

TABLE OF CONTENTS

2.0 LEGAL AND INSTITUTIONAL FRAMEWORK 16

2.1 FEDERAL LEGISLATION..... 16

 2.1.1 *Canadian Environmental Assessment Act - CEAA* 16

 2.1.2 *Fisheries Act*..... 17

 2.1.3 *Navigable Waters Protection Act* 18

 2.1.4 *Other Relevant Federal Legislation*..... 18

2.2 MANITOBA PROVINCIAL LEGISLATION & ASSOCIATED PERMITTING REQUIREMENTS
19

 2.2.1 *Manitoba Environment Act (MEA)*..... 19

 2.2.2 *The Sustainable Development Act*.....20

 2.2.3 *The Wildlife Act*.....21

 2.2.4 *The Endangered Species Act*.....21

 2.2.5 *Crown Lands Act*22

 2.2.6 *Mines and Minerals Act*22

 2.2.7 *Water Rights Act*.....22

 2.2.8 *The Parks Act*.....23

 2.2.9 *Ecological Reserves Act*23

 2.2.10 *Other Legislation and Guidelines*23

2.3 CANADA-MANITOBA AGREEMENT ON ENVIRONMENTAL ASSESSMENT COOPERATION
24

2.4 FUNCTIONAL PLANNING AND RESOURCE MANAGEMENT INITIATIVES APPLICABLE TO
THE PROJECT.....24

 2.4.1 *Area Plan for the East Side of Lake Winnipeg, “Promises to Keep.”*24

 2.4.2 *Manitoba Aboriginal and Northern Affairs – Northern Development Strategy*
25

 2.4.3 *Bloodvien River - Designated Canadian Heritage River*.....26

 2.4.4 *United Nations World Heritage Site*26

2.5. KEY ENVIRONMENTAL GUIDELINES, POLICY STATEMENTS, OR STRATEGIES27

 2.5.1 *Federal Documents*27

 2.5.2 *Federal/Provincial Documents*.....29

 2.5.3 *Manitoba Guidelines or Strategy Statements*.....29

 2.5.4 *Other Related Documents*29

2.6 PROJECT SPECIFIC GUIDELINES29

 2.6.1 *Project Notification*.....29

 2.6.2 *Environmental Scoping Document*.....30

2.7 PERMITS, AUTHORIZATIONS AND APPROVALS REGISTRY30

2.8 PUBLIC PROCESS FOR PROJECT REVIEW AND COMMENT31

2.0 LEGAL AND INSTITUTIONAL FRAMEWORK

2.1 Federal Legislation

2.1.1 *Canadian Environmental Assessment Act - CEAA*

The *Canadian Environmental Assessment Act* (CEAA) provides the legal basis for the federal environmental assessment process.

CEAA sets out the responsibilities and procedures for carrying out the environmental assessment of projects which involve federal government decision making or funding. The Act describes different levels of environmental assessment that may be required: screenings (including class screenings), comprehensive studies, mediations and review panels, depending on the scale and potential environmental effects of the proposed undertaking.

Regulations have been established that determine the applicability of the Act to proposed projects and the level of assessment required:

Comprehensive Studies List Regulations – applies to a broad list of projects, all of which would typically be expected to result in significant environmental effects. A comprehensive assessment of environmental effects is required for these types of projects. Minister of the Environment approval could require a prior review adjudicated by a federally appointed panel of experts, referred to as a Panel Review.

Exclusion List Regulations – applies to a wide array of small projects, which, in general, are not expected to result in significant environmental effects. No assessment is required.

Law List Regulations – applies to projects which require at least one of several federal approvals or authorizations. Projects requiring at least one of these approvals are “triggered” to undergo an environmental assessment, led by the Responsible Authority (responsible for issuing the approval or authorization). These projects could also be recommended for Panel Review and Minister of the Environment approval.

Inclusion List Regulations – Sets out the physical activities that are prescribed as projects under the CEAA requiring environmental assessment.

It is anticipated that the PR 304 to Berens River All-Season Road will require permits and authorizations under the Fisheries Act and the Navigable Waters Protection Act (NWP). The requirement for these permits and authorizations “triggers” the requirement to conduct an environmental assessment under the Law List Regulation.

