating the attenuation of the emitted sound. The algorithm takes into account the following physical effects:

- Geometrical divergence — attenuation due to spherical spreading from the sound source,
- Atmospheric absorption — attenuation due to absorption by the atmosphere,
- Ground effect — attenuation due to the acoustical properties of the ground.

ISO-9613 input parameters are ambient air temperature, ambient barometric pressure, humidity, source ground factor, middle ground factor, receptor ground factor, receptor height and wind turbine characteristics, amongst others. As a worst-case scenario, the following parameters are considered:

- the model takes into account the cumulative effect of all turbines,
- the model assumes that the dwellings are always downwind from all turbines,
- the model does not include any screening from vegetation.

In addition to being internationally recognized, ISO 9613 is the calculation methodology strongly recommended by CanWEA (2007) and provinces such as Ontario (NPC-252), Quebec (Instruction Note 98-01), and Alberta (AUC Rule 012).

Calculations and criteria used are conservative and reflect the fact that the ambient sound levels increase with wind speed.

HC Response to Proponent's Response #4.

The proponent's response indicates the type of software used to undertake the assessment, and describes the parameters used in the assessment. However, the response does not provide the requested information i.e. predicted noise levels at the receptors due to the WTGs at conditions of maximum noise output to determine compliance to the above criteria. Please clearly indicate whether the noise simulation using a wind speed of 8m/s and a sound power of 106 dBA was performed to estimate the maximum power level from the model of wind turbine generators (WTG) proposed for this project (see also comment HC #3).

HC Original Comment #5.

Health Canada notes that due to uncertainty in sound predictions, there is a possibility that the Leq at the receptor may exceed 45 dBA during operations. As such, Health Canada suggests that if, for the maximum sound power from the wind turbine, the predicted operational Leq is within 3 dB of 45 dBA (i.e., the typical estimated uncertainty for modeling), it would be advisable that the proponent have a mitigation plan including a

complaint resolution procedure and a monitoring program to validate the predicted sound levels during operation.

Proponent Response to Comment #5.

St. Joseph Wind Farm Inc. will carry out any justified noise monitoring required by an Environment Officer at the point of reception, as commonly requested by Manitoba Conservation in previous wind farm Environment Act Licenses. St. Joseph Wind Farm inc. will also implement a complaint reporting and recording process and propose mitigation measures if noise levels exceed current regulation.

HC Response to Proponent Response #5.

Please clarify the meaning of "justified noise monitoring". Please clarify which regulation the response refers to, and provide the noise levels that will trigger additional mitigative measures upon exceedance.

Again, HC advises that if, for the maximum sound power from the wind turbine, the predicted operational L_{eq} is within 3 dB of 45 dBA (i.e., the typical estimated uncertainty for modeling), it would be advisable that the proponent have a mitigation plan including a complaint resolution procedure and a monitoring program to validate the predicted sound levels during operation

Please contact this office at the coordinates below should you have any questions regarding the comments provided.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. A.', followed by a long horizontal line extending to the right.

Rick Grabowecky
Regional Environmental Assessment Coordinator
Manitoba-Saskatchewan Region
Ph # (204) 984-8318 Fax # (204) 983-5692
Rick_Grabowecky@hc-sc.gc.ca

cc: Stan Hnatiuk (HC – Regional Manager)
Anne-Marie LaFortune (HC – Senior Environmental Assessment Advisor)
Teresa LeMay (NRCan)

REFERENCES

Health Canada, 2005. Acoustics Division. "Health Canada Wind Turbine Fact Sheet – Draft.

ISO 1996-1, 2003. "Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures". International Organization for Standardization, Switzerland

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World Health Organization .1999. "Guidelines for Community Noise," Geneva, WHO.

July 21, 2009

VIA EMAIL: [\[Jim.Morrell@ceaa-acee.gc.ca\]](mailto:Jim.Morrell@ceaa-acee.gc.ca)

Mr. Jim P. Morrell, Project Manager
Operations, Prairie Region
Canadian Environmental Assessment Agency
Government of Canada

Re: St. Joseph Wind Energy Project, Manitoba

Mr. Morrell:

CBC/Radio-Canada has taken note of the following documents:

St. Joseph Wind Energy Project - Environmental Impact Study Report Volume 3 - Revised Project Description and Potential Effects (June 2009)

St. Joseph Wind Energy Project - Environmental Impact Study Report Volume 4 - Response to Agency Comments (June 2009)

Unfortunately, the aforementioned documents do not address correctly CBC/Radio-Canada's concerns.

Appendix B - Radiocommunication System Impact Assessment (Environment Act Proposal (24 July 2008), Volume 2) states that:

"Although no turbine is located near an analogue or digital television emitter (transmitter), interference might affect signal quality at certain receptor locations. Approximately 2180 buildings with potential presence of TV receptors (receivers) are located within the recommended consultation zone defined around the Project."

However, we could not find any detailed impact analysis on radiocommunications nor a mitigation plan to address the risk identified. In our opinion, a wind energy project proponent should correctly assess and mitigate the risk of interference to CBC/Radio-Canada's over-the-air signals and programming. Therefore, CBC/Radio-Canada would like to remind the proponent of the following document:

CBC Radio-Canada Involvement and Requirements Concerning Wind Energy Projects.pdf

This document lists and describes CBC/Radio-Canada's requirements and involvement concerning wind energy projects.

We remain committed to working in cooperation with you and the Wind Energy industry as a whole.

Sincerely,

Julie Bergeron, Jr. Eng.

Julie Bergeron, Jr. Eng.
Junior Engineer
Spectrum and Broadcast Coverage Planning Engineering
Strategy and Planning
CBC Technology

1/1

Morrell,Jim [CEAA]

From: LeMay, Teresa [Teresa.LeMay@NRCan-RNCan.gc.ca]
Sent: Thursday, August 20, 2009 7:16 AM
To: Morrell,Jim [CEAA]
Cc: Simpson, Corey
Subject: St. Joseph wind farm - NRCan

Hello Jim,

Just an FYI that the proponent for the St. Joseph wind farm submitted their Technical Project Information (TPI) package to the EcoERP program at NRCan.

As such NRCan, upon approval of the TPI by EcoERP, may be re-engaged on this projects EA as an RA (funding trigger). I will let you know as soon as I hear back from the program on whether or not the TPI has been accepted.

In the meantime, any status updates on the Federal EA for Corey and I would be appreciated.

Thank you,
Teresa

Teresa LeMay

Environmental Assessment Officer / Agent d'évaluation environnementale
Environmental Assessment Group / Groupe d'évaluation environnementale
Science and Policy Integration / Intégration des sciences et des politiques

Natural Resources Canada / Ressources naturelles Canada
580 Booth Street / 580 rue Booth
Ottawa, Ontario K1A 0E4
Tel / Tél. : (613) 992-8791
Fax / Téléc. : (613) 995-5719
Email / Courriel : tlemay@nrcan.gc.ca

8/20/2009

Morrell, Jim [CEAA]

From: Simpson, Corey [Corey.Simpson@NRCan-RNCan.gc.ca]
Sent: Thursday, July 23, 2009 1:50 PM
To: Morrell, Jim [CEAA]
Subject: RE: St. Joseph Wind Energy Project CEAA File No. MP2006-040

Hi Jim,

I talked to Teresa Le May and we both agreed that given NRCan is not currently an RA we will not be able to review the documentation provided at this time. Should a federal EA be triggered due to the likely provision of funding by the ecoENERGY Renewable Power program, NRCan will take the appropriate steps to ensure an EA review is completed.

It should also be noted that as the Project has changed since NRCan first reviewed the project (less turbines and new machines) a new or updated Project Description or EIA will be required when/if the Proponent endeavours to receive ecoENERGY funding.

Please let me know if you require any further information or a more formal response. Our standard letter indicating we are not an RA did not quite fit the present situation.

Thanks,

Corey

From: Morrell, Jim [CEAA] [mailto:Jim.Morrell@ceaa-acee.gc.ca]
Sent: June 25, 2009 12:10
To: LeMay, Teresa; Simpson, Corey; Ejeckam Reg (EC); Rick Grabowecky; Barker, Jackie; alex.beckstead@rcmp-grc.gc.ca; eoliennes_windturbines@radio-canada.ca; Tebesi Mosala; O'Brennan Lori (IC); Presenger Ashley (DFO.MPO); Botkin Wendy (APCA); +windturbines@forces.gc.ca
Subject: St. Joseph Wind Energy Project CEAA File No. MP2006-040

Good morning,

For those who received this email sent earlier this morning please disregard.

The Agency recently received two documents (listed below in blue) from Manitoba Conservation for distribution to federal authorities involved in the review of St. Joseph Wind Energy Project proposal. I have attached for your records as well the letters from Manitoba Conservation.

St. Joseph Wind Energy Project - Environmental Impact Study Report Volume 3 - Revised Project Description and Potential Effects (June 2009)

St. Joseph Wind Energy Project - Environmental Impact Study Report Volume 4 - Response to Agency Comments (June 2009)

At this time I ask that you review the St. Joseph Wind Energy Project - Environmental Impact Study Report Volume 4 - Response to Agency Comments (June 2009) document and verify that your questions and concerns have been adequately addressed. Please also review the Revised Project Description and Potential Effects Volume 3 document. A key change to note is the reduction of wind turbine generators from **200 (1.5 MW)** to **130 (2.3 MW)** wind turbine generators.

Could I please receive your comments regarding this supplemental information by **July 17, 2009**.

A number of departments have undergone recent staffing changes. If you are no longer the contact for this project could you please forward this information to the appropriate person in your organization and advise me.

I will now be the Canadian Environmental Assessment Agency contact for this project.

Below is a link to these documents as well as the response to provincial technical advisory committee comments and the response to public comments.

Morrell,Jim [CEAA]

From: Mohammed, Zeena [zeena.mohammed@tc.gc.ca]
Sent: Friday, July 17, 2009 5:03 PM
To: Morrell,Jim [CEAA]
Subject: St. Joseph Wind Farm

Attachments: Minor Works and Water Order(NWPA).pdf; TC Application Form Nov 2008.doc; TC Application Form Nov 2008.doc

Hi Jim,

Can you pass on to the proponent a copy of the Minor Works and Waters Order for assessing any water crossings that are not considered significant by them. If this Order is not applicable then an application to NWPP will have to be submitted. I am including a NWPP guide and a application form also.



Minor Works and
Water Order(NW...



TC Application Form
Nov 2008.d...



TC Application Form
Nov 2008.d...

Thanks

Zeena

Zeena Mohammed

Environmental Officer, Environmental Affairs/Agent chargé de l'environnementale, Services environnementaux

Telephone/telephone (204) 983-3508

Facsimile/télécopieur (204) 983-5048

Email/courriel: zeena.mohammed@tc.gc.ca

Transport Canada, Prairie and Northern Region, 3rd Floor - 344 Edmonton Street, P.O. Box 8550, Winnipeg, Manitoba, R3C 0P6

Transports Canada, Région des Prairies et du Nord, 3^e étage, 344, rue Edmonton, C.P. 8550, Winnipeg, Manitoba R3C 0P6

Government of Canada | Gouvernement du Canada

Morrell,Jim [CEAA]

From: Mohammed, Zeena [zeena.mohammed@tc.gc.ca]
Sent: Friday, July 17, 2009 11:40 AM
To: Morrell,Jim [CEAA]
Subject: FW: St.Joseph Wind Energy Project CEAA File No. MP2006-040

Attachments: MP2006-040 Manitoba Conservation letter to TAC and the Agency June 25, 2009.pdf

Hi Jim,

Upon review of the information in Volume IV, it is concluded that Transport Canada does not have a CEAA trigger for this project.

Zeena

Zeena Mohammed

Environmental Officer, Environmental Affairs/Agent chargé de l'environnementale, Services environnementaux

Telephone/telephone (204) 983-3508

Facsimile/télécopieur (204) 983-5048

Email/courriel: zeena.mohammed@tc.gc.ca

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Transports Canada, Région des Prairies et du Nord, 3^e étage, 344, rue Edmonton, C.P. 8550, Winnipeg, Manitoba R3C 0P6

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From: Barker, Jackie
Sent: Thursday, June 25, 2009 12:01 PM
To: Mohammed, Zeena
Subject: FW: St.Joseph Wind Energy Project CEAA File No. MP2006-040

Zeena,

Please respond to Jim.

Thanks,
Jackie

From: Morrell,Jim [CEAA] [mailto:Jim.Morrell@ceaa-acee.gc.ca]
Sent: Thursday, June 25, 2009 11:09 AM
To: LeMay,Teresa: NRCAN; Simpson,Corey: NRCAN; Ejeckam,Reg [Wpg]; Rick Grabowecky; Barker, Jackie; alex.beckstead@rcmp-grc.gc.ca; eoliennes_windturbines@radio-canada.ca; Tebesi Mosala; O'Brennan,Lori: IC; Presenger,Ashley: DFO XCA; Botkin,Wendy: APCA; +windturbines@forces.gc.ca
Subject: St.Joseph Wind Energy Project CEAA File No. MP2006-040

Good morning,

For those who received this email sent earlier this morning please disregard.

The Agency recently received two documents (listed below in blue) from Manitoba Conservation for distribution to federal authorities involved in the review of St. Joseph Wind Energy Project proposal. I have attached for your records as well the letters from Manitoba Conservation.