Environmental assessment is a systematic planning tool to identify potential environmental effects of a proposed project and determine the manner in which adverse effects can be avoided, eliminated or minimized. One key purpose of the Act is to ensure that the environmental effects of projects are carefully reviewed before federal authorities take action in relation to a project so as to not cause significant adverse environmental effects.

The environmental assessment process under the CEAA was initiated with submission of a Project Description in July 2009. The federal Department of Fisheries and Oceans

is anticipated to be a Responsible Authority (RA) on the basis of the potential requirement for authorizations under the Fisheries Act. Transport Canada is anticipated to be a Responsible Authority due to the potential requirement for approvals under the Navigable Waters Protection Act. The East Side Road Authority has been advised that CEAA will apply and a Screening level assessment will be required. Other federal agencies (FAs) who may have an interest in the project include:

- Indian and Northern Affairs Canada (INAC) – issues pertaining to the Rights of Aboriginal Peoples under Section 35 of the Constitution Act and/or works on an Reserve land designated under the Indian Act;
- Environment Canada – issues regulated under the Canadian Environmental Protection Act (CEPA), Migratory Birds Convention Act, Species at Risk Act (SARA), Canada Water Act, and Canada Wildlife Act.

Note: Project does not works on Federal Lands (e.g., FN Reserve Lands)

The Responsible Authorities will complete their screening and prepare a report of their findings. The report will:

- identify potential environmental interactions and environmental effects associated with the project;
- determine the significance of the environmental effects of the project;
- determine what actions must be taken to mitigate adverse environmental effects; and
- identify the authorizations required to enable the project to proceed.

2.1.2 Fisheries Act

The Fisheries Act protects Canada's fishery resources and applies to areas that include Canadian fishing zones, territorial seas and internal bodies of water. The Fisheries Act prohibits the deposit of "deleterious substances" in water where fish may be present at any time, or in any place or under any conditions where such substances may enter into water where fish may be present. Section 35 of the Fisheries Act prohibits any person from carrying out any work or undertakings that results in the Harmful Alteration, Disruption, or Destruction (HADD) of fish habitat unless authorized by the Minister.

Approval/Authorization for works affecting fish habitat under the Act triggers the CEAA process, with the Department of Fisheries and Oceans (DFO) being the Responsible RA.

DFO Authorizations are required for works or undertakings affecting fish habitat that are considered to result in a HADD. Typical works related to road project requiring approval include: diversion of watercourses, infilling/dredging of watercourses or waterbodies; draining or altering watercourses or waterbodies; modification of watercourse channel, banks, and substrates; removal of riparian vegetation; and use of explosives in or adjacent to fish habitat; discharge of stormwater or other effluent to fish habitat.

Implementation of on-site mitigation and compensation measures are required for works resulting in HADDs. Typical mitigation measures include:

- construction timing constraints/restriction for in-water or near water works;
- erosion and sediment control; and
- isolation of work area from water body to allow for construction in the dry.

Several factors must be taken into consideration when determining the amount of compensation required. DFO has a policy of “No Net Loss” of the productive capacity of fish habitat. The amount of compensation must be determined based on the residual net loss of productive capacity after relocation; redesign and mitigation measures have been taken into consideration.

2.1.3 Navigable Waters Protection Act

The Navigable Waters Protection Act (NWPA) is administered by Transport Canada (TC) Marine Safety and is intended to ensure protection of the public right to navigation on waterways.

Authorization is required for temporary or permanent change to channel depth, width, alignment, overhead structure clearance, and culvert placement in or over navigable waterways (as determined by Transport Canada).

For road projects NWPA authorizations are typically required for undertakings involving: bridge or culvert construction; temporary culvert or bailey bridge watercourse crossings; dredging or infilling of a waterbody; temporary in-stream coffer dams or by-pass pumping to isolate work areas.

2.1.4 Other Relevant Federal Legislation

Other federal legislation that may apply to the PR 304 to Berens River ASR Project is outlined in the following paragraphs.

Migratory Birds Convention Act

The *Migratory Birds Convention Act* implements the treaty of the same name, under which Canada and the United States coordinate their efforts to ensure long-term conservation of migratory bird populations. This act is administered by Environment Canada.

This Act has relevance to this project by defining construction windows or limitations attributable to migration and nesting activities.

Canada Wildlife Act

The *Canada Wildlife Act* allows for the creation, management and protection of wildlife areas (also known as National Wildlife Areas) and is administered by Environment Canada.