St. Joseph Wind Energy Project - Environmental Impact Study Report Volume 3 - Revised Project Description and Potential Effects (June 2009)



Transport
Canada

Transports
Canada

APPLICATION FORM NAVIGABLE WATERS PROTECTION ACT (NWPA)

A - GENERAL INFORMATION		
Applicants File Number	Previous NWPP File Number (if applicable)	
Name of Applicant/Owner		Contact Name
Mailing Address		
Street Address (if different than above)		
City/Town	Province/Territory	Postal Code
Telephone No.	Business No.	Fax No.
Name of Representative (if applicable)		Contact Name
Mailing Address		
Street Address (if different than above)		
City/Town	Province/Territory	Postal Code
Telephone No.	Business No.	Fax Number
B - LOCATION OF THE PROJECT AND PHYSICAL DESCRIPTION OF THE SITE		
Name of the Nearest Community (City, Town, Village)	Province or Territory	Name of Waterway (Creek, River, Lake, etc.)
*Legal Description (Section, Township, Range, Meridian)		
*Latitude (DD-MM-SS)	*Longitude (DD-MM-SS)	
Topographic Map/Nautical Chart No.	Average Width of Waterway at Site	Average Depth of Waterway at Site
C - DESCRIPTION OF PROJECT (detailed description of work <u>MUST</u> be attached - see Item Checklist below)		
Work Description (Dock, Dam, Bridge, Culvert, etc.)		
Is the Work? Permanent <input type="checkbox"/> Temporary <input type="checkbox"/>	Status of the Project (Check the Appropriate One) New <input type="checkbox"/> Existing <input type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/>	
Proposed Construction Start Date (DD/MM/YYYY)	Proposed Construction End Date (DD/MM/YYYY)	
Item Checklist ✓		
The following information is mandatory and <u>MUST</u> be included with the application:		
<input type="checkbox"/> Details of Construction Methodology etc. <input type="checkbox"/> Completed Application Form <input type="checkbox"/> Map or chart showing location of the project <input type="checkbox"/> Survey plan or sketch, with dimensions indicating the location of the existing buildings, shoreline structures, property lines, high and low watermarks; and, adjacent properties <input type="checkbox"/> Eight (8) copies of scaled dimensioned drawings of the project/work, including a plan and profile view, the Q ₂ high-water elevation (1 in 2 year flood event), and a <u>minimum</u> size of 11" x 17" page format (All plans <u>MUST</u> be legible) <input type="checkbox"/> If you are not the upland property owner, include a letter of consent from the owner <input type="checkbox"/> Dated photographs of the proposed work site, including upstream and downstream photos from the site showing open water conditions, if applicable <input type="checkbox"/> Three copies (3) of environmental reports/assessments, if applicable		
Date (DD/MM/YYYY)	Name (Please Print)	Signature

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order modifies the operation of the *Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations* and the *Motor Vehicle Safety Regulations* to make them consistent with amendments to the Federal Motor Vehicle Safety Standard No. 213, Child Restraint Systems, title 49, part 571 of the *Code of Federal Regulations* of the United States (FMVSS 213), which raise the upper mass limit for certain child restraint systems from 22 kg to 30 kg. The purpose of this Order is to permit the use in Canada of child restraint systems and built-in child restraint systems designed for use by children with a mass of up to 30 kg.

[19-1-o]

DEPARTMENT OF TRANSPORT

NAVIGABLE WATERS PROTECTION ACT

Minor Works and Waters (Navigable Waters Protection Act) Order

The Minister of Transport, Infrastructure and Communities, pursuant to subsection 13(1)^a of the *Navigable Waters Protection Act*, hereby makes the annexed *Minor Works and Waters (Navigable Waters Protection Act) Order*.

Ottawa, April 22, 2009

JOHN BAIRD

Minister of Transport, Infrastructure and Communities

**MINOR WORKS AND WATERS
(NAVIGABLE WATERS
PROTECTION ACT) ORDER**

INTERPRETATION

1. The following definitions apply in this Order.

<p>Definitions "Act" « Loi » "berm" « berme » "charted navigable waters" « plan d'eau navigable cartographié » "dock" « petit quai » "high-water mark" « laisse des hautes eaux »</p>	<p>"Act" means the <i>Navigable Waters Protection Act</i>. "berm" means a temporary earth-filled structure serving as a work platform or vehicle access to permit the construction of works in navigable waters. "charted navigable waters" means navigable waters for which navigation charts are produced by the Canadian Hydrographic Service. "dock" includes a wharf, a pier and a jetty. "high-water mark" means the mark left on the landscape by the highest level reached by navigable waters that has been maintained for a sufficient period to leave the mark on the landscape.</p>
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^a S.C. 2009, c. 2, s. 328

^b R.S., c. N-22

NOTE EXPLICATIVE

(La présente note ne fait pas partie de l'arrêté.)

Le présent arrêté modifie l'application du *Règlement sur la sécurité des ensembles de retenue et des coussins d'appoint (véhicules automobiles)* et du *Règlement sur la sécurité des véhicules automobiles* pour qu'ils soient compatibles avec des modifications à la « Federal Motor Vehicle Safety Standard No. 213, Child Restraint Systems », partie 571 du titre 49 du *Code of Federal Regulations* des États-Unis (FMVSS 213), qui font passer de 22 kg à 30 kg la limite de masse supérieure pour certains ensembles de retenue pour enfant. Il vise à permettre l'utilisation au Canada des ensembles de retenue pour enfant et des ensembles intégrés de retenue d'enfant conçus pour être utilisés par des enfants dont la masse est d'au plus 30 kg.

[19-1-o]

MINISTÈRE DES TRANSPORTS

LOI SUR LA PROTECTION DES EAUX NAVIGABLES

Arrêté sur les ouvrages et les eaux secondaires (Loi sur la protection des eaux navigables)

Le ministre des Transports, de l'Infrastructure et des Collectivités, en vertu du paragraphe 13(1)^a de la *Loi sur la protection des eaux navigables*^b, prend l'Arrêté sur les ouvrages et les eaux secondaires (*Loi sur la protection des eaux navigables*), ci-après.