This Act serves as the basis for creating and managing important wildlife areas or in justifying the proposed Pimachiowin Aki World Heritage Site.

Species at Risk Act (SARA)

The main objectives of SARA are to prevent wildlife species in Canada from disappearing, to provide for the recovery of wildlife species that are extirpated (no longer exist in the wild in Canada), endangered, or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened. A series of measures applicable across Canada provides the means to accomplish these goals. Some of these measures establish how governments, organizations, and individuals in Canada work together, while others implement a species assessment process to ensure the protection and recovery of species. Some measures provide for sanctions for offences under SARA.

The Habitat Stewardship Program supports the public's habitat protection and species at risk recovery initiatives.

SARA also provides for the issuing of permits or the conclusion of agreements for certain scientific or educational activities and for the implementation of special emergency measures.

The management of species at risk involves the cooperative efforts of a number of Federal and Provincial across Canada.

2.2 Manitoba Provincial Legislation & Associated Permitting Requirements

2.2.1 Manitoba Environment Act (MEA)

The intent of Manitoba Environment Act (MEA) is to develop and maintain an environmental management system in Manitoba which will ensure that the environment is maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for this and future generations, and in this regard, the Act:

- is complementary to, and support for, existing and future provincial planning and policy mechanisms;
- provides for the environmental assessment of projects which are likely to have significant effects on the environment;
- provides for the recognition and utilization of existing effective review processes that adequately address environmental issues; and

- provides for public consultation in environmental decision making while recognizing the responsibility of elected government including municipal governments as decision makers.

The MEA prohibits construction of a development unless a proposal is filed and a Licence obtained. The process for the issuance of a Licence is prescribed depending on the Class of the Development. Regulations under the MEA specify the classification of developments and set out the environmental assessment process for each class.

The PR 304 to Berens River ASR Project constitutes a Class 2 Development as a two lane road in a new location which also involves widening of an existing road in areas sensitive to environmental disturbance as defined by the Classes of Development Regulation under the MEA.

In the case of a Class 2 Development the Director makes a licensing decision after considering the Proposal and supporting environmental assessment as well as public comment on the Proposal. A Proposal Form was filed with Manitoba Conservation on January 30, 2009. Public notice inviting comment was placed in local newspapers and copies of the Proposal were placed in Public Registries.

The Environment Act provides authority for the Minister to call public hearings to consider Proposals filed under the Act. Hearings are not mandatory under the Act, but generally are called where a development Proposal is of general interest to, or will affect, a large number of Manitobans or where through the screening process there are significant public concerns identified. Hearings conducted by the Clean Environment Commission ultimately provide advice and recommendations to the Minister based on evidence received during the hearing process.

The Act also enables several other environmental protection regulations which may be applicable to the project.

This EIS outlines other Manitoba regulatory and legislative approvals required for Project implementation.

Canada/ Manitoba Agreement on Environmental Assessment

The Project will be reviewed under the provisions of the March 2007 Canada/Manitoba Agreement on Environmental Assessment Cooperation.

The province will be the lead jurisdiction and the federal authorities will provide comment through the provincial process. The province will establish a Technical Advisory Committee to provide input into the EA process

2.2.2 The Sustainable Development Act

Sustainable development means meeting the needs of the present without compromising the ability of future generations to meet their own needs. In 1998, the Province of Manitoba established The Sustainable Development Act (SDA) to create a

framework through which sustainable development can be implemented in the provincial public sector and promoted in private industry and society generally.

The SDA provides Principles of Sustainable Development and Guidelines for Sustainable Development. The Sustainable Development Code of Practice was established to assist the integration of sustainable development into provincial decisions, actions and operations of provincial public sector organizations. The province will review the environmental assessment of the development in relation to the principles of sustainability.

2.2.3 The Wildlife Act

The Wildlife Act regulates matters primarily associated with wildlife management, research and the protection of property and persons. This is accomplished by prohibiting activities such as the hunting, killing, capturing, taking, possessing, importing, exporting, buying or selling of wild animals except as permitted by the Act, a regulation or a permit.

Prohibited activities specific to Wildlife Management Areas listed in Section 2(1) of the “Uses and Activities in Wildlife Management Areas Regulation” are as follows: 2(1) “Except as otherwise provided in this regulation, no person shall, in a wildlife management area:

- grade, level or clear a road or trail;
- install or modify a stream crossing;
- drain, dike or block a man-made or natural waterway or wetland;
- engage in haying, grazing, clearing, bulldozing, burning, fencing, logging, cultivation, mineral exploration or extracting;
- apply pesticides; and
- construct, place, occupy or use a building structure or tent.

2.2.4 The Endangered Species Act

The purpose of the Endangered Species Act is to protect and enhance the survival of threatened and endangered species in Manitoba; enable the reintroduction of extirpated species into the province; and designate species as threatened, endangered, extirpated or extinct. The legislation applies to any mammal, bird, reptile, amphibian, fish, or plant, living or dead. The Act is binding on the Crown and Crown agencies and applies to all lands in Manitoba. A species is not protected until such time as it has been declared by regulation under the Act to be threatened, endangered, extirpated or extinct.

Currently, there is one Order-in-Council (O/C) regulation under this Act, administered by Wildlife and Ecosystem Protection Branch. This regulation declares species as threatened, endangered or extirpated. O/C regulations govern other matters such as

preservation and survival of habitat and entry into a designated area that is occupied by a declared species.

2.2.5 Crown Lands Act

Crown lands in Manitoba are administered through the *Crown Lands Act*. The definition of Crown Lands, as defined by the Act, *includes land, whether within or without the province, vested in the Crown, and includes "provincial lands" wherever that expression is used in an Act of the Legislature.* The *Crown Lands Act* gives the provincial government (through Cabinet) and the Minister responsible for administration of the Act discretionary power to issue permits, licences and leases that grant a temporary or permanent right or interest to use, access or occupy Crown lands (*Crown Lands Act*, Section 5(1)). Government can also purchase, exchange or dispose of (sell) Crown lands or 'designate' particular areas such that certain activities and/or uses are permitted or prohibited within the defined (designated) area (*Crown Lands Act*, Section 5(1)). A permit under the Act is required because the right-of-way for the all-season road will be situated on Crown lands.

2.2.6 Mines and Minerals Act

The purpose of the *Mines and Minerals Act* is to provide for, encourage, promote and facilitate exploration, development and production of minerals and mineral product in Manitoba, consistent with the principles of sustainable development. An application has been prepared and submitted to Mines Branch for the withdrawal of quarry rights from the right-of-way for the all-season road from Bloodvein River to Berens River to prevent dispositions from being issued that may impact design and construction activities. Previously, Government of Manitoba was successful in applying for and having withdrawn, the prospecting and staking privileges from the Rice River Road portion of the right-of-way from PR 304 to Bloodvein River.

2.2.7 Water Rights Act

Section 3(1) of the *Water Rights Act* requires:

- “no person shall...divert water, unless he holds a valid and subsisting license to do so”.
- “the definition of “divert” includes block, dam, impound, obstruct, interfere with, remove, dispose of, alter or change the course of position of, or disturb, whether wholly or partially, any water whether flowing or at rest”.

2.2.8 The Parks Act

The intent of the *Parks Act* is to conserve ecosystems and maintain biodiversity and to preserve unique and representative natural, cultural and heritage resources. The act also provides for land use categories within parks and prohibits certain activities. Logging, mining, or the development of oil, petroleum, natural gas or hydroelectric power, is prohibited in a wilderness park or in an area of any other provincial park that is categorized for wilderness, back country or heritage use. The identified alignment for the all-season road crossing the Bloodvein River is located within the Atikaki Provincial Park. A request has been made to Manitoba Conservation to have the park boundary adjusted.

2.2.9 Ecological Reserves Act

The *Ecological Reserves Act* provides legal protection for ecological reserves established in the Province. Manitoba's ecological reserves protect endangered plants, colonial bird-nesting sites, bat caves, mature forests, beach ridges and other natural areas that could have been destroyed without legal protection.

The Act governs what activities are allowed in the reserves. Consumptive resource uses such as timber harvesting, mining, hunting, trapping, grazing, camping, lighting fires, road and trail building, removal of materials, plants and animals and the operation of motorized vehicles, are prohibited.

Most ecological reserves are open to the public for non-destructive, observational uses (e.g., walking, wildlife viewing), but in some ecological reserves, where the land is easily impacted by human presence, access is not permitted without a Ministerial Permit. Signs posted around the perimeter of ecological reserves indicate the restrictions in place for the area.