Ottawa, le 22 avril 2009

Le ministre des Transports, de l'Infrastructure et des Collectivités

JOHN BAIRD

**ARRÊTÉ SUR LES OUVRAGES ET LES
EAUX SECONDAIRES (LOI SUR LA
PROTECTION DES EAUX NAVIGABLES)**

DÉFINITIONS

1. Les définitions qui suivent s'appliquent au présent arrêté.

<p>« berme » Structure temporaire remplie de terre servant de plate-forme de travail ou d'accès aux véhicules pour permettre la construction d'ouvrages dans les eaux navigables. « chenal de navigation » Chenal cartographié, chenal balisé ou chenal qui, selon les connaissances locales, existe à des fins de navigation. « laisse des hautes eaux » Ligne de démarcation sur le paysage terrestre laissée par le plus haut niveau atteint par les eaux navigables maintenu pendant une période suffisante pour que le paysage terrestre l'indique. « Loi » La <i>Loi sur la protection des eaux navigables</i>. « petit quai » S'entend notamment d'un quai, d'un môle ou d'une jetée.</p>	<p>Définitions « berme » "berm" « chenal de navigation » "navigation channel" « laisse des hautes eaux » "high-water mark" « Loi » "Act" « petit quai » "dock"</p>
--	--

^a L.C. 2009, ch. 2, art. 328

^b L.R., ch. N-22

"navigation channel"
« chenal de navigation »

"navigation channel" means a charted channel, a buoyed channel or a channel that, based on local knowledge, exists for navigation purposes.

« plan d'eau navigable cartographié » Eaux navigables pour lesquelles des cartes de navigation sont produites par le Service hydrographique du Canada.

« plan d'eau navigable cartographié »
"charted navigable waters"

EROSION PROTECTION WORKS

Definitions

"erosion protection works"
« ouvrages de protection contre l'érosion »

2. (1) The following definitions apply in this section.

"erosion protection works" means shoreline-stabilization, riprap or bank-protection works.

"groynes or spur"
« épi ou éperon »

"groynes or spur" means a structure built out from the bank of navigable waters in a direction transverse to the current in order to prevent erosion of the bank.

"riprap"
« enrochement »

"riprap" means a layer of stones or rocks placed irregularly on a slope or a bank of navigable waters in order to protect it against scouring or erosion.

"shoreline stabilization"
« stabilisation des rives »

"shoreline stabilization" means stones, rocks, concrete, tree trunks or other materials placed in order to protect the shores of navigable waters from erosion.

Class established

(2) Erosion protection works are established as a class of works for the purposes of subsection 5.1(1) of the Act if

- (a) the works are integrated with and parallel to the existing or natural shoreline or bank;
- (b) the base of the works is 5 m or less from the high-water mark;
- (c) the vertical to horizontal slope of the works from the navigable waters is greater than 33 %;
- (d) the works are not associated with an existing or proposed structure, including a bridge, a boom, a dam or a road, across the navigable waters; and
- (e) the works do not include groynes or spurs or other devices to deflect the current.

Terms and conditions — during construction or placement

(3) The following terms and conditions are imposed during the construction or placement of the works:

- (a) vessels shall be allowed safe access through the work site at all times, and shall be assisted as necessary; and
- (b) if the works are in, on or under a river, a stream, a creek or similar navigable waters of a width set out in column 1 of the table to this subsection, signs stating "Warning — Construction Ahead" and "Attention — Travaux de construction" that are legible from at least 50 m shall be in place, upstream and downstream from the work site, at the minimum distance set out in column 2.

OUVRAGES DE PROTECTION CONTRE L'ÉROSION

2. (1) Les définitions qui suivent s'appliquent au présent article.

« enrochement » Couche de pierres ou de roches disposées irrégulièrement sur une pente ou une berge des eaux navigables pour la protéger contre l'affouillement ou l'érosion.

« épi ou éperon » Structure construite perpendiculairement à une berge des eaux navigables dans un axe transversal au courant pour en prévenir l'érosion.

« ouvrages de protection contre l'érosion » Ouvrages de stabilisation des rives, d'enrochement ou de protection des berges.

« stabilisation des rives » Pierres, roches, béton, troncs d'arbres ou autres matériaux qui sont placés pour protéger les rives des eaux navigables contre l'érosion.

(2) Les ouvrages de protection contre l'érosion sont établis comme catégorie d'ouvrages pour l'application du paragraphe 5.1(1) de la Loi si les conditions suivantes sont réunies :

- a) les ouvrages sont intégrés et parallèles à la rive ou à la berge existantes ou naturelles;
- b) l'assise des ouvrages se trouve à 5 m ou moins de la laisse des hautes eaux;
- c) la pente des ouvrages, de la verticale à l'horizontale, à partir des eaux navigables est supérieure à 33 %;
- d) les ouvrages ne sont pas associés à une structure existante ou projetée, y compris un pont, une estacade, un barrage ou une route, qui traverse les eaux navigables;
- e) ils ne comprennent ni épis, ni éperons, ni aucun autre dispositif, qui servent à dévier le courant.

(3) Les conditions suivantes s'appliquent durant la construction ou l'emplacement des ouvrages :

- a) les bateaux doivent pouvoir franchir en tout temps et en toute sécurité l'emplacement des travaux et être aidés au besoin;
- b) lorsque les ouvrages sont situés dans des rivières ou des fleuves, des ruisseaux, des criques ou des eaux navigables semblables, ou sur ou sous ceux-ci, d'une largeur figurant à la colonne 1 du tableau du présent paragraphe, des pancartes portant les mentions « Attention — Travaux de construction » et « Warning — Construction Ahead », lisibles à une distance d'au moins 50 m, sont posées en amont et en aval de l'emplacement des travaux, à la distance minimale figurant à la colonne 2.

Définitions

« enrochement »
"riprap"

« épi ou éperon »
"groynes or spur"

« ouvrages de protection contre l'érosion »
"erosion protection works"

« stabilisation des rives »
"shoreline stabilization"

Catégorie d'ouvrages

Conditions : durant la construction ou l'emplacement

TABLE

	Column 1	Column 2
Item	Width of navigable waters	Minimum distance
1.	Less than 10 m	25 m
2.	10 m or more but less than 20 m	50 m
3.	20 m or more but less than 50 m	100 m
4.	50 m or more	200 m

TABLEAU

	Colonne 1	Colonne 2
Article	Largeur des eaux navigables	Distance minimale
1.	Moins de 10 m	25 m
2.	10 m ou plus mais moins de 20 m	50 m
3.	20 m ou plus mais moins de 50 m	100 m
4.	50 m ou plus	200 m

DOCKS AND BOATHOUSES

Class established

3. Docks and boathouses are established as a class of works for the purposes of subsection 5.1(1) of the Act if

(a) the works are at least 5 m from the adjacent property boundaries and property line extensions;

(b) the works are at least 10 m from any dock, boathouse or other structure that is fully or partially in, on or over the navigable waters;

(c) the extremity of the works that is furthest from the land is at least 30 m away from any navigation channel;

(d) the works do not extend further in, on or over the navigable waters than any adjacent docks;

(e) the works are not associated with any other proposed works, such as launch ramps, breakwaters, landfill, dredging and marinas; and

(f) the works are not used for float planes or other aircraft equipped with floats.

PETITS QUAIS ET REMISES À EMBARCATIONS

Catégorie d'ouvrages

3. Les petits quais et les remises à embarcations sont établis comme catégorie d'ouvrages pour l'application du paragraphe 5.1(1) de la Loi si les conditions suivantes sont réunies :

a) les ouvrages sont situés à une distance d'au moins 5 m des limites d'une propriété adjacente et du prolongement de la ligne formée par ces limites;

b) ils sont situés à une distance d'au moins 10 m d'un petit quai, d'une remise à embarcations ou d'une autre structure qui sont situés, en totalité ou en partie, dans les eaux navigables, sur celles-ci ou au-dessus de celles-ci;

c) l'extrémité des ouvrages au large est à une distance d'au moins 30 m de tout chenal de navigation;

d) les ouvrages ne s'étendent pas, ni dans les eaux navigables, ni sur celles-ci, ni au-dessus de celles-ci, au-delà des petits quais adjacents;

e) ils ne sont pas associés à d'autres ouvrages projetés, tels que des rampes de mise à l'eau, des brise-lames, des décharges, des travaux de dragage et des marinas;

f) ils ne sont pas utilisés pour des hydravions ou d'autres aéronefs munis de flotteurs.

WINTER CROSSINGS

Definitions

4. (1) The following definitions apply in this section.

"crossing"
« traversée » "crossing" means a temporary bridge, ice bridge or similar structure intended to facilitate the movement of vehicles and equipment.

"ice breaker"
« brise-glace » "ice breaker" means a vessel specially designed and constructed for the purpose of navigating through ice.

Class established

(2) Crossings built or placed on, over or across navigable waters that are frozen to such an extent that navigating by a vessel other than an ice breaker is not possible are established as a class of works for the purposes of subsection 5.1(1) of the Act.

Terms and conditions

(3) The following terms and conditions are imposed:

(a) before spring break-up commences, all parts of the works, including piers, abutments, log fills and debris, shall be completely removed from the navigable waters, including the area from the waters' edge to the high-water mark; and

(b) before the navigable waters are thawed to such an extent that navigating by a vessel other than an ice breaker is possible, the bed of the

TRAVERSÉE HIVERNALE

Définitions

4. (1) Les définitions qui suivent s'appliquent au présent article.

« brise-glace » Bateau spécialement conçu et construit pour naviguer à travers les glaces.

« traversée » Pont, pont de glace ou structure semblable temporaires destinés à faciliter le passage de véhicules et d'équipement.

Catégorie d'ouvrages

(2) Les traversées construites ou placées sur des eaux navigables, au-dessus de celles-ci ou à travers celles-ci, qui sont gelées au point où les bateaux, autres que les brise-glaces, ne peuvent y naviguer sont établies comme catégorie d'ouvrages pour l'application du paragraphe 5.1(1) de la Loi.

Conditions

(3) Les conditions suivantes s'appliquent :

a) avant la débâcle printanière, toutes les parties des ouvrages, y compris les môles, les culées, les remblais de rondins et les débris, sont complètement enlevées des eaux navigables, y compris la partie de la ligne des eaux jusqu'à la laisse des hautes eaux;

b) avant que les eaux navigables soient dégelées au point où les bateaux, autres que les brise-glaces, peuvent y naviguer, les contours du lit

navigable waters shall be restored to its natural contours if the works disturbed it.

AERIAL CABLES — POWER AND COMMUNICATION

Class established

5. (1) Aerial cables that consist only of power lines and communication cables, and the associated structures and equipment, are established as a class of works for the purposes of subsection 5.1(1) of the Act if

- (a) the width of the navigable waters that the cables are over or across is less than 15 m when measured from the high-water mark on one side to the high-water mark on the other side of the waters;
- (b) the works meet the design and construction requirements of *Overhead Systems*, CAN/CSA-C22.3 No. 1-06, as amended from time to time;
- (c) the works are more than 1 000 m from any lake or tidal waters;
- (d) the works are not over or across charted navigable waters;
- (e) the works are not over or across a canal that is accessible to the public; and
- (f) the works do not include towers or poles within the navigable waters, including within the area from the waters' edge to the high-water mark.

Terms and conditions — during construction or placement

(2) The following terms and conditions are imposed during the construction or placement of the works:

- (a) if the works are over or across a river, a stream, a creek or similar navigable waters, signs stating "Warning - Construction Ahead" and "Attention - Travaux de construction" that are legible from at least 50 m shall be in place 50 m upstream and downstream from the work site;
- (b) vessels shall be allowed safe access through the work site at all times, and shall be assisted as necessary;
- (c) any cables intended to be part of the works, and any temporary cables, that do not meet the design and construction requirements of the standard referred to in paragraph (1)(b) shall not be left unattended or unsupervised; and
- (d) any temporarily submerged cables that are not lying on the bed of the navigable waters shall not be left unattended or unsupervised.

Term and condition — maintenance and operation

(3) A term and condition is that the works shall be maintained and operated in accordance with the requirements of the standard referred to in paragraph (1)(b).

SUBMARINE CABLES — POWER AND COMMUNICATION

Class established

6. Submarine cables that consist only of power lines and communication cables are established as a class of works for the purposes of subsection 5.1(1) of the Act if

des eaux navigables, si les ouvrages les ont perturbés, sont remis à leur état naturel.

CÂBLES AÉRIENS — ÉNERGIE ET TÉLÉCOMMUNICATIONS

Catégorie d'ouvrages

5. (1) Les câbles aériens qui sont constitués uniquement de lignes de transport d'énergie et de câbles de télécommunications, ainsi que leurs supports et équipements, sont établis comme catégorie d'ouvrages pour l'application du paragraphe 5.1(1) de la Loi si les conditions suivantes sont réunies :

- a) la largeur des eaux navigables, mesurée de la laisse des hautes eaux d'un côté à la laisse des hautes eaux de l'autre côté des eaux, à la traversée des câbles, au-dessus de celles-ci ou à travers celles-ci, est inférieure à 15 m;
- b) les ouvrages sont conformes aux exigences de conception et de construction de la norme CAN/CSA-C22.3 n° 1-06, intitulée *Réseaux aériens*, avec ses modifications successives;
- c) ils sont situés à plus de 1 000 m d'un lac ou des eaux à marée;
- d) ils ne passent ni au-dessus d'un plan d'eau navigable cartographié, ni à travers celui-ci;
- e) ils ne passent ni au-dessus d'un canal qui est accessible au public, ni à travers celui-ci;
- f) ils ne comprennent ni tours ni pylônes situés dans les eaux navigables, y compris la partie de la ligne des eaux jusqu'à la laisse des hautes eaux.