The *Ecological Reserves Act* prohibits sport hunting and the removal of plants or other materials from ecological reserves. However, traditional land use by First Nations is generally permitted. Where the feature being protected could be placed at risk by traditional use, the government will consult meaningfully with First Nations wishing to exercise treaty rights to ensure conservation of the feature, while accommodating traditional use to the greatest extent possible.

This Act has relevance to the project as it supports would support the implementation of the proposed Pimachiowin Aki World Heritage Site.

2.2.10 Other Legislation and Guidelines

Other legislation and guidelines having relevance to the Project may include the following:

Federal

- The *Dangerous Goods Handling and Transportation Act*

Provincial

- *Heritage Resources Act*
- *Forestry Act*
- Manitoba Water Quality Standards, Objectives, and Guidelines

2.3 Canada-Manitoba Agreement on Environmental Assessment Cooperation

The Canada-Manitoba Agreement on Environmental Assessment Cooperation is part of a Canada-wide Accord on Environmental Harmonization designed to harmonize the Federal and Provincial Environmental Assessment processes. It provides a framework of common environmental management principles.

Under the agreement, projects that require an environmental assessment by both the Government of Canada and the Government of Manitoba will undergo a single assessment, administered cooperatively by both governments. One government takes the lead in administering the assessment, but both governments participate as full and active partners. The intent is to satisfy both environmental assessment processes with one document.

When federal and provincial environmental assessment processes both apply to the same project, the agreement enables both governments to utilize public resources more efficiently through a single cooperative assessment. The intent is to provide a more timely and effective cooperative assessment process that enables both governments to ensure their legal requirements are met. This also improves the predictability of the assessment process.

The East Side Road Authority anticipates that the PR304 to Berens River All-Season Road Project will be reviewed under the provisions of the March 2007 Canada/Manitoba Agreement on Environmental Assessment Cooperation. Pursuant to that Agreement, a Provincial/Federal Project Technical Advisory Committee (TAC) will be established to administer and to provide advice on the environmental assessment process and on the scope and content of the Environmental Impact Statement (EIS).

2.4 Functional Planning and Resource Management Initiatives Applicable to the Project

2.4.1 Area Plan for the East Side of Lake Winnipeg, “Promises to Keep.”

The East Side Planning Initiative was born out of the Consultation on Sustainable Development Implementation (COSDI) that was undertaken between the fall of 1997 and

the spring of 1999. The multi-stakeholder, consensus-based process produced a report that was adopted by government in October 2000. The report recommended that the implementation of sustainable development include the creation of broad area plans (BAPs) across the province. Broad area planning is defined as *integrated and coordinated planning that is based on the sustainability of the ecosystem*.

Such a planning process ensures that future land; resource and development decisions address the environmental, social, health, cultural and economic needs of the public, local communities, First Nations and various stakeholders and interest groups. Transportation studies undertaken in support of the Area Plan in 2000 and 2001 have assessed the feasibility of developing an all-season road system to improve access to remote communities on the east side of Lake Winnipeg. The *Promises to Keep* document recommended that:

“Manitoba Transportation amends its proposed planning process to upgrade the Rice River Road, by extending it to the community of Berens River.”

In the fall of 2009 the responsibilities for the planning and construction of the road to Berens River was transferred to the MFA. The East Side Road Authority Inc. (ESRA) under the Manitoba Floodway Authority has been formed to complete the design and environmental assessment required to initiate the construction of the all-season road to Berens River by the fall of 2010.

2.4.2 Manitoba Aboriginal and Northern Affairs – Northern Development Strategy

Manitoba Aboriginal and Northern Affairs (MANA) is a government department committed to working with Aboriginal and northern Manitobans to help address the issues affecting them by:

- Improve the quality of life and opportunities for Manitoba's Aboriginal and northern people;
- Provide better services, and opportunities for Manitoba's Aboriginal and northern people;
- Close the gap between Aboriginal and northern residents and other Manitobans in the quality of life, specifically in the areas of education, health, housing, economic opportunities and employment;
- Meet Constitutional Obligations and Provincial Responsibilities in order to fulfill Constitutional obligations and other provincial responsibilities to Aboriginal and northern communities;
- Promote community development that will result in healthy, safe and successful northern communities; and
- Promote Self-Determination leading to autonomous, accountable and sustainable Aboriginal and northern communities.