(2) Les conditions suivantes s'appliquent durant la construction ou l'emplacement des ouvrages :

- a) lorsque les ouvrages sont situés au-dessus ou à travers des rivières ou des fleuves, des ruisseaux, des criques ou des eaux navigables semblables, des pancartes portant les mentions « Attention — Travaux de construction » et « Warning — Construction Ahead », lisibles à une distance d'au moins 50 m, sont posées en amont et en aval de l'emplacement des travaux, à cette distance;
- b) les bateaux doivent pouvoir franchir en tout temps et en toute sécurité l'emplacement des travaux et être aidés au besoin;
- c) les câbles destinés à faire partie des ouvrages, et les câbles temporaires, qui ne sont pas conformes aux exigences de conception et de construction de la norme visée à l'alinéa (1)b) ne sont pas laissés sans surveillance ni supervision;
- d) les câbles immergés temporairement ne reposant pas sur le lit des eaux navigables ne sont pas laissés sans surveillance ni supervision.

Conditions : durant la construction ou l'emplacement

(3) La présente condition prévoit que les ouvrages sont entretenus et exploités conformément aux exigences de la norme visée à l'alinéa (1)b).

Condition : entretien et exploitation

CÂBLES SOUS-MARINS — ÉNERGIE ET TÉLÉCOMMUNICATIONS

Catégorie d'ouvrages

6. Les câbles sous-marins qui sont constitués uniquement de lignes de transport d'énergie et de câbles de télécommunications sont établis comme catégorie d'ouvrages pour l'application du paragraphe 5.1(1) de la Loi si les conditions suivantes sont réunies :

- (a) the works lie on or under the natural contours of the bed of the navigable waters;
- (b) the works are more than 10 m from any dock or boat launch;
- (c) the works are not in or under chartered navigable waters; and
- (d) the works are not across the entrance to any port, including any marina or yacht club.

- a) les ouvrages reposent sur les contours naturels du lit des eaux navigables ou sous ceux-ci;
- b) ils sont situés à plus de 10 m de tout petit quai ou de toute rampe de mise à l'eau;
- c) ils ne sont pas situés dans un plan d'eau navigable cartographié ni sous celui-ci;
- d) ils ne traversent pas l'entrée d'un port, y compris toute marina ou tout club nautique.

PIPELINE CROSSINGS

TRAVERSÉES DE PIPELINE

Class established

7. (1) Pipelines that are buried beneath the bed of navigable waters are established as a class of works for the purposes of subsection 5.1(1) of the Act unless

7. (1) Les pipelines enfouies sous le lit des eaux navigables sont établies comme catégorie d'ouvrages pour l'application du paragraphe 5.1(1) de la Loi sauf si, selon le cas :

- (a) the works are regulated under the *National Energy Board Act*;
- (b) the works are under chartered navigable waters;
- (c) the works require the placement of temporary cables not lying on the bed of the waters, to facilitate the construction, placement, testing, alteration or repair of the works; or
- (d) the width of the waters at the crossing location exceeds 50 m.

- a) les ouvrages sont réglementés en vertu de la *Loi sur l'Office national de l'énergie*;
- b) ils sont situés sous un plan d'eau navigable cartographié;
- c) ils nécessitent le placement de câbles temporaires qui ne reposent pas sur le lit des eaux, pour faciliter la construction, l'emplacement, la mise à l'essai, la modification ou la réparation des ouvrages;
- d) la largeur des eaux à l'emplacement de la traversée est supérieure à 50 m.

Terms and conditions — during construction or placement

(2) The following terms and conditions are imposed during the construction or placement of the works:

(2) Les conditions suivantes s'appliquent durant la construction ou l'emplacement des ouvrages :

- (a) vessels shall be allowed safe access through the work site at all times, and shall be assisted as necessary; and
- (b) if the works — unless they are directionally drilled pipelines — are under a river, a stream, a creek or similar navigable waters of a width set out in column 1 of the table to this subsection, signs stating "Warning — Construction Ahead" and "Attention — Travaux de construction" that are legible from at least 50 m shall be in place, upstream and downstream from the work site, at the minimum distance set out in column 2.

- a) les bateaux doivent pouvoir franchir en tout temps et en toute sécurité l'emplacement des travaux et être aidés au besoin;
- b) lorsque les ouvrages, sauf les pipelines déviés, sont situés sous des rivières ou des fleuves, des ruisseaux, des criques ou des eaux navigables semblables d'une largeur figurant à la colonne 1 du tableau du présent paragraphe, des pancartes portant les mentions « Attention — Travaux de construction » et « Warning — Construction Ahead », lisibles à une distance d'au moins 50 m, sont posées en amont et en aval de l'emplacement des travaux, à la distance minimale figurant à la colonne 2.

TABLE

TABLEAU

	Column 1	Column 2
Item	Width of navigable waters	Minimum distance
1.	Less than 10 m	25 m
2.	10 m or more but less than 20 m	50 m
3.	20 m or more but less than 50 m	100 m
4.	50 m or more	200 m

	Colonne 1	Colonne 2
Article	Largeur des eaux navigables	Distance minimale
1.	Moins de 10 m	25 m
2.	10 m ou plus mais moins de 20 m	50 m
3.	20 m ou plus mais moins de 50 m	100 m
4.	50 m ou plus	200 m

Term and condition — on completion of construction

(3) A term and condition is that the bed of the navigable waters shall be restored to its natural contours on completion of the construction of the works.

(3) La présente condition prévoit que les contours du lit des eaux navigables sont remis à leur état naturel dès l'achèvement de la construction des ouvrages.

WATER INTAKES

PRISES D'EAU

Definitions

8. (1) The following definitions apply in this section.

8. (1) Les définitions qui suivent s'appliquent au présent article.

"crib"
« encoffre-
ment »

"crib" means pieces of timber affixed together to form bays or cells that are filled with stones or concrete.

« bassin d'amont » Réservoir d'eau créé par la construction d'un barrage ou d'un déversoir.

« bassin d'amont »
"headpond"

<p>"headpond" « bassin d'arrêt » "weir" « déversoir »</p>	<p>"headpond" means a reservoir of water created by the construction of a dam or weir. "weir" means a low dam or barrier that raises the level or diverts the flow of navigable waters.</p>	<p>« déversoir » Barrage peu élevé ou petit mur qui élève le niveau des eaux navigables ou en dévie l'écoulement. « encoffrement » Pièces de bois d'œuvre fixées les unes aux autres pour former des baies ou des cellules remplies de pierres ou de béton.</p>	<p>« déversoir » "weir" « encoffrement » "crib"</p>
<p>Class established</p>	<p>(2) Water intakes are established as a class of works for the purposes of subsection 5.1(1) of the Act if</p> <p>(a) the intake pipe is less than 10 cm in diameter and lies on the bed of the navigable waters;</p> <p>(b) the intake end of the works is</p> <p>(i) in waters more than 2.5 m in depth, in the case of uncharted navigable waters, or</p> <p>(ii) in waters less than 0.5 m, according to chart datum, in the case of charted navigable waters;</p> <p>(c) the works are more than 50 m from a navigation channel;</p> <p>(d) the works do not include a crib or other intake structure, such as an anchor, a collar or a weight, that extends more than 50 cm above the bed of the navigable waters; and</p> <p>(e) the works are not associated with a dam, a weir or a headpond, including a proposed dam, weir or headpond.</p>	<p>(2) Les prises d'eau sont établies comme catégorie d'ouvrages pour l'application du paragraphe 5.1(1) de la Loi si les conditions suivantes sont réunies :</p> <p>a) le tuyau de prise d'eau est d'un diamètre inférieur à 10 cm et repose sur le lit des eaux navigables;</p> <p>b) l'extrémité de la prise des ouvrages est située :</p> <p>(i) dans les eaux d'une profondeur supérieure à 2,5 m, s'il s'agit d'un plan d'eau navigable non cartographié,</p> <p>(ii) dans les eaux d'une profondeur inférieure à 0,5 m, conformément au zéro des cartes, s'il s'agit d'un plan d'eau navigable cartographié;</p> <p>c) les ouvrages sont situés à plus de 50 m d'un chenal de navigation;</p> <p>d) ils ne comprennent ni encoffrement ni aucune autre structure de prise, telle qu'une ancre, un collet ou un poids, s'élevant à plus de 50 cm au-dessus du lit des eaux navigables;</p> <p>e) ils ne sont associés ni à un barrage, ni à un déversoir, ni à un bassin d'arrêt, y compris un barrage, un déversoir ou un bassin d'arrêt projetés.</p>	<p>Catégorie d'ouvrages</p>
<p>Term and condition</p>	<p>(3) A term and condition is that no floating pipes shall be left unattended or unsupervised during the construction or placement of the works.</p>	<p>(3) La présente condition prévoit qu'aucun tuyau flottant ne peut être laissé sans surveillance ni supervision durant la construction ou l'emplacement des ouvrages.</p>	<p>Condition</p>

DREDGING

<p>Class established</p>	<p>9. (1) Dredging is established as a class of works for the purposes of subsection 5.1(1) of the Act if</p> <p>(a) the works consist of regular maintenance around docks, retaining walls, marina basins or other structures;</p> <p>(b) the works and associated marine equipment are more than 30 m from a navigation channel;</p> <p>(c) all dredged materials are disposed of</p> <p>(i) above the high-water mark, or</p> <p>(ii) in waters where the disposal is authorized by or under an Act of Parliament and where there are more than 20 fathoms (36.576 m) of water at all times;</p> <p>(d) no suction dredging that includes any floating or submerged pipes is used;</p> <p>(e) the works have no cables that cross on, over or through any portion of the navigable waters; and</p> <p>(f) the works do not include blasting.</p>
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DRAGAGE

<p>9. (1) Le dragage est établi comme catégorie d'ouvrages pour l'application du paragraphe 5.1(1) de la Loi si les conditions suivantes sont réunies :</p>	<p>Catégorie d'ouvrages</p>
<p>a) les ouvrages consistent en un entretien régulier autour des petits quais, des murs de soutènement, des bassins de marinas ou d'autres structures;</p> <p>b) les ouvrages et leur équipement maritime sont situés à plus de 30 m d'un chenal de navigation;</p> <p>c) tous les déblais de dragage sont rejetés, selon le cas :</p> <p>(i) au-dessus de la laisse des hautes eaux,</p> <p>(ii) dans des eaux où le rejet est autorisé sous le régime d'une loi fédérale et dont la profondeur est toujours supérieure à 20 brasses (36,576 m);</p> <p>d) le dragage par succion ne comporte pas l'utilisation de tuyaux flottants ou immergés;</p> <p>e) les ouvrages ne comportent pas de câbles passant sur une partie des eaux navigables, au-dessus de celle-ci ou à travers celle-ci;</p> <p>f) ils ne comportent pas de sautage.</p>	

Terms and conditions

(2) The following terms and conditions are imposed:

- (a) if the works are in charted navigable waters, before commencing the works, the owner shall request the Canadian Coast Guard to issue a Notice to Shipping; and
- (b) vessels shall be allowed safe access through the work site at all times, and shall be assisted as necessary.

TEMPORARY WORKS

Class established

10. (1) Temporary works that are required for the construction or placement of works of a class established by any of sections 2 to 9 are established as a class of works for the purposes of subsection 5.1(1) of the Act unless the temporary works

- (a) are roads, bridges, dams, cofferdams, berms or booms;
- (b) change the course of the navigation channel in the navigable waters;
- (c) cross more than halfway from one side of the navigable waters to the other side; or
- (d) are in, on, over, under, through or across a navigation channel.

Terms and conditions during construction or placement

(2) The following terms and conditions are imposed during the construction or placement of the temporary works:

- (a) vessels shall be allowed safe access through the work site at all times, and shall be assisted as necessary;
- (b) in the case of temporary works that are on, over or across navigable waters, the temporary works shall, from dusk to dawn and during periods of restricted visibility, be marked with yellow flashing lights that are
 - (i) located on the end of the works furthest from the nearest bank or shore of the waters, if the works are not more than 3 m in length,
 - (ii) located on each end of the works, if the works are more than 3 m in length but not more than 30 m in length, or
 - (iii) located on each end of the works and on any other location on the works so that the lights are spaced not more than 30 m apart, if the works are more than 30 m in length; and
- (c) in the case of temporary works that are in or through navigable waters, the temporary works shall be marked with cautionary buoys that meet the requirements of the *Private Buoy Regulations*, are lighted from dusk to dawn and during periods of restricted visibility, and are
 - (i) located on the end of the works furthest from the nearest bank or shore of the waters, if the works are not more than 3 m in length,
 - (ii) located on each end of the works, if the works are more than 3 m in length but not more than 30 m in length, or
 - (iii) located on each end of the works and on any other location on the works so that the buoys are spaced not more than 30 m apart, if the works are more than 30 m in length.

(2) Les conditions suivantes s'appliquent :

- a) si les ouvrages s'effectuent dans un plan d'eau navigable cartographié, le propriétaire demande au préalable à la Garde côtière canadienne de diffuser un avis à la navigation;
- b) les bateaux doivent pouvoir franchir en tout temps et en toute sécurité l'emplacement des travaux et être aidés au besoin.

OUVRAGES TEMPORAIRES

Conditions

10. (1) Les ouvrages temporaires exigés pour la construction ou l'emplacement des ouvrages d'une catégorie établie par les articles 2 à 9, selon le cas, sont établis comme catégorie d'ouvrages pour l'application du paragraphe 5.1(1) de la Loi sauf si, selon le cas :

- a) ils sont des routes, des ponts, des barrages, des batardeaux, des berms ou des estacades;
- b) ils changent le parcours du chenal de navigation dans les eaux navigables;
- c) ils occupent, sur plus de leur moitié, les eaux navigables d'un côté à l'autre;
- d) ils sont situés dans un chenal de navigation, sur, sous ou à travers celui-ci, ou au-dessus de celui-ci.