Manitoba Aboriginal and Northern Affairs is charged with the responsibility of coordinating the Northern Development Strategy (NDS), Manitoba's long term plan to develop the human and natural resources of northern Manitoba.

2.4.3 Bloodvein River - Designated Canadian Heritage River

The Government of Manitoba nominated its 200 km segment of the Bloodvein River to the Canadian Heritage Rivers System in June, 1984. Ontario followed suit in June 1986, nominating its own 106 km segment.

Both sections are now designated as a Canadian Heritage River. Working together, the two governments will ensure that the important heritage of the entire Bloodvein River corridor is protected. The river is in fact a link between two very large, contiguous, provincial wilderness parks – Woodland Caribou in Ontario and Atikaki in Manitoba. The area's most important natural features are:

- habitat for several animal species which are either uncommon, rare, threatened, or endangered elsewhere in Canada; notably, wolverine, white pelican, double-crested cormorant, bald eagle, osprey, great gray owl, and woodland caribou;
- many uncommon and surprisingly diverse plant species which exhibit a strong prairie-boreal influence including prairie crocus, rush and spike moss, and floating marsh marigold;
- outstanding representation of one of Canada's best known national symbols, the Canadian Shield, with formations such as Kenoran Rock, which, at 2,600 million years, is thought to be the oldest in Canada;
- one of the most significant, undisturbed and almost complete representations of the Central Boreal Upland Forest in Canada with forests of poplar, white birch, black spruce and jack pine, and scattered stands of elm, bur oak and maple, and wildlife which includes moose, deer, timber wolf, coyote, fox, river otter, fisher, marten, black bear, lynx, turkey vulture, barred owl, loon and Canada geese; and,
- a high-quality river and lake system, habitat for the rare chestnut lamprey, found only in Manitoba, and for sports fish in abundance, ranging from northern pike, walleye 'pickerel' and lake trout to lake sturgeon, whitefish, and channel catfish.

2.4.4 United Nations World Heritage Site

A protected areas and First Nation resource stewardship accord was established in 2002 between the following First Nations:

- Poplar River First Nation;
- Pauingassi First Nation;

- Little Grand Rapids First Nation, and
- Pikangikum First Nation (in Ontario).

The accord was established as part of the process to secure both self-management and protection for their traditional lands.

The Accord First Nations have undertaken and number of community-based resource stewardship programs in co-operation with other Federal and Provincial resource-based planning initiatives.

Discussions initiated by these First Nation communities for protection of their traditional territories and a future World Heritage Site (WHS) in the region have been acknowledged by the World Conservation Union which manages the world heritage sites program for UNESCO. This potential World Heritage Site also includes both the Atikaki Wilderness Park (Manitoba) and Woodland Caribou Park (Ontario).

The nomination of the Pimachiowin Aki Site represents potential World Heritage Site that is both naturally and culturally significant on a global basis and consistent with the current priority to secure a Boreal forest WHS.

The Manitoba Government (in their April 9, 2008 Budget address) indicated that:

“Our government continues to work with the First Nations communities in a bid for a UNESCO World Heritage Site designation for about 42,000 square kilometres of the boreal shield on the east side of Lake Winnipeg. Gaining international recognition for this globally significant boreal forest will maintain the ecological health while providing the people who live there with opportunities for sustainable economic development”

2.5. Key Environmental Guidelines, Policy Statements, or Strategies

The following identifies key environmental guidelines, policy statements, or strategies of agencies or authorities having an interest in the project.

2.5.1 Federal Documents

Canadian Council of Ministers of the Environment

Canadian Environmental Quality Guidelines, 1999, Canadian Council of Ministers of the Environment; updated 2001, 2002, 2003, 2004, 2005, 2006 and 2007

Canadian Environmental Assessment Agency

Reference Guide: Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects, Canadian Environmental Assessment Agency

Considering Aboriginal Traditional Knowledge in Environmental Assessments conducted under the Canadian Environmental Assessment Act -- Interim Principles, Canadian Environmental Assessment Agency

Incorporating Climate Change Considerations in Environmental Assessment: General Guidance for Practitioners (November 2003), Canadian Environmental Assessment Agency

Cumulative Effects Assessment Practitioners' Guide, Canadian Environmental Assessment Agency

Department of Fisheries and Oceans - Operational Statements:

Manitoba Operational Statement for Clear Span Bridges, Version 3.0, Fisheries and Oceans Canada

Manitoba Operational Statement for Temporary Stream Crossings, Version 1.0, Fisheries and Oceans Canada

Manitoba Operational Statement for Ice Bridges and Snow Fills Version 1.0, Fisheries and Oceans Canada

Manitoba Operational Statement for Beaver Dam Removal, Version 3.0, Fisheries and Oceans Canada

Manitoba Operational Statement for Maintenance of Riparian Vegetation in Existing Rights-of-Way, Version 3.0, Fisheries and Oceans Canada

Manitoba Operational Statement for Culvert Maintenance, Version 3.0, Fisheries and Oceans Canada

Bridge Maintenance, Version 3.0, Fisheries and Oceans Canada – Manitoba Operational Statement

2.5.2 Federal/Provincial Documents

Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat, Manitoba Department of Natural Resources (DNR) and the Department of Fisheries and Oceans (DFO), 1996.

2.5.3 Manitoba Guidelines or Strategy Statements

Manitoba Conservation and Recovery Strategy for Boreal Woodland Caribou Manitoba Conservation, 2005

Manitoba Natural Resources Consolidated Buffer Management Guidelines, Manitoba Natural Resources, March 1996.

Manitoba Water Quality Standards, Objectives, and Guidelines, 2002 - Manitoba Conservation Report 2002-11, Final Draft, November 2002

Standard Construction Specifications, Manitoba Infrastructure and Transportation, 2008

Forest Management Guidelines for Riparian Management Areas, Manitoba Conservation Forest Guidebook – Published January 2008

2.5.4 Other Related Documents

Pimachiowin Aki World Heritage Project Area Ecosystem Services Valuation Assessment, November 2008, prepared for the Pimachiowin Aki Corporation by the International Institute for Sustainable Development

2.6 Project Specific Guidelines

2.6.1 Project Notification

An Environmental Act Proposal Form and Notification Document were submitted to Manitoba Conservation on January 30, 2009, to provide initial information to support the Environmental Act Proposal Form submitted for the PR 304 to Berens River All-Season Road Project).

The Proposal Form was filed to initiate the formal environmental review processes under the Environment Act. A project description was also filed pursuant to the Canadian

Environmental Assessment Act (CEAA). These processes initiate the review process and allows for discussion with the federal and provincial authorities for guidance on the environmental assessment.

The Notification Document identified the ESRA as the Project Proponent and a commitment was made to engage the stakeholders and Aboriginal peoples early and throughout the environmental assessment process so that local and traditional knowledge could be incorporated. The ESRA has established an engagement process to include the Aboriginal communities, public and stakeholders so that their issues can be considered throughout the environmental assessment and design stages of the planning process, prior to construction.

2.6.2 Environmental Scoping Document

An Environmental Assessment Scoping Document was prepared for the Project and submitted by the ESRA. Manitoba Conservation placed the Scoping Document in the Public Registries and on-line registry for comment in May 2009.

The purpose of this Scoping Document was to provide information related to the scoping of the environmental assessment of a proposed all-season road from Provincial Road 304 to the Community of Berens River.

The Scoping Document for the Project was developed with consideration of:

- requirements under the *Manitoba Environment Act* for transportation developments;
- requirements under the *Canadian Environmental Assessment Act*;
- the importance and need to include the Aboriginal and local knowledge and public and stakeholder views in the assessment process; and
- issues identified during previous Aboriginal, stakeholder and public involvement programs.

2.7 Permits, Authorizations and Approvals Registry

Permits, authorizations and approvals required for the project to proceed will be maintained in a permit registry.

Official copies of permits will be maintained by ESRA in their Winnipeg office, and duplicate copies of relevant permits or authorizations will be maintained by the Construction Contractors at the Construction Site Offices for reference by construction staff or regulatory authorities visiting the construction site(s).

2.8 Public Process for Project Review and Comment

Section 5 of this document entitled, Environmental Assessment Engagement Program, summarizes opportunities that have been provided for local Aboriginal and NAC communities, stakeholders, and the public to review and comment as the project has proceeded from the development of the initial Project Concept to the preparation of this Environmental Assessment submission.

Community engagement will continue as the Project advances through detailed design and it obtains the permit and authorizations deemed necessary by the Federal and Provincial regulatory authorities.