(2) Les conditions suivantes s'appliquent durant la construction ou l'emplacement des ouvrages temporaires :

- a) les bateaux doivent pouvoir franchir en tout temps et en toute sécurité l'emplacement des travaux et être aidés au besoin;
- b) dans le cas des ouvrages temporaires qui sont situés sur les eaux navigables, au-dessus de celles-ci ou à travers celles-ci, ils sont indiqués, du crépuscule à l'aube et durant les périodes de visibilité réduite, par des feux clignotants jaunes qui sont conformes aux exigences suivantes :
 - (i) ils sont situés à l'extrémité des ouvrages au large de la berge ou de la rive à proximité des eaux, si les ouvrages sont d'une longueur d'au plus 3 m,
 - (ii) ils sont situés à chacune des extrémités des ouvrages, si les ouvrages sont d'une longueur de plus de 3 m mais d'au plus 30 m,
 - (iii) ils sont situés à chacune des extrémités des ouvrages et à tout autre endroit sur ceux-ci de façon à n'être pas espacés de plus de 30 m, si les ouvrages sont d'une longueur de plus de 30 m;
- c) dans le cas des ouvrages temporaires qui sont situés dans les eaux navigables ou à travers celles-ci, ils sont indiqués par des bouées d'avertissement qui sont conformes aux exigences du *Règlement sur les bouées privées*, qui sont illuminées, du crépuscule à l'aube et durant les périodes de visibilité réduite, et qui :
 - (i) sont situées à l'extrémité des ouvrages au large de la berge ou de la rive à proximité des eaux, si les ouvrages sont d'une longueur d'au plus 3 m,
 - (ii) sont situées à chacune des extrémités des ouvrages, si les ouvrages sont d'une longueur de plus de 3 m mais d'au plus 30 m,

Catégorie d'ouvrages

Conditions : durant la construction ou l'emplacement

upstream end of the centre line of the navigable waters to the downstream end of that line; and
 (b) the sinuosity ratio is the ratio of the length of the centre line of the navigable waters to the length of a straight line that starts and ends at the same points as the centre line.

Term and condition

(5) With respect to any work built or placed in, on, over, under, through or across navigable waters of a class established by subsection (2) or (3), a term and condition is that the midpoint of the work shall be built or placed 100 m from each end of navigable waters of that class.

Non-application

(6) Subsection (5) does not apply to
 (a) works of a class established by any of sections 2 to 10; or
 (b) temporary works that are required for the construction or placement of a work that meets the term and condition referred to in that subsection, unless the temporary works
 (i) are roads, bridges, dams, cofferdams, berms or booms,
 (ii) change the course of the navigation channel in the navigable waters, or
 (iii) cross more than halfway from one side of the navigable waters to the other side, or
 (iv) are in, on, over, under, through or across a navigation channel.

partir de l'extrémité en amont de l'axe longitudinal des eaux navigables jusqu'à l'extrémité en aval de celui-ci;

b) le rapport de sinuosité correspond au rapport entre la longueur de l'axe longitudinal des eaux navigables et la longueur d'une ligne droite reliant les mêmes points que celui-ci.

Condition

(5) La présente condition prévoit que le point milieu des ouvrages construits ou placés dans les eaux navigables d'une catégorie établie par les paragraphes (2) ou (3), sur, sous ou à travers celles-ci, ou au-dessus de celles-ci est construit ou placé à 100 m de chacune des extrémités des eaux navigables de cette classe.

Non-application

(6) Le paragraphe (5) ne s'applique pas :
 a) aux ouvrages d'une catégorie établie par l'un des articles 2 à 10;
 b) aux ouvrages temporaires qui sont exigés pour la construction ou l'emplacement d'un ouvrage qui est conforme à la condition visée à ce paragraphe, sauf si, selon le cas :
 (i) ils sont des routes, des ponts, des barrages, des batardeaux, des bermes ou des estacades,
 (ii) ils changent le parcours du chenal de navigation dans les eaux navigables,
 (iii) ils occupent, sur plus de leur moitié, les eaux navigables d'un côté à l'autre,
 (iv) ils sont situés dans un chenal de navigation, sur, sous ou à travers celui-ci, ou au-dessus de celui-ci.

ARTIFICIAL IRRIGATION CHANNELS AND DRAINAGE DITCHES

Class established

12. Artificial irrigation channels and drainage ditches, other than ones created or built in whole or in part from a natural body of water, that have an average width of less than 3.00 m are established as a class of navigable waters for the purposes of subsection 5.1(1) of the Act.

CANAUX D'IRRIGATION ET TRANCHÉES DE DRAINAGE ARTIFICIELS

Catégorie d'eaux

12. Les canaux d'irrigation et les tranchées de drainage artificiels, autres que ceux qui sont créés ou construits, en totalité ou en partie, à partir d'un plan d'eau naturel, qui sont d'une largeur inférieure à 3,00 m sont établis comme catégorie d'eaux navigables pour l'application du paragraphe 5.1(1) de la Loi.

PRIVATE LAKES

Class established

13. Lakes that are 5 hectares or less in area are established as a class of navigable waters for the purposes of subsection 5.1(1) of the Act if
 (a) one person, other than Her Majesty in right of Canada or a province, is the registered owner of all of the land abutting the lake;
 (b) there are no navigable waters that enter into or exit from the lake;
 (c) there is no current or past public access to the lake; and
 (d) there are no easements or servitudes that allow access to the lake.

LACS PRIVÉS

Catégorie d'eaux

13. Les lacs d'une superficie de cinq hectares ou moins sont établis comme catégorie d'eaux navigables pour l'application du paragraphe 5.1(1) de la Loi si les conditions suivantes sont réunies :
 a) une personne, autre que Sa Majesté du chef du Canada ou d'une province, est propriétaire inscrit des terrains contigus au lac;
 b) il n'y a pas d'eaux navigables qui entrent dans le lac ou qui en sortent;
 c) le public n'a aucun accès au lac, que cet accès soit antérieur ou actuel;
 d) il n'y a aucune servitude ni service foncier qui permettent l'accès au lac.

COMING INTO FORCE

Date of coming into force

14. This Order comes into force 30 days after the day on which it is published in the *Canada Gazette*, Part I.

ENTRÉE EN VIGUEUR

Date d'entrée en vigueur

14. Le présent arrêté entre en vigueur trente jours après la date de sa publication dans la *Gazette du Canada* Partie I.